

CHAPTER 13

UTILITIES

ARTICLE 13.01 GENERAL PROVISIONS

(Reserved)

ARTICLE 13.02 PUBLIC UTILITIES BOARD

Sec. 13.02.001 Created

A public utilities board is hereby created consisting of five (5) voting members to be known as utility trustees. The mayor and city manager shall be ex officio, nonvoting members. (Ordinance 2108, sec. I, adopted 9/3/96)

Sec. 13.02.002 Qualifications of members

Each voting member of the board [who] shall be selected [shall] be at least eighteen (18) years of age, and must be a lawful and actual resident of the city. (Ordinance 2108, sec. II, adopted 9/3/96)

Sec. 13.02.003 Appointment of members and terms

The utility trustees shall be selected by the mayor and city commissioners. All appointees shall serve staggered four-year terms, save and except for vacancies resulting from death, resignation, failure to remain a resident of the city, or other causes, to be filled by appointment by a majority of the elective commission and to serve for the remainder of such vacant term. Successor appointees shall also be filled [selected] by appointment by a majority of the elective commission. The nomination for a trustee to fill an unexpired term or a successor term shall be submitted to the commission by the mayor. (Ordinance 2108, sec. III, adopted 9/3/96; Ordinance adopting Code)

Sec. 13.02.004 Removal of members

Any appointed trustee may be removed by a four-fifths (4/5) vote of the elective commission for any one or more of the following reasons: Unexcused substantial absences from regular meetings, conflict of interest or conduct reasonably construed to be or become damaging to the public and efficient operation of the water and sewer system under the provisions thereof. (Ordinance 2108, sec. IV, adopted 9/3/96)

Sec. 13.02.005 Authority and duties

(a) The utility trustees shall have the duty to oversee the control and operation of the city waterworks system and city sewer system owned and operated by the city and to make recommendations to the city commission on all policy matters including: (1) the final adoption of rates for such city-owned utility systems to be adopted by the elective commission; (2) any bond issue request submitted to the elective commission for approval. Sewer, sewerage, and sewer systems as used herein shall mean the sanitary sewer collection, treatment and disposal system, which may on occasion be referred to as wastewater or wastewater facilities. Nothing contained herein shall be construed to mean the storm sewer or drainage system of the city. The public utilities board shall constitute an advisory board to the city commission. In the management, operation and control of the city-owned water and sewer utilities system, the trustees are empowered to discuss with the city manager and city staff all matters pertaining to the utility systems.

(b) It shall be the duty of the utility trustees to plan for and make recommendations for the installation of water and sewer lines, for the expansion and maintenance of the water and sewer system, for the acquisition and supply of water, and for expansion of sewer and water treatment facilities.

(c) The utility trustees shall also have the duty to review all of the utility franchise agreements considered or executed by the city and to make recommendations to the city commission regarding the same. The trustees are empowered to discuss with the city manager and city staff all matters pertaining to said franchise agreements.

(d) The utility trustees shall, in all things, comply with the charter of the city, statutes and constitution of the state, and all federal laws, rules and regulations.

(Ordinance 2108, sec. V, adopted 9/3/96)

ARTICLE 13.03 RATES AND CHARGESⁱ*

Sec. 13.03.001 Definitions

Bin. Metal receptacle designed to be lifted and emptied mechanically for use only at commercial units, industrial units, and multifamily residential complexes of 5 or more dwelling units.

Brush. Tree trimmings, grass cuttings, dead trees or branches thereof, shrubs, chips, shavings.

Bulky waste. Stoves, water tanks, washing machines, furniture and other waste materials, other than construction debris, dead animals, hazardous waste or stable matter with weights or values greater than those allowed for bags or containers, as the case may be. Refrigerators, freezers, and air conditioners are included; however, a certification must be attached stating CFCs have been removed according to federal guidelines. Tires are excluded from bulky waste.

City limits. The corporate limits of the city.

Commercial and industrial refuse. All bulky waste, construction debris, garbage, rubbish and stable matter generated by a producer at a commercial and/or industrial unit.

Commercial or industrial unit. All premises, locations or entities, public or private, requiring refuse collection not a residential unit.

Commercial user. Any purchaser of city water or discharger of wastewater into the city sanitary sewer system for the purpose of serving a nonresidential establishment.

Connection. Point of service from the city utility system to a user's private plumbing pipes usually marked by a water meter.

Construction debris. Waste building materials resulting from construction, remodeling, repair or demolition operations.

Container. Garbage cart for residential use, to be provided by the contractor, to be used in conjunction with a fully authorized pickup plan.

Contractor. The person, corporation or partnership performing refuse collection and disposal pursuant to agreement with the city.

Dead animals. Animals or portions thereof equal to or greater than 10 lbs. in weight that have expired from any cause, except those slaughtered or killed.

Disposal site. A refuse depository, physically located in the city or in close proximity thereto, including but not limited to sanitary landfills, transfer stations, incinerators, and waste processing/separation centers licensed, permitted or approved to receive for processing or final disposal refuse and dead animals by all governmental bodies and agencies having jurisdiction and requiring such licenses, permits or approvals.

Garbage. Any and all dead animals of less than 10 lbs. in weight, except those slaughtered for human consumption; every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, but not by way of limitation, used tin cans and other food containers; and all putrescible or easily decomposable waste animal or vegetable matter, which is likely to attract flies or rodents; except (in all cases) any matter included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter.

Hazardous waste. Waste, in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate state agency by or pursuant to federal or state law, or waste, in any amount, which is regulated under federal or state law. For purposes of this contract, the term "hazardous waste" shall also include, but not be limited to, motor oil, oil filters, gasoline, paint and paint cans.

Multiresidential unit. Residential complex having three (3) or more residential units on a single master water meter.

Multiunit customer. The purchaser of city water through a master meter(s) or discharger of wastewater into the city sanitary sewer system for the purpose of serving multiunit facilities such as apartment complexes, mobile home parks, recreational vehicle parks with multitrailer spaces.

Producer. An occupant of a commercial and/or industrial unit or a residential unit who generates refuse.

Refuse. Residential refuse, commercial and industrial refuse, brush/bulky items, construction debris and stable matter generated by a producer or contractor.

Residential refuse. All garbage and rubbish generated by a producer or contractor at a residential unit who generates refuse.

Residential unit. A dwelling within the corporate limits of the city occupied by a person or group of persons comprising not more than four families. A residential shall be deemed occupied when water services are being supplied thereto. A condominium dwelling, whether of single-level or multilevel construction, consisting of four or less continuous or separate single-family dwellings within such residential unit, shall be treated as a residential unit, except that each single-family dwelling within any such residential unit ... [sic].

Residential user. Any purchaser of city water or discharger of wastewater into the city sanitary sewer system for the purpose of serving not more than three (3) residential units at one (1) connection.

Rubbish. See "bulky waste."

Sanitary sewer. A public sewer that conveys domestic wastewater or industrial wastes or a combination of both.

Stable matter. All manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure and resulting from the keeping of animals, poultry or ... [sic].

User. Any individual and includes any corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or other legal entity.

Sec. 13.03.002 Solid waste rates

All subscribers to solid waste collection and disposal services shall submit to the following rates:

- (1) Residential rate, automated: \$14.25/mo/residential unit twice a week.

- (A) Residential complexes having five (5) or more attached or detached units may have the option of subscribing to commercial bin service.
 - (B) All residential units shall subscribe to solid waste collection and disposal services as provided by the city or its contractor.
 - (C) All garbage to be picked up must be placed inside the container provided by the contractor.
 - (D) Pickup frequency shall be twice per week.
- (2) Commercial, automated: \$28.25/mo/commercial unit twice a week.
- (A) Commercial complexes having three (3) or more attached or detached units may have the option of subscribing to commercial bin service.
 - (B) All commercial units shall subscribe to solid waste collection and disposal services as provided by the city or its contractor.
 - (C) All garbage to be picked up must be placed inside the container provided by the contractor.
 - (D) Pickup frequency shall be twice per week.
- (3) Commercial, bins. Commercial bin service for solid waste as necessitated by volume of waste produced or by request of the subscriber shall comply with the following rate schedule:

Commercial Bin Size	Pickup Frequency/Week				
	1X	2X	3X	4X	5X
2 yard	\$38.25	\$75.00	\$109.50	\$145.25	\$216.50
3 yard	\$55.50	\$109.50	\$163.50	\$217.50	\$271.50
4 yard	\$74.50	\$145.25	\$217.50	\$290.00	\$361.25
6 yard	\$109.50	\$217.50	\$325.50	\$433.50	\$541.50
8 yard	\$145.25	\$287.75	\$431.50	\$575.00	\$717.75

Sec. 13.03.003 Water rates

The following units shall be charged by the city utilities for water service within the city limits:

- (1) Minimum monthly charges. Minimum monthly charges based on meter size for residential and commercial accounts from 0 to 2,000 gallons:

TABLE A

<u>Meter Connection</u>	<u>Residential</u>	<u>Commercial</u>
0.625"	\$18.00	\$19.00
1"	\$18.00	\$19.00
1-1/2"	\$24.75	\$25.75
2"	\$30.75	\$31.75
3"	\$43.00	\$44.00
4"	\$67.25	\$68.25
6"	\$103.75	\$104.75

(2) Consumption charges in excess of 2,000 gallons.

(A) Residential user. Water will be charged based on the monthly consumption of water usage as follows:

Volumetric Rates

0–2,000 gallons	See Table A
2,001–10,000 gallons	\$1.50/1,000
10,001–20,000 gallons	\$2.00/1,000
20,001 gallons and greater	\$2.50/1,000

(B) Commercial user. Water will be charged based on the monthly consumption of water as follows:

Volumetric Rates

0–2,000 gallons	See Table A
2,001–20,000 gallons	\$1.50/1,000
10,001–20,000 gallons	\$2.25/1,000
20,001 gallons and greater	\$2.00/1,000

(C) Multifamily units, trailer parks. Multifamily units, trailer parks with master meter service will be assessed as follows:

TABLE B

Meter Connection

0.625"	\$18.75
1"	\$18.75
1-1/2"	\$25.50
2"	\$31.75
3"	\$44.50
4"	\$69.50

San Benito Code of Ordinances

6" \$107.25

Volumetric Rates

0–2,000	See Table B
2,001–20,000 gallons	\$1.75/1,000
10,001–20,000 gallons	\$2.25/1,000
20,001 greater	\$2.50/1,000

Meter Connection

5/8"	\$100.00
1"	\$100.00
1-1/2"	\$100.00
2"	\$110.00
3"	\$165.00
4"	\$220.00
6"	\$275.00
8"	\$325.00

- (3) Temporary connection deposit to fire hydrant. Temporary connection deposit to fire hydrant must be paid in cash, cashiers check, or money order: \$900.00; plus an additional \$5.00 rental charge per day.
- (4) Commercial or residential rental property: \$150.00.
- (5) Service connection fees.

Meter Connection

5/8"	\$20.00
1"	\$25.00
2"	\$30.00
3"	\$35.00
4"	\$50.00
6"	\$65.00

- (6) Other fees.
 - (A) Disconnect (delinquent accounts): \$20.00.
 - (B) Reconnect (delinquent accounts): \$10.00.
 - (C) Insufficient fund checks: \$20.00.

(D) An ordered disconnect and reading: \$10.00.

(E) An additional service charge for delivery of utility disconnect notices: \$5.00.

Sec. 13.03.004 Sanitary sewer rates

The following rates shall be charged for sewer service within the city limits:

- (1) Residential user. Sewer will be charged based on the monthly consumption of water usage as follows:

<u>Volumetric Consumption of Gallons of Water</u>	
0–10,000	\$26.50
10,001–15,000	\$30.00
15,001–20,000	\$31.00
20,000 and over	\$32.00

- (2) Commercial user. Sewer will be charged based on the monthly consumption of water as follows:

<u>Volumetric Rates, Consumption of Gallons of Water</u>	
0–10,000	\$29.00
10,000 greater/1,000	\$1.75

- (3) Multifamily and trailer park users. Sewer will be charged based on the monthly consumption of water as follows:

<u>Volumetric Rates (gallons of water)</u>	
0–10,000	\$28.75
10,000 and greater/1,000	\$1.75

Sec. 13.03.005 Water and sewer tap fees within city limits

(a) The city utilities shall install in streets, alleys, where adequate mains exist abutting applicant’s property a service from the main to the back of the curb or curblin in the street and to the edge of the alley or alley line at the property of the applicant. A tap shall be made for such service.

<u>Water Tap</u>		<u>Sewer Tap</u>	
<u>Size Service</u>		<u>Size</u>	
3/4"	\$400.00	4"	\$500.00

1"	\$450.00	6"	\$2,000.00
1-1/2"	\$750.00	8"	\$2,500.00
2"	\$1,000.00	10"	\$2,500.00
4"	\$2,100.00	12"	\$3,500.00
8" subdivision	\$2,600.00		
10" subdivision	\$3,000.00		
12" subdivision	\$3,500.00		

(b) Any tap made on a line larger than 12" shall be charged at actual cost and administrative fee and cost to repair street if street is cut. 4" or larger will be charged at actual cost plus administrative fee and cost to repair street if street is cut.

(c) These costs are inclusive of all materials and labor for running and connecting no more than 25' to customer's property line; all costs beyond 25' shall be at the expense of the customer.

Sec. 13.03.006 Utility billing procedures

(a) Utility bills for residential and commercial accounts, mailed for water, sewer, refuse and brush services, shall be considered due upon the date of receipt, which shall be presumed to be two (2) days following the date of the utility bill.

(b) A residential and/or commercial account shall be considered past due by the city when full payment on the account has not been paid by 5:00 p.m. on the 10th day following the date of the utility bill. On this date, a ten-percent penalty will be incurred on unpaid accounts. The ten-percent penalty will not be imposed on senior citizen or physically handicapped account holders. On the following business day, the city shall mail a delinquent notice to the customer of its intention to disconnect service five (5) days thereafter. Service shall be disconnected if the utility bill is not paid in full by the 15th day following the date of the utility bill.

(c) Service shall be reconnected when the balance of the account plus the ten-percent penalty and reconnect fees of \$30.00 have been paid in full. Service of an account paid in full on or before 3:00 p.m. shall be reconnected by the city on the same day.

(d) Upon request to terminate services, a final reading will be taken. The deposit will be applied to the final billing and any remaining balance will be mailed to the forwarding address submitted on the work order request.

Sec. 13.03.007 Weekend or after-hours reconnect services

(a) Service of an account paid in full after 3:00 p.m. shall be reconnected the following working day between the hours of 8:00 a.m. and 5:00 p.m. A request to reconnect services during the weekend or after 3:00 p.m. shall be accepted if the customer agrees in writing to pay an additional \$15.00 service fee. If the service request occurs after hours or on weekends, written documentation of services reconnected by city personnel shall be submitted to the utility billing office by 8:30 a.m. on the next regular business day.

(b) If payment from a customer is not received by 9:00 a.m. on that next regular business day, services shall again be disconnected by the city and an additional reconnect fee will apply with no reconnection of water services made until full and complete payment is received.

Sec. 13.03.008 Water service outside city

The following units shall be charged by the city utilities for water service outside the city limits:

- (1) Minimum monthly charges based on meter size for residential and commercial as follows:

TABLE "A" (PRIOR)

	Both	Residential	Commercial
0.625" Minimum charge	\$23.03	\$24.00	\$25.00
1" Minimum charge	\$23.03	\$24.00	\$25.00
1-1/2" Minimum charge	\$29.81	\$31.00	\$32.00
2" Minimum charge	\$41.26	\$42.75	\$43.75
3" Minimum charge	\$59.02	\$61.25	\$62.25
4" Minimum charge	\$94.27	\$97.75	\$98.75
6" Minimum charge	\$147.26	\$152.50	\$153.50

- (2) Consumption charges in excess of 2,000 gallons.

(A) Residential users. Water will be charged based on the monthly consumption of water usage as follows:

Volumetric Rates

0–2,000 gallons	See Table A
2,001–10,000 gallons	\$2.25/1,000
10,001–20,000 gallons	\$2.75/1,000
20,001 and greater	\$3.25/1,000

(B) Commercial user. Water will be charged based on the monthly consumption of water as follows:

Volumetric Rates

0–2,000 gallons	See Table A
2,001–20,000 gallons	\$2.25/1,000
10,000–20,000 gallons	\$3.00/1,000
20,001 greater	\$2.75/1,000

- (3) Multifamily units, trailer parks. Multifamily units, trailer parks with master meter service will be assessed as follows:

TABLE B

	<u>Minimum Charge</u>
0.625"	\$24.75
1"	\$24.75
1-1/2"	\$32.00
2"	\$44.25
3"	\$63.25
4"	\$101.00
6"	\$157.75
 <u>Volumetric Rates</u>	
0–2,000 gallons	See Table B
2,001–20,000 gallons	\$3.00/1,000
20,001 greater	\$3.50/1,000

- (4) Deposits.

3/4"	Meter connection	\$100.00
5/8"	Meter connection	\$100.00
1"	Meter connection	\$113.00
1-1/2"	Meter connection	\$150.00
2"	Meter connection	\$165.00
3"	Meter connection	\$248.00
4"	Meter connection	\$330.00
6"	Meter connection	\$413.00
8"	Meter connection	\$480.00
	Temporary meter connection	\$450.00

- (5) Service connection fees.

3/4"	Meter connection	\$30.00
5/8"	Meter connection	\$30.00
1"	Meter connection	\$30.00
2"	Meter connection	\$38.00
3"	Meter connection	\$45.00
4"	Meter connection	\$60.00

6" Meter connection \$90.00

(6) Other fees.

(A) Disconnect (delinquent accounts): \$30.00.

(B) Reconnect (delinquent accounts): \$15.00.

(C) Insufficient fund checks: \$30.00.

(D) An ordered service charge for delivery of utility disconnect notices: \$8.00.

Sec. 13.03.009 Sewer service outside city

The following rates shall be charged for sewer service outside the city limits:

(1) Residential user. Sewer will be charged as follows: \$41.25 flat fee.

(2) Commercial users. Sewer will be charged based on the monthly consumption of water as follows:

Volumetric Rates

0–10,000 gallons of water	\$42.00
15,000 and greater/1,000	\$2.50

(3) Multifamily and trailer park users. Sewer will be charged on the monthly consumption of water as follows:

Volumetric Rates

0–10,000 gallons of water	\$42.00
15,000 and greater/1,000	\$2.50

Sec. 13.03.010 Tampering with water meters

A service disconnected because of nonpayment shall be secured with a locking device whenever possible. Tampering with the locking device shall result in a twenty-five-dollar (\$25.00) tampering fee added to the account of the customer. It shall be unlawful for any person to tamper with, destroy, disable, damage, or otherwise alter any locking device securing a water meter. Any person violating this section shall, upon conviction thereof, be subject to a fine of not less than one hundred and no/100th dollars (\$100.00) nor more than five hundred dollars (\$500.00) per violation. Each day such violation shall occur shall constitute a separate violation subject to penalty.

Sec. 13.03.011 Direct connections

(a) All situations involving direct connections will be immediately reported to the police department for investigation. "Direct connections" refers to the water line being or having been directly connected to the service connection (or private water line) of the customer without a metering device.

(b) It shall be unlawful for any person to connect a private water line to a public water line without a metering device in place approved by the city. Any person violating this section shall, upon conviction thereof, be subject to a fine of not less than one hundred and no/100th dollars (\$100.00) nor more than five hundred dollars (\$500.00) per violation. Each day such violation shall occur shall constitute a separate violation subject to penalty.

Sec. 13.03.012 Written consent on rental houses and apartments

A property owner and/or tenant who rents either houses and/or apartments shall be required to submit to the city a written consent (either copy of agreement or lease) before water service is connected or reconnected. The tenant or landlord shall be required to provide such written consent prior to the city connecting water service.

Sec. 13.03.013 Temporary connection

Landlords shall be permitted to temporarily connect water service to rental property for the usage of up to 2,000 gallons if a temporary connection fee of \$20.00 is paid. Water services for a temporary connection shall not exceed five (5) working days.

Sec. 13.03.014 Senior citizens and physically handicapped

Customers who are senior citizens (65 or older) and/or physically handicapped and live on social security income (SSI) only, who provide proof of age as well as pertinent documentation as may be required by the city, may be permitted to pay the utility bill at the beginning of the month, not later than the fifth (5th) day of every month.

Sec. 13.03.015 Request to discount services

Refunds under \$5.00 shall not be made by the city, unless the customer has made such request in writing.

Sec. 13.03.016 Extensions

The city may grant one (1) extension per year to a customer's utility account for unforeseen circumstances. The extension shall be requested before the cutoff date, and the customer shall be required to complete an agreement, specifying when full payment on account shall be made.

Sec. 13.03.017 Adjustments to accounts

If the reading of a water meter is found to be in error, the account may be granted an adjustment. Adjustments will be calculated by the utility billing supervisor and formally approved in writing by the city manager. This adjustment will be determined by calculating the previous six months' (6) usage and arriving at an average. In cases where other errors are found attributable to a responsibility of the city, billing adjustments will be evaluated and may be approved under the same process.

Sec. 13.03.018 Connection after default

A property where a defaulted account has been left by an occupant will not have water services connected until that account has been cleared.

Sec. 13.03.019 Additional penalty

A fifteen-dollar (\$15.00) penalty apart from other late penalties will be assessed to customers who pay their water bill while their services are in the process of being disconnected but have not been disconnected at the time payment is made.

Sec. 13.03.020 Capital improvement fees

(a) Water. Water capital improvement connection fee schedule (based on 35% of maximum amount for water treatment, storage and water rights):

WATER SYSTEM CONNECTION FEES

<u>Land Use</u>	<u>Measurement Unit</u>	<u>Capital Improvement Fee</u>		<u>35% of Max.</u>
<u>Residential</u>				
Single family	Per lot	\$299.00		
Apartment	Per unit	\$119.00	+	31.00 per connection
Nursing homes	Per bed	\$71.00	+	31.00 per connection
RV parks	Per space	\$67.00	+	31.00 per connection
<u>Commercial</u>				
Car wash	Per bay	\$363.00	+	65.00 per connection
Churches	Per seat	\$1.00	+	65.00 per connection
Convenience store	Each	\$380.00		
Fast food	Each	\$758.00		

San Benito Code of Ordinances

Grocery store	Square ft.	\$0.02	+	65.00 per connection
Hotel/motel	Per room	\$40.00	+	65.00 per connection
Laundromat	Per washer	\$53.00		
Office	Each	\$165.00		
Restaurant	Per seat	\$7.00	+	65.00 per connection
Store, commercial	Square ft.	\$0.02	+	65.00 per connection
Theater seat		\$0.52	+	65.00 per connection
 <u>School</u>				
Elementary	Per classroom	\$55.00	+	65.00 per connection
Middle school	Per classroom	\$55.00	+	65.00 per connection
Senior high	Per classroom	\$57.00	+	65.00 per connection
Intermediate	Per classroom	\$26.00	+	65.00 per connection
 <u>Other</u>				
	1,000 gpd	\$300.00	+	65.00 per connection

(b) Fire hydrant installation fees. Fire hydrant installation fees, installed on existing active water lines: \$1,500.00.

(c) Construction inspection fees.

- (1) Main line inspection fee: \$0.40/foot.
- (2) Service lateral inspection fee: \$8.00/service lateral.
- (3) Lift station inspection fee: \$500.00.
- (4) Grinder lift station (2 hp) inspection fee: \$250.00.

Note: Construction inspection fees are payable prior to start of construction. New development will be required to extend lines within and across the frontage of the development at the developer's cost, as required by the city.

(d) Wastewater. Wastewater capital improvement fee schedule (based on 35% of maximum amount for wastewater treatment)

<u>Land Use</u>	<u>Measurement Unit</u>	<u>Capital Improvement Fee</u> <u>35% of Max.</u>
<u>Residential</u>		
Single family	Each	\$132.00
Duplex	Duplex	\$141.00
Apartment	Unit	\$89.00
Nursing home	Bed	\$68.00
RV parks	Space	\$49.00
<u>Commercial</u>		
Car wash	Bay	\$443.00
Church	Seat	\$2.00
Convenience store	Each	\$608.00
Fast food	Each	\$1179.00
Grocery store	Square ft.	\$0.03
Hotel/motel	Room	\$65.00
Laundromat	Washer	\$98.00
Office	Each	\$197.00
Restaurant	Seat	\$12.00
Store commercial	Square ft.	\$0.03
Theater	Seat	\$1.00
<u>Schools</u>		
Elementary	Classroom	\$74.00
Middle school	Classroom	\$118.00
Senior high	Classroom	\$122.00
Intermediate	Classroom	\$93.00

New development will be required to extend wastewater lines within and across the frontage at the cost to the developer as required by the city.

(Ordinance 2387 adopted 9/5/06)

ARTICLE 13.04 WATER AND SEWERS

Division 1. Generally

Secs. 13.04.001–13.04.030 Reserved

Division 2. Utility Line Extensions

Sec. 13.04.031 Payment; pro-rata reimbursement for connection to existing utility line

(a) Any person who develops or subdivides any tract of land located within the city or within the city's extraterritorial jurisdiction, unless a variance or exception has been granted, shall be required to:

- (1) Install and/or extend, at his/her sole expense, all main and lateral water and sanitary sewer lines required under city ordinances to connect the subdivided/developed property to the nearest available city utility main line; and/or
- (2) Reimburse, in accordance with the provisions of this division, any holder of a certificate of reimbursement and/or the city a pro-rata share of the cost before being able to connect to any existing utility line, subject to a certificate of reimbursement, if the person did not pay for the installation or extension of the existing utility line to which connection is being made.

(b) Provided, however, that (1) if the city requires that any part of a utility line that is to be installed at the subdivider's and/or developer's cost be of a diameter larger than necessary to serve the tract of land being subdivided and/or developed; and/or (2) if the city requires that the line be installed or extended in a manner that will increase the cost to the developer/subdivider, the city may, but is not required to, pay for the excess cost as soon as funds can be made available or be appropriated.

(Ordinance 2377, sec. 1, adopted 6/20/06)

Sec. 13.04.032 Reimbursement by owners of unsubdivided/unplatted homesteads

Any person who occupies a tract of land that is unsubdivided or unplatted on the effective date of this division (ordinance adopted June 20, 2006) that is not greater than ten (10) acres, and which contains only one undetached, single-family dwelling may connect the tract of land to any water or sanitary sewer main installed or extended by the city, if the person claims the land as a homestead. Before being able to connect to the city's main utility line, the person shall have to (1) reimburse the city in accordance with the pro-rata reimbursement formula set forth herein or pay \$2,500.00, whichever is less; or (2) pay nothing if the owner of the land signs an irrevocable agreement to have the subject tract of land annexed into the city limits if the land is outside the city limits and waives the right to preparation of a service plan; provided, however that the land can be properly annexed; and (3) pay any applicable permit and/or tap fees. The connection shall be a single connection to serve only the single-family dwelling on the land. Further, the use of any septic tank on the tract of land shall be discontinued. If the tract of land is subsequently subdivided and platted, the person subdividing the land shall be required to reimburse the city in accordance with the reimbursement formula set forth herein or \$2,500.00 per lot, whichever is greater. (Ordinance 2377, sec. 2, adopted 6/20/06)

Sec. 13.04.033 Reimbursement by owners of commercial lots, mobile home parks, multifamily dwelling structures in extraterritorial jurisdiction

Any person who owns a tract of land that is unsubdivided or unplatted and lying in the city's

extraterritorial jurisdiction on the effective date of this division (ordinance adopted June 20, 2006), and which contains commercial lots, mobile home parks, or multifamily dwelling structures may connect the tract of land to any water or sanitary sewer main installed or extended by the city to provide service to each lot or unit. Before being able to connect to the city's main utility line, the person shall have to (1) reimburse the city for 100% share of the cost of the main line, lift stations, force mains, and main service lines to the property, in accordance with the pro-rata reimbursement formula set forth herein; or (2) reimburse the city for 50% share of the cost of the main line, lift stations, force mains, and main service lines to the property, in accordance with the pro-rata reimbursement formula set forth herein if the owner of the land signs an irrevocable agreement to have the subject tract of land annexed into the city limits if the land is outside the city limits and waives the right to preparation of a service plan; provided, however that the land can be properly annexed; and (3) pay any applicable permit and/or tap fees. Further, the use of any septic tank on the tract of land shall be discontinued. (Ordinance 2377, sec. 3, adopted 6/20/06)

Sec. 13.04.034 Certificate of reimbursement

Whenever any person pays for the installation or extension of any main utility lines, the city shall issue the person a certificate of reimbursement which entitles the person to receive a reimbursement of a pro-rata share of the cost of installation or extension, in accordance with the reimbursement provisions in this division. The certificate of reimbursement shall be signed by the city manager, assistant city manager or the public works director. Such certificate shall set forth the reimbursement of pro-rata share of the costs to be paid by any person who, in the future, connects any tract of land to such utility line. Such certificate shall be issued to the developer or subdivider and shall not run with the land but [shall] be the property of the subdivider or developer who paid for the installation/extension of the utility lines. The reimbursement certificate may be assigned, transferred or sold, and shall have no expiration date. But the city shall have no obligation to seek reimbursement on behalf of the certificate holder. The holder of the certificate [may] contract with the city to obtain reimbursement on behalf of the holder for an administrative fee equal to ten percent (10%) of the amount actually obtained. Whenever the city person [sic] pays for the installation or extension of any main utility lines, the city retains the right to seek reimbursement under the provisions of this division. (Ordinance 2377, sec. 4, adopted 6/20/06)

Sec. 13.04.035 Pro-rata reimbursement

(a) The pro-rata charge, as calculated in the reimbursement contract, for each new property connection will be based upon a front footage, acreage basis or a point system, as determined by the city engineer and/or assistant city manager. If using a point system, the number of points will be calculated according to length of frontage, acreage, and distance from the origin of the extension to the end of frontage. Points will be computed as follows:

F = 10 points per linear foot of frontage

A = 500 points per acre of land

D = 0.1 points per acre per linear foot of distance from extension origin (0.1 x number of acres x length of extension) (D) x (A) x (F) (0.1 x the number of acres x the length of the extension)

(b) The monetary value of each point is obtained by dividing the total number of points for all properties that may be connected to the main utility line, including the property of the person installing or extending the main utility line, into the total cost of the installation and/or extension of the main utility line, and each property is then [assessed] proportionally by its number of points.

(c) Properties that do not front on the utilities extension right-of-way or easement, but will be served by the extension, are still subject to the pro-rata assessment. The number of points are calculated the same way but the points for the front footage are omitted. This is to offset the costs of running a line from the utilities extension to the property.

(d) Such reimbursement shall be paid to the holder of the reimbursement certificate subject to the right of the city receiving the administrative charge as provided for above. In those cases where there is no reimbursement certificate issued on the property because the extension of the lines occurred prior to the effective date of this section (ordinance adopted June 20, 2006), then the reimbursement shall be made to the city for all extensions, unless the original developer providing for the extension of such line has an existing valid contract providing for reimbursement.

(e) Exhibit A and exhibit B, setting forth examples for formula calculation for reimbursement, that are attached to Ordinance 2377 are incorporated by reference, as if fully set forth herein.

(f) The city commission may authorize payment of the reimbursement to the city to be made in installments under terms and conditions that are written and do not exceed ten years to pay.

(Ordinance 2377, sec. 5, adopted 6/20/06)

Secs. 13.04.036–13.04.060 Reserved

Division 3. Mandatory Connections

Sec. 13.04.061 Sewer connections

(a) All owners or occupants of buildings, or agents for the owners, situated in any section of the city's corporate limits or extraterritorial jurisdiction (ETJ), the owners or occupants of which require sewer services for their ordinary and customary use, where sanitary sewers for the city now exist, or where they may hereafter exist, and where the property line of the land on which any such building is situated approaches or extends to within two hundred (200) feet of any such sewer, such that sewer services may be reasonably provided therefrom, shall connect to the sewer facilities unless it is provided otherwise in writing by the city. Connections will be made under the supervision of the water utilities department of the city and the plumbing rules and

regulations governing plumbers. It shall be the duty of all such property owners to keep and maintain such connections thereof in perfect condition and free from any obstruction.

(b) It shall be the duty of the water utilities department of the city to notify the owner or occupant of every building so situated to make mandatory connections with the city sanitary sewer, and any such owner or occupant of any building so situated who fails to make a connection with the city sanitary sewer within ninety (90) days after receipt of such notice shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to punishment as provided and each day that shall expire after the expiration of such ninety (90) days' notice given by the water utilities department, before such connections, as herein provided for, shall be arranged and connected with the city's sanitary sewer, shall be deemed a separate offense and shall be likewise punished.

(Ordinance 2216, sec. 1, adopted 7/5/00)

Sec. 13.04.062 Water connections

(a) No person shall make any connection with or any opening into any water line of the city without a permit from the city. Before the city may issue a permit for any connection or connections, the property to be served shall first be duly platted and recorded at the county clerk's office by the record owner. In the event of divided ownership of a lot or lots, the lot or lots in question shall be duly platted and recorded before any connection is approved. If a record owner of a lot requests more than one (1) water tap, a written assurance shall be filed with the city secretary by the record owner certifying ownership to the entire lot or lots in questions, and certifying further that there is no divided ownership. Nor will there be divided ownership of the lot or lots in question unless there is full compliance with all state and city platting requirements. Under no circumstances shall unplatted property be served or connected unless that property includes at least ten (10) acres in use for agricultural purposes. Any applicant requesting more than one (1) tap for the same lot shall certify in writing that he owns the entire lot and will not sell any part thereof without first complying with state and city platting requirements. Applications for permits shall be made in writing at the city's water utilities office, on forms prescribed and furnished by the city, by the property owner or his authorized agent; and such application shall give the exact location of the property, the name of the owner, the service charge classification of the premises to be served, the name of the person, firm or corporation employed to do the work of making such connection, and such other information as the city shall prescribe. No connection or connections shall be made upon any property by the city's water utilities department unless there has been full compliance with all plumbing code requirements and all fees have fully paid pursuant to the schedule approved by the city. Each applicant for water service shall sign an application and agree to the following:

- (1) Affirm to the city full compliance with all of the requirements of the city;
- (2) Indicate the lot, block and subdivision to be served; and
- (3) Provide such other information that may be required.

(b) The city's water utilities department shall furnish each property owner ordered to make replacements of service pipe connections, on streets and avenues to be paved, free of cost, corporation and curb stops and curb box, and tap the main, and will make charges only to the property owners, at actual cost for the pipe and other connections, including labor employed to make such connections; and where replacements have to be made at a greater distance than the width of the street or avenue, the water utilities department shall furnish free of charge to the consumer the pipes used therefor for the whole distance in excess of twenty-five (25) feet; in other words, the consumer shall pay for no more than twenty-five (25) feet for any one (1) replacement connection.

(c) All materials, including piping, valves, fittings, meters and meter boxes, used in making a service connection shall be and remain at all times the property of the city; and on application for any connection and on the making of such connection, the applicant shall be deemed to have granted an easement to the city for the purposes of connecting, disconnecting, repairing, controlling and for removing any such connection in the event of misuse or nonpayment of service charges and fees.

(d) All owners or occupants of buildings, or agents for the owners, situated in any section of the city's corporate limits or extraterritorial jurisdiction (ETJ), the owners or occupants of which require water services for their ordinary and customary use, where water services for the city now exist or where they may hereafter exist, and where the property line of the land on which any such building is situated approaches or extends to within two hundred (200) feet of any such water line, such that water services may be reasonably provided therefrom, shall connect to the water line unless it is provided otherwise in writing by the city. Connections will be made under the supervision of the water utilities department of the city and the plumbing inspector, in exact accord with the plans and specifications contained in the code of the city providing rules and regulations governing plumbers. It shall be the duty of all such property owners to keep and maintain such connections thereof in perfect condition and free from any obstruction.

(e) It shall be the duty of the water utilities department of the city to notify the owner or occupant of every building so situated to make mandatory connections with the city water services and any such owner or occupant of any building so situated, who shall fail to make a connection with the city water service within ninety (90) days after receipt of such notice, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to punishment as provided in section 1.01.009 of this code, and each day that shall expire after the expiration of such ninety (90) days' notice given by the water utilities department before such connections, as herein provided for, shall be arranged and connected with the city's water service, shall be deemed a separate offense and shall be likewise punished.

(Ordinance 2216, sec. 2, adopted 7/5/00)

Secs. 13.04.063–13.04.090 Reserved

Division 4. Cross-Connections to Water System; Backflow Prevention^{ii*}

Sec. 13.04.091 Definitions

As used in this division:

Approved backflow prevention device. A device to counteract backpressures or prevent backsiphonage.

Auxiliary supply. Any water source or system other than the public water system that may be available in the building or on the premises.

Backflow. The flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system of the city's water.

Contamination. The entry into or presence in a public water supply system of any substance, which may be deleterious to health and/or quality of the water.

Cross-connection. Any physical arrangement where a public water system is connected, directly or indirectly, with any other nondrinkable water system or auxiliary system, sewer, drain line, swimming pool, storage reservoir, plumbing fixture, or any other device which contains, or may contain, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices, or other temporary or permanent devices through which, or because of which, backflow may occur are considered to be cross-connections.

Degree of hazard. Derived from the evaluation of health, system, plumbing or pollution or pollution hazard.

Health hazard. An actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

Plumbing hazard. An internal or plumbing-type cross-connection in a consumer's potable water system that may be either a pollution or a contamination-type hazard. This includes, but it is not limited to, cross-connections to toilets, sinks, lavatories, wash trays, domestic washing machines and lawn sprinkling systems. Plumbing-type cross-connections can be located in many types of structures including, but not limited to, homes, apartment houses, hotels and commercial or industrial establishments.

Pollution hazard. An actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree of intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

Potable water supply. Any system of water supply intended for used for human consumption or other domestic use.

Premises. Any piece of land to which water is provided including all improvements, mobile home(s) and single/multifamily dwelling commercial structures or any other occupancy defined by current adopted codes (International Building Code).

Reduced pressure principle device (RP device). An assembly containing two independently acting approved checkvalves together with a hydraulically operated, mechanically independent pressure different relief valve located between the checkvalves and the same time below the first checkvalve. The device shall include properly located test cocks and tightly closing resilient wedge shutoff valves or fully ported ball valves at the end of the assembly. A checkvalve is approved if it appears on the list of approved devices as per table 608.1 application for backflow preventers of table 2000 International Plumbing Code.

System hazard. An actual or potential threat of danger to the physical properties of the public or consumer's potable water system or of a pollution or contamination which would have a detrimental effect on the quality of the potable water in the system.

TCEQ. Texas Commission on Environmental Quality.

(Ordinance 2253, sec. 1, adopted 5/14/02)

Sec. 13.04.092 Purpose

The purpose of this division is to protect the water supply of the city from contamination or pollution due to any existing or potential cross-connections. (Ordinance 2253, sec. 2, adopted 5/14/02)

Sec. 13.04.093 Compliance

No cross-connections shall be created, installed, used or maintained within the territory served by the city except in accordance with this division. (Ordinance 2253, sec. 3, adopted 5/14/02)

Sec. 13.04.094 Criteria for connection of backflow devices

Approved backflow prevention devices shall be installed at the expense of the user, either at the city's water service connection or within the premises, as determined by a plumbing inspector contracted by or employed by the city, whenever:

- (1) The nature and extent of any activity of the premises, or the materials used in connection with any activity of the premises, or materials stored on the premises could contaminate or pollute the drinking water supply.
- (2) Premises having any one or more cross-connections, as that term is defined in section 13.04.091, are identified or are present.
- (3) Internal cross-connections that are not correctable, or intricate plumbing

arrangements which make it impracticable to ascertain whether or not cross-connections exist or are present.

- (4) There is a repeated history of cross-connections being established or reestablished.
- (5) There is unduly restricted entry so that inspections for cross-connections cannot be made with sufficient frequency or with sufficient notice to assure that cross-connections do not exist.
- (6) Materials of a toxic or hazardous nature are being used such that, if backflow should occur, a health hazard could result.
- (7) Any mobile apparatus (e.g., tank, truck) which uses the city's water or water from any premises facility within the city's water supply.
- (8) Installation of an approved backflow prevention device is deemed to be necessary to accomplish the purpose of these regulations in the judgment of a certified plumbing inspector contracted by or employed by the city.
- (9) An appropriate cross-connection report form has not been filed with the city.
- (10) A fire sprinkler system is connected to the city's water system.

(Ordinance 2253, sec. 4, adopted 5/14/02)

Sec. 13.04.095 Installation requirements for backflow prevention devices

To insure proper operation and accessibility of all backflow prevention devices, the following requirements shall apply to the installation of these devices:

- (1) Upon application for a building permit a property owner or property owner's representative shall submit a plumbing plan for approval to the building inspector which shall include a backflow preventive device.
- (2) No part of the backflow prevention device shall be submerged in water or installed in a location subject to flooding. If installed in a vault or basement, adequate drainage shall be provided.
- (3) Devices must be installed at the point of delivery of the water supply, before any branch in the line, on private property located just inside of the property line. Alternate locations must be approved in writing by the city prior to installation.
- (4) The device must be protected from freezing and other severe weather conditions.
- (5) All backflow device prevention assemblies shall be of a type and model approved by table 608.1 application for backflow preventers of the 2000 International Plumbing

Code.

- (6) Only devices specifically approved by TCEQ for vertical installation may be installed vertically.
- (7) The device shall be readily accessible with the adequate room for maintenance and testing. Devices 2" and smaller shall have at least 6" clearance on all sides of the device. All devices larger than 2" shall have a minimum clearance of 12" on the back side, 24" on the test cock side, 12" below the device, and 36" above the device. "V" pattern double checkvalve assemblies shall be installed so that the checks are horizontal and the test cocks face upward.
- (8) The property owner assumes complete responsibility for all maintenance and testing of the device, as determined and required by the city.
- (9) If written permission is granted to install the backflow device inside the building, the device shall be readily accessible during regular working hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.
- (10) If a device, with written permission, is installed inside the premises and is 4" or larger and is installed 4' above the floor, it must be equipped with a rigidly and permanently installed scaffolding acceptable to the city. The installation must also meet the requirements set out by the U.S. Occupational Safety and Health Administration and the 2000 International Building Code.
- (11) RP device may be installed in a vault only if relief valve discharge can be drained to daylight through a "boresight" type drain. The drain shall be of adequate capacity to carry the rated flow of the device and shall be screened on both ends. An approved air gap shall be located at the relief valve orifice. This air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain and in no case less than 1".
- (12) Upon completion of installation, the city shall be notified and all devices must be inspected and tested. The testing and repairs of all devices are the financial responsibility of the water user.
- (13) All backflow devices must be registered with the city. Registration shall consist of date of installation, make, model, serial number of the backflow device, and initial test report.
- (14) Any water pressure drop caused by the installation of a backflow device is not the responsibility of the city.

(Ordinance 2253, sec. 5, adopted 5/14/02)

Sec. 13.04.096 Access to premises

Authorized employees of the city, or their designated representatives with proper identification, shall have access during reasonable hours to all parts of a premises and within the building to which water is supplied. If any water user refuses to allow access to a premises or to the interior of a structure at reasonable times and on reasonable notice for inspection by a cross-connection specialist appointed by the city, a reduced pressure principle device will be required to be installed at the service connection to that premises. If the water user refuses to install the reduced pressure principle device, the city may apply to any court of competent jurisdiction for a warrant authorizing entry onto the premises for purpose of inspection of the water supply system. (Ordinance 2253, sec. 6, adopted 5/14/02)

Sec. 13.04.097 Annual testing and repairs

All backflow devices installed within the territory served by the city shall be tested immediately upon installation and at least annually thereafter by a state-certified tester. All such devices found not functioning properly shall be promptly repaired or replaced by the water user. If any such device is not promptly repaired or replaced, the city may deny or discontinue water service to the premises. All testing and repairs are the financial responsibility of the water user. (Ordinance 2253, sec. 7, adopted 5/14/02)

Sec. 13.04.098 Cost of compliance

All cost associated with the purchase, installation, inspections, testing, replacement, maintenance, parts, and repairs of the backflow device are the financial responsibility of the property owner. (Ordinance 2253, sec. 8, adopted 5/14/02)

Sec. 13.04.099 Termination of service

Failure on the part of any customer to either protect with approved devices or to discontinue the use of all cross-connections and to physically separate cross-connections is sufficient cause for the immediate discontinuance of public water service to the premises. (Ordinance 2253, sec. 9, adopted 5/14/02)

ARTICLE 13.05 INDUSTRIAL WASTE^{iii*}

Sec. 13.05.001 Definitions

The meaning of terms used in this article shall be as follows:

Approving authority. The city manager or his or her duly authorized representative.

BOD (biochemical oxygen demand). The quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty degrees (20°) centigrade.

Building drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five feet (5') outside the inner face of the building wall.

Building sewer. The extension from the building drain to the sewer or other place of disposal (also called house lateral and house connection).

City. The city or any authorized person acting in its behalf.

COD (chemical oxygen demand). A measure of the oxygen consuming capacity, expressed in mg/l, of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. It does not differentiate between stable and unstable organic matter and this does not necessarily correlate with biochemical oxygen demand.

Domestic wastewater. Waterborne wastewater normally discharging into the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, and institutions.

Garbage. Animal and vegetable wastes and residue from the preparation, cooking, and dispensing of food; and from the handling, processing, storage and sale of food products and produce.

Industrial waste. Waterborne solids, liquids, or gaseous wastes resulting from discharged, permitted to flow, or escaping from the industrial, manufacturing, or food processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic wastewater.

Industrial waste charge. The charge made on those persons who discharge industrial wastes into the city's sewer system.

Milligrams per liter (mg/l). The same as parts per million and is a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Natural outlet. Any outlet into a watercourse, ditch, lake, or other body of surface water or groundwater.

Normal domestic wastewater. Normal wastewater for the city in which the average concentration of suspended solids is established at not more than 250 mg/l and five-day BOD is established at not more than three hundred (300) mg/l.

Person. Any and all persons, natural or artificial, including any individual, firm, company, industry, municipal or private corporation, association, governmental agency, or other entity and agents, servants, or employees.

pH. The reciprocal of the logarithm (base 10) of the hydrogen ion concentration expressed in grams per liter.

Properly shredded garbage. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half inch (1/2") in any dimension.

Public sewer. A sewer in which all owners of abutting properties shall have equal rights and the use of which is controlled by public authority.

Sanitary sewer. A sewer than conveys domestic wastewater or industrial wastes or a combination of both, and into which stormwaters, surface waters, and groundwaters or unpolluted wastes are not intentionally passed.

Sewer. A pipe or conduit that carries wastewater or drainage water.

Slug. Any discharge of water, wastewater, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flows during normal operation.

Standard Methods. The examination and analytical procedures set forth in the latest edition at the time of analysis of Standard Methods for the Examination of Water and Wastewater as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

Storm sewer or storm drain. A sewer which carries stormwaters and surface waters and drainage but excludes domestic wastewater and polluted industrial wastes.

Stormwater. Rainfall or any other form of precipitation.

Superintendent. The water and wastewater superintendent of the city or his or her duly authorized deputy, agent or representative.

Suspended Solids. Solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

Unpolluted water or waste. Water or waste containing none of the following: Free or emulsified grease or oil; acids or alkalis; phenols or other substances producing taste or odor in receiving water; toxic or poisonous substances in suspension, colloidal state or solution; and noxious or otherwise obnoxious odorous gases. It shall contain not more than ten (10) mg/l each of suspended solids and BOD. The color shall not exceed fifty (50) color units as measured by the platinum-cobalt method of determination as specified in Standard Methods.

Wastewater. A combination of the water-carried waste from residences, business buildings,

institutions, and industrial establishments; together with such groundwater, surface water, and stormwater that may be present.

Wastewater facilities. All facilities for collection, pumping, treating, and disposing of wastewater and industrial wastes.

Wastewater service charge. The charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representatives of normal wastewater.

Wastewater treatment plant. Any city-owned facilities, devices, and structures used for receiving and treating wastewater, industrial waste, and sludges from the city wastewater facilities.

Watercourse. A natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

(Ordinance 1072, art. I, adopted 2/14/88)

Sec. 13.05.002 Use of public sewers

(a) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (2) Any stormwater, surface water, groundwater, roof runoff, or subsurface drainage to any sanitary sewer. Stormwater shall be discharged to such sewers as are specifically designed as combined storm sewers, or to a natural watercourse approved by the approving authority. Industrial cooling water or unpolluted process water may be discharged, on approval of the approving authority, to a storm sewer, combined sewer, or natural watercourse.
- (3) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°) (65 degrees C), or any discharge which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten degrees (10°) Fahrenheit or more per hour, or a combined total increase to a plant influent temperature of one hundred ten degrees (100°) Fahrenheit.
- (4) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).
- (5) Any garbage that has not been properly shredded. The installation and operation of any garbage equipped with a motor three-fourths (3/4) horsepower (0.76 hp metric) or

greater shall be subject to the review and approval of the approving authority.

- (6) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (7) Any waters or wastes containing objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority for such materials.
- (8) Any waters or wastes containing obnoxious, toxic, or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to:
 - (A) Any cyanide greater than 1.0 mg/l.
 - (B) Any fluoride other than that contained in the public water supply.
 - (C) Concentration of the following heavy metals greater than the mg/l amounts indicated below.

<u>Element</u>	<u>mg/l</u>	<u>Element</u>	<u>mg/l</u>
Arsenic	0.05	Manganese	1.0
Barium	5.0	Mercury	0.005
Boron	2.0	Nickel	1.0
Cadmium	0.02	Selenium	0.02
Chromium (total)	5.0	Silver	0.1
Copper	1.0	Zinc	5.0
Lead	0.1		

- (D) Any chlorides greater than two hundred fifty (250) mg/l more than in the city water.
- (E) All other heavy metals and toxic materials, including but not limited to the following, shall be excluded from the wastewater system unless a permit specifying the conditions of pretreatment, concentrations, volumes, etc., is obtained from the city:

Antimony	Molybdenum	Rhenium
Beryllium	Tin	Strontium
Bismuth	Uranyl ion	Tellurium
Cobalt	Pesticides	Fungicides

- (F) Any substance causing an excessive chemical oxygen demand (COD).
- (9) Any waters or wastes having a pH lower than 5.5, or higher than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel at the wastewater facilities.
- (10) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operations of the wastewater works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders, lime slurry, lime residues, slops, chemical residues, paint residues, or bulk solids.
- (11) Any waters or wastes containing phenols, hydrogen sulfide, or other taste- and odor-producing substances, in such concentration exceeding limits which may be established by the approving authority, as necessary, after treatment of the composite wastewater, to meet the requirements of the state, federal, or other public agencies having jurisdiction for such discharge to the receiving waters.
- (12) Any radioactive wastes or isotopes of such half-life or concentration, as may exceed limits established by the approving authority, in compliance with applicable state or federal regulations.
- (13) Materials which exert or cause:
 - (A) Unusual concentration of inert suspended solids greater than two hundred fifty (250) mg/l (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids greater than three hundred (300) mg/l (such as, but not limited to, sodium chloride and sodium sulfate).
 - (B) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (C) Unusual BOD (greater than the amount established in demand in such quantities as to constitute a significant load on the wastewater treatment works).
 - (D) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein shall be regulated to equalize the flow and/or concentration to levels acceptable to the city if such waste can cause damage to collection facilities, impair the treatment process, incur treatment costs exceeding those for normal wastewater or render the waste unfit for stream disposal or industrial use.

- (14) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (15) Except in quantities or concentrations, or with provisions as stipulated herein, it shall be unlawful for any person, corporation or individual to discharge waters or wastes to the sanitary sewer that:
 - (A) Can deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
 - (B) Can overload skimming and grease handling equipment;
 - (C) Are not amenable to bacterial action and will, therefore, pass to the receiving waters without being affected by normal wastewater treatment processes; or
 - (D) Can have deleterious effects on the treatment process due to the excessive quantities.
- (16) Unless exception is granted by the approving authority, the public sewer system shall be used by all persons discharging:
 - (A) Wastewater;
 - (B) Industrial waste;
 - (C) Polluted liquids; and
 - (D) Unpolluted waters or liquids.
- (17) No persons shall deposit or discharge without the approval of the approving authority any waste included in subsection (a) of this section on public or private property in or adjacent to any:
 - (A) Natural outlet;
 - (B) Natural watercourse;
 - (C) Storm sewer;
 - (D) Other area within the jurisdiction of the city.
- (18) The approving authority shall verify prior to discharge that wastes authorized to be discharged will receive suitable treatment within the provisions of law, regulations,

ordinances, rules and orders of federal, state, and local governments.

(b) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in subsection (a) of this section, and which, in the judgment of the approving authority, may have a deleterious effect upon the wastewater works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a health hazard or public nuisance, the approving authority may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the cost of handling and treating the wastes under the provision of section 13.05.003.

If the approving authority permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the approving authority, and subject to the requirements of all applicable codes, ordinances, and laws.

(c) Grease, oil, and sand traps shall be provided for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such traps shall not be required for private living quarters or dwelling units. All traps shall be of a type and capacity approved by the approving authority and shall be located as to be readily and easily accessible for cleaning and inspection.

(d) Where preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(e) The owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole to facilitate observation and sampling. Such manhole, when required, shall be accessibly and safety located and shall be constructed in accordance with plans approved by the approving authority. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

(f) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater and shall be determined at the control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards on health, life, limb, and property. (The particular analysis involved will determine whether a twenty-four-hour composite sample from all outfalls of a premises is appropriate or whether a

grab sample or samples should be taken. Normally, but not always, BOD and suspended solid analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

(g) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern, as set forth in section 13.05.003, provided that the waste control order (discharge permits), state commission on environmental quality orders, and other federal, state and local laws are not violated.

(Ordinance 1072, art. II, adopted 2/14/88)

Sec. 13.05.003 Payment for industrial waste discharges

(a) If the approving authority determines that an industrial waste is acceptable under the discretionary powers given him under section 13.05.002, the contributor of the industrial waste shall be required to make payment of a charge to cover the cost of handling and treating the wastes. As permitted by section 13.05.002, if the city accepts the waste, the city and the industrial concern contributing the waste shall enter into an arrangement or agreement whereby the city will accept the waste and the industrial concern will make payment therefor by the methods set forth below.

(b) If the volume or character of the waste to be accepted by the city is such that it will not overload the sewage collection, pumping, handling, treating, or disposal facilities of the city, then prior to such acceptance the city and the industrial concern shall enter into an agreement whereby the industrial concern shall make payment of an industrial waste charge to be determined as set forth below.

(c) The industrial surcharge shall be calculated by the following formula:

$$\text{Surcharge rate} = \frac{\text{BOD in excess of 300 mg/l}}{300 \text{ mg/l}} \times \text{cost of treating BOD}$$

$$\text{Surcharge rate} = \frac{\text{Suspended solids in excess of 250 mg/l}}{250 \text{ mg/l}} \times \text{cost of treating suspended solids}$$

- (1) When the industrial waste exceeds both the five-day BOD and suspended solids of industrial sewage charge, the surcharge rate will be the surcharge rate as established, whichever is greater.

- (2) The costs of treating BOD and suspended solids shall be calculated from the annual operation, maintenance, replacement, bond capital and interest costs as described in the user charge system. The surcharge rate shall assign the proportionate share of sewage collection and treatment costs to each user class.
- (3) The surcharge rate for industrial wastes containing wastes which exceed the limits previously set forth, but which can be treated or diluted to provide an acceptable effluent from the sewage works without disrupting the normal sewage treatment processes, will be determined in the same manner as surcharge rates established for BOD. Suspended solids and COD as specified above, respectively, using the maximum limits of such wastes for which maximum limits have not been established cannot be discharged into the city's sewer system unless such wastes have been approved by the approving authority and concentration limits established. The surcharge rates will be applied in the same manner as other wastes described above.

(Ordinance 1072, art. III, adopted 2/14/88)

Sec. 13.05.004 Billing

The industrial surcharge shall be calculated for billing as follows:

- (1) BOD = five-day BOD in mg/l, and SS = suspended solids in mg/l, as defined elsewhere, and shall be determined from a twenty-four-hour composite sample. The determination of flow, BOD, and suspended materials shall be made by an independent firm or laboratory selected by the city. The time of selection of the sample shall be at the sole discretion of the city, but at least on an annual basis to adjust the industrial charge to reflect the current costs of wastewater treatment. The applicable surcharge determined by such tests shall be retroactive for two (2) billing periods and shall continue for six (6) billing periods unless subsequent tests determine that the surcharge should be further increased.
- (2) The basis for determining the surcharge shall be reviewed annually, and shall be adjusted to reflect any increase or decrease in wastewater treatment costs based on the previous year's experience.
- (3) Industrial waste surcharges provided for in this code shall be included as a separate item on the regular bill for water and sewer charges and shall be paid monthly in accordance with the existing practices. Surcharges shall be paid at the same time that the water and sewer charges of the person become due and payment for water and sewer services shall not be accepted without payment also of sewer service charges and surcharges.

(Ordinance 1072, art. III, adopted 2/14/88)

Sec. 13.05.005 Penalty for failure to pay bills

Failure to pay monthly bills for water and/or sanitary sewer services when due or failure to pay the established sewer charge for industrial waste when due or repeated discharge of prohibited waste into the sanitary sewer shall be sufficient cause to disconnect any and all services to the water and/or sanitary sewer mains of the city. The same penalties and charges now or hereafter provided for by the ordinances of the city for failure to pay the bill for water service when due shall be applicable in like manner in case of failure to pay the established surcharge for industrial waste discharged to the sanitary sewer mains as previously established. (Ordinance 1072, art. III, adopted 2/14/88)

Sec. 13.05.006 Permits for discharge of industrial wastes

- (a) After the effective date of this article (ordinance adopted February 14, 1988), no person:
- (1) Not now so doing, shall deposit or discharge any industrial waste into any sanitary sewer which leads to any of the city's treatment plants, or deposit or discharge any waste stipulated in section 13.05.002(a), without first obtaining a permit therefor.
 - (2) Shall discharge any industrial waste into any sanitary sewer which leads to any of the city's sewage treatment plants or deposit or discharge any waste stipulated in section 13.05.002 without first obtaining a permit therefor.
- (b) Permits granted after the effective date of this article will be issued only after the following conditions are met:
- (1) New persons.
 - (A) Formal application is submitted on a form issued by the approving authority.
 - (B) Where applicable, plans and specifications for pretreatment facilities and/or regulating devices approved by the approving authority have been installed.
 - (C) Estimated amount and strength of any wastes have been agreed upon by both parties. When a discharger discharges twenty-five thousand (25,000) gallons or more daily, strength shall be based on actual samples from the point or points of discharge.
 - (D) Agreement forms have been completed by the discharger agreeing to payment of any surcharges as required and/or agreeing to the installation of pretreatment facilities, and operation and maintenance of any pretreatment facilities where applicable.
 - (E) All new dischargers shall provide a sampling point subject to approval of the approving authority.
 - (2) Existing persons.

- (A) Formal application is submitted on a form issued by approving authority within one hundred twenty (120) days after the effective date of this article.
- (B) Where applicable, plans and specifications for pretreatment facilities have been approved by the approving authority.
- (C) Estimated amount and strength of any wastes have been agreed upon by both parties. When a discharger discharges twenty-five thousand (25,000) gallons or more daily, strength shall be based on actual samples from the point or points of discharge.
- (D) Agreement forms have been completed by the discharger agreeing to payment of any surcharges as required and/or agreeing to the installation of pretreatment facilities within one hundred twenty (120) days after the effective date of this article, and operation and maintenance of any pretreatment facilities where applicable.

(Ordinance 1072, art. IV, adopted 2/14/88)

Sec. 13.05.007 Powers and authority of inspectors

- (a) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The superintendent or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways, or facilities for waste treatment.
- (b) While performing the necessary work on private properties referred to in section 13.05.004, above, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death of the city employees, and the city shall indemnify the company against loss or damage to its property by city employees against liability claims and demands for personal injury or property damage assessed against the company and growing out of the gauging and/or sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required section 13.05.002.
- (c) The superintendent and other duly authorized employees of the city bearing proper credential and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewer system lying within said easement, [and the entry] shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ordinance 1072, art. V, adopted 2/14/88)

Sec. 13.05.008 Civil proceedings

The city may institute civil proceeding for any loss caused by:

- (1) Damage or destruction of a part of the sewage works; or
- (2) Tampering with a part of the sewage works.

(Ordinance 1072, art. VI, adopted 2/14/88)

Sec. 13.05.009 Authority to disconnect service

In the following situations, the city shall maintain the right to terminate water and wastewater disposal service and immediately disconnect an industrial customer from the system:

- (1) Where acids or chemicals damaging to sewer lines or treatment processes are released to the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
- (2) When the customer discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;
- (3) Where any governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of the quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment. In this instance, the city shall immediately supply the customer with the governmental agency's report and provide the customer with all pertinent information. The customer's water and wastewater lines will then be disconnected when the city is informed that it can no longer continue to release their effluent for discharge to a watercourse. The customer's water and wastewater treatment service shall remain disconnected until such time as he or she has provided additional pretreatment facilities designed to remove the objectionable characteristics from his or her industrial wastes;
- (4) Where the owner delivers his or her wastewater at an uncontrolled, variable rate in sufficient quantity that it causes an imbalance in the wastewater treatment system.

(Ordinance 1072, art. VII, adopted 2/14/88)

Sec. 13.05.010 Violations

Any person found to be violating any provision of this article shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the

satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (Ordinance 1072, art. VIII, adopted 2/14/88)

ARTICLE 13.06 WATER POLLUTION

Sec. 13.06.001 Scope

It is ordained by the city commission that it shall be unlawful for any person, either as owner, tenant or employee, firm or corporation to commit any acts which do not comply with the system and watercourses within the city.

Sec. 13.06.002 Dumping of grass clippings, leaves, brush or debris

Dumping of grass clippings, leaves, brush or any debris into any curb, gutter, storm inlet, storm drain, or watercourse is prohibited.

Sec. 13.06.003 Drainage of oil, grease or like materials

No person, firm or corporation shall permit crank case drainings, vehicle engine wash, or other oils, greases, or like material to go to any area that will drain to the storm system or watercourses.

Sec. 13.06.004 Chemical waste

No liquid, semiliquid, or chemical waste shall be disposed in any area that will drain to the storm system or watercourses. All such materials shall be disposed of at a site approved by the city for the disposal of such materials.

Sec. 13.06.005 Connection of traps from automotive centers, service stations and vehicle wash operations

Grease and sand traps from automotive centers, service stations and vehicle wash operations must be connected to the sanitary sewer.

Sec. 13.06.006 Washing of buses and trucks

Bus and truck lines who operate more than two (2) vehicles and who perform vehicle wash operations must trap all effluent in the sanitary sewer in accordance with the city plumbing code.

Sec. 13.06.007 Aircraft washing

Aircraft washing must be trapped and the effluent must be placed in a sanitary sewer in accordance with the city plumbing code.

Sec. 13.06.008 Discharge of cooling tower, compressor or boiler blowdown water

With the exception of clean water, no cooling tower, compressor or boiler blowdown water will be permitted to flow to the storm system or watercourses.

Sec. 13.06.009 Water from nurseries

Water from nurseries used to water plants is prohibited from flowing to streets and alleys to the extent that a nuisance is created by standing water, damage to streets or alleys, or interference with the free passage of foot traffic.

Sec. 13.06.010 Sewer connections for animal pens for kennels, animal hospitals, packinghouses, poultry processing plants, and dairies

Animal pens for kennels, animal hospitals, packinghouses, poultry processing plants, and dairies shall be connected to the sanitary sewer in accordance with the plumbing code, unless such establishment is issued a permit by the Environmental Protection Agency, state commission on environmental quality, city department of public works and city health department.

Sec. 13.06.011 Dumping of materials from ready-mixed concrete, mortar and asphalt base material delivery trucks

Ready-mixed concrete, mortar and asphalt base material delivery trucks are prohibited from dumping unused materials to any area that will drain to streams or watercourses. All residue shall be disposed of and vehicles washed down at a site approved by the city for that purpose.

(Ordinance 884, sec. II, adopted 11/21/73)

ARTICLE 13.07 PRIVATE SEWAGE DISPOSAL

Division 1. Generally

Secs. 13.07.001–13.07.030 Reserved

Division 2. On-Site Sewage Facilities^{iv*}

Sec. 13.07.031 Findings

The use of on-site sewage facilities in city is causing or may cause pollution or is injuring or may injure the public health. (Ordinance 2218, sec. 2, adopted 7/20/00)

Sec. 13.07.032 Adoption of state law

The city clearly understands the technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities and does adopt and will fully enforce chapter 366 of the Texas Health and Safety Code. (Ordinance 2218, sec. 4,

adopted 7/20/00)

Sec. 13.07.033 Area of jurisdiction

The rules adopted by this division shall apply to all the incorporated areas of the city. (Ordinance 2218, sec. 5, adopted 7/20/00)

Sec. 13.07.034 Compliance with rules

Any structure discharging sewage into an on-site sewage facility within the jurisdictional area of the city must comply with the rules adopted in section 13.07.035 of this division. (Ordinance 2218, sec. 6, adopted 7/20/00)

Sec. 13.07.035 Rules adopted

(a) The rules “Design Criteria for On-Site Sewage Facilities” and Administrative Rules 30 TAC 285.1–285.91, attached to Ordinance 2218, promulgated by the state commission on environmental quality for on-site sewage systems are hereby adopted, and all officials and employees of the city having duties under said rules are authorized to perform such duties as are required of them under said rules.

(b) The design criteria and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these rules. A copy of the current design criteria is attached to Ordinance 2218 as appendix I.

(Ordinance 2218, secs. 7, 8, adopted 7/20/00)

Sec. 13.07.036 Amendments to rules

The city, wishing to adopt more stringent rules for its on-site sewage facility ordinance, understands that the more stringent conflicting local rule shall take precedence over the corresponding state commission on environmental quality requirements if local rules provide greater public health and safety protection.

- (1) Regardless of acreage of the OSSF (on-site sewage facility) a permit will be required.
- (2) There shall be only one single-family dwelling per lot in accordance to EDAPT rules. The designated representative in accordance with EDAPT rules shall not authorize electrical, water, or other utility connections to a facility without the applicant first obtaining an on-site sewage facility construction authorization (OSSF) and a final authorization approval on the on-site sewage facilities installation from the county.
- (3) On single-family dwellings it shall be the responsibility of the contractor or property owner to prepare all test holes and provide adequate clean water for the designated representative.

- (4) Licensed installers will be required to have transit setup at all on-site sewage facilities to ensure that drops in elevation meet requirements.

(Ordinance 2218, sec. 9, adopted 7/20/00)

Sec. 13.07.037 Duties and powers of on-site sewage inspector

The on-site sewage (OSS) inspector of the city is herewith declared the designated representative for the enforcement of these rules within its jurisdictional area. The appointed individual(s) must be approved and certified by the state commission on environmental quality before assuming the duties and responsibilities of the designated representative of the city. (Ordinance 2218, sec. 10, adopted 7/20/00)

Sec. 13.07.038 Collection of fees

All fees collected for permits and/or inspections shall be made payable to the county. (Ordinance 2218, sec. 11, adopted 7/20/00)

Sec. 13.07.039 Appeals

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the city commission. (Ordinance 2218, sec. 12, adopted 7/20/00)

Sec. 13.07.040 Penalties

This division adopts and incorporates all applicable penalty provisions related to on-site sewage facilities, which include, but are not limited to, 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 TAC chapter 285. (Ordinance 2218, sec. 13, adopted 7/20/00)

Sec. 13.07.041 Relinquishment of control

If the city commission decides that it no longer wishes to regulate on-site sewage facilities in its area of jurisdiction, the city commission shall follow the procedures outlined below:

- (1) The city commission shall inform the state commission on environmental quality by certified mail at least 30 days before the published hearing notice that it wishes to relinquish its on-site sewage facility ordinance.
- (2) The authorized agent shall post the required public notice in a newspaper regularly published or circulated in the area of jurisdiction at least 30 days prior to the anticipated date of action by the authorized agent.
- (3) The authorized agent shall send a copy of the public notice, a publisher's affidavit of public notice, and a certified copy of the minutes to the state commission on environmental quality.

- (4) The executive director shall process the request for relinquishment and may issue an order relinquishing the authority to regulate OSSFs within the authorized agent's jurisdiction or may refer the request to relinquish to the commission.
- (5) Prior to issuance of a relinquishment order the local entity and the executive director shall determine the exact date the authorized agent would surrender its authorized agent designation to the executive director.

(Ordinance 2218, sec. 15, adopted 7/20/00)

Secs. 13.07.042–13.07.070 Reserved

Division 3. Private Sewage Disposal Code

Sec. 13.07.071 Adopted

The 2006 edition of the International Private Sewage Disposal Code, including the appendix chapters, is hereby adopted by reference the same as if set forth in full in this section. (Ordinance 2393, sec. I, adopted 4/17/07)

Sec. 13.07.072 Penalty for violation

Any person, individual, corporation, partnership or entity of any type violating the provisions of this code shall be guilty of a misdemeanor and shall be punished as provided in section 1.01.009. Each day that a violation occurs or continues to exist shall be considered a separate offense. (Ordinance 2393, sec. II, adopted 4/17/07)

ARTICLE 13.08 SOLID WASTE^{v*}

Sec. 13.08.001 Purpose

This article is for the purpose of setting rates for solid waste collection and disposal services as provided by the city or its contractor. (Ordinance 2267, sec. I, adopted 9/19/02)

Sec. 13.08.002 Definitions

Bin. A metal receptacle designed to be lifted and emptied mechanically for use only at commercial units, industrial units, and multifamily residential complexes of 5 or more dwelling units.

Brush. Tree trimmings, grass cuttings, dead trees or branches thereof, shrubs, chips, shavings.

Bulky waste. Stoves, water tanks, washing machines, furniture and other waste materials, other than construction debris, dead animals, hazardous waste or stable matter with weights or values

greater than those allowed for bags or containers, as the case may be. Refrigerators, freezers, and air conditioners are included; however, a certification must be attached stating CFCs have been removed according to federal guidelines. Tires are excluded from bulky waste.

Commercial and industrial refuse. All bulky waste, construction debris, garbage, rubbish and stable matter generated by a producer at a commercial and/or industrial unit.

Commercial or industrial unit. All premises, locations or entities, public or private, requiring refuse collection not a residential unit.

Construction debris. Waste building materials resulting from construction, remodeling, repair or demolition operations.

Container. 96-gallon garbage cart for residential use, to be provided by the contractor, to be used in conjunction with a fully authorized pickup plan.

Contractor. The person, corporation or partnership performing refuse collection and disposal pursuant to agreement with the city.

Dead animals. Animals or portions thereof equal to or greater than 10 lbs. in weight that have expired from any cause, except those slaughtered or killed.

Disposal site. A refuse depository, physically located in the city or in close proximity thereto, including but not limited to sanitary landfills, transfer stations, incinerators, and waste processing/separation centers licensed, permitted or approved to receive for processing or final disposal of refuse and dead animals by all governmental bodies and agencies having jurisdiction and requiring such licenses, permits or approvals.

Garbage. Any and all dead animals of less than 10 lbs. in weight, except those slaughtered for human consumption; every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, but not by way of limitation, used tin cans and other food containers; and all putrescible or easily decomposable waste animal or vegetable matter, which is likely to attract flies or rodents; except (in all cases) any matter included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter.

Hazardous waste. Waste, in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate state agency by or pursuant to federal or state law, or waste, in any amount, which is regulated under federal or state law. For purposes of this contract, the term "hazardous waste" shall also include, but not be limited to, motor oil, oil filters, gasoline, paint and paint cans.

Multiresidential unit. A residential complex having three (3) or more residential units on a single master water meter.

Producer. An occupant of a commercial and/or industrial unit or a residential unit who generates refuse

Refuse. Residential refuse, commercial and industrial refuse, brush/bulky items, construction debris and stable matter generated by a producer or contractor.

Residential refuse. All garbage and rubbish generated by a producer or contractor at a residential unit who generates refuse.

Residential unit. A dwelling within the corporate limits of the city occupied by a person or group of persons comprising not more than four families. A residential unit shall be deemed occupied when water services are being supplied thereto. A condominium dwelling, whether of single- or multilevel construction, consisting of four or less continuous or separate single-family dwellings within such residential unit shall be treated as a residential unit, except that each single-family dwelling within any such residential unit.

Rubbish. See Bulky waste.

Stable matter. All manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure and resulting from the keeping of animals, poultry or livestock.

(Ordinance 2267, sec. II, adopted 9/19/02)

Sec. 13.08.003 Monthly collection of rubbish

- (a) All subscribers to solid waste collection and disposal services as provided by the city shall be entitled to monthly curbside collection of rubbish, as scheduled and published by the city.
- (b) Rubbish shall be placed along the edge of city-maintained roadways no more than eight (8) feet from the edge of roadway or back of curb.
- (c) The accumulation of rubbish in alleys or easements is prohibited.

(Ordinance 2267, sec. IV, adopted 9/19/02)

Sec. 13.08.004 Monthly collection of bulky waste

- (a) All subscribers to solid waste collection and disposal services as provided by the city shall be entitled to monthly curbside collection of bulky waste, as scheduled and published by the city.
- (b) Bulky waste shall be placed along the edge of city-maintained roadways no more than eight (8) feet from the edge of the roadway or back of curb. The placement or storage of bulky waste in alleys or easements is prohibited.

(Ordinance 2267, sec. V, adopted 9/19/02)

Sec. 13.08.005 Mandatory subscription

From and after effective date of this article (ordinance adopted September 19, 2002), each family unit and commercial unit within the city limits shall be and hereby is required to subscribe and use the services of the city or the city's contractor for solid waste collection and disposal services. (Ordinance 2267, sec. VI, adopted 9/19/02)

Sec. 13.08.006 Penalty for violation

Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of misdemeanor and upon conviction shall be fined in any sum not more than \$2,000.00; provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state, and each such day violation continues shall constitute a separate offense. (Ordinance 2267, sec. VII, adopted 9/19/02)

Sec. 13.08.007 Commercial brush pickup

The hourly rate for on-demand service by apartment complexes/mobile home parks/commercial accounts will be \$85.00/hr. plus \$27.00/ton. For small piles cost will be \$135.00/hr. Pickup time will be charged only. (Ordinance 2267, sec. VIII, adopted 9/19/02)

**ARTICLE 13.09 WATER CONSERVATION AND DROUGHT CONTINGENCY
PLAN^{vi*}**

Sec. 13.09.001 Established

This is hereby established as the city emergency water conservation plan. (Ordinance 2376, sec. 1, adopted 3/21/06)

Sec. 13.09.002 Declaration of policy

(a) In view of the limited water resources available to the city, it is hereby declared that the public health, safety and welfare require all water resources available to the city be put to maximum beneficial uses and that the waste, unreasonable use, or unreasonable method of use of water be prevented. The conservation of all water resources is to be pursued with a view toward the reasonable and beneficial use thereof in the interest of all people of the area served by the city's water resources.

(b) In making decisions under this article concerning the allocation of water between conflicting interests, highest priority will be given to allocations which will result in the least loss of employment to persons whose income is essential to their families.

(Ordinance 2376, sec. 2, adopted 3/21/06)

Sec. 13.09.003 Authorization

- (a) The city manager or his designee is hereby authorized and directed to implement the applicable provisions of this article upon the determination that such implementation is necessary to protect the public health, safety and welfare.
- (b) Should emergency conditions arise, the city commission's decision to implement immediate conservation measures may supersede provisions of this article.

(Ordinance 2376, sec. 3, adopted 3/21/06)

Sec. 13.09.004 Applicability

- (a) The provisions of this article shall apply to all persons, customers and property utilizing the city's water wherever situated. The terms "person" and "customer," as used in this article include individuals, corporations, partnerships, associations and all other legal entities, including irrigation water provided by Cameron County Irrigation District No. 2.
- (b) In promoting the conservation of the limited water resources available to the city, four water conservation stages are hereby created and listed in section 13.09.006 of this article.
- (c) When the use of water is regulated during any period of water shortage, such regulations or restrictions on the use of water shall continue until water conservation measures are no longer deemed necessary by the city manager.
- (d) The order by the city manager to implement or terminate stages 1 to 4 in section 13.09.006 of this article shall be made by public announcement and published a minimum of one time in a newspaper of general circulation in the city before the date of implementation. The order shall become effective or terminate after 12:00 midnight on the scheduled date of implementation or termination.
- (e) The highest priority of water use during stages 3 and 4 shall be for human consumption and fire protection.

(Ordinance 2376, sec. 4, adopted 3/21/06)

Sec. 13.09.005 Additional costs

If the city incurs any additional costs related to the production of water, such as push water, the costs will be passed on to consumers in an appropriate scale recommended by the city manager and approved by the city commission. Surcharges will be assessed at the beginning of the first billing cycle. (Ordinance 2376, sec. 5, adopted 3/21/06)

Sec. 13.09.006 Water conservation stages

- (a) Stage 1, voluntary water conservation.

- (1) Stage 1 shall be implemented when the level of U.S. water stored in Amistad and Falcon Reservoirs, as determined by the International Boundary and Water Commission, reaches 51% of capacity. Also, upon official request from Cameron County Irrigation District No. 2, provisions of this article will apply to those who have lawn water contracts with the district.
 - (2) Upon reaching this stage, the city manager shall notify, by public announcement and publication of notice, customers of the water system of the city to voluntarily conserve and limit their use of water.
- (b) Stage 2, mandatory water conservation.
- (1) Stage 2 shall be implemented when the levels of U.S. water stored in Amistad and Falcon Reservoirs, as determined by the International Boundary and Water Commission, reaches 25% of capacity. Also upon request from Cameron County Irrigation District No. 2, provisions of this article will apply to those who have lawn water contracts with the district.
 - (2) Upon reaching this stage, the city manager shall notify, by public announcement and publication of notice, customers of the water system of the city to mandatorily conserve and limit their use of water. All municipal operations shall be placed on mandatory conservation. If any provision in stage 1 conflicts with a provision in stage 2, the provision in stage 2 will control.
 - (3) The city manager at his discretion may implement stage 2 when the water plant reaches 95% capacity.
 - (4) No watering should be done between the hours of 10:00 a.m. and 6:00 p.m. Grass, trees, shrubbery, annual, biennial or perennial plants, vines, gardens, and other similar vegetation may be watered with a handheld hose equipped with a positive shutoff nozzle or a handheld bucket or water can no larger than five (5) gallons in capacity. A drip irrigation system and other sprinkler systems are allowed.
 - (5) Commercial nurseries, commercial sod farms and other similar establishments may water their nursery stock by means of a handheld bucket or watering can between the hours of 8:30 a.m. and 6:00 p.m. Drip or sprinkle irrigation systems are also permitted to water nursery stock during the hours of 8:30 a.m. to 6:00 p.m. The use of water for the expansion of commercial nursery facilities is prohibited.
 - (6) All water allowed to run off yards, plants, or other vegetation into gutters or streets shall be deemed a waste of water and is prohibited.
 - (7) Washing of personal automobiles, trucks, trailers, boats, airplanes and other mobile equipment may be done only with a handheld hose equipped with a positive shutoff nozzle or with a handheld bucket or watering can not to exceed five (5) gallons in

capacity between the hours of 6:00 p.m. to 9:00 p.m.

- (8) Permitting or maintaining defective plumbing in a home, business establishment or any location where water is used on the premises is prohibited. Permitting the waste of any water by reason of defective plumbing as mentioned above shall include the existence of water closets in need of repair, underground leaks, defective faucets and taps. Permitting water to flow constantly through a tap, hydrant, valve or otherwise by any user of water connected to the city system shall be considered a waste of water and prohibited.
- (9) The use of fire hydrants for any purpose other than firefighting is prohibited, except that the city manager may permit the use of metered fire hydrant water by the city or by commercial operators using jet rodding equipment to clear and clean sanitary and storm sewers.
- (10) The use of water in ornamental fountains or in artificial waterfalls where the water is not reused or recirculated in any manner is prohibited.
- (11) The use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced areas, or any building or structure is prohibited except to alleviate immediate health or fire hazards.
- (12) The use of water for dust control is prohibited except for health concerns.
- (13) The use of water for all privately and publicly owned swimming pools, wading pools, Jacuzzi pools, hot tubs and like or similar uses is prohibited except as necessary to maintain the structural integrity of the pool or tub. Construction permits will be issued; however, they may not be filled with water until such time as this article reverts to stage 1 or to a nonconservation stage.
- (14) The use of city water to place new agricultural land into production is prohibited.
- (15) The following rates will be placed into effect during stage 2 of this section:

RESIDENTIAL

<u>Gallons</u>	<u>Rate (Surcharge)</u> <u>Per 1,000 Gallons</u>
1–2,000	23.03
2,001–10,000	2.01
10,001–20,000	2.51
20,001–30,000	3.01
30,001–50,000	3.51
50,001–100,000	4.01
100,001–200,000	4.51

200,001–300,000	5.01
300,001 +	5.51

COMMERCIAL

All commercial accounts will be assessed the same as (b)(15) per month per account during stage 2.

(c) Stage 3, water use restriction.

- (1) Stage 3 shall be implemented when the levels of U.S. water stored in Amistad and Falcon Reservoirs, as determined by the International Boundary and Water Commission, reaches 15%. Provisions of this article will apply to those who have lawn water contracts with the district.
- (2) Upon reaching this stage, the city manager shall notify, by public announcement and publication of notice, customers of the water system of the city to further restrict and conserve and limit their use of water. All municipal operations shall be placed on mandatory conservation. If any provision in stage 1 or 2 conflicts with a provision in stage 3, the provision in stage 3 will control.

Grass, trees, shrubbery, annual, biennial or perennial plants, vines, gardens, and other similar vegetation may be watered with a handheld hose equipped with a positive shutoff nozzle or a handheld bucket or water can no larger than five (5) gallons in capacity, a drip irrigation system, or an automatic sprinkler system only between the hours of 6:00 p.m. to 10:00 a.m.

- (3) Commercial nurseries, commercial sod farms and other similar establishments may water their nursery stock by means of handheld bucket or watering can between the hours of 8:30 a.m. and 6:00 p.m. Drip or sprinkle irrigation systems are also permitted to water nursery stock during the hours of 8:30 a.m. to 6:00 p.m. The use of water for the expansion of commercial nursery facilities is prohibited. Watering days are Monday through Friday except Wednesdays.
- (4) All water allowed to run off yards, plants, or other vegetation into gutters or streets shall be deemed a waste of water and is prohibited.
- (5) Personal washing of automobiles, trucks, trailers, boats, airplanes and other mobile equipment may be done only with a handheld hose equipped with a positive shutoff nozzle or with a handheld bucket or watering can not to exceed five (5) gallons in capacity between the hours of 6:00 p.m. to 9:00 p.m.
- (6) Permitting or maintaining defective plumbing in a home, business establishment or any location where water is used on the premises is prohibited. Permitting the waste of any water by reason of defective plumbing as mentioned above shall include the

existence of water closets in need of repair, underground leaks, defective faucets. Permitting water to flow constantly through a tap, hydrant, valve or otherwise by any user of water connected to the city system shall be considered a waste of water and prohibited.

- (7) The use of fire hydrants for any purpose other than firefighting is prohibited, except that the city manager may permit the use of metered fire hydrant water by the city or by commercial operators using jet rodding equipment to clear and clean sanitary and storm sewers.
- (8) The use of water in ornamental fountains or in artificial waterfalls where the water is not reused or recirculated in any manner is prohibited.
- (9) The use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced areas, or any building or structure is prohibited except to alleviate immediate health or fire hazards.
- (10) The use of water for dust control is prohibited except for health reasons.
- (11) The use of water for all privately and publicly owned swimming pools, wading pools, Jacuzzi pools, hot tubs and like or similar uses is prohibited except as necessary to maintain the structural integrity of the pool or tub. Construction permits will not be issued until such time as this article reverts to stage 2 or 1 or to a nonconservation stage.
- (12) The use of water to place a new agricultural land into production is prohibited.
- (13) The following rates will be placed into effect during stage 3 of this section:

RESIDENTIAL

<u>Gallons</u>	<u>Rate (Surcharge)</u> <u>Per 1,000 Gallons</u>
1-2,000	23.0 3
2,001-8,000	2.01
8,001-15,000	2.51 + 50%
15,001-30,000	3.01 + 75%
30,001-50,000	3.51 + 100%
50,001-100,000	4.01 + 200%
100,001-200,000	4.51 + 300%
200,001-300,000	5.01 + 400%
300,001 +	5.51 + 500%

COMMERCIAL

All commercial accounts will be assessed based on (c)(13) stage 3.

(d) Stage 4, water use emergency.

- (1) Stage 4 shall be implemented when the levels of U.S. water stored in Amistad and Falcon Reservoirs, as determined by the International Boundary and Water Commission, reaches 10% of capacity. Also upon request from Cameron County Irrigation District No. 2, provisions of this article will apply to those who have lawn water contracts with the district.
- (2) All nonessential water uses or uses not necessary to maintain the public health, safety and welfare are prohibited. Nonessential water uses are defined in this subsection to include the watering of grass, trees, plants and other vegetation (except when stage 2 restrictions specifically remain applicable), the noncommercial washing of automobiles, trucks, trailers, boats, airplanes and other mobile equipment, and the use of fountains or artificial waterfalls.
- (3) No application for new, additional expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or other water services facilities of any kind shall be allowed or approved except as approved by the city commission.
- (4) The maximum amounts of monthly water usage for residential and nonresidential customers and the accompanying surcharges may be revised during the state of an emergency in stage 4. These revised allocation and surcharge amounts are subject to approval by the city commission.
- (5) The city manager is hereby authorized to take any other actions deemed necessary to meet the conditions resulting from the emergency including, but not limited to, pressure reduction.

(Ordinance 2376, sec. 6, adopted 3/21/06)

Sec. 13.09.007 Violations, penalty and enforcement

- (a) No person shall knowingly or intentionally allow the use of water for residential, commercial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this article, or in an amount in excess of that permitted by the conservation stage in effect at the time pursuant to action taken by the city manager, or his designee, in accordance with the provisions of this article, including irrigation water provided by Cameron County Irrigation District No. 2.
- (b) Any person who violates this article is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than two hundred

dollars (\$200.00). Each day that any one or more of the provisions in this article is violated shall constitute a separate offense. If a person is convicted of two or more distinct violations of the provisions of this article per day, the city manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Compliance may also be sought through injunctive relief in the district court.

(c) Any police officer or other city employee designated by the city manager may issue a citation to a person he reasonably believes to be in violation of this article. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the city's municipal court on the date shown on the citation, which date shall be not less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation.

Service of the citation shall be complete upon the delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident at the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this article. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

(d) A person, including a person classified as a water customer of the city, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parent's control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he proves that he had previously directed the child not to use the water as it was used in the violation, and that the parent could not have reasonably known of the violation.

(Ordinance 2376, sec. 6, adopted 3/21/06)

Sec. 13.09.008 Amendment

The regulations, requirements, restrictions and provisions in this article may from time to time be amended, supplemented, changed or repealed, provided the changes are approved by the city commission. (Ordinance 2376, sec. 8, adopted 3/21/06)

Sec. 13.09.009 Additional system information

(a) Line sizes.

- (1) The water treated by the city filtration plant is diverted from the Rio Grande, Cameron County, Texas.

- (2) The city has a potable water and sanitary sewer system that meets all the requirements of the state's regulatory agency, the state commission environmental quality.
- (3) The city's water system has approximately seventy-two miles of lines ranging in size from two (2) inches to sixteen (16) inches and the sanitary sewer system has approximately fifty-seven and one-half (57-1/2) miles of lines ranging in size from six (6) inches to fifteen (15) inches.
- (4) Changes in weather patterns are not extreme; therefore water usage remains relatively stable. The average water usage for the winter is approximately ninety-seven million gallons per month and approximately ninety-eight million gallons per month during the summer.

(b) Unaccounted water.

- (1) All of the city's water lines are in populated areas and, as a result, we do not have any problems with water leaks being unreported. All leaks are generally either fixed within one hour after being reported or repairs to the lines are started within the first hour after being reported.
- (2) The system's operating pressure is seventy (70) psi; consequently, illegal taps into the system do not occur.

(c) Measure. All city meters are read on a monthly basis and are changed if the meter readers notice sporadic readings or if the meters are not registering properly. Additionally, our computer system rejects any reading that may be unusually high or low which alerts staff to possible problems with the meter in question.

(d) Education and information programs. The citizens of the city will be informed of this plan through several communications.

- (1) The public will be invited and encouraged to participate in the plan during public meetings along with public hearings associated with the accompanying ordinance.
- (2) Brochures will be displayed at the utilities department and at city hall.
- (3) Information flyers will be distributed to the community.
- (4) Conservation tips will be printed on the monthly water statements.
- (5) Public service announcements, television and radio.

(e) Coordination with regional water planning groups. The service area of the city is located within the Lower Rio Grande Valley Development Council and the Cameron County Irrigation District No. 2 and the city has provided a copy of this plan to the irrigation district and the

development council. Additionally, a copy of the plan will also be provided to the water master.

(Ordinance 2376, sec. 10, adopted 3/21/06; Ordinance adopting Code)

Sec. 13.09.010 Triggering criteria for initiation and termination of drought response stages

(a) The city manager shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of this plan. Public notification of the initiation or termination of drought response stages shall be by means of publication in a newspaper of general circulation. The triggering criteria described below are based on the water levels of U.S. water stored in Amistad and Falcon Reservoirs, as determined by the International Boundary and Water Commission.

- (1) Stage 1 mild water shortage conditions. Customers shall be requested to voluntarily conserve water and adhere to section 13.09.006(a) of this article when the water stored in Amistad and Falcon Reservoirs, as determined by the International Boundary and Water Commission, reaches 51% of capacity. Also, upon official request from Cameron County Irrigation District No. 2, provisions of this article will apply to those who have lawn water contracts with the district.
- (2) Stage 2 Moderate Water Shortage Conditions. Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses provided in section 13.09.006(b) of this article when the water stored in Amistad or Falcon Reservoir, whichever is less, as determined by the International Boundary and Water Commission, reaches 25% of capacity. Also, upon official request from Cameron County Irrigation District No. 2, provisions of this article will apply to those who have lawn water contracts with the district. Requirements for termination of stage 2, moderate water shortage conditions, may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days. Upon termination of stage 2, stage 1 becomes operative.
- (3) Stage 3 severe water shortage conditions. Customers shall be required to comply with the requirements and restrictions of certain nonessential water uses provided in section 13.09.006(c) of this article when water stored in Amistad or Falcon Reservoir, whichever is less, as determined by the International Boundary and Water Commission, reaches 15% of capacity. Also, upon official request from Cameron County Irrigation District No. 2, provisions of this article will apply to those who have lawn water contracts with the district.

Requirements for termination of stage 3, severe water shortage conditions, may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days. Upon termination of stage 3, stage 2 becomes operative.

- (4) Stage 4 emergency water shortage conditions. Customers shall be required to comply

with the requirements and restrictions of certain water uses provided in section 13.09.006(d) of this article when water stored in Amistad and Falcon Reservoirs, as determined by the International Boundary and Water Commission, reaches 10% of capacity. Additionally, when the City Manager determines that a water supply emergency exists based on (1) Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service or (2) Natural or man made contamination of the water supply sources. Requirements for termination of emergency conditions under any of these two scenarios may be lifted as soon as the triggering conditions cease to exist. Moreover, after the Emergency Condition has been lifted, Stage 3 will not be operative if any emergency was declared for any of the two preceding conditions.

Requirements for termination of all other stage 4 triggering conditions, emergency water shortage conditions, may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days. Upon termination of stage 4, stage 3 becomes operative.

(b) Alternative water sources. During severe water shortage conditions and the emergency water shortage conditions, the city manager may utilize water purchased from the Harlingen Water Works System through the interconnection of the two water supply systems. Additionally, the city may utilize water recovered from water wells in an attempt to supplement surface water sources.

(Ordinance 2376, sec. 11, adopted 3/21/06)

Sec. 13.09.011 Variances

(a) The city commission may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such a variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting and approved or denied such a variance and if one or more of the following conditions are met:

- (1) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect.
- (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(b) Persons requesting an exemption from the provisions of this article shall file a petition for a variance with the city manager within 5 days after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the city commission and shall include the following:

- (1) Name and address of the petitioner(s).

- (2) Purpose of water use.
 - (3) Specific provision(s) of the plan for which the petitioner is requesting relief.
 - (4) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if the petitioner complies with this article.
 - (5) Description of the relief requested.
 - (6) Period of time for which the variance is sought.
 - (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date.
 - (8) Other pertinent information.
- (c) Variances granted by the city commission shall be subject to the following conditions, unless waived or modified:
- (1) Variances granted shall include a timetable for compliance.
 - (2) Variances granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
- (d) No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.

(Ordinance 2376, sec. 12, adopted 3/21/06)

^{i*} State law reference—Municipal jurisdiction over water and sewer utility rates, operations and services, V.T.C.A., Water Code, sec. 13.042.

^{ii*} State law reference—Backflow prevention for water closet plumbing fixtures or other equipment, V.T.C.A., Occupations Code, sec. 1301.501.

^{iii*} State law references—Adoption of rules to control and regulate disposal system waste, V.T.C.A., Water Code, sec. 26.176; water pollution control duties, V.T.C.A., Water Code, sec. 26.177.

^{iv*} State law reference—On-site sewage disposal systems, V.T.C.A., Health and Safety Code, ch. 366.

^{v*} State law references—Municipal solid waste, V.T.C.A., Health and Safety Code, ch. 363; Solid Waste Disposal Act, V.T.C.A., Health and Safety Code, ch. 361.

^{vi*} State law reference—Drought contingency plans, V.T.C.A., Water Code, sec. 11.1272.