

### Public Meeting Notice

The City of Uhland, Texas Proposed On-Site Sewage Facility Ordinance. The City Council of Uhland Texas will conduct a public meeting under the authority of Chapter 366, Texas Health and Safety Code, to consider the regulation of on-site sewage facilities (including septic tanks) in the municipal boundary limits of Uhland, Texas to prevent possible pollution or injury to public health. A copy of the proposed ordinance is available for review at Uhland City Hall, 15 N. Old Spanish Trail, Uhland Texas 78640. 512 398-7399. The public meeting will be held before the City Council at: Uhland City Hall, 15 N. Old Spanish Trail on Wednesday, October 3, 2007 at 7:30 p.m. All interested persons are encouraged to participate in the public meeting.

Daniel R. Heideman, Mayor, Uhland Texas 78640

### Public Hearing Notice

The City of Uhland, Texas Proposed On-Site Sewage Facility Ordinance. The City Council of Uhland Texas will conduct a public hearing under the authority of Chapter 366, Texas Health and Safety Code, to receive public comment on the considering the regulation of on-site sewage facilities (including septic tanks) in the municipal boundary limits of Uhland, Texas to prevent possible pollution or injury to public health. A copy of the proposed ordinance is available for review at Uhland City Hall, 15 N. Old Spanish Trail, Uhland Texas 78640. 512 398-7399. The public meeting will be held before the City Council at: Uhland City Hall, 15 N. Old Spanish Trail on Wednesday, October 3, 2007 at 7:30 p.m. All interested persons are encouraged to participate in the public meeting.

Daniel R. Heideman, Mayor, Uhland Texas 78640

*Posted 9/26/07 12:25p.m  
Diana T. Woods  
City Secretary*

ORDINANCE No. 79 - ADOPTING RULES OF UHLAND, 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 City Council of Umland, Texas should enact an Ordinance controlling or prohibiting the installation or use of on-site sewage facilities in the City of Umland, Texas; and

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

WHEREAS, the City Council of Umland, 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 Umland, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF UHLAND, 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 Umland, Texas is causing or may cause pollution or is injuring or may injure the public health;

SECTION 3. THAT an Ordinance for Umland 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 City of Uhland, Texas.

#### SECTION 5. CHAPTER 366.

The City of Uhland, 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.

(A) The Rules shall apply to all the area lying within the incorporated limits of the City of Uhland, Texas.

(B) These Rules shall apply to those incorporated cities or counties that have executed intergovernmental contracts with the City of Uhland, Texas.

#### SECTION 7. ON-SITE SEWAGE FACILITY RULES.

Any permit issued for an on-site sewage facility within the jurisdictional area of the City of Uhland, 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-§285.91 and 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 City of Uhland, 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 City of Umland 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 City of Umland Texas:

(A) **ONE ACRE MINIMUM LOT SIZE.** No on-site sewage facility shall be installed on a lot or tract of land of less than one (1) acre in any area within the jurisdiction of the City of Umland, Texas. If a specially engineered system is designed, and expressly approved by the City Council of the City of Umland, Texas, the prohibition may be waived, and such use may be permitted if the installation conforms in all respects to the special design. This rule requires that there be a one (1) acre minimum for each on-site sewage facility for a single family residence, e.g., two (2) on-site sewage facilities may **not** be installed on a tract of one and one-half (1 ½) acre lots.

(B) There shall be **no** construction or installation of any type of on-site sewage facility by a home owner or property owner. An installer of any on-site sewage facility must hold a current and proper level of license to install any On-site Sewage Facility system.

(C) **PERMITS, DURATION AND EXPIRATION.** A permit for the installation of an on-site sewage facility will be required for all On-Site Sewage Facilities, regardless of the size of the lot or acreage onto which it is installed. The Permit to Construct shall expire at the end of six (6) months after issuance unless construction has been started within that time; once construction has started the permit shall expire at the end of ninety (90) days thereafter.

(D) **COMMERCIAL FACILITITES.** The OSSF Inspector of the City of Umland shall issue permits for on-site sewage facilities for commercial establishments in compliance with the spirit of these rules on a case by case basis to insure that the facilities will abate or prevent pollution or injury to public health.

(E) **MAINTENANCE.** All contracted maintenance of an OSSF using aerobic treatment shall be conducted by a certified maintenance provider. There shall be no homeowner/property owner maintenance of an aerobic sewage disposal system using aerobic treatment unless:

- (1) the homeowner/property owner is a certified maintenance provider for that aerobic treatment unit; or
- (2) the homeowner/property owner was trained by an installer or manufacturer according to the requirements of HB 2510, 79<sup>th</sup> Leg. (2005) prior to adoption of HB 2482, 80<sup>th</sup> Leg.(2007); or
- (3) the homeowner/property owner holds a valid Class D or higher wastewater treatment license, and is certificated by the manufacturer for the brand of OSSF that they own.

(F) MAINTENANCE INSPECTIONS AND REPORTS.

- (1) Inspections at a minimum must meet all inspection requirements as set by the TCEQ, the City of Uhland, and as outlined by the manufacturer for the brand being inspected.
- (2) Inspection reports must also address all inspection requirements as set by the TCEQ, the City of Uhland, and as outlined by the manufacturer for the brand being inspected.
- (3) The City of Uhland requires that each inspection addresses sludge levels in the pump tank and the condition of the spray area.

SECTION 11. DUTIES AND POWERS.

The OSSF Inspector of the City of Uhland 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 City of Uhland, Texas.

SECTION 13. APPEALS.

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

SECTION 14. PENALTIES.

This Ordinance adopts and incorporates all applicable penalty provisions related to onsite 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 City Council of Uhland 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 or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity 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 or invalid 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 and publication as required by law and upon the approval of the Texas Commission on Environmental Quality.

PASSED AND APPROVED THIS 17<sup>th</sup> DAY OF November 2007.

APPROVED:

Daniel R. Henderson

Mayor Pro-tem

ATTEST:

Diana J. Woods

City Secretary

**Notice of Public Meeting – City of Uhland, Texas**  
**Agenda**

**Type of Meeting: Regular Monthly Meeting of the Board of Aldermen of the City of Uhland, Texas. Wednesday, November 7, 2007 at 7:30 p.m. at Uhland City Hall, 15 N. Old Spanish Trail, Uhland, Texas, 78640.**

**Executive Sessions: The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.**

Meeting facilitator: Mayor Daniel R. Heideman

1. Call to order
2. Roll Call
3. Approval of Minutes from August 15, September 5, and September 25, 2007 meetings.
4. Public comments.
5. Consideration and possible action on an ordinance for the regulation of on-site sewage facilities (including septic tanks) in the municipal boundary limits of Uhland, Texas to prevent possible pollution or injury to public health. A copy of the proposed ordinance is available for review at Uhland City Hall, 15 N. Old Spanish Trail, Uhland, Texas, 78640, (512)398-7399.
6. Consideration and possible action on a request for variance from sign Ordinances 28 and 30 brought by Media Choice in order to place advertising signs at the following addresses: 115 S. Camino Real, 131 S. Camino Real, 135 N. Camino Real, and 190 N. Camino Real.
7. Consideration and possible action on roof leak repair for Uhland Community Center and City Hall.
8. Financial Report.

I certify that this notice was posted on the bulletin board outside the Uhland Community Center and in the window of the Uhland City Hall on the 31<sup>st</sup> day of October, 2007 at 4:00 a.m. / (p.m.)

Diana T. Woods  
Diana T. Woods, City Administrator/City Secretary

I certify that this notice was removed from the bulletin board outside the Uhland Community Center and in the window of the Uhland City Hall on the \_\_\_\_\_ day of \_\_\_\_\_, 2007 at \_\_\_\_\_ a.m. / \_\_\_\_\_ p.m.

Meeting facilitator: Mayor Daniel R. Heideman

1. Call to order
2. Roll Call
3. Approval of Minutes from August 15, September 5, and September 25, 2007 meetings.
4. Public comments.
5. Consideration and possible action on an ordinance for the regulation of on-site sewage facilities (including septic tanks) in the municipal boundary limits of Uhland, Texas to prevent possible pollution or injury to public health. A copy of the proposed ordinance is available for review at Uhland City Hall, 15 N. Old Spanish Trail, Uhland, Texas, 78640, (512)398-7399.
6. Consideration and possible action on a request for variance from sign Ordinances 28 and 30 brought by Media Choice in order to place advertising signs at the following addresses: 115 S. Camino Real, 131 S. Camino Real, 135 N. Camino Real, and 190 N. Camino Real.
7. Consideration and possible action on roof leak repair for Uhland Community Center and City Hall.
8. Financial Report.

I certify that this notice was posted on the bulletin board outside the Uhland Community Center and in the window of the Uhland City Hall on the 31<sup>st</sup> day of October, 2007 at 4:00 a.m./(p.m.)

Diana T. Woods

Diana T. Woods, City Administrator/City Secretary

I certify that this notice was removed from the bulletin board outside the Uhland Community Center and in the window of the Uhland City Hall on the 27<sup>th</sup> day of November, 2007 at 10:45 a.m./p.m.

Diana T. Woods

Diana T. Woods, City Administrator/City Secretary