

ORDINANCE NO. 2000-07-01 ✓

AN ORDINANCE ADOPTING RULES OF THE CITY OF LAVON, TEXAS FOR ON-SITE SEWAGE FACILITIES.

PREAMBLE

WHEREAS, the Texas Natural Resource Conservation Commission has established Design Criteria for on-site sewage facilities to provide the citizens of the State with adequate public health protection and a minimum of environmental pollution; and

WHEREAS, 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 disposal 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; and

WHEREAS, due notice was given of a meeting and public hearing to determine whether the City Council of the City of Lavon, Texas should enact an order controlling or prohibiting the installation or use of on-site sewage facilities in the City of Lavon, Texas; and

WHEREAS, said meeting and public hearing were held in accordance with the notice thereof, and the evidence and arguments there presented were considered by the City Council of the City of Lavon, Texas; and

WHEREAS, the City Council of Lavon, Texas finds that the use of on-site sewage facilities in the City of Lavon, Texas is causing or may cause pollution, and is injuring or may injure the public health; and

WHEREAS, the City Council of the City of Lavon, Texas has considered the matter and deems it appropriate to enact an Ordinance adopting Rules regulating on-site sewage facilities to abate or prevent pollution, or injury to public health in the City of Lavon, Texas.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS:

SECTION 1. THAT the matters and facts recited in the preamble hereof are hereby found and determined to be true and correct;

SECTION 2. THAT the use of on-site sewage facilities in the City of Lavon, Texas is causing or may cause pollution or is injuring or may injure the public health;

SECTION 3. THAT the Code of Ordinances of the City of Lavon, Texas BE amended entitled "On-Site Sewage Disposal," which shall read as follows:

AN ARTICLE ENTITLED ON-SITE SEWAGE DISPOSAL

SECTION 4. CONFLICTS

All ordinances or parts of the Ordinances of the City of Lavon, Texas not consistent with or in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. ADOPTING CHAPTER 366.

The City of Lavon, Texas clearly understands the technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, does adopt and will fully enforce Chapter 366 of the Texas Health and Safety Code.

SECTION 6. AREA OF JURISDICTION.

- (a) The Rules adopted by this ORDINANCE shall apply to all the incorporated area of the City of Lavon, Texas.

SECTION 7. ON-SITE SEWAGE FACILITY RULES

Any structure discharging sewage into an on-site sewage facility within the jurisdiction area of the City of Lavon, Texas must comply with the Rules adopted in Section 8 of this Ordinance.

SECTION 8. ON-SITE SEWAGE FACILITY RULES ADOPTED.

The Rules "Design Criteria For On-Site Sewage Facilities" and Administrative Rules 30 TAC 285.1-285.91 attached hereto, promulgated by the Texas natural Resource Conservation Commission for on-site sewage systems are hereby adopted, and all officials and employees of the City of Lavon, Texas having duties under said Rules are authorized to perform such duties as are required of them under said Rules.

SECTION 9. INCORPORATION BY REFERENCE

The Design Criteria and all future amendments and revisions thereto are incorporated by reference and are thus made apart of these Rules. A copy of the current Design Criteria is attached to these Rules as Appendix I.

SECTION 10. DUTIES AND POWERS

The Inspector of the City of Lavon, Texas is herewith declared the designated representative for the enforcement of these Rules within its jurisdictional area. The appointed individual(s) must be approved and certified by the Texas natural Resource conservation Commission before assuming the duties and responsibilities of the Designated Representative of Lavon, Texas.

SECTION 11. Collection of Fees.

All fees collected for permits and/or inspections shall be made payable to the City of Lavon, Texas.

SECTION 12 APPEALS.

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the City Council of Lavon, Texas.

SECTION 13. PENALTIES.

This ordinance adopts and incorporates all applicable penalty provisions related to on-site sewage facilities, which includes, but is not limited to, those found in Chapters 341 and 366 of the Texas Health and Safety Code, Chapter 7 and 26 of the Texas Water Code and 30 TAC Chapter 285.

SECTION 14. SEVERABILITY

It is hereby declared to be the intention of the City council of the City of Lavon, Texas that the phrases, clauses, sentences, paragraphs, and sections of this Order are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City council without incorporation in this Ordinance of such unconstitutional phrases, clause, sentence, paragraph, or section.

SECTION 15. RELINQUISHMENT OF ORDER.

If the City Council of Lavon, Texas decides that it no longer wishes to regulate on-site sewage facilities in its area of jurisdiction, the City council shall follow the procedures outlined below:

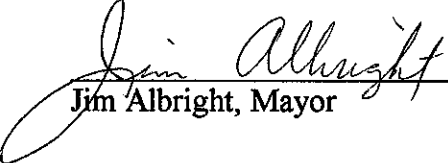
- (a) The City council shall inform the Texas Natural Resource Conservation Commission by certified mail at least 30 days before the published date of the public hearing notice that it wishes to relinquish its On-Site Sewage Facility Ordinance.
- (b) The authorized agent shall post the required public notice in a newspaper regularly published or circulated in the area of jurisdiction at least 30 days prior to the anticipated date of action by the authorized agent.
- (c) The authorized agent shall send a copy of the public notice, a publisher's affidavit of public notice, and certified copy of the minutes to the Texas natural Resource Conservation Commission.
- (d) The executive director shall process the request for relinquishment and may issue an order relinquishing the authority to regulate OSSF's within the authorized agent's jurisdiction or may refer the request to relinquish to the commission.
- (e) Prior to issuance of a relinquishment order the local governmental entity and the executive director shall determine the exact date the authorized agent would surrender its authorized agent designation to the executive director.

SECTION 16. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its date of approval as required by law and upon the approval of the Texas Natural Resource Conservation Commission

AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 6th DAY OF July, 2000.



Jim Albright, Mayor

ATTEST:



Chris Wess, City Secretary