

ORDINANCE NO. 2026-02-001

AN ORDINANCE OF THE TOWN OF PINE ISLAND, TEXAS, ADOPTING RULES FOR ON-SITE SEWAGE FACILITIES, PROVIDING FOR ENFORCEMENT; PROVIDING MORE STRINGENT REQUIREMENTS, PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR PENALTIES; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) has established Rules 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 Texas Legislature enacted legislation, codified as Texas Health and Safety Code (THSC), Chapter 366, which authorizes a local government to regulate the use of on-site sewage facilities in its jurisdiction to eliminate and prevent health hazards from the use of on-site sewage facilities; and

WHEREAS, the Town of Pine Island, Texas understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, and may have responsibilities under the following provisions (the “Rules”):

Texas Health and Safety Code Chapters 366 (On-Site Sewage Disposal Systems) and 367 On-Site Wastewater Treatment Research;

Texas Water Code Chapters 7 (Enforcement), 26 (Water Quality) and 37 (Occupational Licensing and Registration);

30 Texas Administrative Code Chapters 30, (Occupational Licensing and Registrations) 70 (Enforcement), and 285 (On-Site Sewage Facilities; and

Section 9 of this Ordinance (More Stringent Requirements).

WHEREAS, due notice was given of a public meeting to determine whether the Town Council of the Town of Pine Island, Texas should enact an Ordinance regulating the installation and use of on-site sewage facilities in the Town of Pine Island, Texas; and

WHEREAS, the Town Council of the Town of Pine Island, Texas finds that the use of on-site sewage facilities in the Town of Pine Island, Texas is causing or may cause pollution, and is injuring or may injure the public health; and

WHEREAS, the Town Council of the Town of Pine Island, 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 Town of Pine Island, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PINE ISLAND, TEXAS:

SECTION 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Pine Island, and hare hereby approved, adopted, and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. The use of on-site sewage facilities in the Town of Pine Island, Texas is causing or may cause pollution or is injuring or may injure the public health;

SECTION 3. This Ordinance repeals and replaces any other On-site Sewage Facility (“OSSF”) Ordinance for the Town of Pine Island, Texas.

SECTION 4. An Ordinance for the Town of Pine Island, Texas is hereby adopted entitled “On-Site Sewage Facilities,” which shall read as follows:

“1. The Town of Pine Island, Texas wishing to adopt more stringent requirements for its OSSF ORDINANCE understands that the more stringent requirements in this ORDINANCE take precedence over the corresponding TCEQ rule.

2. AREA OF JURISDICTION. This Ordinance shall apply to all the areas lying within the Town of Pine Island, Texas, except for areas regulated under an existing Order, Ordinance or Resolution.

3. COMPLIANCE WITH ORDINANCE. All on-site sewage disposal systems installed in the jurisdictional area of the Town of Pine Island must comply with this Ordinance.

4. INCORPORATION BY REFERENCE. The following statutes and rules, including all future amendments to the statutes and rules, are incorporated by reference specifically, but not limited to:

Texas Health and Safety Code Chapters 366 (On-Site Sewage Disposal Systems) and 367 On-Site Wastewater Treatment Research;

Texas Water Code Chapters 7 (Enforcement), 26 (Water Quality) and 37 (Occupational Licensing and Registration); and

30 Texas Administrative Code Chapters 30, (Occupational Licensing and Registrations) 70 (Enforcement), and 285 (On-Site Sewage Facilities).

5. MORE STRINGENT REQUIREMENTS. 30 TAC § 285.10 allows local governmental entities to propose more stringent standards than minimally required by 30 TAC Chapter 285. The Town of Pine Island has determined that more stringent requirements are necessary to protect human health and the environment. The Justification for the more stringent requirements is in Exhibit “A” of this ORDINANCE. The following more stringent requirements are adopted by the Town of Pine Island, Texas in this ORDINANCE:

- (A) The Town of Pine Island shall require an application, permit and inspection for construction, alteration, extension, repair, or operation of a residential or commercial on-site sewage facility, regardless of the size of the tract of land.
- (B) Effective upon passage of this ordinance, the Town of Pine Island shall require the maintenance for all OSSFs, identified in 30 TAC Rule 285.91(12), to be performed by a TCEQ licensed maintenance provider or TCEQ licensed maintenance technician.
- (C) Maintenance Inspections and Reports:
 - (1) Inspections at a minimum must meet all inspection requirements (no less than once every three months) as set by the Rules, the Town of Pine Island, as well as, the inspection requirements outlined by the manufacturer for the brand being inspected.
 - (2) Inspection reports shall address all inspection and testing requirements as set by the Rules, the Town of Pine Island, as well as, the testing requirements outlined by the manufacturer for the brand being inspected.
 - (3) The Town of Pine Island shall require the reporting of the sludge levels in the pump tank, and the condition of the spray area to be included on each required testing report specified by the Rules.
- (D) Requests for variances from provisions of this chapter may be considered by the Town of Pine Island on a case-by-case basis.
 - (1) A variance may be granted if the owner, or a professional sanitarian or professional engineer representing the owner, demonstrates to the satisfaction of the Town of Pine Island that conditions are such that equivalent or greater protection of the public health and the environment can be provided by alternate means. Variances for separation distances shall not be granted unless the provisions of 30 TAC Chapter 285 cannot be met.
 - (2) Any request for a variance under this subsection must contain planning materials prepared by either a professional sanitarian or a professional engineer (with appropriate seal, date, and signature).
- (E) Under no circumstances will more than one habitable structure be utilized on a lot/tract that is one acre or less.
- (F) All construction, alteration, extension or repair to any type of on-site sewage facility shall be by a TCEQ licensed installer. There shall be no property owner/homeowner installations unless the property owner/homeowner is also a licensed installer.
- (G) Any single family dwelling, commercial or institutional facility, multi-unit residential development or recreational vehicle park occupied any part of the day or night shall be connected to an on-site sewage facility or other approved method of wastewater treatment and/or disposal.
- (H) The use of portable toilets and holding tanks may be authorized by the permitting authority only as a temporary means of domestic sewage disposal for no longer than

180 days. As long as all other holding tank requirements are met according to 30 TAC 285.34(e), exceptions beyond two weeks may be made for businesses which operate less than two days per week and construction sites requiring restroom facilities. Portable toilets must comply with Texas Department of State Health Services requirements.

6. COLLECTION OF FEES. All fees collected for permits and/or inspections shall be made payable to the Town of Pine Island, Texas. A fee will also be collected for each on-site sewage facility permit to be paid to the credit of the TCEQ Water Resources Management Account as required by the THSC Chapter 367. All fees will be determined by ordinance in a separate fee schedule.

7. APPEALS. Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the Town Council of the Town of Pine Island, Texas.

8. ENFORCEMENT PLAN. The Town of Pine Island, Texas understands that, at a minimum, it must follow the requirements in 30 Texas Administrative Code § 285.71 Authorized Agent Enforcement of OSSFs. This includes timely investigating complaints, notifying complainants of findings, and taking appropriate action related to any documented violations. Records related to these activities shall be retained for review by TCEQ.

The Town shall take appropriate and timely action on all documented violations, which may include any available penalties and remedies, pursuant to all applicable provisions related to on-site sewage facilities, including those found in Chapters 341 and 366 of the Texas Health and Safety Code, Chapters 7 and 26 of the Texas Water Code, and 30 Texas Administrative Code Chapter 285.”

9. SEVERABILITY. It is hereby declared to be the intention of the Town Council of the Town of Pine Island, 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 void by a valid judgment or decree of any court of competent jurisdiction the judgment or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance.

10. RELINQUISHMENT OF ORDINANCE. If the Authorized Agent of the Town of Pine Island, Texas decides to relinquish its authority to regulate on-site sewage facilities in its area of jurisdiction, the local governmental entity (previously the Authorized Agent) and the TCEQ shall follow the procedures in 30 TAC § 285.10 (d) (1) through (4).

After relinquishing its OSSF authority, the local governmental entity understands that it may be subject to charge-back fees in accordance with 30 TAC § 285.10 (d) (5) and §285.14.

11. TITLE VI COMPLIANCE. If necessary, based on the need for access to information in a language other than English by the community, the Authorized Agent shall provide information regarding this Ordinance, including notice, applications, and enforcement actions, in an alternative language. The Authorized Agent may base its determination on all relevant factors including: whether the elementary or middle school nearest to the site is required to provide a

bilingual education program as required by Texas Education Code, Chapter 29, Subchapter B; whether there is newspaper regularly published in an alternative language; or if the AA has historical knowledge.

SECTION 5. CUMULATIVE REPEALER. This Ordinance shall be cumulative of all other Ordinances or parts of Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided, however, that any complaint, action, claim, or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 6. SAVINGS/CONFLICT. In the event of a direct conflict between the provisions of this Ordinance and any other ordinance, resolution, or other authorization of the Town, the provisions of this Ordinance shall control. Notwithstanding the foregoing, all rights and remedies of the Town are expressly saved as to any and all complaints, actions, claims or lawsuits, which have been initiated or have arisen under or pursuant to such conflicting Ordinance, or portion thereof, on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the conflicting Ordinance shall remain in full force and effect.

SECTION 7. OPEN MEETINGS. This ordinance was considered and adopted at a meeting of the Town Council that was open to the public and conducted in compliance with the Texas Open Meetings Act, Chapter 551, Texas Government Code.

SECTION 8. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its date of approval and publication as required by law, and upon the approval of TCEQ.

AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 2nd DAY OF February, 2026.

TOWN OF PINE ISLAND:


STEVE NAGY, MAYOR

ATTEST:

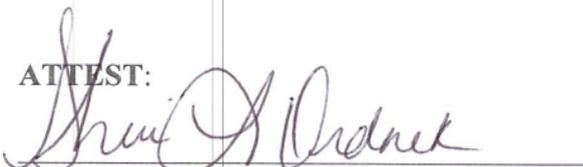

SHERI ORDNER, TOWN SECRETARY

EXHIBIT "A"

Organized Justifications for More Stringent Requirements Of Section 4, Subpart 5 of OSSF Ordinance

A. Town of Pine Island shall require an application, permit and inspection for construction, alteration, extension or repair to a residential or commercial on-site sewage facility, regardless of the size of the tract of land.

Justification:

1. The Town of Pine Island will require the permitting of all OSSF systems within Town Limits to protect the health and welfare of all Citizens equally. We will manage, inspect, and ensure all effluent discharge is properly managed per TCEQ Guidelines.
2. We find the following passage necessary in order to provide consistent coverage within our jurisdiction regardless of lot size.

B. Effective upon passage of this ordinance, the Town of Pine Island shall require the maintenance for all OSSF's, identified in 30 TAC Rule 285.91(12), to be performed by a TCEQ registered maintenance company unless:

- 1, The homeowner/property owner is a TCEQ registered maintenance provider for their aerobic treatment unit.

Justification:

- a. Town of Pine Island wants to ensure that OSSFs are maintained by individuals that poses the knowledge needed to safely maintain such systems.
- b. We believe this is necessary as unqualified individuals may overlook situations of illicit discharge through failed OSSF systems and some of these issues may not be readily addressed before potential damage to groundwater or surface water.

C, Maintenance Inspections and Reports:

1. Inspections at a minimum must meet all inspection requirements (no less than once every three months) as set by the Rules, Town of Pine Island, as well as, the inspection requirements outlined by the manufacturer for the brand being inspected.
2. Inspection reports shall address all inspection and testing requirements as set by the Rules, Town of Pine Island, as well as, the testing requirements outlined by the manufacturer for the brand being inspected.
3. The Town of Pine Island shall require the reporting of the sludge levels in the pump tank, and the condition of the spray area to be included on each required testing

report specified by the Rules.

4. All inspection and maintenance reports required under this subsection shall be submitted to the Town of Pine Island by January 31st of each year for the previous calendar year. An owner of an OSSF shall provide all required OSSF documentation upon request by the Town of Pine Island.

Justification:

- a. By having adopted maintenance and reporting requirements Town of Pine Island ensures the proper operation and maintenance (O&M) of OSSF systems within Town limits.
- b. Town of Pine Island will need to be able to track and monitor the general health of OSSFs to protect against illicit discharge and water contamination.

- D. Requests for variances from provisions of this chapter may be considered by the Town of Pine Island on a case-by-case basis.

1. A variance may be granted if the owner, or a professional sanitarian or professional engineer representing the owner, demonstrates to the satisfaction of the Town of Pine Island that conditions are such that equivalent or greater protection of the public health and the environment can be provided by alternate means. Variances for separation distances shall not be granted unless the provisions of 30 TAC Chapter 285 cannot be met,
2. Any request for a variance under this subsection must contain planning materials prepared by either a professional sanitarian or a professional engineer (with appropriate seal, date, and signature).

- E. Under no circumstances will more than one habitable structure be utilized on a lot/tract that is one acre or less.

Justification:

1. Town of Pine Island Wants to ensure that OSSFs are installed for the use by single habitable structures to avoid overwhelming the OSSF.
2. We want to avoid situations where manufactured homes, recreational vehicles, or portable buildings are placed upon a lot and connected to an existing OSSF that was designed for a single habitable structure existing on the lot.

- F. All construction, alteration, extension or repair to any type of on-site sewage facility shall be by a TCEQ licensed installer. There shall be no property owner/homeowner installations unless the property owner/homeowner is also a licensed installer.

Justification:

1. Town of Pine Island Wants to ensure that OSSFs are installed by individuals that poses the knowledge needed to safely install or repair such systems.

2. We believe this is necessary as unqualified individuals may create situations of illicit discharge through failed installations of OSSF systems and some of these issues may not be readily visibly apparent during inspection.

- G. Any single family dwelling, commercial or institutional facility, multi-unit residential development or recreational vehicle park occupied any part of the day or night shall be connected to an on-site sewage facility or other approved method of wastewater treatment and/or disposal.

Justification:

1. Town of Pine Island Wants to ensure that all habitable structures located within the Town are connected to some form of wastewater treatment system.

2. We believe this is necessary because the lack of any kind of wastewater treatment and/or disposal system will more than likely result in illicit discharge when a structure is inhabited.

- H. The use of portable toilets and holding tanks may be authorized by the permitting authority only as a temporary means of domestic sewage disposal for no longer than 180 days. Exceptions beyond two weeks may be made for businesses which operate less than two days per week and construction sites requiring restroom facilities. Written documentation of proper transfer and disposal of contents shall be provided to permitting authority prior to installation.

Justification:

1. Town of Pine Island Wants to ensure that domestic and business sewage is disposed of properly whenever there is a need for the temporary use of portable toilets and holding tanks while still allowing the property owner to reside at or conduct business at the location.

2. We believe this is necessary if an OSSF or other sewage system fails and/or requires extensive maintenance. Allowing a temporary means of sewage disposal helps reduce the risk of illicit discharge and decreases the economic impact on property owners.

3. Limiting the use of above ground wastewater holding tanks to 180 days is needed in order to prevent the long-term use of these tanks as a solution instead of repairing an existing OSSF, installing a new OSSF, or connecting to the Town's sanitary sewer system.