

## ORDINANCE NO. 2860

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, AMENDING CHAPTER 12, UTILITIES, OF THE TERRELL CITY CODE OF ORDINANCES BY THE ADDITION OF SECTION 12-21A, ON SITE SEWAGE FACILITIES INSPECTIONS AND PERMITTING, PROVIDING FOR SEVERABILITY, PROVIDING A PENALTY, PROVIDING AN EFFECTIVE DATE, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City Council of the City of Terrell, Texas has enacted an ordinance controlling or prohibiting the installation or use of on-site sewage facilities in the City of Terrell, Texas; and

**WHEREAS**, the City Council of the City of Terrell, Texas finds it necessary to enact provisions for the proper inspections and permitting of on-site sewage facilities in the City of Terrell.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS;**

### ARTICLE I.

**THAT** Chapter 12, Utilities, of the Terrell City Code of Ordinances is hereby amended by the addition of Section 12-21A, On-Site Sewage Facilities Inspections and Permitting as follows, to-wit:

#### **Sec. 12-21A. On-Site Sewage Facilities Inspections and Permitting.**

- (a) *Initial Inspection and Permitting* – Prior to any installation or permitting of an on-site sewage facility within the City of Terrell, a detailed design in conformance with the requirements of Section 12-21 must be submitted and approved by the OSSF Designated Representative and the City Engineer of the City of Terrell. Upon approval, an installation permit may be issued for the construction of the facility. Upon the completion of the initial construction and prior to final burial of the facility, an on-site inspection must be conducted by the OSSF Designated Representative for final approval. All fees for the initial inspections and permitting are the responsibility of the property owner and payable to the City of Terrell.
- (b) *Regular Inspections* – Within the months of April, August and December of each year, all aerobic on-site sewer facilities within the City of Terrell must, at the sole expense of the property owner, be inspected by a Registered Sanitarian or a Registered Professional Engineer that have expertise in on-site sewer facility

design and operation to certify that the facility is in proper working condition. The property owner shall be solely responsible for obtaining the services of a properly credentialed professional to make the above inspections.

The property owner shall be solely responsible for obtaining all necessary services from a Registered Sanitarian or a Registered Professional Engineer. There shall be no homeowner inspections or maintenance of an on-site sewage disposal system using aerobic treatment within the City of Terrell.

(c) *Submission of Reports to the OSSF Designated Representative and the City Engineer*

Following each of the inspections for an aerobic on-site sewer facility as specified above, a written report showing that the facility is in compliance with all applicable regulations of the T.C.E.Q and the Texas Health and Safety Code must be submitted to the OSSF Designated Representative and the City Engineer of the City of Terrell by the Registered Professional Sanitarian or Registered Professional Engineer conducting the inspection for review and final approval. All monthly administrative costs shall be at the sole expense of the property owner and payable to the City of Terrell.

(d) *Installation Fees* – Applicable fees for all initial inspections together with all follow-up reviews and approvals by the OSSF Designated Representative of the City of Terrell can be found in Appendix 1, Fee Schedule of the City of Terrell, Section 28, Paragraph (7), OSSF Installation Fees.

(e) *Penalty* – Any person violating any provision of this section shall be guilty of a misdemeanor and, upon conviction, be assessed a fine as follows:

- |     |  |            |
|-----|--|------------|
| (1) | First offense -  | \$150.00   |
| (2) | Second offense -   | \$250.00   |
| (3) | All additional offenses -  | \$1,000.00 |
|     | (Each additional day the violation persists shall constitute a separate offense.)  |            |
| (4) | In addition to the above penalty for all additional offenses, the City may, at its discretion, order that electrical service to the property be discontinued until all violations of this section have been fully abated to insure public health and safety, |            |

## **ARTICLE II.**

All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

### ARTICLE III.

It is hereby declared to be the intention of the City Council of the City of Terrell, Texas, that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs and sections.

### ARTICLE IV.

This Ordinance will take effect on October 1, 2021, after the publication of the caption as the law in such cases provides.

**PASSED AND APPROVED** this the 16<sup>th</sup> day of March, 2021.

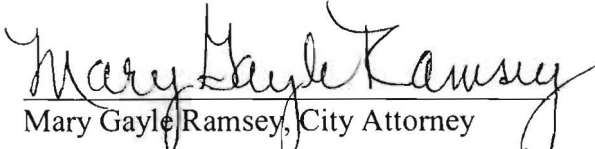
**PASSED AND ADOPTED** this the 20<sup>th</sup> day of April, 2021.

  
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E. Rick Carmona, Mayor

Attest:

  
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Dawn Steil, City Secretary

Approved as to form:

  
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Mary Gayle Ramsey, City Attorney

