



ORDER
OF THE POLK COUNTY COMMISSIONERS COURT
ADOPTING POLICY RELATED TO DEVELOPMENT PERMITTING
AND UTILITY SERVICE CONNECTIONS

WHEREAS, the Texas Health and Safety Code Chapter 366 authorizes the County to regulate the use and maintenance of on-site sewage facilities (OSSF) within its jurisdiction to protect public health and the environment; and

WHEREAS, Polk County (the "County") has previously adopted an OSSF Order in compliance with Texas Health and Safety Code Chapter 366 and the rules promulgated by the Texas Commission on Environmental Quality (TCEQ); and

WHEREAS, the Commissioners Court of Polk County finds that the simultaneous submission of OSSF permit applications and development applications, as well as the requirement for verification of existing systems' functionality, are necessary to ensure that public health and safety are maintained; and

WHEREAS, the Commissioners Court further finds that prohibiting electrical utility connections to any structure until an Authorization to Construct is issued in compliance with the County's OSSF regulations is essential to ensuring that all new developments comply with applicable health and safety standards; and

WHEREAS, the Commissioners Court has the authority, pursuant to Texas Health and Safety Code Chapter 366 and Texas Local Government Code Chapter 233, to regulate the permitting of on-site sewage facilities and certain aspects of development.

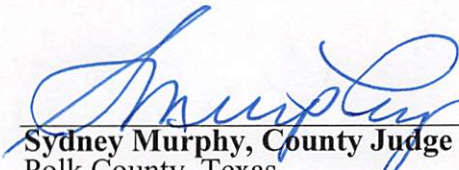
NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF POLK COUNTY, TEXAS, THAT:

1. **Simultaneous Permit Application Policy:** a. All applicants seeking a development permit within the County must simultaneously submit an application for an on-site sewage facility (OSSF) permit and planning materials, if applicable, in accordance with the County's previously adopted OSSF Order. b. No development permit shall be issued unless both the development and OSSF applications are submitted together and approved.
2. **Verification of Existing OSSF Systems:** a. If an applicant claims an existing OSSF is present, the applicant must provide the County Permit Office with a letter from a Registered Sanitarian, Site Evaluator or Professional Engineer, verifying that the system is in good working condition and properly sized. b. No development permit shall be issued until the County receives this verification.
3. **Utility Service Connection Policy:** a. No electrical utility service shall be provided to any structure within the County's jurisdiction until the appropriate OSSF planning materials have been submitted and an Authorization to Construct has been issued in accordance with the County's OSSF Order.

4. **Applicability:** a. These policies shall apply to all areas lying within Polk County, Texas, except:
- Areas regulated under an existing Order, Ordinance, or Resolution of the County; except the Trinity River Authorities jurisdiction.
 - Properties that meet the requirements of the ten-acre rule as outlined in the Texas Health and Safety Code Chapter 366; unless this is the second single-family home on the property and
 - Areas within incorporated cities, except for those that have executed intergovernmental contracts with Polk County for the regulation of OSSFs.
5. **Incorporation of OSSF Order:** a. This policy is adopted in reference to the County's previously adopted OSSF Order, and nothing herein shall be construed to amend or modify that Order. All rules and procedures outlined in the OSSF Order remain in full force and effect.
6. **Severability:** a. If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order and the application of its provisions to other persons or circumstances shall not be affected.

THIS ORDER SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.

THIS ORDER IS PASSED AND APPROVED by the Commissioners Court of Polk County, Texas, on this the 22nd day of October 2024.



Sydney Murphy, County Judge
Polk County, Texas

Attest;



Schelana Hock, County Clerk

