ORDINANCE # 854
ADOPTING RULES OF HOLLYWOOD PARK, TEXAS
FOR ON-SITE SEWAGE FACILITIES
PREAMBLE

WHEREAS, the Texas Commission on Environmental Quality 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, 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 Town Council of Hollywood Park, Texas should enact an Ordinance controlling or prohibiting the installation or use of on-site sewage facilities in the Town of Hollywood Park, Texas; and

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

WHEREAS, the Town Council of Hollywood Park, 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 Hollywood Park, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF HOLLYWOOD PARK, 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 Hollywood Park, 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 Hollywood Park, Texas be adopted entitled "On-Site Sewage Facilities", which shall read as follows:

SECTION 4. CONFLICTS.

This Ordinance repeals and replaces any other On-site Sewage Facility Ordinance for the Town of Hollywood Park, Texas.

SECTION 5. ENFORCEMENT OF CODES AND RULES.

The Town of Hollywood Park, 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 Texas Health and Safety Code (H&SC) 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 Hollywood Park, 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 Hollywood Park, 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) §285.1-§285.91and TAC 30, attached hereto, promulgated by the Texas Commission on Environmental Quality for on-site sewage facilities are hereby adopted, and all officials and employees of the Town of Hollywood Park, 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 Chapters 30 and 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these Rules. A copy of the current Rules is attached to these Rules as Appendix I.

SECTION 10. AMENDMENTS.

The Town of Hollywood Park, Texas wishing to adopt more stringent Rules for its On-Site Sewage Facility Ordinance understands that the more stringent conflicting local Rule shall take precedence over the corresponding Texas Commission on Environmental Quality requirement. Listed below are the more stringent Rules adopted by the Town of Hollywood Park, Texas:

(A) A property owner of a residential, commercial or institutional building utilizing an on-site sewage facility that is located on a tract of land, regardless of acreage, shall secure and possess a permit from the Town of Hollywood Park, Texas to construct, or alter, or repair, or extend an on-site sewage facility.

(B) All contracted maintenance of an on-site sewage disposal system using aerobic treatment shall be conducted by a certified maintenance provider. There shall be no homeowner/property owner maintenance of an on-site sewage disposal system using aerobic treatment unless the property owner/homeowner is a certified maintenance provider for that aerobic treatment unit.

SECTION 11. DUTIES AND POWERS.

The OSSF Inspector of the Town of Hollywood Park, Texas, must be certified by the Texas Commission on Environmental Quality 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 Hollywood Park, Texas.

SECTION 13. APPEALS.

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the Town Council of Hollywood Park, Texas.

SECTION 14. 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, Chapters 7, 26, and 37 of the Texas Water Code and 30 TAC Chapters 30 and 285.

SECTION 15. SEVERABILITY

It is hereby declared to be the intention of the Town Council of Hollywood Park, 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 Town Council without incorporation in this Ordinance of such unconstitutional phrases, clause, sentence, paragraph, or section.

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 Commission on Environmental Quality.

AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 17TH DATE OF JUNE, 2008.

(SEAL)

APPROVED:

Mayor

ATTEST:

Town Secretary