

ORDINANCE NO. 1999-09-07-002

AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, PROVIDING FOR THE REGULATION OF ON-SITE SEWAGE SYSTEMS; ADOPTING LAMPASAS COUNTY'S RULES FOR ON-SITE SEWAGE FACILITIES; REPEALING ORDINANCE NO. 15-001 ; AUTHORIZING A CONTRACT FOR SERVICES LAMPASAS COUNTY; PROVIDING FOR CERTAIN PERMITS TO BE OBTAINED FROM AND FOR FEES TO BE PAID TO LAMPASAS COUNTY; AND PROVIDING FOR OPEN MEETINGS, SEVERABILITY AND RELATED MATTERS.

Whereas, the City of Kempner (the "City"), Texas desires to adopt requirements for the construction of septic tanks within the City to preserve and protect the public health; and,

Whereas, wastewater and sanitation rules and regulations in conformity with the State regulations and the Rules for On-Site Septic Tanks, whether so called or called by another name, adopted by Lampasas County (the "County Rules"), will benefit the public health, safety and welfare of all citizens of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Sewage System Required. No person shall own, maintain or use any toilet, urinal, sink or bath within the City unless such toilet, urinal, sink or bath is connected with and flushed into a central sanitary sewer system, or an on-site sewage facility constructed and is maintained in accordance with State law and the Rules for On-Site Sewage Facilities adopted by Lampasas County, Texas.

Section 3. Adoption of County Rules. The City Council hereby adopts the County Rules in their entirety, and such County Rules shall be in full force and effect within the City.

Section 4. Permit. Prior to any construction of a septic tank or other on-site sewage facility within the City, the person making such installation or renovation, the lot owner or the person in control or possession of the property must make application for and obtain a permit from Lampasas County for such on-site sewage facility. The requirements for permits, fees and inspections shall be as established in the County Rules, as amended.

Section 5. Contract With Lampasas County. The Contract and Agreement for the

Provision of On-site Sewage Facility Inspections and Environmental Health & Sanitation, by and between Lampasas County and the City, attached hereto (the "Contract"), is hereby authorized and approved, and the Mayor is authorized and directed to execute and deliver the Contract for and on behalf of the City; provided that the Mayor may approve such non-substantive changes and edits to the Contract as may be reasonably required by the County.

Section 6. Legal Lot. Notwithstanding anything in this Ordinance or in the County Rules to the contrary, this Ordinance does not authorize a permit to be issued for any lot, tract or parcel of land that is not a legal lot in compliance with the City's Subdivision Ordinance, or any such lot, tract or parcel of land for which a building permit may not be issued under the rules, regulations and ordinances of the City. The issuance by the County of a permit for an on-site sewage system on a lot that is not a legal lot in compliance with the City ordinances and regulations shall not entitle any owner or purchaser thereof, or any other person, to obtain any other permit for such lot, tract or parcel, prior to the lot, tract or parcel complying with the City's rules, regulations and ordinances for subdividing land and building permits.

Section 7. Amendment. Ordinance No. 1999-06-15-001 is hereby repealed.

Section 8. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 9. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in the manner set forth with the provisions of the *Tex. Loc. Gov't Code*.

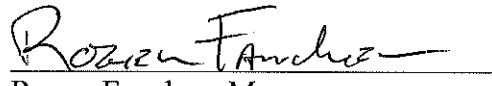
Section 10. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the *Open Meetings Act, Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on this the 7th day of Sept., 1999.

Attest:

City of Kempner, Texas


Frances Spinney, City Secretary


Roger Fancher, Mayor