Township I Aiederwald City Council 13851 Camino Beal Niederwald, Texas 78640

ORDINANCE NO 021798-B

ON-SITE SEWAGE FACILITIES

AN ORDINANCE under the provisions of Texas Natural Resources Conservation Commission, Chapter 285; Texas Health and Safety Code, Chapter 341 and 366; Texas Water Code, Chapter 26; as pertains to the City of Niederwald and its Extra Territorial Jurisdiction, to promote health, safety and the environment; to provide enforcement and administration, to provide for changes, modifications and amendments; to set fees; to provide penalties for violations and to declare emergencies as necessary.

NOW THEREFORE BE IT ENACTED by the City Council of Niederwald:

SECTION 1: Certain provisions of TNRCC, Chapter 285.

The City Council of Niederwald adopts the applicable provisions as set forth relating to On-Site Sewage Facilities and adopted by Hays County Environmental Health Dept.

SECTION 2: Rules of Hays County On-Site Sewage Facilities.

The City of Niederwald adopts the Rules of Hays County On-site Sewage Facilities as provided in Interlocal Agreement between the City of Niederwald and Hays County and administered by Hays County Environment Health Department.

SECTION 3: Fees.

Fees applicable to installation of approved sewage facility will be collected and retained by Hays County Officials.

SECTION 4; Penalties for Class C Misdemeaner

Penalties, Class C Misdemeaner, for violations of any of the rules set forth will be enforced, collected and retained by Hays County Officials.

SECTION 5: Severability

It is hereby declared the phrases, clauses, sentences, paragraphs, and sections of this Order are severable, and if any phrase, clause, sentence, paragraph, or section of this Order should be declared unconstitutional such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections.

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SECTION 6: ATTACHMENTS:

Copy of TNRCC, Chapter 285, is attached and made part of this Ordinance.

Copy of Rules for On-Site Sewage Facilities, Hays County Environmental Health Dept. is attached and made part of this Ordinance.

Copy of Interlocal Agreement between the City of Niederwald and Hays County Environmental Health Dept. is attached and made part of this Ordinance.

SECTION 7: EFFECTIVE DATE

This Order shall be in full force and effect after date of approval by City Council of Niederwald.

IT IS SO ORDERED:

Passed and approved this

Vanielelener. -1

Jern Llouze

day of February 1998

FERN HOWZE, MAYOR

ATTEST:

WHISENANT, MAYOR

Township -of-Miederwald City Council 13851 Camino Real Miederwald, Texas 78640

Contract and Agreement for the Provision of On-site Sewage Facility Inspections and Environmental Health & Sanitation Services

This Contract and Agreement is made and entered into this day of , 1997 by and between the City of , Texas (here after referred to as "The City") and the County of Hays, by and through the Hays County Environmental Health Department.

Whereas, the City of , Texas is a general law city located in Hays County, Texas, and the City desires to provide On-site wastewater and environmental health and sanitation services by contracting with Hays County for the provision of such services, and

Whereas, Hays County has been duly designated as an "authorized agent" by the Texas Natural Resource Conservation Commission in accordance with the provisions of Section 366 of the Texas Health and Safety Code, and

Whereas, Hays County, by and through the Hays County Environmental Health Department, and the City agree that Hays County will provide certain environmental services to the city.

Now, therefore, in consideration of the mutual covenants and agreements herein contained the Parties hereto agree as follows:

- 1. OBLIGATIONS OF HAYS COUNTY
 - A. Hays County, by and through Hays County Environmental Health Department, shall inspect and permit all On-site Sewage Facilities for compliance with 30 TAC 285 and Hays County's ORDER ADOPTING RULES OF HAYS COUNTY, TEXAS FOR ON-SITE SEWAGE FACILITIES as adopted or amended by the city council of Texas.

- B. Hays County, by and through Hays County Environmental Health Department, shall fully enforce Chapter 366 of the Texas Health and Safety Code, and Chapter 341, Minimum Standards Of Sanitation and Health Protection Measures.
- C. Hays County will provide all necessary equipment and personnel for said services under the terms of this contract and agreement.
- D. Hays County will provide all necessary insurance to cover damage to property and personal injuries which might occur as a result of the performance of County staff under the terms of this contract.

II. OBLIGATIONS OF THE CITY.

- A. In consideration of the above services, the city authorizes Hays County to collect and deposit all fees as detailed in Hays County Environmental Health Department's fee schedule. Hays County will also receive all fines associated with enforcement actions taken for non-compliance with those State and Local regulations specified within this contract.
- B. The city agrees to adopt local Rules for On-site Sewage Facilities which are consistent with the County Rules. Any deviation from County Rules must be adopted under a separate order approved by the Texas Natural Resource Conservation Commission.
- C. The city agrees to provide legal representation for Hays County Environmental Health Department in all matters of litigation arising out of enforcement of this agreement.

III. DURATION, RENEWAL, OR TERMINATION OF CONTRACT.

for cause in the event that either Party materially breaches the terms of this Agreement.

IV. COMPLIANCE WITH LAWS AND REGULATIONS

Both parties to this contract clearly understand and agree that it is the City's intent to operate fully and completely in compliance with all federal, state, and local environmental health regulations.

For, and in reliance on the promises, covenants, and agreements contained in this document, we the Parties to this agreement, execute this Contract on the day of 1997.

Approved City of

Texas

By:____

Mayor

Approved Hays County, Texas

By:

Hays County Judge