

**TOWN OF BAYVIEW
ORDINANCE NO. 2011-08-18**

**ORDINANCE ADOPTING RULES OF THE TOWN OF BAYVIEW TEXAS
FOR ON-SITE SEWAGE FACILITIES
PREAMBLE**

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) has established Rules for on-site sewage facilities to provide the citizens of this 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 (THSC), 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; and

WHEREAS, due notice was given of a public meeting to determine whether the Board of Aldermen of the Town of Bayview, Texas should enact an ordinance controlling or prohibiting the installation or use of on-site sewage facilities in the Town of Bayview, Texas; and

WHEREAS, the Board of Aldermen of Bayview, Texas finds that the use of on-site sewage facilities in the Town of Bayview, Texas is causing or may cause pollution, and is injuring or may injure the public health; and

WHEREAS, the Board of Aldermen of Bayview, 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 Town of Bayview, Texas.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF ALDERMEN OF THE TOWN OF BAYVIEW, 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 Town of Bayview, Texas is causing or may cause pollution or is injuring or may injure the public health;

SECTION 3. THAT an Ordinance for the Town of Bayview, Texas be adopted entitled "On-Site Sewage Facilities", which shall read as follows:

AN ORDINANCE ENTITLED ON-SITE SEWAGE FACILITIES

SECTION 4. CONFLICTS.

This Ordinance repeals and replaces any other On-site Sewage Facility (OSSF) Ordinance for the Town of Bayview, Texas.

SECTION 5. ON-SITE SEWAGE FACILITY REGULATION AND ENFORCEMENT

The Town of Bayview, Texas clearly understands that there are technical criteria, legal

requirements, and administrative procedures and duties associated with regulating on-site Sewage facilities, and will fully enforce Chapter 366 of the THSC and Chapters 7 and 37 of the Texas Water Code (TWC) and associated rules referenced in Section 8 of this Ordinance.

SECTION 6. AREA OF JURISDICTION.

The Rules shall apply to all the area lying within the incorporated limits of the Town of Bayview, Texas.

SECTION 7. ON-SITE SEWAGE FACILITY RULES.

Any permit issued for an on-site sewage facility within the jurisdictional area of the Town of Bayview, Texas must comply with the Rules adopted in Section 8 of this Ordinance.

SECTION 8. ON-SITE SEWAGE FACILITY RULES ADOPTED.

The Rules, Title 30 Texas Administrative Code (TAC) Chapter 30, Subchapters A and G, and Chapter 285, promulgated by the TCEQ for on-site facilities are hereby adopted, and all officials and employees of the Town of Bayview, 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 Rules, 30 TAC Chapter 30, Subchapters A and G, and Chapter 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these Rules.

SECTION 10. AMENDMENTS.

The Town of Bayview, Texas wishing to adopt more stringent Rules for its OSSF Ordinance understands that the more stringent local Rule shall take precedence over the corresponding TCEQ requirement. Listed below are the more stringent Rules adopted by the Town of Bayview, Texas:

- (A) Regardless of acreage, a permit will be required for all OSSF's.
- (B) There shall be only one single family per dwelling unit.
- (C) The Designated Representative shall not authorize electrical, water or other utility connections to a facility without the applicant first obtaining an OSSF construction authorization and a final authorization approval for the OSSF installation. This would mean having a structure and a water meter on site.
- (D) OSSFs shall comply with the latest State and Federal Regulations, but in no case shall the OSSF be less than one hundred (100) feet from the normal line of the resaca; dry or water holding river, channel, canal, or irrigation channel, nor closer than fifteen (15) feet to any property line.
- (E) On any new installation of OSSF's regardless of floor plan or number of bedrooms, an additional bedroom will be added to determine the volume of the OSSF tank.
- (F) Any modifications, replacements, additions or repair to an existing OSSF will be required to be brought up to standards of this Ordinance

SECTION 11. DUTIES AND POWERS.

The OSSF Designated Representative (DR) (30 TAC § 285.2(17)) of the Town of Bayview, Texas, must be certified by the TCEQ before assuming the duties and responsibilities.

SECTION 12. COLLECTION OF FEES.

All fees collected for permits and/or inspections shall be made payable to the Town of Bayview, Texas. A fee of \$10 will also be collected for each on-site sewage facility permit to be paid to the On-Site Wastewater Treatment Research Council as required by the THSC, Chapter 367.
Please see fee schedule on last page.

SECTION 13. APPEALS.

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the Board of Alderman of the Town of Bayview, Texas.

SECTION 14. ENFORCEMENT PLAN

The Town of Bayview, Texas clearly understands that, at a minimum, it must follow the requirements in 30 TAC § 285.71 Authorized Agent Enforcement of OSSF/ This Ordinance adopts and incorporates all applicable provisions related to on-site sewage facilities, which includes, but is not limited to, those found in Chapters 341 and 366 of the THSC, Chapters 7, 26, and 37 of the TWC and 30 TAC Chapter 30, Subchapters A and G, and Chapter 285.

SECTION 15. SEVERABILITY

It is hereby declared to be the intention of the Board of Aldermen of Bayview, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance 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 Board of Aldermen, without incorporation in this Ordinance of such unconstitutional phrases, clauses, sentences, paragraphs, or sections.

SECTION 16. RELINQUISHMENT OF ORDINANCE

If the Board of Aldermen of Bayview, Texas decides that it no longer wishes to regulate on-site sewage facilities in its area of jurisdiction, the Town Council, as the authorized agent, and the TCEQ shall follow the procedures outlined in 30 TAC § 285.10 (d) (1) through (4). After relinquishing its OSSF authority, the authorized agent understands that it may be subject to charge-back fees in accordance with 30 TAC § 285.10 (d) (5) and §285.14 after the date that delegation has been relinquished.

SECTION 17. EFFECTIVE DATE.

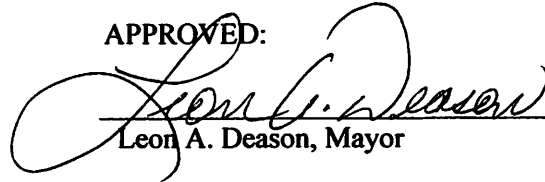
This Ordinance shall be in full force and effect from and after its date of approval as required by law and upon the approval of the TCEQ.

AND IT IS SO ORDERED:

PASSED: By an affirmative vote of the Board of Aldermen of the Town of Bayview, Texas this 18th Day of August, 2011.

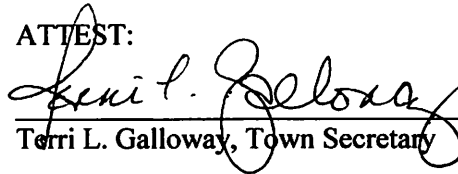
(SEAL)

APPROVED:



Leon A. Deason, Mayor

ATTEST:



Terri L. Galloway, Town Secretary





Town of Bayview

102 S. San Roman Rd
Bayview, TX 78566
(956) 233 - 6445
info@townofbayview.com

August 23, 2011

Effective August 18, 2011 the fees for the On-Site Sewage Facilities (OSSF) in the Town of Bayview will be as follows:

1.) Septic Permits	\$ 150.00
2.) Septic Permits – Upgrades	\$ 150.00
3.) Septic Permits – Renewals	\$ 150.00
4.) Re-inspection	\$ 50.00
5.) Probe Inspections	\$ 150.00
6.) Subdivision Plat Reviews	\$ 200.00
7.) Requested same day service for plat review	Additional \$500.00
8.) Permit Replacement	\$ 25.00
9.) Client requested copies (all programs)	.10 per copy

Should you have any questions regarding these fees, please do not hesitate to call the Town Hall at the above phone number or stop by the Town Office during regular business hours.

Terri L. Galloway
Town Secretary