

ORDINANCE NO. 2020-218

**AN ORDINANCE AMENDING CITY OF WEST LAKE HILLS
OSSF AMENDMENTS, SECTION 18.03.066, ARTICLE 18.03,
CHAPTER 18 UTILITIES; TITLE I – GENERAL ORDINANCES,
OF THE WEST LAKE HILLS CODE OF ORDINANCES;
PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT;
ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE
DATE; CODIFICATION; PROPER NOTICE & HEARING**

WHEREAS, the City has adopted OSSF rules, title 30 Texas Administrative Code (TAC) chapter 30, subchapters A and G and title 30 TAC chapter 285, promulgated by the state commission on environmental quality (TCEQ); and

WHEREAS, the City finds it necessary and advisable to adopt more stringent rules to regulate OSSFs within its jurisdiction to promote and protect the public health and general welfare, and understands that a more restrictive/stringent local rule shall take precedence over the corresponding TCEQ requirement and additional applicable requirement provisions as provided and authorized by section 285.40-42 of the Texas Administrative Code; and

WHEREAS, the City Council adopted OSSF amendments on September 9, 2009 and finds it necessary to revise those amendments; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of West Lake Hills to adopt these OSSF amendments.

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Lake Hills:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

Section 18.03.066, Division 3, Article 18.03, Chapter 18, Title I of the City of West Lake Hills Code of Ordinances is hereby established so to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein. If a conflict arises between OSSF

rules specified in other chapters of the Code of Ordinances, the OSSF amendments herein enacted shall govern.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City’s Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

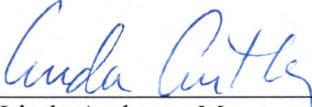
6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.


7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 9 day of December 2020


Linda Anthony, Mayor

ATTEST:


Stephanie Mills, City Secretary



CITY OF WEST LAKE HILLS CODE OF ORDINANCES

TITLE I – GENERAL ORDINANCES

CHAPTER 18 – UTILITIES

ARTICLE 18.03 SEWERS

Division 3. On-Site Sewage Facilities

Sec. 18.03.066 Amendments

The city finds it necessary and advisable to adopt more stringent rules to regulate OSSF's within its jurisdiction to promote and protect the public health and general welfare, and understands that a more restrictive/stringent local rule shall take precedence over the corresponding TCEQ requirement and additional applicable requirement provisions as provided and authorized by section 285.40-42 of the Texas Administrative Code. The city submits that these more restrictive rules are justified due to its challenging topography, complex drainage characteristics, predominately shallow and poor soil and sensitive location relative to the Edwards Aquifer and tributaries of the Colorado River. The TCEQ has approved the following more restrictive/stringent rules requested by the city.

City of West Lake Hills - OSSF Amendments

1. All drip irrigation systems shall be designed to an application rate of less than or equal to 0.1 g/sf/day regardless of the soil class. Dosing of the drip tubing must be controlled by a timer set to spread the design flow dosing over a period of 18 to 20 hours per day.
2. An inspection shall be required on all treatment units at the following intervals: once every three years for residential OSSF's located in the Edwards Aquifer Recharge Zone; once every seven years for all other residential properties located outside of the Edwards Aquifer Recharge Zone; and once every year for commercial OSSF's. Properties that are partially located in the Edwards Aquifer Recharge Zone are subject to the shorter inspection intervals unless otherwise determined by the city administrator. All treatment units will be pumped by a licensed waste transporter at the owner's expense and the city will inspect the treatment unit and conduct a surface walk over inspection. The city administrator may vary the ~~three-year~~ seven-year pumping interval for residential OSSF's based on verified loading rates.
3. All persons/companies pumping OSSF treatment units or repairing an OSSF component for any reason shall notify the designated representative in advance of pumping or repairs made on a working day or on the first business day after a weekend or holiday on which the work was performed.
4. Pump tanks shall be sized to contain a minimum of one day's flow between the alarm-on level and the inlet to the pump tank.

5. An owner of an OSSF located within the Edwards Aquifer Recharge Zone shall ensure that the facility is capable of consistently meeting, at minimum, secondary treatment standards specified in chapter 309 of the Texas Administrative Code.

6. Before the city issues a written notice of approval (license to operate) for an OSSF whose planning material is required by the rules to be prepared by a professional engineer or professional sanitarian, (designer), the city must receive a written letter from the designer stating that based on personal inspection, the designed system has been constructed in accordance with the approved submitted design material.

7. All OSSF planning materials shall be prepared by a registered professional engineer or registered sanitarian and all local procedures for permitting shall be complied with and observed. The planning materials must clearly show at the minimum the information from the submittal checklist located on the city's website. A copy of the checklist must accompany all submittals.

(Ordinance 170 adopted 9/9/09)