

CITY OF UHLAND

§

STATE OF TEXAS

§

AFFIDAVIT

Before me, the undersigned authority, personally appeared who, being me duly sworn, deposed as follows:

My name is Diana T. Woods, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

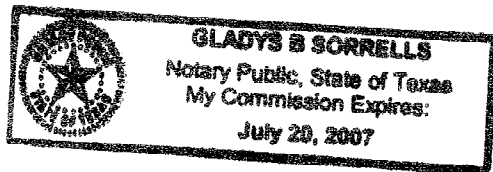
I am the custodian of the records of the City Secretary Office for the City of Uhland, Texas. Attached hereto are pages of records known as (Ordinance) The records are kept by me as City Secretary, City of Uhland in the regular course of business with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The record attached hereto is the original or exact duplicate of the official record.

Diana T. Woods

BEFORE ME, the undersigned authority, a Notary Public in and for Uhland, Texas, on this day personally appeared Diana T. Woods, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 21<sup>st</sup> day of March 2006.

(SEAL)



Gladys B. Sorrells

Notary/Public, State of Texas

My commission expires:

ORDINANCE 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 Uhland, Texas should enact an Ordinance controlling or prohibiting the installation or use of on-site sewage facilities in the City of Uhland, Texas; and

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

WHEREAS, the City Council of Uhland, 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 Uhland, 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 Uhland, Texas is causing or may cause pollution or is injuring or may injure the public health;

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

## ORDINANCE NO. 49 ON-SITE SEWAGE FACILITIES

### 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 are attached to these Rules as Appendix I.

## SECTION 10. AMENDMENTS.

The City of Uhland 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 Uhland 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 acre in any area within the jurisdiction of the City of Uhland, Texas. If a specially engineered system is designed, and expressly approved by the City Council of the City of Uhland, 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 acre minimum for each on-site sewage facility for a single family residence, e.g., two on-site sewage facilities may **not** be installed on a tract of one and one-half acre lots.

(B) 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 months after issuance unless construction has been started within that time; once construction has started the permit shall expire at the end of ninety days thereafter.

(C) COMMERCIAL FACILITITES. The OSSF Inspector of the City of Uhland 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.

## SECTION 10 or 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 11 or 12. COLLECTION OF FEES.

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

## SECTION 12 or 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 13 or 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 14 or 15. SEVERABILITY

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

SECTION 15 or 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 8th DAY OF March 2006.

APPROVED:

Daniel R. Henderson

Mayor Pro-tem

ATTEST:

Diana T. Woods

City Secretary