

ORDINANCE NO. 4-2003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 13, "HEALTH AND SANITATION," ARTICLE V., "STANDARDS FOR TREATMENT AND DISPOSAL OF SEWAGE," OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 13, "Health and Sanitation," Article V., "Standards for Treatment and Disposal of Sewage," of the Abilene City Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as allowed pursuant to Section 13-79. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense and in accordance with Section 13-79.

PASSED ON FIRST READING this 23 day of January, A. D. 2003.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a newspaper of general circulation in the City of Abilene, said publication being on the 19<sup>th</sup> day of January 2003, prior to a public hearing to be held in the Council Chambers of the City Hall in Abilene, Texas, at 8:30 a.m. on the 13<sup>th</sup> day of February, 2003 to permit the public to be heard prior to final consideration of this ordinance.

Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene and upon approval of the Texas Commission on Environmental Quality.

PASSED ON SECOND AND FINAL READING this 13 day of February, A. D. 2003.

ATTEST:

*D Moore*  
CITY SECRETARY

*Grady Barr*  
MAYOR

APPROVED:  
*Sharon L. Hicks*  
CITY ATTORNEY

**Exhibit A**

**AMEND** CHAPTER 13—ARTICLE V., as follows:

**RENAME** Article V., to “Standards for On-Site Sewage Facilities.”

**DELETE** Sections 13-70 through 13-95 in their entirety, as this ordinance repeals and replaces any other on-site sewage facility provisions or Ordinance of the City of Abilene.

**REPLACE** with the following:

**Sec. 13-70. Preamble and Purpose.**

The Texas Commission on Environmental Quality has established rules for on-site sewage facilities (OSSF) to provide the citizens of this state with adequate public health protection and a minimum of environmental pollution.


The legislature has enacted legislation, codified as Texas Health and Safety Code, Chapter 366, which authorizes a local government to regulate the use of on-site sewage facilities in its jurisdiction in order to abate or prevent pollution or injury to public health arising out of the use of on-site sewage facilities.

The City of Abilene desires to enact regulations controlling or prohibiting the installation or use of on-site sewage facilities in the City, and the City Council of the City of Abilene finds that the use of on-site sewage facilities in the City may cause or is causing pollution, and may injure or is injuring the public health. As such, the City Council desires to regulate on-site sewage facilities to abate or prevent pollution or injury to public health in the incorporated limits of the City.

**Sec. 13-72. Adoption of State Law and Rules for On-Site Sewage Facilities.**

The City of Abilene hereby adopts:

- a. Chapter 366 of the Texas Health and Safety Code (H&SC) (as it exists or as may hereafter be amended),
- b. Chapters 7 and 37 of the Texas Water Code (TWC) (as they exist or as may hereafter be amended), and
- c. The Rules, Title 30 Texas Administrative Code (TAC) §285.1-§285.91 and TAC 30, (as they exist or as may hereafter be amended), promulgated by the Texas Commission on Environmental Quality for on-site sewage facilities,



as the official rules and regulations for on-site sewage facilities located in the City of Abilene and will enforce said rules and abide by the technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities as listed therein; subject to the local amendment listed below in Section 13-73.

The above mentioned H&SC and TWC laws, and rules—30 TAC, Chapters 30 and 285 and all future amendments and revisions thereto are incorporated by reference herein as if set forth in their entirety and are made a part of this ordinance. A copy of the current laws and rules is on file at the Health Department of the City of Abilene.

All officials and employees of the City of Abilene, having duties under these rules, are authorized to perform such duties as are required of them under the rules.

**Sec. 13-73. Local Amendments.**

The following rule is hereby adopted by the City Council of the City of Abilene as a more stringent rule for its on-site sewage facility and shall take precedence over the corresponding Texas Commission on Environmental Quality Requirement.

*All on-site sewage facilities within the City of Abilene must be permitted regardless of lot size or acreage on which the system is installed.*

**Sec. 13-74. Area of Jurisdiction.**

The rules listed in Sections 13-72 and 13-73, and as amended, shall apply to the entire incorporated city limits of the City of Abilene, Texas.

**Sec. 13-75. Compliance and Permits.**


Any permit issued for an on-site sewage facility within the area of jurisdiction of the City of Abilene must comply with the laws and rules as stated in Sections 13-72 and 13-73 of this ordinance.


**Sec. 13-76. Certification Requirements.**

The OSSF inspectors of the City of Abilene, (a/k/a Designated Representatives) must be approved and certified by the Texas Commission on Environmental Quality before assuming any duties and responsibilities.

**Sec. 13-77. Fees.**

Any fees collected for permits and/or inspections shall be made payable to the City Of Abilene. Fees are set by the City Council and may be amended as necessary.





**Sec. 13-78. Appeals.**

Any person aggrieved by an action or decision of the designated representative may appeal such action or decision to the City Council of the City Of Abilene, Texas. All appeals must be in writing and filed with the City Secretary within fifteen (15) calendar days of decision of the inspectors.

**Sec. 13-79. Penalties.**

This Ordinance adopts and incorporates all applicable Penalty Provisions related to on-site sewage facilities, which include, but are not limited to, those found In Chapters 341 and 366 of the Texas Health And Safety Code; Chapters 7, 26, And 37 of the Texas Water Code and 30 TAC, Chapters 30 And 285.

**Secs. 13-80—13.95. Reserved.**

-END-

