

O R D I N A N C E

(Motion was made by Charles L. Lammie, Council, seconded by Charles Lammie, Council that the following Ordinance be adopted:)

Ordinance No. 96

AN ORDINANCE DEFINING SANITARY SEWER SYSTEM; AUTHORIZING INSPECTION OF CONNECTIONS TO THE SANITARY SEWER SYSTEM; MAKING IT UNLAWFUL TO CONNECT TO THE SANITARY SYSTEM WITHOUT PAYING A TAP FEE FOR SAME; CREATING A SANITARY SEWER DISTRICT WITHIN THE CITY OF MAGNOLIA; REQUIRING CONNECTION TO THE SANITARY SEWER SYSTEM AFTER NOTICE BY THE CITY OF MAGNOLIA; DEFINING SEPTIC TANKS AND PROHIBITING THE CONSTRUCTION OF SAME WITHIN THE SANITARY SEWER DISTRICT AS DEFINED HEREIN; PROVIDING FOR A PENALTY IF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR EACH VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDNANED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS.

SECTION 1.

DEFINITION OF SANITARY SEWER SYSTEM. The Sanitary Sewer System of the City of Magnolia, Texas, consists of main and lateral conduits with necessary accessories, and are known herein as sanitary sewers. They are designed to carry off all liquid wastes. The sewers in the alleys or streets adjacent to the various lots are called main or lateral sewers. The sewers leading from the main or lateral sewers to a property on either side are called house sewers.

SECTION 2.

RIGHT OF ENTRY. The city plumbing inspector, or his assistant, shall have the right and privilege to enter on any Magnolia property within the City of Magnolia, Texas, for the purpose of making inspections of new connections to the Sanitary Sewer System, the plumbing or drainage system constructed or under construction on such property.

SECTION 3.

CONNECTIONS WITH CITY SEWER SYSTEM. It shall be unlawful for any person not employed or authorized by the City to uncover and make any connection or taps on to the sewer system of the City of Magnolia.

All connections or taps on to the sewer system shall be made in accordance with the Plumbing Ordinance for the City of Magnolia and after the payment of the tap fees required by same.

SECTION 4.

SANITARY SEWER DISTRICT. There is hereby created a Sanitary Sewer District within the City of Magnolia, Texas, and described as follows: All property within five hundred feet (500') of any sewer main or lateral will be considered within the said district. Every owner of a building, or part thereof, occupied by people for any purpose, any part of the day or night, situated within said district, shall within ninety (90) days after due notice by the City of Magnolia, Texas, make connections to said Sanitary Sewer System. The work done in connection therewith and all materials used shall comply strictly with the requirements of the City's Plumbing Ordinance.

SECTION 5.

SEPTIC TANKS. A septic tank is a settling tank intended to retain the sludge in immediate contact with the sewer flowing through the tank for a sufficient period to secure a satisfactory decomposition of

organic solids by anaerobic bacterial action. Liquid waste is discharged and from which the liquid leaches into the surround soil, or is otherwise removed.

It shall hereafter be unlawful for any person, firm or corporation to install or construct any septic tank within the Sanitary Sewer District of the City of Magnolia.

SECTION 6.

PENALTY. Every person, firm or corporation who shall omit or refuse to comply with, or who violates any of the provisions of this Ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not more than TWO HUNDRED DOLLARS (\$200.00) for each offense, and each and every day that the provisions of this Ordinance are violated shall constitute a separate offense.

SECTION 7.

VALIDITY. If any section, subsection, sentence, clause, or phase of this Ordinance is for any reason held to be unconstitutional, such decision shall not effect the validity of the remaining portions of this Ordinance. The City Council of the City of Magnolia, hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be declared unconstitutional.

SECTION 8.

REPEAL OF CONFLICTING ORDINANCE. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed.

SECTION 9.

EFFECTIVE DATE. This Ordinance is passed as an emergency measure and shall be in full force and effect from and after its passage and publication according to law.

PASSED AND APPROVED this the 12 day of October, ⁸²~~1983~~, by the City Council.

CITY OF MAGNOLIA, TEXAS

By:  Mayor

ATTEST:

By:  City Secretary