

ORDINANCE NO. O-2010-2

AN ORDINANCE AFFECTING THE PUBLIC HEALTH AND SAFETY; REQUIRING PROPERTY OWNERS WITHIN THE CITY OF STAGECOACH, TEXAS, TO PROVIDE THE MUNICIPALITY PROOF OF COMPLIANCE WITH STATE AND COUNTY PERMIT REQUIREMENTS FOR AEROBIC SEPTIC SYSTEMS; AND PROVIDING PENALTIES FOR FAILURE TO COMPLY

WHEREAS, the City of Stagecoach, Texas, finds that compliance with, and maintenance of, permitting requirements for aerobic septic systems is a serious public health concern for the citizens of the municipality; and

WHEREAS, there currently does not exist a mechanism for monitoring compliance of initial permitting requirements as well as the proper maintenance of approved aerobic septic systems;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF STAGECOACH, TEXAS, as follows:

1. All owners of real property within Stagecoach, Texas, shall obtain all necessary State and County permits prior to the installation and operation of an aerobic septic system within the City limits of the municipality.
2. All owners of real property within the municipality shall maintain installed aerobic septic systems in accordance with State and County regulations, and shall maintain current operating or inspection permits, and septic service contracts, as required by State and County regulations.
3. Within fourteen (14) days of receiving a permit for the installation or operation of an aerobic septic system located within the municipality, the recipient of such permit shall forward a true and correct copy of such permit to the City of Stagecoach, Texas.
4. Within fourteen (14) days of receiving a notice of renewal or extension of an aerobic septic system service contract, the recipient of such contract shall forward a true and correct copy to the City of Stagecoach, Texas.
5. Upon receiving a request by a municipal inspector, code compliance officer, law enforcement officer, or other person designated by City Council, the owner of real property shall provide proof of compliance with all State and County aerobic system

permit requirements, including aerobic system service contract renewal requirements. Such request shall be deemed served when sent by certified mail to the owner's last known address as listed by the Montgomery County Central Appraisal District, or delivered to the property owner in person. Failure to serve all owners of a property with a request shall not relieve any owner served with a request from compliance with this Ordinance.

6. Failure to comply with this Ordinance shall be deemed a misdemeanor and each violator shall be subject to a fine of not less than twenty dollars (\$20.00) nor more than five hundred dollars (\$500.00) per offense. Each day of non-compliance shall be deemed a separate offense. Nothing in this Ordinance shall constitute an election of remedies or shall function to repeal any provision of any other Ordinance.

7. It shall be an affirmative defense to prosecution under this Ordinance that the owner who has received a citation for violation of the Ordinance has complied with the requirements of this Ordinance within fourteen (14) calendar days of receiving such citation.

8. This Ordinance shall become effective upon completion of publication in the Official Newspaper of the City of Stagecoach, Texas.

ADOPTED this 15th day of June, 2010.

APPROVED:

Galen Mansee
Mayor, City of Stagecoach

ATTEST:

Brenda Rutt, City Secretary

(SEAL)