

**THE INSTALLER MUST FURNISH THE
BUILDING DEPARTMENT WITH A COPY OF HIS
LICENSE AND A \$10,000.00 LICENSE AND
PERMIT BOND BEFORE THE SEPTIC PERMIT
WILL BE ISSUED**

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CITY OF BASTROP
P O BOX 427, BASTROP, TX 78602
(512) 321-0457

APPLICATION FOR ON-SITE SEWAGE FACILITY

NEW **EXISTING** **RECONDITIONED** **ENLARGED** **REPAIRED**

1. PROPERTY OWNER: _____
MAILING ADDRESS: _____
TELEPHONE NUMBER: _____ DAY _____ EVENING

2. SITE ADDRESS/DIRECTION: _____

3. PROPERTY DESCRIPTION:

NAME OF SUBDIVISION _____ UNIT _____ BLOCK _____ LOT _____
SURFACE AREA OF LOT _____ SQUARE FEET OR _____ ACRES
IF NOT IN A SUBDIVISION: _____ ACRES _____ SURVEY
(ATTACH A COPY OF THE SURVEY AND A LOCATION MAP)

4. SOURCE OF WATER: CITY WELL AQUA WCID

5. SINGLE FAMILY RESIDENCE: SITE-BUILT MANUFACTURED HOME
 NEW DEVELOPMENT MODIFICATION TO AN EXISTING STRUCTURE
 NO. OF BEDROOMS SQ FT LIVING AREA

6. COMMERCIAL/INSTITUTIONAL: (TYPE) _____
(INCLUDING MULTI/FAMILY RESIDENCES)
_____ NO. OF EMPLOYEES/OCCUPANTS/UNITS _____ DAYS OCCUPIED PER WEEK
_____ (GPD) ESTIMATED MAXIMUM DAILY WATER CONSUMPTION

7. ESTIMATED COST OF CONSTRUCTION: \$ _____

8. ORGANIZED SEWER COLLECTION SYSTEM WITHIN 300 FEET: YES NO

9. ENGINEER: _____ LICENSE NO. _____
ADDRESS/TELEPHONE _____

10. INSTALLER: _____ LICENSE NO. _____
ADDRESS/TELEPHONE _____
CURRENTLY ON STATE OF TEXAS, TNRCC APPROVED LIST OF INSTALLERS _____
INSTALLER HAS LIABILITY INSURANCE COVERAGE REQUIRED BY CITY _____

I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. AUTHORIZATION IS HEREBY GIVEN TO THE CITY OF BASTROP AND THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION TO ENTER UPON THE ABOVE DESCRIBED PROPERTY FOR THE PURPOSE OF LOT EVALUATION AND INSPECTION OF ON-SITE SEWAGE FACILITIES. I UNDERSTAND THAT THE APPROVAL OF THIS APPLICATION CONSTITUTES AUTHORIZATION OF CONSTRUCTION OF THE ON-SITE SEWAGE FACILITY AND THAT A PERMIT TO OPERATE THE FACILITY WILL BE GRANTED FOLLOWING SUCCESSFUL INSPECTION OF THE INSTALLED SYSTEM WHICH INDICATES THAT THE SYSTEM WAS INSTALLED IN COMPLIANCE WITH THE TEXAS NATURAL RESOURCES CONSERVATION COMMISSION'S "CONSTRUCTION STANDARDS FOR ON-SITE SEWAGE FACILITIES" AND THE CITY OF BASTROP REGULATIONS.

SIGNATURE OF PROPERTY OWNER

DATE

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CITY OF BASTROP
P O BOX 427, BASTROP, TX 78602

ON-SITE SEWAGE FACILITY TECHNICAL INFORMATION

DO NOT BEGIN CONSTRUCTION PRIOR TO APPLICATION APPROVAL. UNAUTHORIZED CONSTRUCTION CAN RESULT IN THE HIGHER PERMIT FEE OR CIVIL/ADMINISTRATIVE PENALTIES.

OWNER'S NAME _____

I. SEWER (house drain)

TYPE AND SIZE OF PIPE _____ SLOPE OF PIPE TO TANK _____

2. SEPTIC TANK

TYPE _____ TWO COMPARTMENT _____ TWO SINGLES IN SERIES

TANK CONSTRUCTION MATERIAL _____

CAPACITY _____ gal. REQUIRED _____ gal. PROPOSED

INTERNAL DIMENSIONS:

Round Tank Diameter _____

Liquid Penetration Depth - Inlet _____

Liquid depth (bottom of tank to outlet) _____

Liquid Penetration Depth - Outlet _____

Rectangle tank length/width _____

3. SOIL TEST

NOTE INFORMATION MUST BE ATTACHED FOR REVIEW TO BE COMPLETED

SOIL TYPE _____ PERC. RATE _____ min/inch PERFORMED BY _____

4. DISPOSAL AREA

TYPE _____ TRENCH _____ BED _____ MINIMUM AREA REQUIRED _____

TYPE AND SIZE OF MEDIA _____

TYPE AND DIAMETER OF PIPE _____

TYPE OF BARRIER _____

DISTANCE BETWEEN TRENCHES/BEDS _____

FIELD SIZE:

TRENCH _____ SQ FT

(Wd) _____ ft X (Total Lg) _____ ft (Dp) _____ inches

BED: _____ NO. OF BEDS _____ SIZE OF EACH BED _____ ft X _____ ft

(Wd) _____ ft X (Total Lg) _____ ft (Dp) _____ inches

5. PLOT PLAN

NOTE INFORMATION MUST BE ATTACHED FOR REVIEW TO BE COMPLETED

Two copies of the plan/plat are required. These plans/plats MUST include the following:

- OWNERS NAME
- LOT SIZE
- PROPERTY LINES
- SEPTIC TANK(S) LOCATION
- TRENCH AND/OR BED LOCATIONS
- LOCATION OF CLEAN-OUTS
- SIZE OF BED OR TRENCH AND DRAINFIELD (length, width, and square footage)
- WATER WELLS, including neighboring wells within 150'
- OTHER, AS REQUIRED
- THE FOLLOWING LINEAR DISTANCES, IF APPLICABLE:

FROM	TO	SEPTIC TANK	DISPOSAL FIELD
Water wells, underground cisterns and pump suction pipes			
Water supply lines and property			
Streams, ponds and lakes			
Sharp slopes and breaks			
Foundations, structures, and surface improvements			
Disposal fields			
Swimming pools			
Property Lines			
Other _____			

ENGINEER'S SIGNATURE _____

DATE

REGISTRATION NO.

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CITY OF BASTROP
PO BOX 427
BASTROP, TEXAS 78602

**SITE SPECIFIC
ON-SITE SEWAGE FACILITIES
DESIGN CERTIFICATE**

I, _____, a Registered Professional Engineer or a Registered Professional Sanitarian in the State of Texas do hereby certify that a thorough investigation, including but not limited to the provisions of the most current *State of Texas Standards for On-Site Sewage Facilities* has been performed and the system designed for

can be operated without causing a threat or harm to an existing or proposed water supply system or to the public health or creating the threat of pollution or nuisance conditions.

By: _____

No. & Seal: _____

**CITY OF BASTROP
P O BOX 427
BASTROP, TX 78602**

**AUTHORIZATION TO CONSTRUCT
AN
ON-SITE SEWAGE FACILITY**

Permit No. _____

Property Owner _____

Mailing Address _____

Property Location _____

This serves to notify all persons that an on-site sewage facility application, related technical data, and the appropriate fee have been received by the City of Bastrop from the property owner. The application has been reviewed for technical and administrative consideration against the standards set forth by the City of Bastrop. Approval is hereby granted for the construction as shown on the submitted plans.

Any modification to submitted plans require approval by the City of Bastrop prior to installation.

You or your installer must provide the City of Bastrop **ONE WORKING DAY NOTICE** prior to requested inspection. The authorization to construct is valid for six months from the date of issue.

Comments: _____

Application Reviewer

Date

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CITY OF BASTROP
P O BOX 427, BASTROP, TX 78602
(512) 321-0457

ON-SITE SEWAGE INSPECTION REPORT

Permit Number _____

Owner _____ **Site Address** _____

Legal Description _____

Contractor _____ **Phone Number** _____

License # _____ **Cert. of Insurance** _____

1. TANK AND OPEN PIT INSPECTION

INSPECTION PERFORMED BY: _____ DATE: _____

_____ **PASSED** _____ **FAILED**

TANK SIZE: _____ GALLONS _____ TWO COMPARTMENT _____ SERIES
MADE OF: _____ FIBERGLASS _____ PREFAB CONCRETE
_____ CONCRETE (POURED IN PLACE) SIZE (Wd) _____ ft X (Lg) _____ ft x (Dp) _____ ft

FIELD SIZE:

TRENCH _____ SQ FT
(Wd) _____ ft X (Total Lg) _____ ft
(Dp) _____ inches

BED: _____ NO. OF BEDS SIZE OF EACH BED _____ ft X _____ ft
(Wd) _____ ft X (Total Lg) _____ ft
(Dp) _____ inches

COMMENTS: _____

2. ROCK AND PIPE INSPECTION

INSPECTION PERFORMED BY: _____ DATE: _____

_____ **PASSED** _____ **FAILED**

COMMENTS: _____

3. FINAL INSPECTION

INSPECTION PERFORMED BY: _____ DATE: _____

PERMIT TO OPERATED GRANTED _____ **YES** _____ **NO (SEE BELOW)**

COMMENTS: _____

**CITY OF BASTROP
P O BOX 427
BASTROP, TX 78602**

**LICENSE TO OPERATE
ON-SITE SEWAGE FACILITY**

Permit No. _____

Property Owner _____

Mailing Address _____

Property Location _____

Approved Use _____

This serves to notify all persons that the on-site sewage facility owned by the above has satisfied design, construction, and installation requirements of the City of Bastrop. This On-Site Sewage Facility Permit is issued for the operation of the above identified facility.

ANY MODIFICATIONS TO THE STRUCTURE, SYSTEM COMPONENTS, OR CHANGES OF OWNERSHIP MAY REQUIRE A NEW PERMIT. The owner must notify this office of the aforementioned changes.

Additional Information: _____

Building Official

City Engineer

Date

Date

Exhibit 5

ORDINANCE NO. 95-19

**AN ORDINANCE ADOPTING RULES OF THE
CITY OF BASTROP, TEXAS, FOR ON-SITE SEWAGE FACILITIES;
AMENDING CHAPTER 10 OF THE BASTROP CITY CODE;
REPEALING ORDINANCES IN CONFLICT THEREWITH; ESTABLISHING
PENALTIES; AND DECLARING AN EFFECTIVE DATE**

PREAMBLE

WHEREAS, it is the stated policy of the Legislature, the Texas Natural Resource Conservation Commission, and the City of Bastrop, to encourage the development and use of organized disposal systems to serve the waste disposal needs of the citizens of the State and to prevent pollution, protect the public health, and maintain and enhance the quality of water in the State; and

WHEREAS, the Texas Natural Resource Conservation Commission ("TNRCC") has established minimum Design Criteria for on-site sewage facilities to provide the citizens of this State with adequate public health protection and a minimum of environmental pollution; and

WHEREAS, the Legislature has enacted legislation, codified as Texas Health & Safety Code, Chapter 366, which authorizes a local government to regulate the use of on-site sewage disposal facilities in its jurisdiction in order to abate or prevent pollution, or injury to public health arising out of the use of on-site sewage facilities; and

WHEREAS, due notice was given of a meeting and public hearing to determine whether the City Council of the City of Bastrop, Texas, should enact an ordinance controlling or prohibiting the installation or use of on-site sewage facilities within the City of Bastrop, Texas; and

WHEREAS, said meeting and public hearing were held in accordance with the notice thereof, and the evidence and arguments there presented were considered by the City Council of the City of Bastrop, Texas; and

WHEREAS, the City Council of the City of Bastrop, Texas, finds that the use of on-site sewage facilities in the City of Bastrop, Texas, is causing or may cause pollution, and is injuring or may injure the public health; and, further finds that, as stated in Texas Department of Health Construction Standards For On-Site Sewerage Facilities, adopted November 5, 1989, at Section 301.11(f)(4)(A): "The failure of an absorption system on a small lot can be financially disastrous to the owner because the lot may not contain sufficient room to construct a new absorption field in a new location."

WHEREAS, the City Council of the City of Bastrop, Texas, has considered the matter and deems it appropriate to enact an Ordinance adopting rules regulating on-site sewage facilities to abate or prevent pollution, or injury to public health in the City of Bastrop, Texas. Now, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS:

PART 1. THAT the matters and facts recited in the preamble hereof are hereby found and determined to be true and correct;

PART 2. THAT the use of on-site sewage facilities in the City of Bastrop, Texas, is causing or may cause pollution or is injuring or may injure the public health; and

PART 3. THAT the Code of Ordinances of the City of Bastrop, Texas, BE amended by adding thereto a new Section 5 to Chapter 10 entitled "On-Site Sewage Disposal," which shall read as follows:

SECTION 5: ON-SITE SEWAGE DISPOSAL

A. CONFLICTS.

All Ordinances or parts of Ordinances of the City of Bastrop, Texas, not consistent with or in conflict with the provisions of this Ordinance are hereby repealed.

B. ADOPTING CHAPTER 366.

The City of Bastrop, Texas, clearly understands the technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, does adopt and will fully enforce Chapter 366 of the Texas Health & Safety Code.

C. AREA OF JURISDICTION.

The rules adopted by this Ordinance shall apply to all of the incorporated area within the City of Bastrop, Texas.

D. ON-SITE SEWAGE FACILITY RULES.

Any structure discharging sewage into an on-site sewage facility, within the City of Bastrop, Texas, must comply with the rules adopted in Chapter 10, Section 5.E. of this Code of Ordinances. These rules apply to new, reconditioned, altered, enlarged, or repaired systems; except that on-site systems in existence prior to passage of this Ordinance, and located on lots smaller than one (1) acre may be reconditioned, altered, enlarged or repaired, in accordance with these rules, to the extent permitted by current Design Criteria for On-Site Sewage Facilities and Administrative Rules of the Texas Natural Resource Conservation Commission.

E. ON-SITE SEWAGE FACILITY RULES ADOPTED.

The rules ("Design Criteria for On-Site Sewage Facilities" and Administrative Rules 30 TAC 285.101 - 285.115 and 285.118 if applicable) attached hereto, promulgated by the Texas Natural Resource Conservation Commission ("TNRCC") for on-site sewage systems are hereby adopted, and all officials and employees of the City of Bastrop, Texas, having duties under said Rules are authorized to perform such duties as are required of them under said Rules.

F. INCORPORATION BY REFERENCE.

The Design Criteria and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these rules. A copy of the current Design Criteria is attached to these rules as Appendix I.

G. AMENDMENTS.

The City of Bastrop, Texas, wishing to adopt more stringent rules for its On-Site Sewage Facility Ordinance understands that the more stringent conflicting local Rule shall take precedence over the corresponding Texas Natural Resource Conservation Commission requirement. Listed below are the more stringent rules adopted by the City of Bastrop, Texas:

- (1) No lot having a surface area of less than one (1) acre shall be henceforth permitted to utilize individual subsurface methods for sewage disposal; except that lots in subdivisions properly platted, approved, and recorded prior to April 20, 1981, shall be exempt from this one (1) acre minimum lot size requirement, to the extent permitted by current Design Criteria for On-Site Sewage Facilities and Administrative Rules of the Texas Natural Resource Conservation Commission.

- (2) All individual surface and subsurface methods for sewage disposal (including septic systems) within the stated City of Bastrop jurisdiction shall have a site-specific design by a registered professional engineer; and such engineer shall, upon project completion, certify that the installation has been completed in accordance with that engineer's approved design plans. Such certification and plans shall be satisfactory to the City's Designated Representative (City Engineer).
- (3) All septic system installers to have in effect the same liability insurance coverage required of other contractors by City regulations; and further, to be on the State of Texas TNRCC approved list of installers, and to have a current and valid license for such installations issued by the TNRCC.

H. DEVELOPMENT OF ORGANIZED DISPOSAL SYSTEMS.

In order to implement the stated policy of the Legislature, the Texas Natural Resource Conservation Commission, and the City of Bastrop Subdivision Ordinance, to encourage the development and use of organized disposal systems to serve the waste disposal needs of the citizens of the State and to prevent pollution, protect the public health, and maintain and enhance the quality of water in the State, the following requirements are made:

- (1) No person may cause or allow the installation of an on-site sewage facility when any part of the facility is to be within 300 feet in horizontal distance (measured on the closest practical access route) of an existing TNRCC approved organized sewage disposal/collection system, unless one of the following requirements has been met:
 - (a) The person has received a written denial of service from the owner or governing body of the TNRCC approved organized disposal/collection system; or
 - (b) The person has received a written determination from the designated representative that it is not feasible for the person to connect to the organized disposal/collection system.
- (2) Whenever a TNRCC approved organized public disposal/collection system is developed within 300 feet in horizontal distance (measured on the closest practical route) from any part of a private sewage facility, such private facility shall be discontinued at the time of any malfunction which requires repairs, alterations, or reconditioning, and the property shall be promptly connected to the organized disposal/collection system at

the landowner's expense, unless one of the requirements set forth in subsections (1) (a) or (1) (b) of this section has been met. The fees for permits and inspections set out in Exhibit "A" attached hereto shall be paid to the City. The Bastrop City Council shall have the authority to reduce such fees in hardship situations.

I. DUTIES & POWERS.

The City Engineer of the City of Bastrop, Texas, is herewith declared the designated representative for the enforcement of these rules within its jurisdictional area. The appointed individual(s) must be approved and certified by the Texas Natural Resource Conservation Commission before assuming the duties and responsibilities of the Designated Representative of Bastrop, Texas. The Designated Representative shall have the following duties and concomitant powers:

- (1) To resolve any question regarding any interpretation of these rules, or the Design Criteria, and review any proposed design plans and specifications for on-site systems.
- (2) To enforce these rules and to make appropriate recommendations to the proper City officials when instances of noncompliance with these rules have been determined.
- (3) To make statutorily mandated inspection of proposed, new and existing on-site sewage facilities using locally based inspection personnel.
- (4) To collect fees set by the authorized agent as necessary to recover the reasonable costs incurred in meeting the requirements of these rules.
- (5) To make semi-annual reports to the authorized agent on all actions, including legal actions, taken concerning these rules.
- (6) To investigate nuisance complaints within 21 days of receipt. All validated complaints shall be resolved or substantial progress made toward resolution by the responsible individual within 30 days.
- (7) To perform all other duties necessary to meet the requirements of these rules.

J. COLLECTION OF FEES.

All fees collected for permits and/or inspections shall be made payable to the City of Bastrop, Texas.

K. LICENSE TO OPERATE.

Each new on-site sewage facility shall be inspected and approved by the designated representative prior to the final covering of the facility.

- (1) The applicant or registered installer shall notify the Designated Representative that an inspection is desired at least 5 working days prior to the need for inspection.
- (2) The applicant or registered installer shall provide whatever reasonable assistance the Designated Representative requests in order to make the inspection.
- (3) The applicant or registered installer must be present at the time of the inspection for the facility.

L. APPEALS.

Persons aggrieved by an action or decision of the Designated Representative may appeal such action or decision to the City Council of the City of Bastrop, Texas.

M. ENFORCEMENT.

The Designated Representative may routinely inspect on-site sewage facilities to assure continued compliance with these rules.

The Designated Representative shall inspect any on-site system that is believed to be causing pollution, a threat to the public health, nuisance conditions, or illegally installed or altered. If, upon inspection, it is found that any of these conditions exist, the owner of the on-site sewage facility will be notified in writing of the violation, and what must be done to achieve compliance, and set a reasonable amount of time to comply. The on-site sewage facility shall be reinspected at the expiration of the allotted time.

- (1) If the facility is found to be in compliance with these standards, a license therefor may be issued or the existing license may be modified.
- (2) If the facility is found to be non-complaint, appropriate enforcement shall be taken.

- (3) The issuance of notice of On-Site Wastewater Disposal system failure shall require an evaluation of the system by a qualified professional engineer who shall submit a written report as to the cause and remedial action to be taken within thirty days of receipt of the Notice unless a reasonable written explanation is provided and accepted by the City within five (5) days of the Notice.
- (4) If the explanation is accepted by the City and upon reinspection on approximately the tenth day after notice and it is found that the condition(s) for which notice was given no longer exist, further corrective action is not required so long as system operates correctly.
- (5) If the condition persists, the engineer's system evaluation is set forth above shall be required, and any enlargement, alteration, repair, or reconditioning must be in accordance with the permitting requirement of Section N.(3) below, and must meet the current design criteria for on-site sewage facilities and administrative rules of the TNRCC.

N. PENALTIES.

The City of Bastrop, Texas, adopts the criminal, injunction or civil suit, and civil penalty provisions as set forth in the Section of 366.091, 366.092, 366.0921 of the Texas Health & Safety Code and/or any other such penalties (Section 341.091 of the Texas Department of Health, Chapter 341) that may be provided by State Law. Each day of a continuing violation is a separate offense and is punishable as such.

CRIMINAL PENALTIES (Section 366.091, Texas Health & Safety Code).

- (1) A person commits an offense if a person operates as an installer unless the person is registered by the State.
- (2) A person commits an offense if the person violates a rule adopted by the Commission under this chapter or an order, resolution, or ordinance adopted by the City of Bastrop.
- (3) A person commits an offense if the person begins to construct, alter, extend or repair an on-site sewage facility owned by another person before the owner of the system obtains a permit to install, construct, alter, extend or repair the on-site system as required.
- (4) An emergency repair to an on-site sewage facility without a permit is not an offense under these rules if:

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- (a) The repair is made for the purpose of abatement of an immediate health hazard;
 - (b) The said repair does meet minimum State Design Criteria or the more stringent design criteria of the authorized agent;
 - (c) The said repair does not constitute an alteration of the on-site system;
 - (d) That written notification of such repair, including a detailed description of the method and materials used in said repair, is made to the City of Bastrop not later than 72 hours after the repair is begun; and
 - (e) That the person making said repair must promptly be available for the required inspection for compliance with the State's or authorized agent's Design Criteria.
- (5) An offense under this section is a Class C misdemeanor, punishable by a fine of not less than \$125.00 nor more than \$500.00.
 - (6) Each day that a violation occurs constitutes a separate offense.

INJUNCTION OR CIVIL SUIT (Section 366.092, Texas Health & Safety Code).

- (1) If it appears that a person has violated, is violating, or is threatening to violate any provision of Chapter 366, Texas Health & Safety Code, or any rule, permit or other order of the Commission, issued pursuant to chapter 366, Texas Health & Safety Code, the Commission, in partnership with the City of Bastrop, or the Commission independently, may request the Attorney General to bring a civil suit for:
 - (a) Mandatory or prohibitory injunctive relief, as warranted by the facts.
 - (b) A civil penalty as provided by Chapter 366, Texas Health & Safety Code.
 - (c) Both injunctive relief and civil penalty.

CIVIL PENALTY (Section 366.0921).

- (1) The City of Bastrop may request that the Commission initiate an enforcement action pursuant to these sanctions through a petition filed with the Commission.
 - (a) An owner who violates any provision of Chapter 366, Texas Health & Safety Code, or any rule, permit, or order issued pursuant to Chapter 366, Texas Health & Safety Code, is subject to a civil penalty of not less than \$100.00 nor more than \$500.00 for each act of violation and for each day of violation.
 - (b) Any other person who violates any provision of Chapter 366, Texas Health & Safety Code, or any rule, permit, or order issued pursuant to Chapter 366, Texas Health & Safety Code, is subject to civil penalty of not less than \$500.00 nor more than \$5,000.00 for each act of violation and for each day of violation.
- (2) The civil penalties recovered shall be divided between the City of Bastrop and the State based on the proportion of resources expended by each entity in the course of the enforcement action.

O. EMERGENCY REPAIR.

An emergency repair to an on-site sewage facility without a permit is not an offense under these rules if the following criteria are met:

- (1) The repair is made for the purpose of abatement of an unanticipated, immediate, dangerous and serious health hazard;
- (2) The said repair does meet minimum State Design Criteria; and is satisfactory to the City's Designated Representative (City Engineer);
- (3) The said repair does not constitute an alteration of the on-site system; and the said repair is to correct a situation or malfunction which could not have reasonably been anticipated;
- (4) Written notification of such repair, including a detailed description of the method and materials used in said repair, is made to the City of Bastrop within 72 hours after the repair is begun; and

- (5) The person making such repair complies with the requirement for prompt inspection for compliance with this section and the State's Design Criteria.

P. SEVERABILITY.

It is hereby declared to be the intention of the City Council of the City of Bastrop, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of such unconstitutional phrases, clause, sentence, paragraph, or section.

Q. RELINQUISHMENT OF ORDINANCE.

If the City Council of Bastrop, Texas, decides that it no longer wishes to regulate on-site sewage facilities in its area of jurisdiction, the City Council shall follow the procedures outlined below:

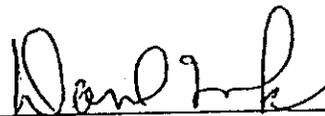
- (1) The City Council shall inform the Texas Natural Resource Conservation Commission by certified mail at least 30 days before the published date of the public hearing notice that it wishes to relinquish its On-Site Sewage Facility Ordinance.
- (2) The City Council shall post the required public notice in a newspaper regularly published or circulated in the area of jurisdiction at least 30 days prior to the anticipated date of action by the authorized agent and must solicit written comments for that 30 day period.
- (3) The City Council shall send a copy of the public notice, a publisher's affidavit of public notice, and a certified copy of the court's minutes to the Texas Natural Resource Conservation Commission.
- (4) Upon relinquishment of the ordinance, the local governmental entity shall surrender its area of jurisdiction to the Commission.
- (5) The local governmental entity shall pay the Texas National Resource Conservation Commission the appropriate charge back fees for permitting, inspections and complaint investigations of on-site sewage facilities in the surrendered area of jurisdiction.

R. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its date of approval as required by law and upon the approval of the Texas Natural Resource Conservation Commission, and upon publication, in accordance with State law.

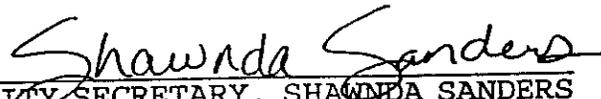
PASSED AND APPROVED THIS 23rd DAY OF May, 1995, BY
THE BASTROP CITY COUNCIL.

APPROVED:



MAYOR, DAVID LOCK

ATTEST:



CITY SECRETARY, SHAWNDA SANDERS

[SEAL]

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