

## **CHAPTER 9: WATER AND WASTEWATER**

### **Division 9.1: General Provisions**

#### **Sec. 9.100 Rules Governing**

The Rules and Regulations of the Texas Natural Resource Conservation Commission as published and adopted shall govern the installation and regulation of wastewater systems in the City of Sunset Valley, Texas. Pursuant to the Wholesale Wastewater Service Agreement executed on or about December 27, 1985 and amended on February 27, 2003 between the City of Sunset Valley and the City of Austin, all public water facilities must be constructed according to City of Austin Water and Wastewater Utility standards and specifications in effect on the effective date of this ordinance. The City of Austin's Water and Wastewater Utility standards and specifications shall include those regulations contained in the following chapters of the City of Austin Code of Ordinances: Chapter 15-2 Drainage Facility; Chapter 15-3 Fire Hydrant Regulation; Chapter 15-7 Use of City-Owned Infrastructure; Chapter 15-9 Utility Service Regulations; Chapter 15-10 Wastewater Regulations; and Chapter 15-9, Article 1 Utility Service. All public wastewater facilities must also be constructed according to the City of Sunset Valley Master Water Line Plan in effect on the effective date of this ordinance. The City of Sunset Valley's Utility Requirements and Specifications, included in this Chapter as Appendix 9-A, govern construction of the facilities listed therein. Whenever there is a conflict between the requirements of the City of Austin Water and Wastewater Utility standards and those of the City of Sunset Valley's Utility Requirements and Specifications, the more stringent or restrictive provision shall govern.

#### **Sec. 9.101 Design**

Such installations shall be designed by a Licensed Professional Engineer or a Registered Sanitarian. The engineer or sanitarian shall supply the City of Sunset Valley, Texas with a letter certifying that the completed construction of the wastewater system meets the minimum standards.

#### **Sec. 9.102 Inspection, Certificate of Occupancy and Appeal**

- (a) The Inspector for the City of Sunset Valley shall inspect the system before it is covered with soil. The inspector shall have authority to approve or disapprove the wastewater system.
- (b) In the case of new construction of residential or commercial buildings the Certificate of Occupancy shall not be granted until the letter certifying that the wastewater system is constructed according to the minimum standards of the State of Texas and the minimum standards of Travis County, Texas, whichever are more restrictive, is received by the City, and the inspector for the City has approved the system.
- (c) An appeal may be made to the City Council of a decision by the inspector for the City to reject a request for a Certificate of Occupancy within ten days of the rejection of a certificate request. The appeal will be acted upon at a meeting of the Sunset Valley City Council.

**Sec. 9.103 Permits**

- (a) A permit for the construction of wastewater systems shall be required.
- (b) Three (3) copies of the plans for the system including a plat showing the location of the system shall be required. The plans shall show the seal of the engineer or the sanitarian responsible for the design.

**Sec. 9.104 Fees**

A fee shall be required as shown in the City of Sunset Valley Permit Fee Schedules adopted by ordinance or resolution the time the application for the permit is made.

**Sec. 9.105 Review, Permit and Enforcement Authority Delegated to City Administrative Assistant or other Designee of the City Council (*Amended Jan. 21, 1997*)**

- (a) All actions to be taken by the "City" in this Chapter shall be the responsibility of the City Administrative Assistant or other person that the City Council may from time to time designate for such purpose, unless the context requires otherwise or unless the action is specifically assigned to a different person or entity. In fulfilling any responsibilities in this Chapter that require technical or other expertise, the City Administrative Assistant or designee of the Council shall rely on the assistance of the City Engineer or his or her delegate for such expertise.
- (b) If the City Administrative Assistant or designee of the City Council is unavailable, the Mayor may act in his or her place.

**Division 9.2: Connection to City's Wastewater Collection System Required**

**Sec. 9.200 Connection Requirement**

- (a) An owner of improved real property within the zoning jurisdiction of the City of Sunset Valley shall insure that every domestic sewage facility on the property is connected with the City's wastewater collection system on or before the date the property is sold to a new owner.
- (b) An owner of improved real property within the zoning jurisdiction of the City of Sunset Valley shall insure that every domestic sewage facility on the property is connected with the City's wastewater collection system on or before any water service is extended and connected to serve an accessory structure.
- (c) No person acquiring an interest in improved real property within the jurisdiction of the City of Sunset Valley after the effective date of this ordinance shall occupy such property for residential, commercial, or any other purpose until the domestic sewage facility on the property is connected with the City's wastewater collection system. (*Effective May 13, 2006*)

- (d) Each day that a property is not connected as required by this section shall be a separate violation. *(Effective May 13, 2006)*

**Sec. 9.201 Waiver**

An owner of improved real property is excused from compliance with this Chapter if the owner has received a written determination from the City Council that it is not physically possible for the domestic sewage facilities on the owner's property to be connected with the City's wastewater collection system. *(Effective May 13, 2006)*

**Division 9.3: On-Site Sewage Facilities**

**Sec. 9.300 Nuisances and Abatement of Nuisances**

- (a) Any and all of the following conditions are hereby specifically declared to be nuisances dangerous to the public health:
  - (1) All sewage, human excreta, wastewater, garbage, or other organic wastes deposited, stored, discharged, or exposed in such a manner that makes it a potential instrument or medium in the transmission of disease to or between a person or persons;
  - (2) Any vehicle or container used in the transportation of human excreta or other organic material which is defective and allows leakage or spilling of contents;
  - (3) Any overflowing septic tank or similar device, including surface discharge from or groundwater contamination by a component of a private on-site sewage facility or a blatant discharge from such a facility;
  - (4) The maintenance of any open or over-flowing private on-site sewage facility which permits access to waste by insects or other possible carriers of disease;
  - (5) The deposit, storage, discharge, or disposal of sewage in a manner that emits noxious odors; or
  - (6) The failure to promptly investigate and pump out or repair any private on-site sewage facility after its warning device, alarm or monitoring system has been activated or has indicated that the facility is likely to overflow or is leaking or malfunctioning.
- (b) Every person possessing any place in or on which there is a nuisance shall, as soon as its presence comes to his knowledge, proceed at once and continue to abate said nuisance.
- (c) Nothing in this Chapter shall prohibit the City from taking appropriate action to abate any nuisance that poses a threat to public health, safety or welfare as authorized by state law or other City Ordinance.

**Sec. 9.301 Applications for Permits**

- (a) All applications for permits under this Chapter shall be upon forms provided by the City, which forms shall be available at City Hall.
- (b) The application form shall be completed, verified by the applicant and filed with the City Secretary. The applicant shall provide such information, statements and representations and execute such agreements as may be required by the City.
- (c) All permit fees shall be collected by the City at the time the application is filed.
- (d) The City may, by ordinance, establish permit fees to cover the cost of applications, inspection and other costs incurred by the City in the administration of this Chapter.

**Sec. 9.302 Permit for Construction or Installation of New Private On-site Sewage Facilities**

- (a) Permit Required.
  - (1) Any person desiring to install, construct, operate or maintain a new private on-site sewage facility within the City of Sunset Valley shall be required to obtain a permit from the City before any construction work is begun. In no event shall the installation or construction of a new private on-site sewage facility be initiated within the City until a construction permit therefor has been issued.
  - (2) No permit shall be issued until an application for a permit to install or construct a new private on-site sewage facility has been filed and approved by the City.
  - (3) No permit shall be issued for the installation or construction of a new private on-site sewage facility unless the proposed facility is one expressly authorized under the provisions of Section 9.303 of this Chapter.
- (b) The City may require such additional tests and inspections as it considers appropriate to determine whether the proposed installation or construction will comply with the provisions of this Chapter. It shall require that the proposed installation or construction and the private on-site sewage facility as installed or constructed be approved by the City. All tests and inspections shall be at the expense of the owner.
- (c) The City shall have the right to select and engage sanitarians and engineers, or engineers, or any combination thereof, to conduct investigations, tests, examine plans and specifications, present evidence, advise and represent the City, and assist the applicant in the development of a private on-site sewage facility in accordance with and to comply with the provisions of this Chapter, and the applicant shall be required to reimburse the City for reasonable costs of such services.
- (d) The City shall have access to the property during the installation or construction of any new private on-site sewage facility for the purpose of verifying compliance with this Chapter. After the installation or construction is completed, but before the facility is

buried, a final inspection shall be made by a City Inspector. The inspector shall inform the City whether or not the facility is in compliance with this Chapter.

- (e) No permit shall be issued to install or construct a private on-site sewage facility within the City unless the City finds, on the basis of such tests, inspections, and reports as it deems appropriate, that the nature of the soil and the drainage of the property will permit the use of and is appropriate for the proposed facility. In making such determination, the City shall consider the following:
- (1) the location of the property;
  - (2) the location (or proposed location) of the private on-site sewage facility on the property;
  - (3) the nature of the use (or proposed use) of the property;
  - (4) the total proposed maximum area of impervious surfaces;
  - (5) the probable population density of the development and the adjacent area;
  - (6) the anticipated sewage load (daily sewage flow per capita);
  - (7) the soil absorption capacity;
  - (8) the location of intermittent springs;
  - (9) if applicable, the proposed subsurface system;
  - (10) the depth of and characteristics of subsurface impervious strata;
  - (11) the ground water table;
  - (12) the quantitative geologic description of soil and rock encountered by core tests;
  - (13) topographic or ground slope and drainage characteristics in the area of the proposed facility;
  - (14) the volume of soil removed or relocated during construction;
  - (15) the holding or septic tank capacity and whether the proposed facility requires one or more compartment tank(s);
  - (16) the distance from flood plains, wells, lakes, creeks, aquifers, faults, and water lines;
  - (17) the possible contamination of streams, lakes, creeks, aquifers, ground water, or water lines;

- (18) the land usable and available for the primary and any alternate absorption fields;
  - (19) whether alternative methods would be more suitable; and,
  - (20) other relevant factors.
- (f) Upon satisfactory evidence that a new private on-site sewage facility has been properly constructed in compliance with this Chapter, and that all other applicable federal and state laws and local regulations have been complied with, the City shall issue a final permit to maintain and operate said facility, and if appropriate, authorize the connection of the property to the City's water distribution system.
- (g) Should ownership of any property served by a private on-site sewage facility installed or constructed under the provisions of this Chapter be transferred, the new property owner, within thirty (30) days of the change of ownership, shall renew either the construction permit or the maintenance and operation permit; the terms and conditions of said permits shall be binding upon all successors in interest to the property.

**Sec. 9.303 Authorized Systems**

- (a) The installation or construction of any new private on-site sewage facility of a type not expressly authorized by Section 9.303(b) of this Chapter is hereby prohibited.
- (b) The installation and construction of new private on-site sewage facilities is limited to the following:
- (1) Evapotranspiration System. A facility utilizing an evapotranspiration system that:
    - (A) is designed, constructed, installed, operated and maintained in accordance with the standards and specifications of the State of Texas governing the construction of on-site sewage systems in effect at the time the construction permit is issued by the City;
    - (B) is designed and sealed by a registered professional sanitarian authorized to practice in the State of Texas;
    - (C) is equipped with impervious liners approved by the City;
    - (D) has a separate monitoring system approved by the City installed in each bed in a manner that will facilitate the collection and sampling of effluent leakage from a ruptured liner, and which is designed to detect liner failure through periodic sampling; the entire monitor system must be assembled and ready for approval during a single inspection, and no sand shall be put in place as a cushion until the monitor system has been inspected and approved by the City; and

- (E) has been found by the City to be appropriate for its proposed use and for the nature of the property on which it is to be located.
- (2) Holding Tank System. A facility consisting of a holding tank or tanks that:
- (A) is designed and sealed by a registered professional sanitarian authorized to practice in the State of Texas;
  - (B) is equipped with an alarm system approved by the City that will give notice when the tank or tanks need to be emptied, and that has sufficient capacity to prevent overflow after the alarm activates, as may be determined by the City, on the basis of the size of the tank and its proposed use;
  - (C) is located, designed, sized and installed in accordance with specifications approved by the City; and
  - (D) has been found by the City to be appropriate for its proposed use and for the nature of the property on which it is located.
- (3) Pressure Dosing System. A facility utilizing a pressure dosing system that:
- (A) is located, designed, constructed, installed, operated and maintained in accordance with the standards and specifications of the State of Texas governing the construction of on-site sewage systems in effect at the time the construction permit is issued by the City;
  - (B) is designed and sealed by a registered professional sanitarian authorized to practice in the State of Texas;
  - (C) is equipped with a high water alarm, on an electric circuit separate from the pump, and has an effluent holding tank with a remaining capacity of at least 500 gallons, if serving a single family residence, and at least 1,000 gallons, if serving a commercial or other user, after the alarm activates; and
  - (D) has been found by the City to be appropriate for its proposed use and for the nature of the property on which it is located.
- (c) Each unit of a multiple unit residential structure must be served by a separate private on-site sewage facility as follows:
- (1) if the facility consists of an evapotranspiration system or a pressure dose system, each residential unit must have its own septic tank(s) and evapotranspiration bed(s) or soil absorption bed; and
  - (2) if the facility consists of a holding tank, each residential unit must have its own tank(s).

**Sec. 9.304 Restrictive Covenant and Other Conditions**

- (a) In connection with and as a condition for the issuance of a permit for the installation or construction of one of the private on-site sewage systems authorized by Section 9.303 of this Chapter, the property owner shall execute an agreement with the City, entitled "Restrictive Covenant," to be filed among the Property Records of the Travis County Clerk, wherein the property owner covenants and agrees that:
- (1) Within ninety (90) days of the date on which the City notifies the property owner in writing that the City wastewater collection line or any extension thereof runs within three hundred (300) feet of the property line, the owner shall, at his expense, connect his sewer line to the City system;
  - (2) If the property owner fails to connect his sewer line to the City's wastewater collection system as provided above, the property owner agrees that the City may perform any work necessary to accomplish the connection; in this regard, the owner agrees that the City's employees, officers and agents, upon reasonable notice to the property owner and presentation of proper credentials, are authorized to enter upon his property and complete the connection;
  - (3) If the City performs the connecting work described above, the property owner agrees to pay the reasonable costs thereof and a reasonable administrative fee, which expenses, if not paid as directed by the City, shall constitute a lien upon the property to be established in accordance with State Law; and
  - (4) The covenant shall be binding upon the property owner and any successors in interest to said property.
- (b) In connection with and as a further condition for the issuance of a permit for the installation or construction of one of the private on-site sewage facilities authorized by Section 9.303 of this Chapter, the property owner shall agree that, in the event an alarm or monitor required under the provisions of Section 9.303 indicates that the facility should be emptied or is leaking or otherwise malfunctioning, the property owner shall promptly have the facility pumped out to avoid any overflow or agrees to take whatever corrective action is necessary to remedy the malfunction or leakage, and that, should the property owner fail to do so, the property owner agrees that:
- (1) he will cause the disconnection or interruption of his water service until such time as the necessary corrective action has been taken;
  - (2) if he fails to disconnect or interrupt his water service, after due notice and an opportunity for hearing, the City may:
    - (A) disconnect said service;

- (B) perform the necessary corrective work and bill the property owner for the reasonable costs thereof and a reasonable administrative fee, which expenses, if not paid, shall constitute a lien upon the property to be established in accordance with State law;
  - (C) prosecute the property owner for violation of this Chapter; or
  - (D) take any other action authorized by state law or local ordinance.
- (c) In connection with and as a further condition for the issuance of a permit for the installation or construction of one of the private on-site sewage facilities authorized by Section 9.303 of this Chapter, the property owner agrees that, should ownership of the property be transferred, the property owner has a duty to and shall advise the person to whom ownership is transferred of the terms and conditions of any permit or agreement required or entered into pursuant to this Chapter.
- (d) The terms and conditions set forth in subsections (a), (b) and (c) above, and any agreements required to be executed thereunder, shall be incorporated into and made a part of the maintenance and operation permit issued by the City.
- (e) The City may impose such other reasonable restrictions and conditions in connection with the issuance of a permit required hereunder as it deems necessary for the protection of the public health, safety and welfare.

**Sec. 9.305 Revocation of Permit**

- (a) A permit may be revoked for failure to comply with the requirements for the issuance of such permit.
- (b) If it is determined that a permittee is not in compliance, the City shall notify the person(s) in possession and/or the property owner of the nature of the non-compliance.
- (c) The permittee shall have thirty (30) days after notice of non-compliance to correct the defects except as provided herein. If the permittee has made a reasonable effort to correct the defects within the 30-day period, but fails to complete the work, the City may extend the period for a period or periods not to exceed an additional 30 days.
- (d) If non-compliance has not been corrected within the period allowed for its correction, the City shall revoke the permit and notify the property owner in writing.
- (e) A permit which has been revoked is void and of no effect as if the permit had never been issued.

**Sec. 9.306      Responding to Alarms**

- (a) In addition to any other duty imposed by this or any other Code provision or state or federal statute or regulation upon a property owner to maintain a private on-site sewage facility in good working order and in such a manner that no nuisance is created or permitted, it shall be the duty of any owner whose facility is equipped with a warning device, alarm or monitoring system to promptly pump-out or repair his facility after the warning device, alarm or monitoring system has been activated or has indicated that the facility is likely to overflow or is leaking or malfunctioning.
- (b) Should a property owner fail to promptly cause his private on-site sewage facility to be pumped out to avoid any overflow or to take whatever corrective action is necessary to remedy the leakage or malfunction, the City shall give him notice, which notice shall comply with the provisions of Section 9.308 of this Chapter, directing him to perform the necessary pumping or take the necessary corrective action.
- (c) If the property owner fails to comply with the notice and fails to request a hearing in accordance with the provisions of this Section 9.307 of this Chapter, the City may:
  - (1) disconnect or interrupt the owner's water service;
  - (2) perform the necessary corrective work and bill the property owner for the reasonable costs thereof and a reasonable administrative fee, which expenses, if not paid, shall constitute a lien upon the property to be established in accordance with state law;
  - (3) prosecute the property owner for violation of this Chapter; or
  - (4) take any other action authorized by state law or local Ordinance.

**Sec. 9.307      Appeal**

An owner may appeal the rejection of an application for a permit, the denial of a permit, the revocation of a permit, a determination of non-compliance or a directive to pump out or repair his system by filing a written request for hearing with the City within ten (10) days of receipt of the notice. The City shall provide such hearing within a reasonable time after receipt of the request.

**Sec. 9.308      Notice**

- (a) Notice under this Chapter shall be written notice delivered by personal service or by registered or certified mail, return receipt requested, to the property owner. Each notice shall identify the violation or non-compliance and advise the property owner of the corrective action he is required to take, the time within which said action must be taken, his rights to appeal the directive and the possible consequences should he fail to act.

- (b) When the action or inaction of the property owner may result in the imposition of a lien upon the property, notice shall also be given to any lienholders of record.
- (c) Notice shall be deemed given when deposited in the United States mail.

**Sec. 9.309 Repair of Existing Systems**

Nothing herein shall prevent the repair, extension or alteration of any existing private on-site sewage system which was installed or has received a permit from the City prior to the effective date of this Code; provided, however, that in the event the cost of the repair, extension or alteration to any existing system exceeds \$500.00, the City may, in its discretion, require the property owner to install one of the three private on-site sewage systems authorized herein and to otherwise comply with the provisions hereof.

**Sec. 9.310 Offenses**

A person commits an offense if he knowingly:

- (a) installs or constructs a new private on-site sewage facility without a permit;
- (b) operates or maintains a private on-site sewage system installed or constructed under the provisions of this Chapter without having been issued a maintenance and operation permit by the City;
- (c) permits sewage and/or effluent to flow on adjoining public or private property;
- (d) possesses a premises on which there is a nuisance and fails to abate the nuisance within a reasonable time after notice.