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1976-77

Town of San Felipe

P. O. Box 907

San Felipe, Texas 77473

NOTICE


APPLICATION FOR PERMIT

WHEN REQUIRED:

Reference to the Ordinance Establishing Building, Housing and Electrical Codes, passed by the San Felipe Town Council May 20, 1976, which was published in The Sealy News, now makes it MANDATORY to have a permit issued by the Building Official, for any of the following.

Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, or construct a sign of any description, or other appurtances, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit therefore.

Ordinary minor repairs may be made with the approval of the BUILDING OFFICIAL without a Permit; provided that such repairs shall not violate any of the provisions of this code.


W. R. HILDEBRANDT
BUILDING OFFICIAL

TOWN OF SAN FELIPE


J. L. HILL - MAYOR

ORDINANCE ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF
SAN FELIPE, AT ITS REGULAR BOARD MEETING, MAY 20, 1976.
COPY OF THE ORDINANCE PUBLISHED IN THE SEALY NEWS, IN
MINUTE BOOK "E" PAGE 319.

AN ORDINANCE ESTABLISHING BUILDING, HOUSING, AND ELECTRICAL
CODES; PROVIDING FOR PENALTIES; AND, DECLARING AN EMERGENCY.

WHEREAS, IT IS DEEMED BY THE BOARD OF ALDERMEN of the Municipal
Corporation of the Town of San Felipe de Austin, Texas, that it would
be in the best interest of the Town to establish certain standards
for building, housing and electrical:

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the
Municipal Corporation of the Town of San Felipe de Austin.

SECTION 1.

That the 1976 Southern Standard Building Code be adopted;

SECTION 2.

That the 1976 Southern Standard Housing Code be adopted;

SECTION 3.

That the National Electrical Code be adopted:

SECTION 4.

That the penalty for the violation of any of the provisions of
any of the respective Codes shall be enforced as provided therein;

SECTION 5.

That the full text of each of said Codes shall be incorporated by
reference herein with the originals of such Code maintained in
the City Hall: and,

SECTION 6.

That an emergency is apparent for the immediate preservation of
order, health, safety and general welfare that this ordinance becomes
effective immediately, therefore, it shall be effective from and after
the date of its passage as made and provided by the charter of the Mu-
nicipal Corporation of the Town of San Felipe de Austin.

PASSED, APPROVED AND ADOPTED on this the 20th day of May, A. D.
1976.

J. Luke Hill
J. Luke Hill - Mayor

ATTEST:
W. R. Hildebrandt
W. R. Hildebrandt
Secretary.

File

ORDINANCE NO. 1976-1

AN ORDINANCE TO PROVIDE CERTAIN REQUIREMENTS WHICH MUST BE MET BEFORE A BUILDING PERMIT IS ISSUED AND TO OUTLINE CERTAIN REQUIREMENTS GOVERNING THE DESIGN AND INSTALLATION OF WATER AND SEWERAGE SYSTEMS; TO PROVIDE FOR AND CREATE THE OFFICE OF TOWN BUILDING PERMIT AGENT AND THE APPOINTMENT OF SUCH AGENT; TO PROVIDE FOR PENALTIES FOR THE VIOLATION HEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and the Board of Aldermen of the Town of San Felipe, Texas, finds it necessary to provide that building construction and installation of water and sewerage systems comply with the requirements of the Federal program of flood insurance; and

Whereas, the Mayor and the Board of Aldermen of the Town of San Felipe, Texas, desires to put into effect such compliance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF SAN FELIPE, TEXAS, AS FOLLOWS:

Section 1. A building permit shall be issued by the Town of San Felipe, Texas, only after the Town Building Permit Agent has determined that the proposed building site is reasonably safe from flooding; or if flood hazard exists, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:

- a. be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;
- b. use construction materials and utility equipment that are resistant to flood damage; and
- c. use construction methods and practices that will minimize flood damage.

Section 2. No person, firm, corporation, partnership, association or any other legal entity shall construct or cause to be constructed any structure of substantial improvement to any structure (residential, industrial, commercial or otherwise) without first obtaining a permit to construct same from the Town Building Permit Agent of the Town of San Felipe, Texas, which said office is hereby created and shall be filled by appointment by this body.

Section 3. Proposed subdivisions and land use areas shall be reviewed to assure that (a) all proposals for construction provide for methods to minimize flood damage, (b) all public utilities and facilities such as sewerage, gas, electric service and water systems are located and constructed to minimize or eliminate flood damage and (c) adequate drainage is provided for so as to reduce exposure to flood hazards.

Section 4. All new or replacement water supply systems and/or sanitary sewerage system shall be designed to minimize or eliminate infiltration of flood waters into the systems/and discharge from the systems into the flood waters.

Section 5. Whoever undertakes construction of a structure without first obtaining a permit as provided for herein shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$15.00 nor more than \$50.00 or not less than ten days nor more than twenty days in the Town jail or both at the discretion of the court.

Section 6. All ordinances or part of ordinances in conflict herewith are hereby repealed.

Section 7. If provision of this ordinance be declared void or unconstitutional, such declaration shall not effect the remaining portions of this ordinance.

Section 8. An emergency exists due to the need to preserve the public health, safety and welfare, necessitating that this ordinance become effective immediately upon its passage.

ORDINANCE - NO. 1976 - 2

AN ORDINANCE ESTABLISHING BUILDING, HOUSING AND ELECTRICAL CODES; PROVIDING FOR PENALTIES; AND, DECLARING AN EMERGENCY

Row: Schagg, Glenn Director.

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WHEREAS, it is deemed by the Board of Alderman of the Municipal Corporation of the Town of San Felipe de Austin, Texas, that it would be in the best interest of the Town to establish certain standards for building, housing and electrical;

NOW, THEREFORE, BE IT ORDAINED by the Board of Alderman of the Municipal Corporation of the Town of San Felipe de Austin:

SECTION 1

That the 1976 Southern Standard Building Code be adopted;

SECTION 2

That the 1976 Southern Standard Housing Code be adopted;

SECTION 3

That the 1976 National Electrical Code be adopted;

SECTION 4

That the penalty for the violation of any of the provisions of any of the respective codes shall be enforced as provided therein;

SECTION 5

That the full text of each of said codes be incorporated by reference herein with the originals of such code maintained in the City Hall; and,

SECTION 6

That an emergency is apparent for the immediate preservation of order, health, safety and general welfare that this ordinance become effective immediately, therefore, it shall be effective from and after the date of its passage as made and provided by the charter of the Municipal Corporation of the Town of San Felipe de Austin.

PASSED, APPROVED AND ADOPTED ON THIS the 20th. day of May A. D., 1976.

J. L. Hill
Luke Hill - Mayor

ATTEST:
W. R. Hildebrandt
W. R. Hildebrandt - Secretary

Mrs. If memb lennial vctely sh the gro

Permit and License Procedures

1. Building Permits:

A building permit applies to the construction, improvement or movement of buildings or mobile homes.

Information required to obtain a building permit:

Building Classification
Building Size
Approximate Value
Address of Building Site

A building site should not be located within the floodplain area.

Fees collected for building permits are based on the size of the building.

Any structure with at least two walls requires a building permit.

Permits for structures which do not require a sanitary sewer facility (e.g. garages, utility buildings, barns, etc.) may be issued without Council approval.

Permits to park a mobile home for up to 90 days may be issued without Council approval.

All other building permits must be approved by the Town Council before they are issued.

All residences or other structures requiring a sanitary sewer facility must have an approved sanitary sewer facility license when or before a building permit is issued.

2. Private Sewage Facility License

A private sewage facility license applies to septic systems being installed.

Information required to obtain a private sewage facility license:

Location of Proposed Facility
Results of Percolation Test performed by a licensed engineer,
Drawings of the Facility reflecting that it will comply with regulations

The sewage facility must be inspected by the Town Sanitarian before the system is covered.

All private sewage facility licenses must be approved by the Town Council before they are issued.

1983-2

ORDINANCE

AN ORDINANCE ADOPTING RULES OF TOWN OF SAN FELIPE, COUNTY OF AUSTIN, STATE OF TEXAS, FOR PRIVATE SEWAGE FACILITIES; (SAID RULES PROVIDING FOR, AMONG OTHER THINGS, A PENALTY FOR A PERSON WHO VIOLATES THE RULES, SAID PENALTY BEING THAT THE PERSON WHO VIOLATES SUCH RULES IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS PUNISHABLE BY A FINE OF NOT LESS THAN \$10.00 NOR MORE THAN \$200.00); AUTHORIZING ALL OFFICIALS AND EMPLOYEES OF THE TOWN OF SAN FELIPE, COUNTY OF AUSTIN, STATE OF TEXAS, HAVING DUTIES UNDER THE ADOPTED RULES TO PERFORM SUCH DUTIES AS REQUIRED OF THEM UNDER SAID RULES; AND PROVIDING A SAVINGS CLAUSE, REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT THEREIN.

WHEREAS, the Texas Department of Health and the Texas Board of Health have established construction standards for private sewage facilities to provide the citizens of this State with adequate public health protection; and

WHEREAS, the Town of San Felipe, County of Austin, State of Texas is authorized to adopt ordinances to promote and protect the public health within the confines of the Town of San Felipe, County of Austin, State of Texas; and

WHEREAS, the Town Council of the Town of San Felipe, County of Austin, State of Texas finds that the use of private sewage facilities in the Town of San Felipe, County of Austin, State of Texas, is injuring or may injure the public health; and

WHEREAS, the Town Council of the Town of San Felipe, County of Austin, State of Texas, has considered the matter and deems it appropriate to adopt rules regulating private sewage facilities to abate or prevent injury to public health in the Town of San Felipe, County of Austin, State of Texas;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SAN FELIPE, COUNTY OF AUSTIN, STATE OF TEXAS:

ARTICLE I

That the rules attached and appended hereto, including Section XIV of the rules, entitled "ENFORCEMENT", which provides that a person who violates any one of the rules is guilty of a misdemeanor and on conviction is punishable by a fine of not less than Ten (\$10.00) Dollars nor more than Two Hundred (\$200.00) Dollars and that each day violation occurs constitutes a separate offense, and all of said rules being entitled "Rules Of The Town Of San Felipe, Austin County, Texas For Private Sewage Facilities" are hereby adopted and all officials and employees of Town of San Felipe, County of Austin, State of Texas, having duties under said rules are hereby authorized to perform such duties as required of them under said rules, and said rules and standards referred to therein are made a part and parcel hereof as if fully set out herein.

ARTICLE II

That all ordinances and parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

PASSED AND APPROVED on the 9th day of August, A. D., 1983.

APPROVED:


Mayor of the Town of San Felipe, Texas

ATTEST:


Town Secretary of the Town of San Felipe, Texas

ORDINANCE

1984-5

AN ORDINANCE ADOPTING RULES OF TOWN OF SAN FELIPE, COUNTY OF AUSTIN, STATE OF TEXAS, FOR PRIVATE SEWAGE FACILITIES: (SAID RULES PROVIDING FOR, AMONG OTHER THINGS, A PENALTY FOR A PERSON WHO VIOLATES THE RULES, SAID PENALTY BEING THAT THE PERSON WHO VIOLATES SUCH RULES IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS PUNISHABLE BY A FINE OF NOT LESS THAN \$10.00 NOR MORE THAN \$1,000.00); AUTHORIZING ALL OFFICIALS AND EMPLOYEES OF THE TOWN OF SAN FELIPE, COUNTY OF AUSTIN, STATE OF TEXAS, HAVING DUTIES UNDER THE ADOPTED RULES TO PERFORM SUCH DUTIES AS REQUIRED OF THEM UNDER SAID RULES; AND PROVIDING A SAVINGS CLAUSE, REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT THEREIN.

WHEREAS, the Texas Department of Health and the Texas Board of Health have established construction standards for private sewage facilities to provide the citizens of this State with adequate public health protection; and

WHEREAS, the Town of San Felipe, County of Austin, State of Texas is authorized to adopt ordinances to promote and protect the public health within the confines of the Town of San Felipe, County of Austin, State of Texas; and

WHEREAS, the Town Council of the Town of San Felipe, County of Austin, State of Texas finds that the use of private sewage facilities in the Town of San Felipe, County of Austin, State of Texas, is injuring or may injure the public health; and

WHEREAS, the Town Council of the Town of San Felipe, County of Austin, State of Texas has considered the matter and deems it appropriate to adopt rules regulating private sewage facilities to abate or prevent injury to public health in the Town of San Felipe, County of Austin, State of Texas;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SAN FELIPE, COUNTY OF AUSTIN, STATE OF TEXAS:

ARTICLE I

That the rules attached and appended hereto, including Section XIV of the rules, entitled "ENFORCEMENT", which provides that a person who violates any one of the rules is guilty of a misdemeanor and on conviction is punishable by a fine of not less than Ten (\$10.00) Dollars nor more than One Thousand (\$1,000.00) Dollars and that each day violation occurs constitutes a separate offense, and all of said rules being entitled "Rules Of The Town of San Felipe, Austin County, Texas For Private Sewage Facilities" are hereby adopted and all officials and employees of Town of San Felipe, County of Austin, State of Texas, having duties under said rules are hereby authorized to perform such duties as required of them under said rules, and said rules and standards referred to therein are made a part and parcel hereof as if fully set out herein.

ARTICLE II

That all ordinances and parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

PASSED AND APPROVED on the 11th day of September, A.D., 1984.

APPROVED:


Mayor of the Town of San Felipe, TX

ATTEST:


Town Secretary of the Town of San Felipe, TX

AMENDMENTS
TO
RULES OF TOWN OF SAN FELIPE, AUSTIN COUNTY
TEXAS
FOR PRIVATE SEWAGE FACILITIES

SECTION II. GENERAL PROVISIONS

- A. ADMINISTRATION BY CITY SANITARIAN
1. Change City Sanitarian to read "City Sanitarians" in all references throughout Rules.
- C. INCORPORATED BY REFERENCE
a. "County" Rules should read "Town" Rules.

SECTION XII. FEES

Opening paragraph reads "City Sanitarians will require fees"; change to read "City Sanitarians 'may' require fees".

SECTION XIV. ENFORCEMENT

- (a) Should read, "A person who violates any one of these Rules, is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10.00 nor more than \$1,000.00."

Notice

Notice to all persons of ordinance adopted by the Town Council of the Town of San Felipe, County of Austin, State of Texas.

An ordinance entitled as follows was adopted by the Town Council of the Town of San Felipe, County of Austin, State of Texas, on the 11th day of September 1984, to wit:

AN ORDINANCE ADOPTING RULES OF TOWN OF SAN FELIPE, COUNTY OF AUSTIN, STATE OF TEXAS, FOR PRIVATE SEWAGE FACILITIES; (SAID RULES PROVIDING FOR, AMONG OTHER THINGS, A PENALTY FOR A PERSON WHO VIOLATES THE RULES, SAID PENALTY BEING THAT THE PERSON WHO VIOLATES SUCH RULES IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS PUNISHABLE BY A FINE OF NOT LESS THAN \$10.00 NOR MORE THAN \$1,000.00); AUTHORIZING ALL OFFICIALS AND EMPLOYEES OF THE TOWN OF SAN FELIPE, COUNTY OF AUSTIN, STATE OF TEXAS, HAVING DUTIES UNDER THE ADOPTED RULES TO PERFORM SUCH DUTIES AS REQUIRED OF THEM UNDER SAID RULES; AND PROVIDING A SAVINGS CLAUSE, REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT THEREIN.

The ordinance increases the maximum penalty for violation to \$1000, and makes administrative changes to the Rules applicable to the implementation of this ordinance.

RULES OF TOWN OF SAN FELIPE, AUSTIN COUNTY, TEXAS
FOR PRIVATE SEWAGE FACILITIES

SECTION I. AUTHORITY, PURPOSE AND CONSTRUCTION OF RULES

A. AUTHORITY

These Rules are adopted by the Town Council of the Town of San Felipe, located in Austin County, Texas, and hereinafter referred to as the Town of San Felipe acting in its capacity as the governing body of the Town of San Felipe. Authority of the Town of San Felipe to adopt these Rules is Article 1015, Vernon's Texas Civil Statutes Annotated.

B. PURPOSE

The purpose of these Rules is to abate or prevent injury to the public health of Town of San Felipe, Austin County, Texas.

C. CONSTRUCTION OF RULES

These Rules are to be construed liberally to accomplish their purpose. In construing the "Standards" described in Section II.C below, precatory words contained therein shall be deemed mandatory. In the event of any conflict between these Rules and an order, resolution or other rule adopted by the Texas Water Commission, then and in that event, the order, resolution or other rule adopted by the Texas Water Commission shall take precedence. In the event of any conflict between these Rules and the "Standards", then and in that event, these Rules shall take precedence.

D. DEFINITIONS

As used in these Rules, the following words and phrases have the following meanings, unless context clearly demonstrates otherwise:

1. "Town Council" means the Town Council of the Town of San Felipe.
2. "Clerk" means the City Clerk of the Town of San Felipe.
3. "City Sanitarian" means the City Sanitarian of the Town of San Felipe.
4. "Institution" means any establishment other than a single family residence.
5. "Mobile Home Park" means any facility or area developed for the lease or rental of two or more mobile home spaces.
6. "Organized Disposal System" means any publicly or privately owned system for the collection, treatment and disposal of sewage, operated in accordance with the terms and conditions of a valid waste discharge permit issued by the Texas Water Commission.

7. "Person" includes an individual, corporation, organization, estate, trust, partnership, association or other entity.

8. "Private Sewage Facility" means all systems and methods used for the disposal of sewage, other than organized disposal systems operated under a valid permit issued by the Texas Water Commission, including, but not limited to, septic tanks, absorption beds, pits, privies, cesspools, sewage holding tanks, injection wells used to dispose of sewage.

9. "Sewage" means waterborne human waste and waste from domestic activities, such as, washing, bathing, and food preparation.

10. "Single Family Residence" means a single family dwelling or mobile home.

11. "Standards" means the pamphlet "Construction Standards for Private Sewage Facilities" described in Section II.C.

12. "State" means the State of Texas.

13. "Substantial Modification" means the alteration of an existing private sewage facility so that the total volume of the facility is increased by 25% or more.

14. "Subdivision" means (a) a subdivision which has been platted and recorded with the County Clerk of Austin County, Texas, or which is required by statute to be so platted and recorded; or (b) any four (4) or more adjoining lots or tracts, each of which is less than two (2) acres in size.

SECTION II. GENERAL PROVISIONS

A. ADMINISTRATION BY CITY SANITARIAN

1. The City Sanitarian shall administer these Rules.

2. The City Sanitarian shall:

a. Make appropriate recommendations to proper authorities of the Town of San Felipe when instances of non-compliance with these Rules has been determined.

b. Make inspections of existing private sewage facilities when requested and inspect all new facilities. All Components of the system shall not be covered until an inspection has been made. The absorption trenches or evapotranspiration beds may be partially backfilled but all ends, and other critical areas shall not be backfilled until the City Sanitarian has determined the construction complies with these Rules, Standards or other special conditions specified on the license.

- c. Collect all fees set by the Town Council to recover costs incurred in meeting the requirements of these Rules.
- d. Make semi-annual reports to the Town Council on all legal actions taken concerning these Rules.
- e. Perform all other duties necessary to meet the requirements of these Rules.

B. AREA COVERED BY RULES

These Rules shall apply only to the incorporated area of the Town of San Felipe, and to its extra-territorial jurisdiction.

C. INCORPORATED BY REFERENCE

a. Pursuant to Texas Revised Civil Statutes Annotated article 4477-1, section 23(b), the Texas Board of Health adopted Texas Department of Health Rules 301.79.03.001-.003, which are entitled "Construction Standards for Private Sewage Facilities" and which were published in Texas Register, Volume 2, No. 99, December 23, 1977. A copy of "Construction Standards for Private Sewage Facilities" (sometimes referred to within these county Rules as the "Standards") is attached to these Rules as Appendix 1. The "Standards" and all future amendments to the "Standards" are made a part of these Rules for all intents and purposes as though set forth herein word for word.

b. The City Sanitarian shall interpret and resolve any question regarding any interpretation of the "Standards".

c. All precatory words contained within these Rules shall be deemed mandatory.

SECTION III. LAWFUL DISCHARGE OF SEWAGE

After the effective date of these Rules, only the following types of sewage discharges shall be lawful:

1. Sewage discharged into an organized disposal system.
2. Sewage discharged into a private sewage facility licensed and maintained in accordance with these Rules.
3. Sewage discharged into a private sewage facility existing and in use on the effective date of these Rules, which has not been substantially modified since the effective date of these Rules, and which is used and operated in such a manner as not

to constitute a nuisance as defined in Section XII of these Rules, and which has not had a substantial increase in the sewage flow rate since the effective date of these Rules. For the purpose of this provision, any private sewage facility which has been actually used at any time during the twelve (12) month period immediately preceding the effective date of these Rules, shall be conclusively presumed to have been in use on the effective date of these Rules.

SECTION IV. EXISTING RESIDENTIAL LOT SIZING

On existing lots with less than 15,000 square feet a private sewage facility may be licensed provided the soil conditions will support an absorption or evapotranspiration system, or other system allowed in the "Standard", after it has been demonstrated by a thorough subsurface soils investigation that any proposed and/or existing water supply systems within 100 feet of the effluent treatment area will not be contaminated.

SECTION V. PRIVATE SEWAGE FACILITY INSTALLATION, MODIFICATION AND MAINTENANCE

A. No person may install or substantially modify a private sewage facility unless a license therefor has first been obtained from the City Sanitarian.

B. Injection wells, pit privies and cesspools are specifically prohibited from being installed and licensed.

C. The design and maintenance of a private sewage facility shall, as a minimum, meet the requirements set forth in the "Standards".

D. No person may install a private sewage facility on a lot or tract smaller than that required to meet the requirements set forth in the "Standards", except as noted in Section IV above.

E. No person may install a private sewage facility within 300 feet (measured on the closest practicable access route) of a publicly owned organized disposal system unless service by said organized disposal system has been formally requested and has been denied by the governing body thereof. The failure of such governing body to act upon such request, by granting or denying same within 30 days of receipt thereof, shall be deemed to be a denial of the request.

F. Percolation tests as provided by the "Standards" shall be performed in accordance with the "Standards" by a registered Professional Sanitarian or registered Professional Engineer.

G. The installation and construction of private sewage facilities shall be made in accordance with the approved design and requirement of the license issued therefor.

H. The effluent from an individual home aerobic wastewater disposal unit must be discharged into a properly designed and constructed soil absorption or evapotranspiration system. No discharges to the ground surface or into the waters in the State are authorized.

SECTION VI. ADDITIONAL DESIGN REQUIREMENTS - INSTITUTIONS

A. For establishments other than those set forth in Table IV of the "Standards" (Individual Usage Rate), with a sewage flow rate less than 500 gallons per day, the City Sanitarian will calculate the daily sewage flow per person upon written request.

B. For Institutions which have a sewage flow rate of more than 500 gallons per day (as herein calculated), a registered professional engineer or registered professional sanitarian shall design all private sewage facilities serving the institution. Said designs shall be made in accordance with Section V of these Rules and the "Standards", except that single compartment septic tanks shall not be utilized, but instead, septic tanks with two or more compartments or two or more septic tanks connected in series shall be utilized.

SECTION VII. SUBSTANTIAL INCREASE IN FLOW

No person shall cause or allow a substantial increase in the sewage flow rate of a private sewage facility, without first obtaining from the City Sanitarian a license or amendment of an existing license. The application for such license shall reflect the increased sewage flow rate. The sewage flow rate shall be considered to be substantially increased when the flow rate, calculated in the manner provided herein, is increased by more than 25%.

SECTION VIII. ISSUANCE OF LICENSES

A. Only the person owning, or having the right to possession of, the parcel of land upon which a proposed private sewage facility is to be located, may apply for a private sewage facility license. To make application for a private sewage facility license, the applicant shall submit to the City Sanitarian the following:

1. The completed application form.
2. The required fee.
3. The results of the percolation tests, if already performed by a registered Professional Engineer or Professional Sanitarian.

4. A drawing or drawings reflecting that the proposed private sewage facility will comply with these Rules and demonstrating that the lot or tract is large enough for the private sewage facility to be constructed thereon.

5. Any additional information that the City Sanitarian may require. The completed application and all of its appurtenances shall not contain any false information nor conceal any material facts.

B. Based upon the information contained in the completed application, and other information available to the City Sanitarian, the City Sanitarian shall:

1. Issue a license to the applicant, such license to be effective for an indefinite period of time, or

2. Within 15 days after receipt of the application and appurtenances, give written notice to the applicant that the application is denied, stating the reason(s) which prevent licensing. Said notice shall be considered given by depositing the same in the U.S. Mail, postage prepaid, addressed in accordance with the application.

C. The applicant may appeal a denial in accordance with the procedure set forth in Section XI of these Rules.

SECTION IX. PRIVATE SEWAGE FACILITIES IN SUBDIVISIONS

A. Any person desiring to create a subdivision using private sewage facilities must obtain approval from the City Sanitarian. The following plat information is required for review in order to determine that a subdivision, when developed, using septic tank systems for sewage disposal will not become a public health hazard or pollute area water supplies, streams and lakes as set forth herein.

1. An accurate plat showing the proposed number and lot sizes. If not for single family dwellings, the planned use and number of living units.

2. The geographic location of the proposed subdivision and its proximity to watersheds, streams and lakes.

3. Availability of utilities and the distance to and location of nearest city sewer and area water wells.

4. Topographic contours on two (2) foot intervals for the proposed subdivision and seventy-five (75) feet of the adjacent area.

5. Whether or not the water supply and distribution system has been approved by the State Health Department.

6. The Developer's Engineer shall be required to certify that an acceptable septic tank system can be constructed on each lot.

7. Identify the areas on the plat that are subject to flooding based on 100 year flood plain and areas where the water table will be within 4 feet of the bottom of the proposed absorption systems.

B. Lot sizes - The use of septic tanks in a subdivision has a bearing on the ultimate lot size. In determining the minimum lot size for platting purposes, size will be determined by the suitability of the soil to function without creating a nuisance or health hazard. The lot must contain an adequate area to provide for expansion to twice the original size of the absorption field.

C. Septic Tank Design - The City Sanitarian shall require the developer to perform soil profiles and percolation tests in order to determine that each lot in the proposed subdivision meets the requirements of this Order. The City Sanitarian will notify the developer of the findings of its examination and will point out any deficiencies in the plan for sewage disposal. Specifically, the developer will be notified of any areas not suitable for the use of private sewage facilities. Such percolation test data, soil profile, and engineering design for each individual lot private sewage disposal facility shall be filed as a deed record for the lot. Approval of a subdivision plan for sewage disposal does not constitute a license for a specific private sewage facility. An approved plan is, however, a prerequisite for obtaining a private sewage facility license in a subdivision.

SECTION X. EXCEPTIONS

A. A person desiring an exception to any requirement of these Rules shall file a written request with the City Sanitarian stating:

1. The nature of the exception requested; and
2. The reason the exception should be granted.

B. Within thirty (30) days after receipt of said request, the City Sanitarian shall review the request and reply to the applicant in writing either granting or denying the request.

C. If the request is denied, the City Sanitarian shall include in its reply the reasons for denial.

D. The applicant may appeal a denial in accordance with the procedure set forth in XI of these Rules.

SECTION XI. APPEALS

A. Any person aggrieved by an action or decision of the City Sanitarian hereunder may, within thirty days of the date on the document giving notice of the action or decision, appeal to the City Hearing Examiner appointed by the Town Council.

B. The appeal to the Hearing Examiner shall be initiated by filing a written objection with the Hearing Examiner. The written objections shall state what the action or decision of the City Sanitarian should have been and why. A copy of the document containing the notice of the action or decision complained of shall be attached to said written objection. Upon receipt of said written objection and attachment the Hearing Examiner shall set the same down for a hearing to be held within the next fifteen (15) days and advise all parties of the date, time and place of hearing.

C. At hearings before the Hearing Examiner all witnesses will be sworn. The Hearing Examiner will hear the testimony of the City Sanitarian and/or each person as will be called by the City Sanitarian, and additionally, the Hearing Examiner will hear the testimony of the complainant along with any witnesses the complainant may call. Additionally, the Hearing Examiner will review all documents and exhibits submitted to him by the parties. The Hearing Examiner will not be bound by formal rules of evidence and will control the evidence, reserving to himself the power to exclude testimony or exhibits he does not consider relevant.

D. The Hearing Examiner will maintain an accurate record of the evidence adduced at the hearing.

E. Within forty-eight (48) hours of the close of the hearing the Hearing Examiner will notify the City Sanitarian and the complainant of his decision. Within three (3) days of the close of the hearing the Hearing Examiner will reduce to writing his report, which will consist of a finding of facts and his decision. The Hearing Examiner will file the original of his report with the City Clerk, will keep one copy for himself, will send one copy to the complainant and will send one copy to the City Sanitarian.

F. If the City Sanitarian or the complainant is dissatisfied with the Hearing Examiner's decision, he may, within five (5) days from the date the Hearing Examiner

D. The applicant may appeal a denial in accordance with the procedure set forth in XI of these Rules.

SECTION 13. APPEALS

A. Any person aggrieved by an action or decision of the City Sanitation Examiner may, within thirty days of the date on the document giving notice of the action or decision, appeal to the City Hearing Examiner appointed by the Board of Health.

B. The appeal to the hearing examiner shall be initiated by filing a written objection with the hearing examiner. The written objection shall state what the action or decision of the City Sanitation Examiner should have been and why. A copy of the document containing the notice of the action or decision complained of shall be attached to said written objection. Upon receipt of said written objection and attachment the hearing examiner shall set the case down for a hearing to be held within the next fifteen (15) days and advise all parties of the date, time and place of hearing.

C. At hearings before the hearing examiner all witnesses will be sworn. The hearing examiner will hear the testimony of the City Sanitation Examiner and/or each person as will be called by the City Sanitation Examiner and additionally, the hearing examiner will hear the testimony of the complainant along with any witnesses the complainant may call. Additionally, the hearing examiner will review all documents and exhibits submitted to him by the parties. The hearing examiner will not be bound by formal rules of evidence and will control the evidence, reserving to himself the power to exclude testimony or exhibits he does not consider relevant.

D. The hearing examiner will maintain an accurate record of the evidence submitted at the hearing.

E. Within forty-eight (48) hours of the close of the hearing the hearing examiner will notify the City Sanitation Examiner and the complainant of his decision. Within three (3) days of the close of the hearing the hearing examiner will render a written report, which will consist of a listing of facts and his decision. The hearing examiner will file the original of his report with the City Clerk, will keep one copy for himself and send one copy to the complainant and will send one copy to the City Sanitation Examiner.

F. If the City Sanitation Examiner's decision is dissatisfied with the hearing examiner's decision he may, within five (5) days from the date of the hearing, appeal to the Board of Health.

filed his report, file a written objection with the Clerk. When such an objection is filed, the Clerk will notify the Mayor of the Town of San Felipe, Austin County, Texas who will place the matter on the Agenda of the Town Council for review at the next meeting of the Town Council which is at least five (5) days after the date of the filing of the objection. If the objection is filed by the City Sanitarian, notice that the matter is on the Agenda will be sent to the complainant by mail. When the matter comes before the Town Council, the Town Council will review the matter, considering such information as is in the Hearing Examiner's file and report along with such other evidence as the Town Council may deem relevant and as may be offered by the City Sanitarian or the complainant. The Town Council will either affirm, reverse, or modify the decision of the Hearing Examiner.

G. These provisions for appeal are not exclusive, but are cumulative of any other remedies at law or in equity.

SECTION XII. NUISANCES

No person shall maintain a private sewage facility in such a manner as to be, or as may tend to be, injurious to or to adversely affect human health or welfare, animal life, vegetation or property, or as to interfere with the normal use and enjoyment of animal life, vegetation or property.

SECTION XIII. FEES

To defray the cost of administering these Rules, the City Sanitarian will require fees to be paid in accordance with the following schedule which will be paid with the filing of application for license and/or with a written request for inspection.

A. License Fees:

1. \$40.00 for any commercial institution or mobile home park or substantial modification thereof.
2. \$25.00 for any private sewage facility, or substantial modification thereof.

B. Inspections: \$20.00 for each visit to the job site.

SECTION XIV. ENFORCEMENT

(a) A person who violates any one of these Rules, is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10.00 nor more than \$200.00. Each day that a violation occurs constitutes a separate offense.

use his report, file a written objection with the Clerk. When such an objection is filed, the Clerk will notify the Mayor of the Town of San Diego, County, Texas, who will place the matter on the Agenda of the Town Council for review at the next meeting of the Town Council which is at least five (5) days after the date of the filing of the objection. If the objection is filed by the City Sanitarian, notice that the matter is on the Agenda will be sent to the complainant by mail. When the matter comes before the Town Council, the Town Council will review the matter, considering such information as is in the hearing examiner's file and report along with such other evidence as the Town Council may deem relevant and as may be offered by the City Sanitarian or the complainant. The Town Council will either affirm, reverse, or modify the decision of the hearing examiner.

C. These provisions for appeal are not exclusive, but are complementary of any other remedies at law or in equity.

SECTION XIII - VIOLATIONS

No person shall maintain a private sewage facility in such a manner as to be, or as may tend to be, injurious to or to adversely affect human health or welfare, animal life, vegetation or property, or as to interfere with the normal use and enjoyment of

SECTION XIII - FEES

To defray the cost of administering these rules, the City Sanitarian will require fees to be paid in accordance with the following schedule which will be paid with the filing of application for license and/or with a written request for inspection:

- A. License Fees:
 - 1. \$40.00 for any commercial installation or mobile home park or substantial modification thereof.
 - 2. \$20.00 for any private sewage facility or substantial modification thereof.
 - 3. Inspection: \$50.00 for each visit to the job site.

SECTION XIV - PENALTIES

Any person who violates any one of these rules, is guilty of a misdemeanor, and on conviction is punishable by a fine of not less than \$10.00 nor more than \$500.00, or by imprisonment for a period of not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

(b) Jurisdiction for prosecution of a suit under this provision is in the Municipal Court of the Town of San Felipe.

SECTION XV. EFFECTIVE DATE

These Rules shall become effective on the ^{ninth} first day of August, 1983.

SECTION XVI. SEVERABILITY

If any provision of these Rules or the application thereof to any person or circumstances is held invalid, the validity of the remainder of these Rules and the application thereof to other persons and circumstances shall not be affected.

ICE TO ALL PERSONS O
NANCE ADOPTED B
TOWN COUNCIL OF TH
TOWN OF SAN FELIPE, COUN
TY OF AUSTIN, STATE O
TEXAS

An Ordinance entitled as follow
was adopted by the Town Council
of the Town of San Felipe, Count
of Austin, State of Texas, on th
9th day of August, 1983, to-wit:

AN ORDINANCE ADOPTING
RULES OF TOWN OF SAN FE
LIPE, COUNTY OF AUSTIN
STATE OF TEXAS, FOR PRI
VATE SEWAGE FACILITIES
(SAID RULES PROVIDING
FOR, AMONG OTHER
THINGS, A PENALTY FOR A
PERSON WHO VIOLATES THI
RULES, SAID PENALTY BEING
THAT THE PERSON WHO VIO
LATES SUCH RULES IS GUIL
TY OF A MISDEMEANOR AND
ON CONVICTION IS PUNISH
ABLE BY A FINE OF NOT LESS
THAN \$10.00 NOR MORE
THAN \$200.00); AUTHORIZ
ING ALL OFFICIALS AND EM
PLOYEES OF THE TOWN OF
SAN FELIPE, COUNTY OF
AUSTIN, STATE OF TEXAS,
HAVING DUTIES UNDER THE
ADOPTED RULES TO PER
FORM SUCH DUTIES AS RE
QUIRED OF THEM UNDER
SAID RULES; AND PRO
VIDING A SAVINGS CLAUSE,
REPEALING ALL ORDI
NANCES OR PARTS THEREOF
IN CONFLICT THEREIN.

The Ordinance adopts rules for
the Town of San Felipe, County of
Austin, State of Texas for the con
struction of private sewage facili
ties in the Town of San Felipe,
County of Austin, State of Texas
and includes construction stand
ards for private sewage facilities.
Section XIV of the Ordinance pro
vides that a person who violates
any one of the rules for private
sewage facilities which have been
adopted is guilty of a misdemeanor
and on conviction is punishable by
a fine of not less than Ten (\$10.00)
Dollars nor more than Two Hun
dred (\$200.00) Dollars, and that
each day that a violation occurs
constitutes a separate offense. The
ordinance was passed and ap
proved on the 9th day of August,
1983.

SIGNED on the 9th day of Au
gust, 1983.

Joan Dinger
Town Secretary of the
Town of San Felipe, Texas 8/18