

ORDINANCE # 003-74

AN ORDINANCE PROHIBITING, MAKING ILLEGAL AND DECLARING A NUISANCE THE DISCHARGE OF WASTEWATER (HEREIN DEFINED AS INCLUDING SEWAGE) BY ANY PERSON WITHIN THE CORPORATE LIMITS OF THE TOWN OF ORCHARD, TEXAS, EXCEPT INTO A LICENSED PUBLIC WASTEWATER COLLECTION AND DISPOSAL SYSTEM; PROVIDING FOR A PENALTY FOR VIOLATION; AND PROVIDING FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS it has been determined by the Board of Commissioners of the Town of Orchard, Texas that it is necessary for the public safety and welfare of the inhabitants of said town that all discharge from all private wastewater systems within the corporate city limits of said town be made into a licensed public wastewater collection and disposal system; now therefore:

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ORCHARD, TEXAS:

SECTION 1: That for the purposes of this ordinance, the terms listed below shall have the following meaning:

A. "Wastewater" means water carried waste, liquid or solid, organic or inorganic, which includes, but is not limited to, human excreta and effluent from toilets, bath tub drains, shower bath drains, washing machine drains and kitchen drains.

B. "Private Wastewater System" means a wastewater disposal system consisting of septic tank and absorption bed and/or field lines, pit privies, cess-pools, sewage holding tanks, injection wells used to dispose of wastewater and all other facilities, systems and methods used for the disposal of wastewater other than wastewater collection and disposal systems operated under a permit issued by the Texas Water Quality Board or the Environmental Protection Agency or their successors.

C. "Person" means any individual, partnership, firm, public or private corporation, association, trust, estate, political subdivision or agency, or any other legal entity or their legal representatives, agents or assigns.

D. "Public Wastewater System" means the municipal sewer system of the Town of Orchard, Texas.

SECTION 2: That the provisions of this ordinance shall apply to all of the area lying within the corporate limits of the Town of Orchard, Fort Bend County, Texas as the same exists on the effective date hereof and to areas as may from time to time be annexed thereto.

SECTION 3: That it shall be unlawful and a nuisance for any person within the area subject to this ordinance to discharge wastewater except into the Public Wastewater System.

SECTION 4: That this ordinance shall take effect and be in force from and after its passage and approval and upon the issuance of permit by the Texas Water Quality Board or Environmental Protection Agency or their successors in authority for the operation of the Public Wastewater System by the Town of Orchard, Texas.

SECTION 5: That all fees and charges for disposal or wastewater into the Public Wastewater System and connection thereto shall be paid for at the amounts, rates and times as may from time to time be fixed by resolution of the Town of Orchard, Texas.

SECTION 6: That each day in which a violation of this ordinance occurs shall be a separate offense and any person guilty of violating the provisions of this ordinance shall be subject to fine by the Mayor of the Town of Orchard, Texas in an amount not to exceed \$100.00 per offense.

Passed and approved this the 26th day of July, 1974.

Jess P. Leach
Mayor

LaVern Cromard
Commissioner

Flora Alvia
Commissioner

ATTEST:

Jo Ann Demny
Town Clerk
(SEAL)

THE STATE OF TEXAS X

COUNTY OF FORT BEND X

I, JO ANN DEMNY, the duly appointed, qualified and acting Clerk of the Town of Orchard, Texas, hereby certify that the above and foregoing ordinance of the Town of Orchard was passed at a regular meeting of the Board of Commissioners of the Town of Orchard held on the 26th day of July, 1974; that written notice of the date, place and subject of said meeting was posted on a bulletin board located at a place convenient to the public in the city hall for at least the three days preceding the day of said meeting; that the Mayor and both Commissioners were present at said meeting and acted as the Board throughout; that said ordinance has been approved by the Mayor and is duly attested by the Town Clerk; and that the same has been duly engrossed and enrolled in the records of the Town of Orchard, Texas.

Executed under my hand and the official seal of the Town of Orchard, Texas, this 26th day of July, 1974.

Jo Ann Demny
Clerk of the Town of Orchard, Texas

(SEAL)