

**ORDINANCE NO. 2026-04-004  
ORDINANCE ADOPTING RULES  
OF TOWN OF PINE ISLAND, TEXAS  
FOR ON-SITE SEWAGE FACILITIES**

**PREAMBLE**

WHEREAS, the Texas Commission on Environmental Quality (“TCEQ”) has established rules for on-site sewage facilities (OSSFs) to provide the citizens of this State with adequate public health protection and a minimum of environmental pollution; and

WHEREAS, the Legislature has enacted legislation, codified as TEXAS HEALTH AND SAFETY CODE (THSC) , Chapter 366, which authorizes a local government to regulate the use of OSSFs in its jurisdiction in order to abate or prevent pollution or injury to public health arising out of the use of OSSFs; and

WHEREAS, the Town of Pine Island, Texas understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating OSSFs, and may have responsibilities under the following provisions:

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 City Commission of the Town of Pine Island, Texas, should enact an Ordinance regulating the installation or use OSSFs in the Town of Pine Island, Texas; and

WHEREAS, the City Commission of the Town of Pine Island, Texas, finds that the use of OSSFs 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 City Commission of the Town Pine Island, Texas, has considered the matter and deems it appropriate to enact an Ordinance adopting Rules regulating OSSFs to abate or prevent pollution, or injury to public health in Pine Island, Texas.

NOW, THEREFORE, BE IT ORDERED by the City Commission of the Town of Pine Island, Texas:

SECTION 1. That the matters and facts recited in the preamble hereof are hereby found and determined to be true and correct.

SECTION 2. That the use of OSSFs 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 Ordinances for the Town of Pine Island.

SECTION 4. That an Ordinance for the Town of Pine Island, Texas, be adopted entitled "On-Site Sewage Facilities," which shall read as follows:

AN ORDINANCE ENTITLED  
ON-SITE SEWAGE FACILITIES

SECTION 5. That 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.

SECTION 6. AREA OF JURISDICTION.

This Ordinance shall apply to all of the area within the Town of Pine Island, Texas, except for area regulated under and existing Order, Ordinance, or Resolution.

SECTION 7. OSSF RULES.

All OSSFs installed within the jurisdictional area of the Town of Pine Island, Texas, must comply with this Ordinance.

SECTION 8. INCORPORATION BY REFERENCE

The following statues and rules, including all future amendments to the statues 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).

SECTION 9. MORE STRINGENT REQUIREMENTS

30 Texas Administrative Code (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 B of this ORDINANCE. The following more stringent requirements are adopted by the Town of Pine Island, Texas in this ORDINANCE:

- A. A permit shall be required for all OSSFs regardless of acreage or lot size.
  - a. JUSTIFICATION: This requirement aims to eliminate the 10-acre rule, which allowed certain properties over 10 acres to bypass permitting requirements, potentially leading to unsafe or improper sewage systems.
  
- B. Separation:
  - 1. Surface application disposal systems shall have a minimum separation distance of 30 feet from property lines and 150 feet from any water well to the edge of the spray area.
    - a. JUSTIFICATION: To enhance public health protection by reducing the risk of well water contamination, minimizing the potential for cross contamination with neighboring properties, and proactively preventing conflicts between homeowners through increased separation safeguards.
  - 2. Any standard or subsurface disposal system, including drip irrigation, shall have a minimum separation distance of 20 feet from property lines and 150 feet from any water well.
    - a. JUSTIFICATION: We believe it is in the best interest of our homeowners to have more separation from neighboring drain fields, as well as public safety to reduce the possibility of well water contamination.
  
- C. Maintenance Requirements
  - 1. Maintenance for all aerobic treatment units shall be performed by a TCEQ licensed maintenance provider or registered maintenance technician.
    - a. JUSTIFICATION: The Town of Pine Island wants to ensure that OSSFs are maintained by individuals that possess the knowledge needed to safely maintain such systems.
  
- D. All homeowners are prohibited from installing an OSSF unless they possess the required TCEQ license of Installer I and/or Installer II .
  - a. JUSTIFICATION: The Town of Pine Island wants to ensure that OSSFs are installed by individuals that possess the knowledge needed to safely and properly do so.
  
- E. Variances
  - 1. All variance requests must be submitted in writing with the permit application. Upon approval from the designated representative, the City Commission may grant a variance.

- a. JUSTIFICATION: Requiring variance requests to be submitted in writing with the permit application ensures transparency, consistency, and proper review, allowing for a clear and documented process for decision-making.
2. The City Commission may prescribe conditions to a variance if such conditions are deemed necessary for, or desirable to, the public interest, and to ensure that the OSSF will operate in accordance with the planning materials and variance approval. Failure to comply with these conditions is a violation of the permit and this Ordinance.
  - a. JUSTIFICATION: Allowing the City Commission to prescribe conditions for a variance ensures that deviations from regulations protect public health and safety, and maintain compliance with planning materials

## SECTION 10. COLLECTION OF FEES.

All fees collected for permits and/or inspections shall be made payable to the Town of Pine Island, Texas. An additional fee of \$10 will also be collected for each OSSF permit to be paid to the credit of the TCEQ Water Resources Management Account as required by THSC Chapter 367. All fees are payable at the time the permit application is made. Fees are not refundable and expire one calendar year from the date of application.

## SECTION 11. APPEALS.

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

## SECTION 12. ENFORCEMENT PLAN.

The Town of Pine Island, Texas acknowledges that, at a minimum, it must follow the requirements in 30 TAC 285.71 (Authorized Agents for 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 City 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 OSSFs, including those found in Chapters 341 and 366 of the THSC, Chapters 7 and 26 of the Texas Water Code, and 30 TAC Chapter 285.

## SECTION 13. SEVERABILITY.

It is hereby declared to be the intention of the City Commission 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 judgement or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance.

SECTION 14. RELINQUISHMENT OF ORDINANCE.

If the Authorized Agent of the Town of Pine Island, Texas decides to relinquish its authority to regulate OSSFs in its area of jurisdiction, the local governmental entity (previously the Authorized Agent) and 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.

SECTION 15. TITLE VI COMPLIANCE.

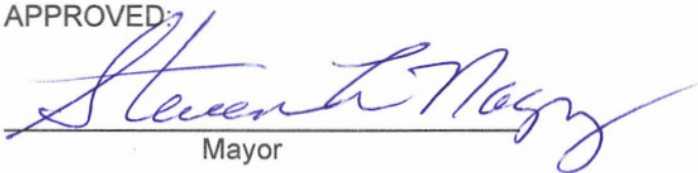
If necessary, based on the need for access to information in a language other than English by the community, the Authorized Agent shall provide information regarding this Ordinance, including notice, applications, and enforcement actions, in an alternative language. The Authorized Agent may base its 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 Authorized Agent has historical knowledge.

SECTION 16. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its date of approval as required by law and upon the approval of TCEQ.

AND IT IS SO ORDERED.

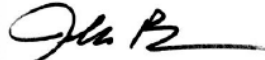
Passed and Approved this 4<sup>th</sup> day of May, 2026.

APPROVED:  
  
Mayor

ATTEST:  
  
City Secretary



APPROVED AS TO FORM:

  
Josh Brockman-Weber, Town Attorney