

1993-10

**AN ORDINANCE
OF INGLESIDE ON THE BAY, TEXAS
ESTABLISHING PERMITTING AND ENFORCEMENT OF
STATE LAW AND STATE RULES FOR SEPTIC SYSTEMS;
PROVIDING A PENALTY AND AN EFFECTIVE DATE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE ON THE BAY, TEXAS:

SECTION 1: PERMITS.

- a. **SEPTIC SYSTEMS.** No person within the City limits of the City of Ingleside on the Bay, Texas shall install a septic system, or add on to an existing system without a valid permit issued by the San Patricio County Health Department. Only a person who complies with the requirements of the State Laws and Rules shall be entitled to receive or retain a permit. Permits are not transferable from one person to another.
- b. **ISSUANCE OF PERMITS.** Any person desiring to install or add to an existing septic system shall apply for a permit provided by the County Health Department and pay any fees required, and not begin any work until a permit has been obtained.
- c. **INSPECTION.** An authorized agent or employee of the County Health Department shall be permitted to inspect the work anytime during installation, and may issue a notice to stop work if it is not in compliance with the permit issued.
- d. **DENIAL, SUSPENSION OR REVOCATION OF PERMIT.** The County Health Department may, after providing opportunity for a hearing, deny, suspend or revoke a permit for violation(s) of any requirements of State Law(s) or Rule(s) or for interference with the County Health Department officer in the performance of official duties. Prior to denial, suspension or revocation, the County shall notify the permit holder, or the person in charge in writing of the reason for which the permit is subject to suspension or revocation at the end of ten (10) days following service of such notice unless a written request for a hearing is filed with the County Health Department by the permit holder. If no request for a hearing is filed within the ten (10) day period, the denial, suspension or revocation of the permit becomes final.

- e. SERVICE OF NOTICE. A notice provided for in this Ordinance is properly served when it is delivered in person or sent by certified mail to the permit holder or person in charge. A copy of the notice shall be filed in the records of the County Health Department.
- f. HEARINGS. The hearings provided for in this Ordinance shall be conducted by a Hearing Officer at the time and place designated by the Hearing Officer. Based on the evidence presented at such hearing, the Hearing Officer shall make a final finding and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the County.
- g. APPLICATION AFTER DENIAL OR REVOCATION. Whenever a denial or revocation of a permit has become final, the permit holder may make written application for a new permit.

SECTION 2. FEES. A fee schedule shall be adopted by the San Patricio County Commissioner's Court. These fees shall be payable to the San Patricio County Treasurer to be deposited in a special account and expended only to defray the cost of issuance of permits and inspection of facilities regulated under this Ordinance. Fees shall be applicable on the effective date of this Ordinance.

SECTION 3. PENALTIES.

- a. A person commits an offense if the person installing or adding to an existing septic system does so without a permit required by the County Health Department.
- b. An offense under this section is a Class C misdemeanor.
- c. Each day on which a violation occurs constitutes a separate offense.

SECTION 4. INJUNCTIVE RELIEF. In addition to a cumulative of all penalties, the County Attorney or other attorney shall have the right to seek injunctive relief if a septic system is being installed or added onto without a permit.

SECTION 5. INDEMNITY. This Ordinance shall not be construed as imposing upon the City of Ingleside on the Bay, Texas or any official thereof any liability or responsibility for damages to any person injured by actions taken under this Ordinance or by reason of inspections authorized hereunder, or the issuance of any permit or the approval of any facility, place or condition. The San Patricio County Health Authority shall indemnify and hold harmless the City of Ingleside on the Bay, Texas for any and all claims whatsoever arising out of the Health Authority's actions hereunder.

SECTION 6. REPEALING ORDINANCES IN CONFLICT. Any and all other Ordinances in conflict herewith are hereby repealed.

SECTION 7. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section shall be declared invalid or unconstitutional by the valid judgment or decree of any Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining parts of this Ordinance since the same would have been enacted by the City Council without the invalid or unconstitutional part.

SECTION 8. EFFECTIVE DATE. The provisions of this Ordinance shall take effect from and after its passage and publication of the caption hereof in the official newspaper.

PASSED AND APPROVED this the 19th day of October,
1993.

CITY OF INGLESIDE ON THE BAY, TEXAS

By: Alfred Robbins
Mayor

ATTEST:

Ann M. Rosenkrantz
City Secretary

THE STATE OF TEXAS }
COUNTY OF SAN PATRICIO }

This agreement made and entered into this 19th day of October, 1993 by and between the City of Ingleside on the Bay, a Class "B" City of the State of Texas (herein called "City") and the County of San Patricio, a political subdivision of the State of Texas, (herein called "County") each acting herein by and through its duly authorized officials:

WITNESSETH:

WHEREAS, Section 2.02 of Article 4436b VICS authorizes Interlocal cooperation agreements in accordance with Article 4413(32c) VICS between Cities and Counties to provide health related services and;

WHEREAS, the City and County desire to enter into an agreement to allow the County to provide the health related services and to charge recipients of the services for said services (by establishing a permitting and fee system where appropriate).

NOW THEREFORE, said parties agree and covenant upon the terms and conditions as follows:

1. City agrees to authorize County to act as its authorized representative in all health related activities.
2. County agrees to act as City's authorized representative in all septic tank inspection activities. County agrees to charge recipients of the services in an amount authorized by the Commissioners Court of County and to be responsible for the collection of said charges (and issuance of said permits).
3. This agreement may be terminated by either party hereto by the giving of thirty (30) days written notice of cancellation.

EXECUTED in duplicate originals by the parties hereto on the 19th day of October, 1993.

CITY OF INGLESIDE ON THE BAY

Alfred Robbins
Alfred Robbins, Mayor

ATTEST:

Ann M. Rosenkranz
Ann M. Rosenkranz
City Secretary

COUNTY OF SAN PATRICIO

Approved by _____ Judge
Comm. Court on

ATTEST: