

Chapter 31

UTILITIES*

* **Cross References:** Electricity, Ch. 11; licenses, permits and miscellaneous business regulations, Ch. 18; plumbing, Ch. 25.
State Law References: Powers of cities relating to utilities, V.A.C.S. art. 1175(11)--(15), (29)--(31).

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ARTICLE I.

IN GENERAL

Sec. 31-1. Fees for use of streets by electric utilities.

(a) All persons operating as an electric utility and using and maintaining any electric light and power poles, structures, wires, conduits, towers, cables, crossarms, appurtenances or fixtures in streets, alleys, parks and other public areas within the corporate limits of the city, shall file with the city secretary on or before the first day of May and on or before the first day of November of each year a report sworn to by the auditor, or other authorized representative of such person, showing the gross receipts derived by such electric utility from sales within the corporate limits of the city, of electric energy to consumers located and using such energy within the corporate limits of the city, during the immediately preceding six (6) months ending either March thirty-first or September thirtieth, as the case may be, excluding therefrom gross receipts from the city.

(b) At the time of and in connection with making the reports required in paragraph (a) of this section, each person required to make such report shall pay to the city for using the streets, alleys, parks and other public areas within such city during the immediately preceding six (6) months ending either March thirty-first or September thirtieth, as the case may be, rental equal to two (2) percent of the gross receipts received during the six (6) months ending on the immediately preceding March thirty-first or September thirtieth, as the case may be, by such person from sales within the corporate limits of the city of electric energy to consumers located within and using such energy within the corporate limits of the city, excluding therefrom gross receipts from the city. Each such payment shall be made to the city at the office of the city secretary and the city secretary shall deliver to the person or concern making such payment a receipt for such amount paid as rental.

(c) Any special taxes, rentals, contributions or charges accruing or covering any period of time after the effective date of the ordinance from which this section is derived, paid under the terms of any preexisting ordinance, contract or franchise, by any person required hereby to report and make payments based on gross receipts, shall be credited on the amount due or owing by such person hereunder and the city secretary is authorized hereby to allow such credit.

(d) Any person and the local manager or agent of any such person willfully failing and refusing, after thirty (30) days' written notice from the city secretary, to make the report required herein or to pay the amount of the rentals fixed herein, shall be subject, upon conviction, to punishment as provided in section 1-6 of this Code.

(Ord. of 12-16-52, §§ 1--4)

Cross References: Licenses, permits and miscellaneous business regulations, Ch. 18; streets and sidewalks, Ch. 28.

Sec. 31-2. Policies and procedures for applicants requesting water and sewer extensions.

I. Applicable provisions of the subdivision ordinance:

As to this section, reference is made to the provisions of the Subdivision Ordinance of January 17, 1984 [appendix B], where applicable.

II. Inside the city limits, water and sewer line assessments pursuant to authority of Texas Local Government Code, § 402.063.

- (a) (1) This policy shall apply to those residential blocks where at least three (3) property owners or fifty (50) percent of the owners per block sign a petition for assessment obligating themselves to the terms of this policy.
- (2) Where it can be ascertained that the subdivision of land into residential lots occurred at least ten (10) years prior to the assessment date.
- (3) After the city council has determined at a public hearing of which all potentially affected property owners have been notified by letter, that it is in the best interest of the general community that such improvements be made and that the costs of such improvements will increase the value of affected properties by a like or greater amount.

- (b) Under the above conditions, the following policy shall apply:
 - (1) The city shall determine the location and specifications for all improvements proposed.
 - (2) Up to ninety (90) percent of the material and labor costs associated with such improvements shall be borne by those property owners whose property fronts on proposed improvements.
 - (3) The cost of the improvements shall be assessed on a front-foot charge applied equally to all owners whose properties front the improvements.
 - (4) The cost of the improvements shall be paid over a three-year period at a rate of interest of eight (8) percent or the rate of the last bond sale. In cases of ascertained financial hardship, the city may extend the assessment amortization to five (5) years.
 - (5) The city shall assume the cost for all off-site improvements, and for those improvements which "side" or "back" onto residential property, where such residential property already has the utility service being assessed.

III. Inside the city limits, front-foot charge for extensions:

- (a) This policy shall apply within the city limits and for street extensions into areas not now served where the street involved is established and a few lots are without service.
- (b) This policy applies to all lines installed after June 1, 1985, in existing platted street and easements unless the extension is being paid for by the Community Development Block Grant Program.
- (c) The amount to be charged on a front-foot basis shall be determined by the city council on a project-by-project basis.
- (d) Payment will be made to the water and sewer department at the time its tap is requested. In some instances, where deemed appropriate by the city council, payment may be made by monthly payments over a period up to three (3) years with eight (8) percent interest. Water and/or sewer service disconnection shall be made in the event of failure to make timely monthly payments.
- (e) It shall be the responsibility of the water and sewer department to collect payments for all lines installed after June 1, 1985, by the city, except for those paid for by the Community Development Block Grant Program.

IV. Inside and outside the city limits, extension of water main and procedures for reimbursement of applicant for water extension in certain circumstances.

- (a) Water mains may be extended inside the city limits or outside the city limits and within the city's extraterritorial jurisdiction.
- (b) Extensions of water mains involving requested reimbursement shall be made on written application in the following manner.

- (1) All mains, lines, fire hydrants, gate valves, and other necessary fittings shall be furnished and installed at the cost of the applicant, under the direction of the city according to plans and specifications approved by the city engineer prior to construction.
- (2) The pipe diameter of any main to be extended shall be determined by the city engineer, but any main for which reimbursement is to be considered must be at least eight (8) inches in diameter, be able to assure a minimum flow of five hundred (500) gallons per minute for firefighting purposes, and have appropriately placed fire hydrants.
- (3) No extension shall be laid except in a dedicated street, public road or approved easement. Each extension shall terminate with a main line valve and fire hydrant and/or where feasible, provide a loop or connection to another water main. All costs of necessary easements and right-of-way shall be borne by the applicant, and shall be secured in the name of the city.
- (4) The City shall be provided payment or water rights for the area or areas to be served as required by the city's water availability requirements set forth in section 31-92(b).
- (5) Such mains, lines, fire hydrants, gate valves, and easements shall become the property of the city immediately upon installation.
- (6) The applicant shall not resell water to others or deliver water to others than the party or parties specified in the initial application for service.
- (7) The applicant making such extension shall be entitled to reimbursement of up to but not to exceed the difference between the developer's total cost and his pro rata share, including engineering fees, publication fees as requested by the city, materials and installation, from the point of the connection to an existing main to the applicant's property.
- (8) The cost of benefiting property owners other than the applicant is to be determined in the following manner:
 - a. Preliminarily, the applicant shall visit with the utilities director and the city engineer to outline the proposed extension in enough detail so that the utilities director and city engineer can advise the applicant of the feasibility of the extension, and review with the applicant the extension policy and any on-going engineering studies that might impact upon the proposed extension. At this time, the size of the extension will be reviewed. Pipe size shall be determined based upon the table in subsection VI. If the city requests additional pipe size, the difference in cost between the size required for the applicant and the size required by the city shall be included in the calculations for reimbursement unless the city makes other arrangements to pay for such oversize. However, the extension shall have a minimum of 25% excess capacity available to serve other acreage other than the applicant's acreage to be considered for reimbursement. The 25% excess capacity shall be in addition to any other capacity requested by a property owner wanting to reserve a share of the capacity by paying up front along with the applicant.

- b. The applicant shall submit to the utilities director and the city engineer at least three (3) complete sets of engineering drawings of the proposed extension with specifications and a preliminary cost estimate. The applicant will be advised as to what the city staff will recommend as to future reimbursements. Once staff approves the submitted documentation, staff will make its recommendation to the city council and present the proposed reimbursement contract ordinance, but first it must publish for two consecutive Sundays in a local newspaper of general circulation, the caption only of the proposed reimbursement contract ordinance. The applicant is solely responsible for the expense of publication. The date of the first publication should be no later than thirty days before the ordinance is introduced by city council, giving the public sufficient time to submit any comments or concerns to staff. For the applicant to receive any reimbursement, the reimbursement contract must be executed prior to completion of construction and acceptance by city.
 - c. A pro rata charge will be collected from each property when utilities are made available and the property has received final plat approval. The charge will be calculated based upon the total construction amount including engineering fees, publication fees as requested by the city, materials and installation divided by the capacity of the line proposed (gallons per minute) for a unit cost of each gallon per minute (\$/gpm). The capacity of the line shall be based upon the table in subsection VI. The applicant's acreage to be served by the extension will be agreed upon prior to construction of the extension and will be specified in the reimbursement contract. The identification of the service area shall serve as a means to reserve the capacity proposed by the applicant. Any section of the applicant's acreage left un-platted after the end of the contract shall be submitted to the city for consideration to reserve capacity after the 15 year term is complete.
 - d. The city may connect future customers to the water extension provided that there is sufficient capacity on the line, the owner of the tract subject to the pro rata charge under the reimbursement formula has paid the pro rata charge at time of platting of such tract and provided that the customer has paid the tapping fee.
 - e. Any customer not contributing the pro rata charge at the time of installation of the water extension who requests service at a later date must pay the pro rata charge in full, plus an administration fee of one hundred dollars (\$100.00) per plat, plus the tapping fee and any other applicable fees, before service will be installed. The administration fee and the tap fee shall be retained by the city.
 - f. Any condition not covered by these regulations or of such a nature that would result in an inequitable pro rata charge to any customer will be considered by the city council for possible inclusion in the reimbursement contract.
- (9) Upon completion of any such extension, the applicant shall furnish the utilities director and city engineer satisfactory evidence as to the actual (as-built) costs. The amount of such cost and the date of completion and acceptance as determined by the director and city engineer at the time of acceptance shall be conclusive for the purpose of reimbursement.

- (10) For each three-quarter-inch connection made to such extension by an individual user of water for a single-family dwelling (as distinguished from a connection by an owner or developer of an addition or subdivision, an apartment project, multiunit dwelling project or commercial uses of any type), the individual user so connecting shall in addition to the water availability charge, connection charge and any other charges due pay one hundred dollars (\$100.00) for each connection as an extension charge.
- (11) For each connection by an applicant or developer (other than the original applicant) of an addition or subdivision, an apartment project, multiunit dwelling project, or a commercial user of any type, the party making such connection shall, in addition to the connection charge or tap fee, water availability charge and any other charge due, pay to the city an extension charge based on a capacity point system according to the size of the line as shown on the table in subsection VI.
- (12) Extension payments received shall be refunded to the applicant up to the amount of the reimbursable costs as above set out. Such refund shall be limited to payments received by the city within fifteen (15) years from the date of completion of the extension or until the applicant has received at least ninety-five (95) percent of the total reimbursable amount which ever comes first. Once the applicant has received ninety-five (95) percent reimbursement, any available capacity left in the line shall automatically be added to the reserved capacity for the applicant.

The city shall levy a service charge for processing each refund. The minimum charge shall be fifty dollars (\$50.00) and may be adjusted upward by the city council as a condition of the reimbursement contract because of the complexity of the refund contract, to obtain equity, or for any other reason determined to be appropriate by the city council. The charge will be deducted from the refundable amount, which amount will then be mailed to the applicant at the address set forth in the reimbursement contract or to such other name and address as the applicant or its successors may indicate in the manner set forth in the reimbursement contract.

Should there be more than one (1) person named as applicant for the proposed extension, the reimbursement contract must designate the one (1) person or corporation to act as agent on the applicant's behalf.

In the event there is no claim made for funds held under a reimbursement contract within fifteen (15) years from the date of completion of the extension to which the contract relates or in the event the city cannot ascertain the current name and/or address of the claimant to funds held under a reimbursement contract within fifteen (15) years from the date of completion of the extension to which the contract relates, then in either event the funds held shall be placed in an extension fund for other extensions in the city Utilities budget.

- (13) Any applicant requesting to make an extension, from an extension built under the provisions of this extension policy, and which later extension is to be constructed so as to serve property not fronting on or adjacent to the main to which it is connecting, shall be entitled to reimbursement on the same basis as the applicant making the original extension, provided such later applicant shall also be obligated to pay to the city the extension charges on the extended main to which he is connecting on the same basis as is provided above and an appropriate reimbursement contract

is approved and executed prior to completion of construction.

- (14) If in the judgment of the utilities director or city engineer an engineering feasibility study is required prior to considering an extension, it shall be made at the expense of the applicant by his engineer or, if by the city, at a cost agreed to in advance by the parties involved.
- (15) The city council reserves the right to refuse water service to any applicant if, in the judgment of the city council, sufficient capacity is not available, and the judgment of the city council shall be final.

V. Inside and outside the city limits, extension of sewer mains and procedures for reimbursement of applicant for extension in certain circumstances:

(a) Sewer mains may be extended inside the city limits or outside the city limits and within the city's extraterritorial jurisdiction (except for outside the CCN).

(b) Extension of sewer mains involving requests for reimbursement shall be made on written application in the following manner:

- (1) All mains, lines, lift stations, manholes, cleanouts and other necessary fittings shall be furnished and installed at the cost of the applicant, under the direction of the city according to plans and specifications approved by the city engineer and utilities director prior to construction.
- (2) The pipe diameter of any main to be extended shall be based upon the table shown in subsection VI and approved by the utilities director and city engineer, but in no event shall a line smaller than twelve (12) inches be considered for reimbursement.
- (3) No extension shall be laid except in a dedicated street, or public road or approved and recorded easement. Each extension shall terminate with a main line, cleanout or manhole. All cost of necessary easements and rights-of-way shall be borne by the applicant and shall be secured in the name of the city.
- (4) Such mains, lines, manholes, etc., and easements shall become the property of the city immediately upon installation and approval.
- (5) The applicant making such extension shall be entitled to reimbursement of up to but not to exceed the difference between the developer's total cost and his pro rata share, including engineering fees, publication fees as requested by the city, materials and installation from the point of connection to an existing main to the applicant's property.
- (6) The cost to benefiting property owners other than the applicant is to be determined in the following manner:
 - a. Preliminarily, the applicant shall visit with the utilities director and city engineer and outline the proposed extension in enough detail so that the utilities director and city engineer can advise the applicant of the feasibility of the extension, and review with the

applicant the extension policy and any ongoing engineering studies that might impact upon the proposed extension. At this time, the size of the extension will be reviewed. Pipe size shall be determined based upon the table in subsection VI. If the city requests additional pipe size depth, the difference in cost between the size required for the applicant and the size required by the city shall be included in the calculations for reimbursement unless the city makes other arrangements to pay for such oversize or extra depth. However, the extension shall have a minimum twenty-five (25) percent excess capacity available to serve other acreage other than the applicant's acreage to be considered for reimbursement. The twenty-five (25) percent excess capacity shall be in addition to any other capacity requested by a property owner wanting to reserve a share of the capacity by paying up front along with the applicant.

- b. The applicant shall submit to the utilities director and city engineer at least three (3) complete sets of engineering drawings of the proposed extension with specifications and a preliminary cost estimate. The utilities director and city engineer will advise the applicant as to what the city staff will recommend as to future reimbursement. Once staff approves the submitted documentation, staff will make its recommendation to the city council and present the proposed reimbursement contract ordinance, but first it must publish for two consecutive Sundays in a local newspaper of general circulation, the caption only of the proposed reimbursement contract ordinance. The applicant is solely responsible for the expense of publication. The date of the first publication should be no later than thirty (30) days before the ordinance is introduced by city council, giving the public sufficient time to submit any comments or concerns to staff. For the applicant to receive any reimbursement, the reimbursement contract must be executed prior to completion of construction and acceptance by city.
- c. A pro rata charge will be collected from each property when utilities are made available and the property has received final plat approval. The charge will be calculated based on the total construction cost amounts including engineering fees, publication fees as requested by the city, materials and installation divided by the capacity of the line proposed (gallons per minute). The capacity of the line shall be based upon the table shown in subsection VI. The applicant's acreage to be served by the extension will be agreed upon prior to construction of the extension and will be specified in the reimbursement contract. The identification of the service area shall serve as a means to reserve the capacity proposed by the applicant. Any section of the applicant's acreage left un-platted after the end of the contract shall be submitted to the city for consideration to reserve capacity after the fifteen-year term is complete.
- d. The city may connect future customers to the sewer extension provided that there is sufficient capacity on the line, the owner of the tract subject to the pro rata charge under the reimbursement formula has paid the pro rata charge at time of platting of such tract and provided that the customer has paid the tapping fee.
- e. Any customer not contributing the pro rata charge at the time of installation of the sewer extension who requests service at a later date must pay the pro rata charge, in full plus an administration fee of one hundred dollars (\$100.00) per plat plus the tapping fee and any

other applicable fees, before service will be installed. The administration fee and the tap fee shall be retained by the city.

- f. Any condition not covered by these regulations or of such a nature that would result in an inequitable pro rata charge to any customer will be considered by the city council for possible inclusion in the reimbursement contract.
- (7) Upon completion of any such extension, the applicant shall furnish the director and the city engineer satisfactory evidence as to the actual (as-built) costs and the date of completion and acceptance. The amount of such cost as determined by the director and city engineer at the time of acceptance shall be conclusive for the purpose of reimbursement.
- (8) For each connection made to such extension by an individual provider of sewage for a single-family dwelling (as distinguished from a connection by an owner or developer of an additional or subdivision, an apartment project, multiunit dwelling project or commercial uses of any type), the individual user so connecting shall, in addition to the connection charge and any other applicable charges, pay to the city one hundred dollars (\$100.00) for each such connection as an extension charge.
- (9) For each connection made by an applicant or developer (other than the original applicant) of an addition or subdivision, an apartment project, multiunit dwelling project, or a commercial user of any type, the party making such connection shall, in addition to the service charge due and any other applicable charges, pay to the city a connection fee based on a capacity point system according to the size of the line.
- (10) Extension payments received shall be refunded to the applicant up to the amount of the reimbursable costs as above set out. Such refund shall be limited to payments received by the city within fifteen (15) years from the date of completion of the extension or until the applicant has received at least ninety-five (95) percent of the total reimbursable amount. Once the applicant has received ninety-five (95) percent reimbursement, any available capacity left in the line shall automatically be added to the reserved capacity for the applicant.

The city shall levy a service charge for processing each refund. The minimum charge shall be fifty dollars (\$50.00), and may be adjusted upward by the city council as a condition of the reimbursement contract because of the complexity of the refund contract, to obtain equity, or for any other reason determined to be appropriate by the city council. This charge will be deducted from the refundable amount, which amount will then be mailed to the applicant at the address set forth in the reimbursement contract or to such other name and address as the applicant or its successor may indicate in the manner set forth in the reimbursement contract.

Should there be more than one (1) person named as applicant for the proposed extension, the reimbursement contract must designate the one (1) person or corporation to act as agent on the applicant's behalf.

In the event there is no claim made for funds held under a reimbursement contract within fifteen (15) years from the date of completion on the extension to which this contract relates or in the

event the city cannot ascertain the current name and/or address of the claimant to funds held under a reimbursement contract within fifteen (15) years from the date of completion of the extension to which the contract relates, then in either event the money held shall be placed in an extension fund for other extensions in the city utilities budget.

- (11) Any applicant requesting to make an extension for an extension built under the provisions of this extension policy and which later is to be constructed so as to serve property not fronting on or adjacent to the main to which it is connecting shall be entitled to reimbursement on the same basis as to the applicant making the original extension, provided such later applicant shall also be obligated to pay to the city the extension charges on the extended main to which he is connecting on the same basis as is provided above, and an appropriate reimbursement contract is approved and executed prior to completion of construction.
- (12) If in the judgment of the director or city engineer an engineering feasibility study is required prior to considering an extension to the system of the city, it shall be made at the expense of the applicant by his engineer or, if by the city, at a cost agreed to in advance by the parties involved.
- (13) The city council reserves the right to refuse sewer service to any applicant if, in the judgment of the city council, sufficient capacity is not available; and the judgment of the city council shall be final.

VI. *Calculating pro rata charges.* The pro rata extension charge for each property where utilities become available by installation of a utility extension will be based on a capacity point system according to the size of the line.

For determining the capacity of line applicant must use the following table:

Water Line Capacity	
Diameter of Pipe	Capacity of Line*
8-inch	Flow capacity = 848 gpm
12-inch	Flow capacity = 1,909 gpm
16-inch	Flow capacity = 3,393 gpm
18-inch	Flow capacity = 4,335 gpm
20-inch	Flow capacity = 5,729 gpm
24-inch	Flow capacity = 8,285 gpm
30-inch	Flow capacity = 12,999 gpm
36-inch	Flow capacity = 18,771 gpm
42-inch	Flow capacity = 25,447 gp
* Based on a velocity of 6 feet per second	

Wastewater Line Capacity				
Slope (ft/100ft)			Capacity of Line (gpm)*	
Diameter of Pipe	Min.	Max.	Min. Flow	Max. Flow
8-inch	0.33	8.40	311	1533
10-inch	0.25	6.23	491	2447
12-inch	0.20	4.88	715	3538
15-inch	0.15	3.62	1122	5498
18-inch	0.11	2.83	1563	7954

21-inch	0.09	2.30	2132	10779
24-inch	0.08	1.93	2870	14134
27-inch	0.06	1.65	3258	17845
30-inch	.055	1.43	3903	22155
* Based on TCEQ requirements				

The monetary value of each point (gpm) is obtained by dividing the total number of points (gpm) for the line size into the total cost to the applicant of the line extension and each property is then assigned its proportionate amount based on its number of points (gpm) required to develop.

In making the calculations, the director of utilities and city engineer will determine in advance what capacity the extension is designed for and capable of serving. The total number of connections to be served will then be included in the calculations based on gallons per minute. Any property wanting to connect to the utility extension which has not been included in the calculations will be required to pay a pro rata share based on the number of points for his property times the same cost per point that was used to calculate the share for the other property served or to be served.

Properties that do not front on the utility extension right-of-way, but will be served by the extension, are subject to the pro rata assessment except for any property required to construct a line extension to reach the applicant's line extension and must extend a line of equal or larger size.

(Ord. No. 86-16, § 1, 2-3-86; Ord. No. 89-110, §§ 1, 2, 6-12-89; Ord. No. 2003-O-210, § 1, 10-6-03)

Editors Note: Ord. No. 86-16, adopted Feb. 3, 1986, did not specifically amend this Code; hence, inclusion of § 1 as § 31-2 was at the discretion of the editor.

Sec. 31-3. No extension of water service outside city limits except for industrial development, for the colonias, and for any city, united independent school district or county facility or building.

(a) The city shall not provide water service to and for future land developments outside the city limits, save and except for the residents of the fifteen (15) colonias listed in the interlocal agreement dated April 17, 1995, between the city and Webb County pursuant to Ordinance No. 95-0-083 and save and except for any facility or building owned by the city, United Independent School District or Webb County and save and except in the case of any development for industrial purposes, in which event the provisions of subsection (b) shall apply. Provided, furthermore, tracts are exempted from the prohibition set forth in this subsection were [where] there have been prior expenditures for water system improvements by the owners thereof or conveyances to the city of water rights or other valuable consideration by the owners thereof in anticipation of water service by the city with acceptance by the city of such consideration prior to the date of passage of this section [December 8, 1987], which tracts may be connected to the city's water system provided that they otherwise comply with the subdivision ordinance [appendix B] and other applicable laws. As of date of passage of this section, the city council finds that the tracts listed in exhibit A attached hereto [not printed herein] meet the criteria set forth above for exempting tracts from the prohibition set forth in this subsection. Any landowner who claims to meet the criteria set forth herein for exemption as of the date of passage of this section may apply to the city council for such exemption, which exemption may be granted only upon express findings by the city council that the landowner does meet the criteria as of date of passage of this section, and not otherwise.

(b) The city may agree to provide water service to any development for industrial purposes, which is defined in subsection (c), under the following circumstances, terms and conditions:

- (1) The developer shall provide on-site and off-site transmission, distribution, pumping and storage facilities as the city shall determine to be necessary for the developer's proposed development. These facilities, including the acquisition of all necessary easements, rights-of-way, and all related improvements, will be acquired at the sole cost of the developer, and will be conveyed to the city.
 - (2) The developer shall enter into an appropriate contract with the city to permit it to connect with the water system on such terms as the city considers to be in the city's best interest as provided in V.T.C.A., Local Government Code section 402.001(c), and as the city considers sufficient to meet the express requirements set forth in section 6.10(B) of the Charter which provides that the cost of utility expansion must be made by those requesting expansion and the city council shall not obligate any citizen by adjusting the utility rate to defray cost.
 - (3) The developer shall pay to the city a water availability fee based on the projected needs of the development. Alternatively, the developer shall convey to the city an equivalent amount of water rights. The water availability fee and/or conveyance of water rights will be paid and/or conveyed by the developer at the time he plats the land being developed for industrial use. In this connection, it is to be noted that this provision is intended to be the city's compensation for water rights it would need to acquire in order to serve the proposed development for industrial use. The water availability charge is set out in section 31-92(b).
 - (4) The developer shall provide all normal subdivision requirements, and these will be specified in the contract with the city referred to in paragraph (2) above; in this connection the subdivision ordinance will be used as a guide only as to the requirements for the development, but the requirements shall be made enforceable under the terms of the contract to be entered into between the developer and the city, and compliance therewith shall be one of the conditions under which water service will be supplied, and continue to be supplied, to the development.
 - (5) The water rates will be as specified in the governing ordinances for water supplied outside the city limits.
- (c) For purposes of this section, the phrase "industrial purposes" means any and all use or uses of land, first allowed in those districts which are M1, and M2, under the zoning ordinance; and for clarification, those uses which are so allowed within the meaning of the phrase "industrial purposes" are specified herein:
- (1) Storage (in bulk) of or warehouse for commodities such as building materials, contractors' equipment, clothing (raw or finished), drugs, dry goods, feed, fertilizer, food, solid fuels, furniture, hardware, ice, machinery, metals, paint and paint materials, pipe, rubber and rubber products, shop supplies, liquid fuels, petroleum products, volatile oils and liquids; however, the storage of liquid shall be underground and in tanks of a maximum capacity of twenty thousand (20,000) gallons, built and constructed in accordance with the requirements of any other applicable regulations.
 - (2) Wholesale facilities servicing retail laundry or dry cleaning establishments, bulk processing plants, printing, publishing and reproduction establishments.

- (3) Cold storage plants, brewery, dairy processing, ice plants.
- (4) Freight terminal, truck terminals and railroad yards, to include the building of spur lines or switching facilities required or desirable in connection with any use permitted under this subsection.
- (5) Contractors yard, which would include uses such as prefabrication of building trusses, storage of construction equipment, ready-made concrete, etc.
- (6) Administrative, engineering and scientific research, involving design or experimentation facilities not permitted in a previous zone. Assaying of ore by laboratory methods, and such processing and fabrication as may be necessary.
- (7) Manufacturing, compounding, processing, packaging or treatment of bakery goods, candy, cosmetics, dairy products, drugs and pharmaceutical products, soap (cold process only) and food products.
- (8) Manufacturing or processing of small items, including gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors or generators, electronic components, resistors and chips, textile products, and automated equipment.
- (9) Assembling of electrical appliances, radios, phonographs and televisions, including the manufacturing of small parts only, such as coils, condensers, transformer, transmitters, electric and electronic parts and equipment for wholesale, musical instruments, novelties, and light metal products.
- (10) Custom house brokers or freight forwarders, in which facilities for warehousing or distribution are maintained on the same premises.
- (11) Parking lots for the storage of trailers and semitrailers.
- (12) Essential services, and public service, facilities.
- (13) Detention facilities.
- (14) Acid manufacture, asbestos manufacturing, automobile, truck, heavy equipment assembly.
- (15) Bleaching, cleaning and dyeing plant, boiler shops, structure steel fabrication shops, railway car or locomotive shops (including repair), metal working shops employing reciprocating hammers or presses over twenty (20) tons' capacity; bulk station.
- (16) Dextrine, starch or glucose manufacturing; disinfectant, insecticide or poison manufacturing; flour or grain mill; forge or foundry works.
- (17) Meat packing yards, stockyards or slaughterhouse.

- (18) Poultry processing, including packing and storage for wholesale.
- (19) Sandblasting or cutting.
- (20) Junk and used appliance yard.
- (21) Communications, broadcasting and receiving antennae.
- (22) The incidental uses of "vehicle and heavy vehicle maintenance and service facilities" and "truck stops, including all appurtenant facilities of the same, including restaurant, motel accommodations, retail outlets, vehicle service and maintenance, air conditioning repair and maintenance, and vehicle services, including gasoline, oil and lubrication" may be permitted if the following conditions are met:
 - a. They are incidental to the industrial uses to which the development is being devoted; and
 - b. They are part of a platted industrial subdivision or subdivisions that contain at least one hundred (100) contiguous acres; and
 - c. They are carried out in an area that is not more than ten (10) percent of the area of such platted industrial subdivision or subdivisions of one hundred (100) or more contiguous acres;
 - d. The area of such incidental use or uses has been designated by the developer and approved by the director of planning of the city.
- (23) A retail and/or wholesale business may be permitted if the following conditions are met:
 - a. It is used in conjunction with a bulk storage or warehouse facility as defined in subsection (c)(1) above;
 - b. It is part of a platted industrial subdivision; and
 - c. The entire platted lot (or lots, as the case may be) upon which such business is conducted is situated within one thousand (1,000) feet of a state or federal highway and within the extraterritorial jurisdiction of the city.
- (24) The operation of a petroleum products terminal business, including without limitation, the receipt by pipeline or other method of petroleum products, the storage of petroleum products in aboveground storage tanks and the dispensing of petroleum products through an automated rack system; officing and dispatching of employees, and work crews, storage and parking of equipment and supplies, motor vehicles, pipe, various construction materials, pipe threading and cutting equipment, tools and maintenance equipment and such other activities as are related to the proper conduct of such business.
- (25) Manufacture, assembly, processing, packaging, repackaging, distribution, storage or

warehousing glass or plastic products of all kinds, as well as, any and all glass or plastic related products.

(Ord. No. 87-163, §§ 1--3, 12-8-87; Ord. No. 90-11, § A, 1-15-90; Ord. No. 90-239, § A, 12-17-90; Ord. No. 91-172, § 3, 7-15-91; Ord. No. 93-O-126, § 1, 6-21-93; Ord. No. 2003-O-088, § 1, 4-7-03)

Editors Note: Ord. No. 87-163, adopted Dec. 8, 1987, did not specifically amend this Code; hence, inclusion of §§ 1--3 as § 31-3 was at the discretion of the editor.

Sec. 31-4. Water and sewer improvements to be made prior to street paving.

(a) No street shall be paved under the paving assessment program until it is first determined by the department of utilities as to the need for installation of water and sewer lines in that street, whether original or replacement, including service lines to the abutting properties, or in the case of existing lines which do not need replacement, as to the need for installation of service lines to abutting properties on any such street which is to be paved.

(b) If the department of utilities determines that the installation of a water and or sewer main is required on such street, along with service lines, then a mandatory water and/or sewer assessment program shall be required for that street, under the provisions of chapter 402, subchapter D, section 402.061 et seq., V.T.C.A., and as set forth in subsection (d).

(c) If the department of utilities determines that the installation of a water or sewer main is not required on such street, that is, it does not require an original or replacement water and/or sewer main, but that service lines are required to abutting properties, then a service charge shall be made for those abutting properties on such street which require installation of a service line, whether water or sewer or both, from the main to the property line, as set forth in subsection (e).

(d) The following rules and procedures shall apply to such water and sewer assessments as made applicable by subsection (b). The city council shall determine the need for the improvements by ordinance, which ordinance:

- (1) Must state the general nature and extent of the improvements.
- (2) May direct that detailed plans, specifications and cost estimates for the improvements be prepared and submitted to the city council. The cost of the improvements will be assessed nine-tenths of the estimated cost of the improvements against the benefitted property and the owners of that property.
- (3) Provide the time, terms and conditions of payment and defaults of the assessments.
- (4) Prescribe for an interest rate of ten (10) percent a year.

(e) The following rules and procedures shall apply to the service charges as made applicable in subsection (c):

- (1) a.

A service charge of two hundred forty-two dollars (\$242.00) shall be made for the construction of a water service line (from water main to property line).

- b. This service charge shall be recorded in the records of the department of utilities as a debit against the property to which the water service line has been connected.
- c. At such time as the owner or occupant of the property to which the water service line has been connected applies for water service to the property, he shall pay such service charge as part of the connection fees owed for commencing utility service to the property.

(2) a.

A service charge of three hundred seventy-five dollars (\$375.00) shall be made for the construction of a sewer service line (from sewer main to property line).

- b. This service charge shall be recorded in the records of the department of utilities as a debit against the property to which the sewer service line has been connected.
- c. At such time as the owner or occupant of the property to which the sewer service lines has been connected applies for water service to the property, he shall pay such service charge as part of the connection fees owed for commencing utility service to the property.

(f) To effectuate the purpose of this section, the following policy is herein adopted:

- (1) When a project for paving a street or streets under the paving assessment program is planned, the status and/or condition of water and sewer lines in the project area shall be referred to the department of utilities.
- (2) The department of utilities shall examine into the starting condition and/or requirements as to water and sewer lines in the project area and shall make a report on same to the city manager and the city engineer.
- (3) If water and/or sewer improvements are found to be needed, then water and/or sewer assessments for the project area shall be initiated; and this may be done separately from or in conjunction with the project for paving assessments for the project area, as the city council determines.
- (4) In the event that a joint proceeding is decided upon, only one (1) hearing is required, and the procedure under chapter 402, subchapter D, section 402.061 et seq., V.T.C.A., shall apply.
- (5) If for all or part of a project area, that is, for all the streets or some of the streets in the project area, water and sewer assessments are not deemed necessary, but the construction of service lines is required from existing mains to adjoining properties, then such shall first be installed by the department of utilities, and the service charge(s) specified in section (c) shall apply. The installation of such service lines shall be done prior to the paving project's being instituted by way of paving assessments.
- (6) When the need for water and/or sewer assessments in a project area is determined upon, the city shall separately compute the cost of the water or sewer improvements and shall apportion the

part of the cost of those improvements that may be assessed against the benefitted property and the owners of the property, among the parcels of the benefitted property and the owners, in accordance with the front-foot rule (V.T.C.A., Local Government Code § 412.066).

- (7) Under the front-foot rule, the city council shall assess each parcel of benefitted property according to the number of lineal feet of the parcel that abuts on a public street, irrespective of the location of improvements constructed under this program relating to that parcel if the improvements provide water or sewer service to the assessed parcel. The city council shall assess a corner lot based on the shorter side of the lot that abuts on a public street (V.T.C.A., Local Government Code § 412.066).
- (8) If in the opinion of the city council the application of the front-foot rule would result in injustice or inequality in particular cases, the city council shall apportion and assess those costs in the proportion it considers just and equitable, taking into account the special benefits in enhanced value to be received by those owners, and shall adjust the apportionment so as to produce a substantial equality of benefits received and burdens imposed.

(Ord. No. 89-184, §§ 1--6, 10-2-89)

Editors Note: Ord. No. 89-184, adopted Oct. 2, 1989, did not specifically amend this Code; hence, inclusion of §§ 1--6 as § 31-4 was at the discretion of the editor.

Cross References: Streets and sidewalks, Ch. 28.

Sec. 31-5. State standards adopted.

The city adopts the Construction Standards for On-Site Sewerage Facilities adopted by the Texas Department of Health on June 27, 1987, attached hereto as exhibit A, except that sections 301.11(f)(4)(B) and 301.11(f)(4)(D) thereof are amended to read as follows:

- (1) *Section 301.11(f)(4)(B)* be and is hereby amended to read as follows:

"Platted subdivisions served by a public water supply. Subdivisions of single-family residences platted after January 1, 1988, and prior to the adoption of these regulations by this ordinance [August 7, 1988], and served by a public water supply but utilizing individual subsurface methods for sewage disposal, shall provide for individual lots having surface areas of at least one-half acre, or shall have a site-specific design by a registered professional engineer or registered professional sanitarian and approved by the health department. Any and all subdivisions approved by the planning and zoning commission and platted after the effective date of this ordinance [August 7, 1988], and served by a public water supply but utilizing individual subsurface methods for sewage disposal, shall provide for individual lots having surface areas of at least one-half acre. In no instance, shall the area available for such system be less than two (2) times the design area. The surface area must be free of restrictions indicated in table I and those referred to throughout these regulations."

- (2) *Section 301.11(f)(4)(D)* be and is hereby amended to read as follows:

"The construction or installation of an on-site sewage facility on a lot or tract that is smaller than the size required in section 301.11(f)(4)(B), (C) of these standards shall

not be allowed. However, on such smaller lots or tracts, recorded with a county in its official plat record prior to January 1, 1988, or on lots-of-record (as defined in section 24-61(b)(59)(ii) of the Zoning Ordinance, as amended) which are less than half an acre in surface area, an on-site sewerage facility may be permitted to be constructed and licensed to operate if it meets the criteria set forth in section 301.12. It must be demonstrated by a thorough investigation of a registered professional engineer or registered professional sanitarian (either having demonstrated expertise in on-site sewerage system design) that an on-site sewerage facility on one of these lots can be operated without causing a threat or harm to an existing or proposed water supply system or to the public health, or creating the threat of pollution or nuisance conditions."

(Ord. No. 89-135, §§ 1--3, 8-7-89)

Sec. 31-6. Refunds for persons sixty-five years or older for certain incomes.

(a) Starting January 1, 1993, and each subsequent year thereafter, the utilities department will refund twenty dollars (\$20.00) to a residence homestead who is sixty-five dollars (\$65.00) years of age or older before the first day of January, 1993, limited to one (1) refund per household; provided the applicant meets the "low income" and "very low income" criteria established by the U.S. Department of Housing and Urban Development and used by the department of community development.

(b) The refund should be payable to the resident homestead applicant on December 15, 1993, and each subsequent year thereafter. The maximum amount to be refunded by the city per year is fifteen thousand dollars (\$15,000.00).

(Ord. No. 92-227, §§ 1, 2, 12-21-92)

Secs. 31-7--31-15. Reserved.

ARTICLE II.

SEWERS AND SEWAGE DISPOSAL*

* **Cross References:** Garbage, trash and refuse, Ch. 14.

DIVISION 1.

GENERALLY

Sec. 31-16. Definitions.

As used in this article and as defined below, all terms in this section are as defined in Title 40 Code of Federal Regulations, Part 403 which is adopted hereby and incorporated by reference herein and a copy of which shall be maintained in the office of the city secretary:

Abnormal industrial waste means any industrial waste having a TSS, COD, or BOD content in excess of that found in normal waste, but which is otherwise acceptable into a sanitary sewer under the terms of this

article.

Apartment house means a collection of family residences grouped together in one (1) building, each family residence being a section of such building.

Approved methods means the analytical procedures published by the U.S. Environmental Protection Agency in 40 CFR 136.

Approving authority means the U.S. Environmental Protection Agency and/or TNRCC.

Boarding house means a place where one obtains food or lodging, or both, in another's house for a stipulated price.

BOD (biochemical oxygen demand) means 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 (20) degrees Centigrade.

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

Bypass means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

City means the city or any authorized person acting in its behalf.

COD (chemical oxygen demand) means measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

Comminuted garbage means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in sanitary sewers, with no particle greater than one-half (1/2) inch in any dimension.

Connection means each and every joining of a sewer line leading from any building or structure with a part of the sanitary sewer system of the city; provided that, if there are two (2) or more buildings or structures on the same lot or adjoining lots and their respective sewer lines join on such lot or either adjoining lot and then one line joins the sanitary sewer system of the city, each such building or structure shall be considered as having a separate connection to the sanitary sewer system of the city.

Control manhole means a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

Control point means a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

Director means the director of the city utilities department (or other official designated by the city manager) or the director's authorized representative, unless otherwise specified.

Drainage water means stormwater; roof run-off water; subsurface and subsoil uncontaminated drainage water; drainage from down spouts; water from yard drains; water from fountains, ponds and swimming pools; water from lawn sprays, rainwater leaders, and areaways, and overflows from cisterns and water tanks.

E.P.A. (Environmental Protection Agency) means the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of that agency.

Family means any number of individuals living together as a single household unit.

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

General manager means the water and wastewater general manager of the city or his duly authorized deputy, agent, or representative.

Grab sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Hazardous waste means those substances which if otherwise disposed of would be hazardous waste as set forth in 40 CFR 261.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

Illegal connection means any connection between the water tap and the home, business or irrigation system not using a city-issued or approved meter.

Industrial user means a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act.

Industrial wastes means liquids or other character of wastes resulting from any commercial, manufacturing or industrial operations or processes, excluding normal domestic sanitary sewage unless it exceeds three hundred fifty (350) mg/l BOD or three hundred fifty (350) mg/l total suspended solids, which waterborne or liquid wastes enter the sewage system, or any portion thereof, of the city.

Industrial waste charge means the charge made on those persons who discharge industrial wastes into the city's sewage system and shall consist of the regular commercial rate plus the industrial waste cost recovery charge (see section 31-9) where the waste is in excess of three hundred fifty (350) mg/l BOD, or three hundred fifty (350) mg/l total suspended solids or has an excess of other materials which are determined by the city engineer and the director of the sewer department to require additional sewerage system operational or capital costs.

Industrial waste permit means a permit to deposit or discharge industrial waste into the sanitary sewer. The permit charge is to cover the cost to issue the permit and to inspect the facility. This permit shall not grant a waiver to allow discharge of any wastes that exceed the limits or violate the requirements of this article.

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

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

Normal domestic wastewater means wastewater excluding industrial wastewater discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than three hundred fifty (350) mg/l and BOD is not more than three hundred fifty (350) mg/l.

Overload means the imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity.

Person means any individual, business entity, partnership, corporation, governmental agency, political subdivision, or any other legal entity.

pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration.

Public sewer means pipe or conduit carrying wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the city.

Receiving stream means the waterway into which a wastewater treatment plant, operated by the city, discharges the treated effluent.

Residential connection means a connection, as defined in this section, of a building, or a section thereof, served by one water meter and used primarily as living quarters for a family. A building with living quarters located on the same premises and used by the owner or occupant for family purposes shall not be considered a separate living unit; provided however, that, if rental money is received from more than one (1) such unit, the same shall not be considered a residential connection.

Rooming house means a house or building where there are two (2) or more bedrooms rented to persons for lodging.

Sanitary convenience means any plumbing fixture (except for a food waste disposal unit) not required to have a sand and/or grease trap (interceptor) according to provisions of the plumbing code.

Sanitary sewage means the waste from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, basement floor drains, garage floor drains, store rooms, soda fountains, cuspidors, refrigerator drips, fountain and stable floor drains and all other similar fixtures and receptacles that discharge wastes into the sewerage system.

Sanitary sewer means a public sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which stormwater, surface water, groundwater, and other unpolluted wastes are not intentionally passed.

Shall and *may* are differentiated by the term "shall" understood to be mandatory. The use "may" is understood to be permissive.

Slug means 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 (24) hour concentration or flows during normal operation.

Standard methods means 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 Pollution Control Federation.

Storm sewer means a public sewer which carries storm and surface waters and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

Stormwater means rainfall or any other forms of precipitation.

Suspended solids means solids measured in mg/l 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.

To discharge includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

Trap means a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.

Treatment plant upset means an inhibition or disruption of the treatment plant, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to:

- (1) A violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation);
- (2) The prevention of sewage sludge use or disposal by the treatment plant in accordance with all applicable federal and state laws and regulations and city ordinances;
- (3) A decrease in the quality of the effluent being discharged from the treatment plant; or
- (4) A decrease in the performance of the treatment plant processes or operations.

Unpolluted wastewater means water containing:

- (1) No free or emulsified grease or oil;

- (2) No acids or alkalis;
- (3) No phenols or other substances producing taste or odor in receiving water;
- (4) No toxic or poisonous substances in suspension, colloidal state, or solution;
- (5) No noxious or otherwise obnoxious or odorous gases;
- (6) No more than ten (10) mg/l each of suspended solids and BOD; and
- (7) Color not exceeding fifty (50) units as measured by the Platinum-Cobalt method of determination as specified in "Standard Methods."

Waste means rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, or industrial activities.

Wastewater means a combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with any ground, surface and stormwater that may be present.

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

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

Wastewater treatment plant means any city-owned facilities, devices, and structures used for receiving, processing and treating wastewater, industrial waste, and sludge's from the sanitary sewers.

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

(Ord. of 5-6-75, § 1; Ord. of 1-17-78, § 1; Ord. of 7-15-80, § I; Ord. No. 86-186, § 1, 10-20-86; Ord. No. 99-310, § 1, 10-18-99; Ord. No. 2001-O-128, § 1, 6-25-01; Ord. No. 2003-O-209, § 1, 9-2-03)

Cross References: Rules of construction and definitions generally, § 1-2.

Sec. 31-17. Reserved.

Editors Note: Section 31-17, relating to the management and control of the sewer system, derived from § 1 of an ordinance adopted Feb. 16, 1960, was repealed by § 1(b) of Ord. No. 85-201, adopted Nov. 19, 1985, which readopted this Code.

Sec. 31-18. Depositing dirty water or filth on ground.

It shall be unlawful for any person to throw, or allow any person under his or her control to throw or deposit on the surface of the ground on any premises reaching within two hundred (200) feet of any city sanitary sewer, except in the proper and necessary manuring of the soil, any water which has been used for domestic purpose, or any liquid or solid filth, feces or urine.

(Ord. of 2-16-60, § 8)

Sec. 31-19. Damaging system; notice before laying pipe.

No person shall injure, break or remove any portion of any manhole, lamphole, flush tank or any part of the city's sanitary sewer system, and when any person shall desire to lay or drive any pipe in any of the streets upon which sewers are laid, they shall give at least twenty-four (24) hours' notice to the board of trustees. (Ord. of 2-16-60, § 19)

Sec. 31-20. Authority of the city utilities director.

The city utilities director or his agent is authorized to enforce the provisions of this article or other water and wastewater utility ordinances and regulations of the city. (Ord. of 2-16-60, § 20; Ord. No. 99-310, § 1, 10-18-99)

Sec. 31-21. Power to enter property.

- (a) The general manager and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this article.
- (b) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection.
- (c) Except when caused by negligence or failure of the company to maintain safe conditions, the city shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the sampling operation.
- (d) The general manager and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter all private properties through which the city holds a negotiated easement for the purposes of:
 - (1) Inspection, observation, measurement, sampling or repair;
 - (2) Maintenance of any portion of the sewerage system lying within the easements; and
 - (3) Conducting any other authorized activity. All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.
- (e) No person acting under authority of this provision may 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 public sewers. (Ord. of 5-6-75, § 22)

Sec. 31-22. Reserved.

Editors Note: Ord. No. 99-310, § 1, adopted Oct. 18, 1999, repealed § 31-22, which pertained to authority to disconnect service of industrial customer, and derived from an ordinance adopted May 6, 1975, § 23.

Sec. 31-23. Reserved.

Editors Note: Ord. No. 98-208, § 1, adopted Aug. 17, 1998, repealed § 31-23, which pertained to notice of violation, and derived from an ordinance adopted May 6, 1975, § 24.

Secs. 31-24, 31-25. Reserved.

Editors Note: Ord. No. 99-310, § 1, adopted Oct. 18, 1999, repealed §§ 31-24 and 31-25, which pertained to continuing prohibited discharges and penalties, and derived from an ordinance adopted May 6, 1975, §§ 25, 26, and 28.

Secs. 31-26--31-31. Reserved.

DIVISION 2.

CONNECTIONS

Sec. 31-32. When required.

(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 said 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 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.

(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 shall fail 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 in section 1-6 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 sanitary sewer, shall be deemed a separate offense, and shall be likewise punished.

(Ord. of 2-16-60, § 3; Ord. No. 2000-O-049, § 1, 2-28-00)

Sec. 31-33. Sink connections.

It shall be unlawful for the owner or occupant of any building situated within two hundred (200) feet of any city sanitary sewer, in which building food is cooked or clothing is washed, to fail to have a suitable sink or hopper for the reception of water waste.

(Ord. of 2-16-60, § 7)

Sec. 31-34. Wash and slop stands to be connected.

It shall be unlawful for any person to refuse or fail to connect all wash stands in his or her house or

where the property line of such premises extends within two hundred (200) feet of any such sewer, or to allow any slops, wash or waste water of any kind to flow over the pavement, or under the pavement, or into any open gutter or into the street.

(Ord. of 2-16-60, § 10)

Sec. 31-35. Permit required to connect with a sewer--Application; materials owned by city; service easement in city for service connections.

(a) No person shall make any connection with or any opening into any sanitary sewer of the city without a permit from the city. Before the city issues permits 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) sewer tap, a written assurance shall be filed with the city secretary by such record owner certifying his ownership to the entire lot or lots in question, 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. Applications for permits shall be made in writing at the city's water and sewer department 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 employed to do the work of making such connection, and such other information as the city shall prescribe.

(b) 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.

(Ord. No. 83-112, § 1, 11-1-83; Ord. No. 85-211, § 1, 12-2-85; Ord. No. 86-189, § 1, 10-20-86)

Sec. 31-35.1 Same--Exception to requirement of prior platting for sewer tap or service connection.

Notwithstanding the requirements set out in section 31-35, platting of property is not a prerequisite to obtaining a sewer tap or service connection if all of the following conditions are met:

- (1) The improvements to be served were in existence as of November 1, 1983, or, the improvement proposed is a single-family house which will replace an owner-occupied mobile home in existence as of November 1, 1983; and
- (2) No new construction to existing improvements is proposed except that which is directly related to the utility connection involved, such as restroom construction; and
- (3) The site is located within the city limits; and
- (4) All applicable tap fees, extension charges and plumbing permit fees have been paid.

(Ord. No. 92-211, § 2, 12-2-85)

Sec. 31-36. Same--Issuance.

Upon filing of an application for a permit required by section 31-35, and the payment of the fees hereinafter prescribed, the officer or employee authorized by the board shall issue a permit in the name of the applicant to make connection with the sewer in accordance with the application. Such permit shall be made in triplicate and one copy retained in the office of the water board, one copy delivered to the permittee and one copy furnished to the city plumbing inspector for the records of his office.

(Ord. of 2-16-80, § 13)

Sec. 31-37. Same--Fees; paid with application.

With each application to connect with the sewer there shall be paid to the water board a permit or sewer tapping fee of two dollars (\$2.00) and, in addition, a deposit of ten dollars (\$10.00) to cover the cost of paving the opening where temporary paving is cut, and a deposit of one hundred dollars (\$100.00) where the cut is permanent paving. Such fees and deposits shall be kept separate from other funds and remitted monthly to the city secretary with the name and address of each permit holder and the amount of his payment as required by ordinance.

(Ord. of 2-16-60, § 15)

Sec. 31-38. Same--Subject to revocation.

All permits to connect with sewers shall be given upon the express condition that the board of trustees may, at any time before the work is completed, revoke and annul the same, and no party interested shall have any right to claim damages in consequence of such permits being revoked or annulled.

(Ord. of 2-16-60, § 17)

Sec. 31-39. Inspections.

Whenever a permit is issued to connect to the sewer the city plumbing inspector shall supervise and inspect the work and materials used in making such connection, and the plumbing inspector shall notify the designated representative of the water board of the time when final inspection of such connection will be made and such representative of the water board may be present at such inspection if he so desires. Upon the completion of such sewer connection and the installation and connection of the plumbing fixtures to be served by such sewer connection, the city plumbing inspector shall make a written report to the water board showing the location of the property line, the service charge classification of the premises to be served by the connection, the number and kind of fixtures installed on such premises and such other information as the water board shall require to make a complete record of the sewer connection and plumbing installed in connection therewith.

(Ord. of 2-16-60, § 14)

Sec. 31-40. Plumbing permits, notice of to water board.

Whenever the city plumbing inspector shall issue a permit for installation of additional fixtures on any premises then being served by the sanitary sewer, or any change in the fixtures already installed, he shall immediately make a detailed report to the water board of such installation or change.

(Ord. of 2-16-60, § 16)

Sec. 31-41. Liability for injuries to sewers and streets; bond.

The property owner, or plumber, who makes the connections, or both, shall be held responsible for any injuries the plumber shall cause to the sewer or street in making connections with the sanitary sewer, and it shall be unlawful for the board of trustees to issue any permit for sewer connections, unless the plumber proposing to do the work of making the sewer connections has filed a bond, as required by the code of the city regulating plumbers.

(Ord. of 2-16-60, § 18)

Secs. 31-42--31-50. Reserved.

DIVISION 3.

USE OF PUBLIC SEWERS*

* **Editors Note:** Ord. No. 2003-O-209, § 1, amended div. 3 in its entirety and enacted similar provisions as herein set out. The former div. 3 derived from Ord. No. 99-310, § 1, adopted Oct. 18, 1999.

Sec. 31-51. Purpose and policy.

This chapter sets forth uniform requirements for users of the publicly owned treatment works for the city and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this chapter are:

- (a) To prevent the introduction of pollutants into the publicly owned treatment works (POTW) that will interfere with its operation;
- (b) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- (c) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewater and sludge from the POTW;
- (e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- (f) To enable the city to comply with its Texas Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject.

This chapter shall apply to all users of the POTW. The chapter authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of

costs resulting from the program established herein.
(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-51.1. Administration.

Except as otherwise provided herein, the utilities director shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the utilities director may be delegated by him to other city personnel.
(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-51.2. Abbreviations.

The following abbreviations, when used in this chapter, shall have the designated meanings:

BOD--Biochemical oxygen demand

CFR--Code of Federal Regulations

COD--Chemical oxygen demand

EPA--U.S. Environmental Protection Agency

gpd--Gallons per day

mg/l--Milligrams per liter

POTW --Publicly owned treatment works

RCRA--Resource Conservation and Recovery Act

SIC--Standard industrial classification

TPDES--Texas Pollutant Discharge Elimination System

TSS--Total suspended solids

U.S.C.--United States Code
(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-51.3. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

- (a) *Act or the Act.* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

- (b) *Approval authority.* The Texas Commission on environmental Quality (TCEQ).
- (c) *Authorized representative of the user.*
 - 1. If the user is a corporation:
 - a. The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - 2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - 3. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - 4. The individuals described in paragraphs 1. through 3., above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.
- (d) *Biochemical oxygen demand or BOD.* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees Centigrade, usually expressed as a concentration (e.g. mg/l).
- (e) *Categorical pretreatment standard or categorical standard.* Any regulation containing pollutant-discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR chapter I, subchapter N, parts 405-471.
- (f) *City.* The City or the City Council of Laredo.
- (g) *Composite sample.* A sample which is taken from a wastewater over a period of time greater than fifteen (15) minutes, formed by an appropriate number of discrete samples which are:
 - 1. Collected at equal time intervals and combined in proportion to the wastewater flow, or

2. Are equal volumes taken at varying time intervals in proportion to the wastewater flow, or
 3. Equal volumes taken at equal time intervals.
- (h) *director*. The utilities director, the person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.
- (i) *environmental Protection Agency or EPA*. The U.S. environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official of said agency.
- (j) *Existing source*. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.
- (k) *Grab sample*. A sample which is taken from a wastewater without regard to the flow in the wastewater and over a period of time not to exceed fifteen (15) minutes.
- (l) *Indirect discharge or discharge*. The introduction of pollutants into the POTW from any nondomestic source regulated under section 307(b), (c), or (d) of the Act.
- (m) *Instantaneous maximum allowable discharge limit*. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (n) *Interference*. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city's TPDES permit(s) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations; section 405 of the Act; the Solid Waste Disposal Act, including title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge-management plan prepared pursuant to subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (o) *Medical waste*. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (p) *New source*.
1. Any building, structure, facility, or installation from which there is (or may be) a

discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsections 1.b. or c. above but otherwise alters, replaces, or adds to existing process or production equipment.
 3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) Any placement, assembly, or installation of facilities or equipment; or
 - (ii) Significant site-preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (q) *Noncontact cooling water.* Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (r) *Pass through.* A discharge which exits the POTW into waters of the United States in quantities

or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's TPDES permit(s), including an increase in the magnitude or duration of a violation.

- (s) *Person*. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.
- (t) *pH*. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- (u) *Pollutant*. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (v) *Pretreatment*. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (w) *Pretreatment requirements*. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- (x) *Pretreatment standards or standards*. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- (y) *Prohibited discharge standards or prohibited discharges*. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this chapter.
- (z) *Publicly owned treatment works or POTW*. A "treatment works," as defined by section 212 of the Act (33 U.S.C. 1292) which is owned by the city. This definition includes the five (5) wastewater treatment plants (WWTP), any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- (aa) *Septic tank waste*. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (bb) *Sewage*. Human excrement and gray water (household showers, dishwashing operations, etc.).
- (cc) *Significant industrial user*.
 1. A user subject to categorical pretreatment standards; or

2. A user that:
 - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - b. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
3. Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

- (dd) *Slug load or slug.* Any discharge of a nonroutine, episodic nature, including but not limited to accidental spill or a noncustomary batch discharge.
- (ee) *Standard industrial classification (SIC) code.* A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- (ff) *Stormwater.* Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (gg) *Suspended solids.* The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- (hh) *User or industrial user.* A source of indirect discharge.
- (ii) *Wastewater.* Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (jj) *Wastewater treatment plant or treatment plant.* That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-52. General sewer use requirements.

- (1) *Prohibited discharge standards.*

- (a) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
- (b) *Specific prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Centigrade) using the test methods specified in 40 CFR 261.21;
 2. Wastewater having a pH less than five (5.0) or more than eleven (11.0), or otherwise causing corrosive structural damage to the POTW or equipment;
 3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than three-eighths (3/8) inch or one (1) centimeter in any dimension;
 4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 5. Wastewater having a temperature greater than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Centigrade), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four (104) degrees Fahrenheit (forty (40) degrees Centigrade);
 6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;
 7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 8. Trucked or hauled pollutants, except at discharge points designated by the director in accordance with section 31-53.4 of this chapter;
 9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
 10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently

imparts color to the treatment plant's effluent, thereby violating the city's TPDES permit;

11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
12. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the director;
13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
14. Medical wastes, except as specifically authorized by the director in a wastewater discharge permit;
15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
16. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.

(c) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(2) *National categorical pretreatment standards.* The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- (a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- (c) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (d) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(3) *State pretreatment standards.* State pretreatment standards located at 30 TAC part 1 chapter 315 subchapter A (TCEQ Rule 315.1) are hereby incorporated.

(4) *Local limits.* Local limits are set forth in Resolution No. 2003-R-099, as amended, and apply at

the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The director may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

(5) *City's right of revision.* The city reserves the right to establish, by municipal code, resolution, or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

(6) *Dilution.* No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.
(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-53. Pretreatment of wastewater.

(1) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in subsection 31-52(1) of this chapter within the time limitations specified by EPA, the state, or the director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the director for review, and shall be acceptable to the director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this chapter.

(2) *Additional pretreatment measures.*

- (a) Whenever deemed necessary, the director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.
- (b) The director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
- (d) Users with the potential to discharge flammable substances may be required to install and

maintain an approved combustible gas detection meter.

(3) *Accidental discharge/slug control plans.* At least once every two (2) years, the director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including nonroutine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the director of any accidental or slug discharge, as required by subsection 31-56(6) of this chapter; and
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(4) *Hauled wastewater.*

- (a) Septic tank waste may be introduced into the POTW only at locations designated by the director, and at such times as are established by the director. Such waste shall not violate section 31-52 of this chapter or any other requirements established by the city. The director may require septic tank waste haulers to obtain wastewater discharge permits.
- (b) The director shall require haulers of industrial waste to obtain wastewater discharge permits. The director may require generators of hauled industrial waste to obtain wastewater discharge permits. The director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.
- (c) Industrial waste haulers may discharge loads only at locations designated by the director. No load may be discharged without prior consent of the director. The director may collect samples of each hauled load to ensure compliance with applicable standards. The director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-54. Wastewater discharge permit application.

(1) *Wastewater analysis.* When requested by the director, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The director is authorized to prepare a form for this purpose and may periodically require users to update this information.

(2) *Wastewater discharge permit requirement.*

(a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the director, except that a significant industrial user that has filed a timely application pursuant to subsection 31-54(3) of this chapter may continue to discharge for the time period specified therein.

(b) The director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

(c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in sections 31-60 through 31-62 of this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

(3) *Wastewater discharge permitting; existing connections.* Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the director for a wastewater discharge permit in accordance with subsection 31-54(5) of this chapter, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this chapter except in accordance with a wastewater discharge permit issued by the director.

(4) *Wastewater discharge permitting; new connections.* Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with subsection 31-54(5) of this chapter, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

(5) *Wastewater discharge permit application contents.* All users required to obtain a wastewater discharge permit must submit a permit application. The director may require all users to submit as part of an application the following information:

(a) All information required by subsection 31-56(1)(b) of this chapter;

(b) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(c) Number and type of employees, hours of operation, and proposed or actual hours of operation;

- (d) Each product produced by type, amount, process or processes, and rate of production;
- (e) Type and amount of raw materials processed (average and maximum per day);
- (f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (g) Time and duration of discharges; and
- (h) Any other information as may be deemed necessary by the director to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(6) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(7) *Wastewater discharge permit decisions.* The director will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the director will determine whether or not to issue a wastewater discharge permit. The director may deny any application for a wastewater discharge permit.
(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-55. Wastewater discharge permit issuance process.

(1) *Wastewater discharge permit duration.* A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(2) *Wastewater discharge permit contents.* A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- (a) Wastewater discharge permits must contain:
 - 1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;

2. A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with subsection 31-55(5) of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 3. Effluent limits based on applicable pretreatment standards;
 4. Monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and
 5. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
- (b) Wastewater discharge permits may contain, but shall not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
 8. Other conditions as deemed appropriate by the director to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

- (3) *Wastewater discharge permit appeals.* The director shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the director to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.
- a. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 - b. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
 - c. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
 - d. If the director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
 - e. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Superior Court for the County of Laredo within 90 days.
- (4) *Wastewater discharge permit modification.* The director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- a. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 - b. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
 - c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - d. Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;
 - e. Violation of any terms or conditions of the wastewater discharge permit;
 - f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

- h. To correct typographical or other errors in the wastewater discharge permit; or
 - i. To reflect a transfer of the facility ownership or operation to a new owner or operator.
- (5) *Wastewater discharge permit transfer.* Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days' advance notice to the director and the director approves the wastewater discharge permit transfer. The notice to the director must include a written certification by the new owner or operator which:
- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - b. Identifies the specific date on which the transfer is to occur; and
 - c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

- (6) *Wastewater discharge permit revocation.* The director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- a. Failure to notify the director of significant changes to the wastewater prior to the changed discharge;
 - b. Failure to provide prior notification to the director of changed conditions pursuant to subsection 31-56(5) of this chapter;
 - c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - d. Falsifying self-monitoring reports;
 - e. Tampering with monitoring equipment;
 - f. Refusing to allow the director timely access to the facility premises and records;
 - g. Failure to meet effluent limitations;
 - h. Failure to pay fines;
 - i. Failure to pay sewer charges;
 - j. Failure to meet compliance schedules;

- k. Failure to complete a wastewater survey or the wastewater discharge permit application;
- l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(7) *Wastewater discharge permit reissuance.* A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with subsection 31-54(5) of this chapter, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit.

(8) *Regulation of waste received from other jurisdictions.*

- a. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the director shall enter into an inter-municipal agreement with the contributing municipality.
- b. Prior to entering into an agreement required by paragraph a., above, the director shall request the following information from the contributing municipality:
 - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - 2. An inventory of all users located within the contributing municipality that are discharging to the POTW; and
 - 3. Such other information as the director may deem necessary.
- c. An intermunicipal agreement, as required by paragraph a., above, shall contain the following conditions:
 - 1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this chapter and local limits which are at least as stringent as those set out in the local limits resolution. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's municipal code or local limits;
 - 2. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

3. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the director; and which of these activities will be conducted jointly by the contributing municipality and the director;
4. A requirement for the contributing municipality to provide the director with access to all information that the contributing municipality obtains as part of its pretreatment activities;
5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing municipality's discharge;
7. A provision ensuring the director access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the director; and
8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-56. Reporting requirements.

(1) *Baseline monitoring reports.*

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in paragraph (b), below.

At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- (b) Users described above shall submit the information set forth below.

1. *Identifying information.* The name and address of the facility, including the name of the operator and owner.

2. *environmental permits.* A list of any environmental control permits held by or for the facility.
3. *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
4. *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
5. *Measurement of pollutants.*
 - a. The categorical pretreatment standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in subsection 31-56(10) of this chapter.
 - c. Sampling must be performed in accordance with procedures set out in subsection 31-56(11) of this chapter.
6. *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
7. *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 6.2 of this chapter.
8. *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with subsection 31-54(6) of this chapter.

(2) *Compliance schedule progress reports.* The following conditions shall apply to the compliance schedule required by subsection 31-56(1)(b)7. of this chapter:

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (b) No increment referred to above shall exceed nine (9) months;
- (c) The user shall submit a progress report to the director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (d) In no event shall more than nine (9) months elapse between such progress reports to the director.

(3) *Reports on compliance with categorical pretreatment standard deadline.* Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in subsections 31-56(1)(b)4.--6. of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection 31-54(6) of this chapter.

(4) *Periodic compliance reports.*

- (a) All significant industrial users shall, at a frequency determined by the director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with subsection 31-54(6) of this chapter.
- (b) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (c) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director, using the procedures prescribed in subsection 31-56(11) of this chapter, the results of this monitoring shall be included in the report.

- (d) Upon written request by a user, the city may collect sample and analyze user discharges in lieu of requiring the users to conduct sampling and analysis. Such users shall not be required to submit periodic compliance reports.
- (5) *Reports of changed conditions.* Each user must notify the director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.
 - (a) The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under subsection 31-54(5) of this chapter.
 - (b) The director may issue a wastewater discharge permit under subsection 31-54(7) of this chapter or modify an existing wastewater discharge permit under subsection 31-55(4) of this chapter in response to changed conditions or anticipated changed conditions.
 - (c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) percent or greater, and the discharge of any previously unreported pollutants.
- (6) *Reports of potential problems.*
 - (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
 - (b) Within five (5) days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.
 - (c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (7) *Reports from unpermitted users.* All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the director as the director may require.
- (8) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the director within twenty-four (24) hours of becoming aware of the violation.

The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within thirty (30) days after becoming aware of the violation. The user is not required to resample if the director monitors at the user's facility at least once a month, or if the director samples between the user's initial sampling and when the user receives the results of this sampling.

(9) *Analytical requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

(10) *Sample collection.*

- (a) Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- (b) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(11) *Reserved.*

(12) *Timing.* Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(13) *Recordkeeping.* Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the director.

(14) *Fraud and false statements.* Reports and other documents submitted or maintained are subject to:

- (a) The provisions of 18 U.S.C. section 1001 relating to fraud and false statements;
- (b) The provisions of section 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and

(c) The provisions of section 309(c)(6) [of the Act] regarding responsible corporate officers.
(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-57. Compliance monitoring.

(1) *Right of entry; inspection and sampling.* The director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (b) The director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- (c) The director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated semiannually to ensure their accuracy.
- (d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be born by the user.
- (e) Unreasonable delays in allowing the director access to the user's premises shall be a violation of this chapter.

(2) *Search warrants.* If the director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the director may seek issuance of a search warrant from the Laredo Municipal Court.

(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-58. Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such

request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the TPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-59. Publication of users in significant noncompliance.

The director shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- (b) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other discharge violation that the director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of his emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation(s) which the director determines will adversely affect the operation or

implementation of the local pretreatment program.
(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-60. Administrative enforcement remedies.

(1) *Notification of violation.* When the director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that user a written notice of violation. Within fifteen (15) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director. A user may contest the finding(s) set forth in the notice of violation. Submission of a plan or contesting the finding(s) in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(2) *Consent orders.* The director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to subsections 31-60(4) and (5) of this chapter and shall be judicially enforceable.

(3) *Show cause hearing.* The director may order a user which has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least thirty (30) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(4) *Compliance orders.* When the director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(5) *Cease and desist orders.* When the director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director may issue

an order to the user directing it to cease and desist all such violations and directing the user to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(6) *Administrative fines.*

- (a) When the director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may fine such user in an amount not less than five hundred (\$500.00) dollars nor to exceed two thousand (\$2,000.00) dollars. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- (b) Unpaid charges, fines, and penalties shall, after ninety (90) calendar days, be assessed an additional penalty of one-half () percent of the unpaid balance, and interest shall accrue thereafter at a rate of five (5) percent per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- (c) Users desiring to dispute such fines must file a written request for the director to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user, the director may add the costs of preparing administrative enforcement actions, such as notices and/orders, to the fine.
- (d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(7) *Emergency suspensions.* The director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The director may allow the user to recommence its

discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings in Section 31-60.8 of this chapter are initiated against the user.

- (b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the director prior to the date of any show cause or termination hearing under subsections (3) or (8) of this section.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(8) *Termination of discharge.* In addition to the provisions in subsection 31-55(6) of this chapter, any user who violates the following conditions is subject to discharge termination:

- (a) Violation of wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (e) Violation of the pretreatment standards in section 31-52 of this chapter.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 31-60.3 of this chapter why the proposed action should not be taken. Exercise of this option by the director shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-61. Judicial enforcement remedies.

(1) *Injunctive relief.* When the director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may petition the municipal court through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(2) *Civil penalties.*

- (a) A user who has violated, or continues to violate, any provision of this chapter, a wastewater

discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of twenty five thousand dollars (\$25,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

- (b) The director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
 - (c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
 - (d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.
- (3) *Criminal prosecution.*
- (a) A user who willfully or negligently violates any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of at least one thousand five hundred dollars (\$1,500.00) dollars but not more than two thousand dollars (\$2,000.00) per violation, per day. This penalty shall be in addition to any other cause of action available under state law.
 - (b) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least one thousand five hundred dollars (\$1,500.00). This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
 - (c) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than two thousand dollars (\$2,000.00) per violation, per day.

(4) *Remedies nonexclusive.* The remedies provided for in this chapter are not exclusive. The director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the director may take other action against any user when the circumstances warrant. Further, the director is empowered to take more than one enforcement action against any noncompliant user.

(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-62. Supplemental enforcement action.

(1) *Performance bonds.* The director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the director to be necessary to achieve consistent compliance.

(2) *Liability insurance.* The director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(3) *Water supply severance.* Whenever a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(4) *Public nuisances.* A violation of any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the director. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code of Ordinances, section 21-18, governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance.

(5) *Contractor listing.* Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the city. Existing contracts for the sale of goods or services to the city held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the director. (Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-63. Affirmative defenses to discharge violations.

(1) *Act of God.*

(a) The act of God defense constitutes a statutory affirmative defense (Texas Water Code section 7.251) in an action brought in municipal or state court. If a person can establish that an event that would otherwise be a violation of a pretreatment ordinance, or a permit issued under the ordinance, was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of the ordinance or permit.

(b) An industrial user who wishes to establish the act of God affirmative defense shall demonstrate, through relevant evidence that:

1. An event that would otherwise be a violation of a pretreatment ordinance or a permit

issued under the ordinance occurred, and the sole cause of the event was an act of God, war, strike, riot, or other catastrophe; and

2. The industrial user has submitted the following information to the city within twenty-four (24) hours of becoming aware of the event that would otherwise be a violation of a pretreatment ordinance or a permit issued under the ordinance (if this information was provided orally, a written submission must be provided within five (5) days):

- a. A description of the event, and the nature and cause of the event;
- b. The time period of the event, including exact dates and times or, if still continuing, the anticipated time the event is expected to continue; and
- c. Steps being taken or planned to reduce, eliminate, and prevent recurrence of the event.

(c) In any enforcement proceeding, the industrial user seeking to establish the act of God affirmative defense shall have the burden of proving by a preponderance of the evidence that an event that would otherwise be a violation of a pretreatment ordinance, or a permit issued under the ordinance, was caused solely by an act of God, war, strike, riot, or other catastrophe.

(2) *Prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in subsection 31-52(1)(a) of this chapter or the specific prohibitions in subsection 31-52(1)(b) of this chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (a) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(3) *Bypass.*

(a) For the purposes of this section:

1. *Bypass* means the intentional diversion of waste streams from any portion of a user's treatment facility.
2. *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by

delays in production.

- (b) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.
- (c)
 - 1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the director, at least ten (10) days before the date of the bypass, if possible.
 - 2. A user shall submit oral notice to the director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- (d)
 - 1. Bypass is prohibited, and the director may take an enforcement action against a user for a bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or sever property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The user submitted notices as required under paragraph (c) of this section.
 - 2. The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed in paragraph (d)1. of this section.

(Ord. No. 2003-O-209, § 1, 9-2-03)

Sec. 31-64. Miscellaneous provisions.

Pretreatment charges and fees. The city may assess reasonable fees for reimbursement of costs of setting up and operating the city's pretreatment program including, but not limited to:

- (a) Fees for wastewater discharge permit applications including the cost of processing such

applications shall be charged at the rate of fifty dollars (\$50.00) per application;

- (b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users shall be charged at the rate of one hundred dollars (\$100.00) per event;
- (c) Fees for reviewing and responding to accidental discharge procedures and construction shall be charged at the rate of one hundred dollars (\$100.00) per event;
- (d) Fees for filing appeals shall be charged at a rate of one hundred fifty dollars (\$150.00) per appeal; and
- (e) Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the city.

(Ord. No. 2003-O-209, § 1, 9-2-03)

Secs. 31-65--31-77. Reserved.

DIVISION 4.

PRIVATE SEWAGE DISPOSAL

Sec. 31-78. Sewage disposal in existing buildings in areas without city sewers.

(a) All owners or occupants of buildings in existence February 16, 1960, occupied by people for any purpose, situated in any section of the city where a city sanitary sewer does not extend to within two hundred (200) feet of the property line, are hereby required to construct, or cause to be constructed, suitable water closets in accordance with plans and specifications contained in the code of the city providing rules and regulations governing plumbers and under the supervision of the plumbing inspector, and to connect the same with a septic tank and absorption tile field as prescribed and directed by the city health officer, or his agent. All persons having privies or cesspools in such localities are hereby required to so abate the same.

(b) Before the construction and connection of any such septic tank provided for in this section, such property owner or his agent shall make application to and receive a permit from the city health officer to construct and connect such septic tank. Such application and permit shall be made under regulations provided by the health officer or his agent. Failure to secure such permit shall constitute an offense under this section.
(Ord. of 2-16-60, § 5)

Sec. 31-79. Installation of system in future buildings.

(a) All owners of buildings proposed or hereafter constructed for human occupancy, situated in any section of the city where a city sanitary sewer does not extend to within two hundred (200) feet of the property line, are required to include in the plans of such building and cause to be constructed suitable water closets in accordance with plans and specifications contained in the code of the city providing rules and regulations governing plumbers and under the supervision of the plumbing inspector, and to connect the same with a septic

tank and absorption tile field as prescribed and directed by the city health officer. Failure to comply with the provisions of this section shall constitute an offense under this article and each day's violation shall constitute a separate offense.

(b) Before the construction and connection of any such septic tank provided for in this section, such property owner or his agent shall make application to and receive a permit from the city health officer to construct and connect such septic tank; such application and permit shall be made under regulations provided by the health officer or his agent. Failure to secure such permit shall constitute an offense under this article. (Ord. of 2-16-60, § 6)

Sec. 31-80. No additional privy construction.

It shall be unlawful for any property owner within the city to hereafter construct, install, dig or locate any privy vault or cesspool on, above, or below ground and any property within the city. (Ord. of 2-16-60, § 4)

Sec. 31-81. On-site sewage facilities fees.

- (a) *Application fees.* The application fees for an on-site sewage facility permit are:
- (1) Two hundred dollars (\$200.00) for each single-family dwelling on-site sewage facility; or
 - (2) Four hundred dollars (\$400.00) for other types of on-site sewage facilities.

(b) *[Payment.]* The fee is payable upon application from the owner/agent to the City of Laredo for an on-site sewage facility permit. This fee shall be submitted to the health department. Money orders, personal checks or cash will be accepted. All applications shall expire one year from the date of the original application. No refunds of any amount shall be granted. (Ord. No. 2001-O-026, § 1, 1-22-01)

Sec. 31-82. Penalties.

Any person who violates a provision of this article or any person who does not comply with the requirements of this article and/or division 4, private sewage disposal, or any applicable ordinance shall upon conviction by the municipal court of the City of Laredo be subject to a minimum fine of five hundred dollars (\$500.00) or a fine not to exceed two thousand dollars (\$2,000.00) for each offense, and each day of violation of said article shall constitute a separate offense.

This article, in addition to the above mentioned penalties, 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, Chapter 26 of the Texas Water Code and 30 TAC Chapter 285. (Ord. No. 2001-O-026, § 1, 1-22-01)

Secs. 31-83--31-91. Reserved.

DIVISION 5.

RATES AND CHARGES

Sec. 31-92. Inside city limits.

(a) *Premises connected with system.* Charges shall be paid by all persons owning or occupying premises which are connected with the sanitary sewage system in accordance with the following schedule of rates; and such charges as are hereinafter described are hereby levied and assessed, as hereinafter provided:

(1) Monthly sewer rate charges shall be based on metered water consumption as follows:

First 4,000 gallons, residential, minimum rate \$ 8.50

First 4,000 gallons, commercial, minimum rate 13.00

Sewer Rates Within the City Limits

Residential:

Monthly minimum, including the use of 4,000 gallons per month \$ 8.50

Per 1,000 gallons (for the next 6,000 gallons) per month in excess of 4,000 gallons per month 1.03

Per 1,000 gallons (for the next 10,000 gallons) per month in excess of 10,000 gallons per month 1.08

Per 1,000 gallons (for the next 10,000 gallons) per month in excess of 20,000 gallons per month 1.14

The maximum charge will be up to 30,000 gallons and the equivalent of thirty-six dollars and eighty-nine cents (\$36.89).

Commercial:

Monthly minimum, including the use of 4,000 gallons per month 13.00

Per 1,000 gallons (for the next 6,000 gallons) per month in excess of 4,000 gallons per month 1.25

Per 1,000 gallons (for the next 10,000 gallons) per month in excess of 10,000 gallons per month 1.31

Per 1,000 gallons (for the next 10,000 gallons) per month in excess of 20,000 gallons per month 1.37

Per 1,000 gallons (for the next 10,000 gallons) per month in excess of 30,000 gallons per month .
..... 1.43

Per 1,000 gallons (for the next 10,000 gallons) per month in excess of 40,000 gallons per month .
..... 1.48

Per 1,000 gallons (for the next 10,000 gallons) per month in excess of 50,000 gallons per month .
..... 1.54

Per 1,000 gallons (for the next 50,000 gallons) per month in excess of 100,000 gallons per month
..... 1.60

Per 1,000 gallons (for the next 50,000 gallons) per month in excess of 150,000 gallons per month
..... 1.65

Per 1,000 gallons (for the next 50,000 gallons) per month in excess of 200,000 gallons per month
..... 1.71

Per 1,000 gallons (for the next 50,000 gallons) per month in excess of 250,000 gallons per month
..... 1.77

Per 1,000 gallons (for the next 50,000 gallons) per month in excess of 300,000 gallons per month
..... 1.82

Per 1,000 gallons (for the next 50,000 gallons) per month in excess of 350,000 gallons per month
..... 1.88

Per 1,000 gallons (for the next 50,000 gallons) per month in excess of 400,000 gallons per month
..... 1.94

Per 1,000 gallons (for the next 50,000 gallons) per month in excess of 450,000 gallons per month
..... 2.00

Per 1,000 gallons (for the next 50,000 gallons) per month in excess of 500,000 gallons per month
..... 2.05

Per 1,000 gallons (for the next 50,000 gallons) per month in excess of 550,000 gallons per month
..... 2.11

Per 1,000 gallons (for the next 50,000 gallons) per month in excess of 600,000 gallons per month
..... 2.16

Per 1,000 gallons (for the next 50,000 gallons) per month in excess of 650,000 gallons per month
..... 2.22

Per 1,000 gallons (for the next 50,000 gallons) per month in excess of 700,000 gallons per month

..... 2.28

Per 1,000 gallons (for the next 50,000 gallons) per month in excess of 750,000 gallons per month

..... 2.34

Per 1,000 gallons (for the next 50,000 gallons) per month in excess of 800,000 gallons per month

..... 2.39

Per 1,000 gallons (for the next 50,000 gallons) per month in excess of 850,000 gallons per month

..... 2.45

Per 1,000 gallons (for the next 50,000 gallons) per month in excess of 900,000 gallons per month

..... 2.51

Per 1,000 gallons (for the next 50,000 gallons) per month in excess of 950,000 gallons per month

..... 2.57

Per 1,000 gallons per month in excess of 1,000,000 gallons per month 2.62

(2) There shall be no maximum monthly charges for commercial users.

(3) Sewer clay pipe.

Twelve-inch--\$30.00 per lineal foot

Eight-inch--\$25.00 per lineal foot

Six-inch--\$20.00 per lineal foot

(4) Sewer trap:

Six-inch--\$375.00 each

(5) Locate sewer trap--\$25.00 each

(6) Sewer clean out--\$100.00.

The rates and fees for outside the city limits shall be two (2) times those herein established for commercial rates and fees.

(b) The rates and fees for outside the city limits shall be two (2) times those herein established for commercial rate and fees.

(Ord. of 1-17-78, § 1; Ord. of 7-15-80, § I; Ord. No. 83-94, §§ 1--5, 10-4-83; Ord. No. 83-116, 11-15-83; Ord. No. 84-50, § 1, 4-17-84; Ord. No. 84-80, § 1, 6-18-84; Ord. No. 86-214, § 1, 12-1-86; Ord. No. 87-25, § 1, 2-2-87; Ord. No. 88-145, § 1, 11-21-88; Ord. No. 91-100, § 1, 5-6-91; Ord. No. 92-191, § 1, 10-5-92; Ord. No. 94-192, § 1, 10-3-94; Ord. No. 95-201, 9-11-95; Ord. No. 95-209, §§ 1, 2, 9-25-95; Ord. No. 96-163, § 1,

9-23-96; Ord. No. 97-010, § 1, 1-6-97)

Editors Note: Section 1 of Ord. No. 84-50, adopted Apr. 17, 1984, has been included as subsection (b) of § 31-92, with the existing provisions designated subsection (a).

Sec. 31-93. Metering devices.

(a) The owner or occupant of any building connected to the sanitary sewage system using water from water wells or other sources shall be required to install at such owner's cost and expense a metering device in such sewage line and the charge at the rates set out in section 31-92 shall be based on the amount of flow into the sanitary sewage system as shown by such meter. Any such metering device so installed shall be approved by the city sewer system.

(b) Any commercial user who uses metered water as a component of a manufactured product (such as an ice plant or bottling plant) may at his option install a metering device in such sewage line at his cost and expense and the charge at the above rates shall be based on the amount of flow into the sanitary sewage system as shown by such meter. Any such metering device so installed shall be approved by the city sewer system. If such commercial user does not install a metering device, he shall be charged in accordance with the rate schedule set out in section 31-92 as to all metered water consumption.
(Ord. of 1-17-78, § 1; Ord. of 7-15-80, § I)

Sec. 31-94. Time of payment of charges.

The sewer charges set out in section 31-92 shall be due and payable monthly as water bills are paid to the city and shall be at the same place and within the same time such water bill is payable, and such charges shall be added to and billed with such water bill.
(Ord. of 1-17-78, § 2; Ord. of 7-15-80, § II)

Sec. 31-95. Penalty for nonpayment; deferred payment plan.

(a) *Penalty.* Any person who shall fail to pay the sewer charges or rentals levied in this division and assessed within ten (10) days from the time same becomes due and payable shall be subject to have their water service discontinued by the board of the waterworks system, and in addition shall be subject to have their sewer disconnected from the city's sewer system and lines, and thereafter no sewer connection which has been disconnected for the nonpayment of charges shall again be connected for the same user until all costs incurred in the actual physical disconnect and reconnect shall have been paid, and delinquent sewer charges have been paid; provided that, no such sewer disconnection shall be made without first giving the users ten (10) days written notice.

(b) *Deferred payment plan.*

(1) *Applicability.* The deferred payment plan is applicable to all services billed by the utilities department including water, sewer, garbage, federal and state mandates, tax and any other services attached to the utilities bill in the future.

(2) *Eligibility.* Individuals or business entities whose account is in arrears or who are unable to pay a billed amount are eligible to enroll in the deferred payment plan. Customers, however, are only eligible to use this recourse for one (1) bill at a time and are not eligible again until the full

amount in a prior enrollment is liquidated.

- (3) *Payment period.* The maximum allowable repayment period for residential and commercial customers is twelve (12) months. For residential customers whose monthly agreed payment plus the average current bill exceeds three (3) times the average current bill, a longer repayment period shall be authorized by the utilities director, provided that the repayment period does not exceed thirty-six (36) months. This additional extended provision does not apply to commercial customers.
- (4) *Duty to remain current.* The customer shall remain in good standing throughout the life of the payment plan. Failure to pay the full amount billed each month, consisting of the current bill plus the agreed monthly amount to liquidate the prior debt, shall result in disconnection of services and a requirement to pay the full amount owed in the plan, as a condition of reconnection.

(Ord. of 1-17-78, § 3; Ord. of 5-6-75, § 27; Ord. of 7-15-80, § III; Ord. No. 97-192, § 1, 8-25-97)

Sec. 31-96. Charges assessed against whom.

The charges levied and assessed in this division are and shall be levied and assessed against the person in whose name the water meter at such place, building, structure, business or establishment is listed and assessed.

(Ord. of 1-17-78, § 4; Ord. of 7-15-80, § IV)

Sec. 31-97. Industrial waste cost recovery charges--Payment and agreement required.

(a) Persons making discharges of industrial waste shall pay a charge to cover the cost of collection and treatment.

(b) When discharges of industrial waste are approved by the approving authority, the city or its authorized representative shall enter into an agreement or arrangement providing:

(1) Terms of acceptance by the city; and

(2) Payment by the person making the discharge.

(Ord. of 5-6-75, § 16)

Sec. 31-98. Same--Agreements.

(a) If the volume or character of industrial waste to be treated by the city does not cause overloading the sewage collection, treatment or disposal facilities of the city, then prior to approval, the city and the person making the discharge shall enter into an agreement which provides that the discharger pay an industrial waste charge to be determined from the schedule of charges.

(b) If the volume or character of the waste to be treated by the city requires that wastewater collection, treatment, or other disposal facilities of the city be improved, expanded, or enlarged in order to treat the waste, then prior to approval, the city and the person making the discharge shall enter into an agreement which provides that the discharger pay in full all added costs the city may incur due to acceptance of the waste.

(c) The agreement entered into pursuant to paragraph (a) of this section shall include but not be limited to:

- (1) Amortization of all capital outlay for collecting and treating the waste, including new capital outlay and the proportionate part of the value of the existing system used in handling and treating the waste;
- (2) Operation and maintenance costs including salaries and wages, power costs, costs of chemicals and supplies, proper allowances for maintenance, depreciation, overhead, and office expense.

(Ord. of 5-6-75, § 17)

Sec. 31-99. Same--Schedule of charges.

(a) The director of the water and sewer department shall write the industrial cost recovery formula for charges, which formula shall be approved by the city council. The charges to be made shall be based on the guidelines supplied for implementation of the Federal Water Pollution Control Act and subject to review and approval by the Texas Water Commission.

(b) The following formula for allocation or derivation of the industrial waste recovery charges, as recommended by the director of the water and sewer department, is approved:

$$C_i = v_o V_i + b_o B_i = s_o S_i$$

Wherein the terms used are as follows:

C_i = Charge to industrial users (industrial waste cost recovery), \$/month

v_o = Unit cost of transport and treatment chargeable to volume, \$/1000 gal.

V_i = Volume of wastewater from industrial users, 1000 gal. \$/1000 gal. month

b_o = Unit cost of treatment chargeable to BOD, \$/mg/l.

B_i = Amount of BOD from industrial users in mg/l times the quantity of flow in thousands of gallons

s_o = Unit cost of treatment (including sludge treatment), chargeable to SS in \$/mg/l times the quantity of flow in thousands of gallons

s_i = Amount of SS from industrial users expressed in mg/l

(c) Initially, " b_o " and " s_o " are \$0.003/milligram per liter.
(Ord. of 5-6-75, § 18; Ord. No. 86-186, § 3, 10-20-86)

Sec. 31-100. Same--Adjustment of charges.

(a) The city shall adjust industrial waste cost recovery charges at least annually to reflect changes in the characteristics of wastewater based on the results of sampling and testing.

(b) Increases in charges shall be retroactive for two (2) billing periods and shall continue for six (6) billing periods unless subsequent tests determine that the charge should be further increased.

(c) The city shall review at least annually the basis for determining charges and shall adjust the unit treatment cost in the formula to reflect increases or decreases in wastewater treatment costs based on the previous year's experience.

(d) The city shall bill the discharger by the month and shall show industrial waste charges as a separate item on the regular bill for water and sewer charges. The discharger shall pay monthly in accordance with practices existing for payment of sewer charges.
(Ord. of 5-6-75, § 19)

Sec. 31-101. Revenues; disposition.

From the money received and collected from sanitary sewer service charges and fees, the board of trustees shall first pay all cost of the operation and maintenance of the system and shall hold and conserve the balance of such funds, after payment of operation and maintenance costs, in a special fund subject to the order of the city council.
(Ord. of 2-16-60, § 2)

Secs. 31-102--31-112. Reserved.

ARTICLE III.

WATER

DIVISION 1.

GENERALLY

Sec. 31-113. Connections--Plats required; certain materials to be supplied by city; quality of materials; materials owned by city; service easement in city for service connections; ninety-day mandatory connection when services are available.

(a) No person shall make any connection with or any opening into any waterline 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 question, 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 been 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; and
- (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 waterline, such that water services may be reasonably provided therefrom, shall connect to the said waterline 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 1-6 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.

(Ord. of 8-1-22, § 1; Ord. No. 83-112, § 2, 11-1-83; Ord. No. 85-211, § 3, 12-2-85; Ord. No. 86-187, § 1, 10-20-86; Ord. No. 2000-O-049, § 2, 2-28-00)

Sec. 31-113.1. Same--Exception to the requirement of prior platting for water tap or service connection.

Notwithstanding the requirements set out in section 31-113, platting of property is not a prerequisite to obtaining a water tap or service connection if all of the following conditions are met:

- (1) The improvements to be served were in existence as of November 1, 1983, or the improvement proposed is a single-family house which will replace an owner-occupied mobile home in existence as of November 1, 1983; and
- (2) If the improvement already exists, no new construction is proposed except that which is directly related to the utility connection involved, such as indoor plumbing or hot water heater installation; and
- (3) All applicable tap fees, extension charges, and plumbing permit fees have been paid.

(Ord. No. 92-211, § 4, 12-2-85)

Sec. 31-114. Same--Supervision by city; no water tap larger than two inches without prior written consent.

Where water connections must be made, they must be made under the supervision of the director of the water department and of the city engineer. The city water department is hereby bound to make all replacement connections in a durable manner, under all streets and avenues that are to be paved, and the city water department will be held responsible to repair any defects which may develop after paving. No water tap (service connection) larger than a two-inch tap shall be made to any property, unless written approval for same is provided by the director of the water department and by the city engineer.

(Ord. of 8-1-22, § 2; Ord. No. 86-187, § 1, 10-20-86)

Sec. 31-115. Same--Failure of waterworks to connect deemed misdemeanor.

Any failure of the city waterworks to make connections or lay mains as provided in sections 31-113 and 31-114, after the service of written notice for more than fifteen (15) days, wherein it is notified, in such notice, to connect with certain abutting property owners as above provided in sections 31-113 and 31-114 shall be deemed a misdemeanor and shall be subject to punishment as provided in section 1-6 of this Code.

(Ord. of 8-1-22, § 5)

Sec. 31-116. Same--Failure of owner to connect deemed misdemeanor.

When any street or avenue within the city is ordered to be paved and the owners of property abutting on

such street or avenue are served with written notice to make pipe connections, for water service on such street, and within fifteen (15) days after such notice is served upon such abutting property owners, said owners have not made such pipe connections for the water service, as provided in sections 31-113 and 31-114 of this chapter, on such street or avenue proposed to be paved, they shall be deemed guilty of a misdemeanor and upon conviction, shall be subject to punishment as provided in section 1-6 of this Code. If thereafter, such persons desire to make such pipe connections, they shall make them under the rules and regulations prescribed by ordinance.

(Ord. of 8-1-22, § 6)

Sec. 31-117. Cross connections.

(a) *Definition.* The definition of a cross connection to the city waterworks system supply shall be based upon the U. S. Treasury Department Standards, and such cross connection is defined as follows: A "cross connection" is any physical connection whereby a potable water supply system is connected with any other water supply system, whether public or private.

(b) *Prohibited.* It shall be unlawful to make a cross connection, as herein defined, between any system of piping supplied by water from the city waterworks system mains and any other source of water supply, either public or private.

(c) *Maintenance prohibited.* It shall be unlawful to maintain any cross connection between the city waterworks system and any secondary water supply.

(d) *Storage tanks.* It shall be unlawful to maintain water storage tanks supplied only with water from the city waterworks system unless such tanks are constructed on standards prescribed by the public health authorities and are covered.

(e) *Elimination.* It is intended that no private water supply, including well systems, be interconnected with the city waterworks system supply and those connected as of July 7, 1953, be eliminated by the owner thereof as provided in this section.

(f) *Violation.* Should any water system supplied by the city waterworks system water be operated in violation of any provision of this section, it shall be the duty of the manager of the city waterworks system to completely disconnect all system service lines serving such cross connected system and to keep same disconnected until all provisions of this section are complied with, and such manager is hereby specially authorized and empowered to so disconnect such system. The cost of such disconnection and the estimated cost of reconnection shall be paid by the consumer before service will be restored.

(g) *Enforcement.* All authorized employees and representatives of the city waterworks system, the city health officer and the Laredo-Webb County Health Unit shall, at all reasonable hours have free access to all premises having a water system or supply other than the supply from the city waterworks system main to ascertain whether or not the provisions of this section have been and are being complied with; provided that, if the owner or person in charge of such premises shall refuse permission to enter the premises for such inspection purposes, the manager of the city waterworks is hereby specially authorized and empowered to disconnect the water service to such premises and to keep same disconnected until such time as such inspection is permitted and the premises found to be in compliance with the provisions of this section.

(h) *Nuisance.* The violation of any provision of this section is declared to be a nuisance which may be abated and enjoined by the city.
(Ord. of 7-7-53, §§ 1--8)

Secs. 31-118--31-125. Reserved.

DIVISION 2.

USE RESTRICTIONS

Sec. 31-126. Certain manners of use prohibited.

(a) *Waste.* It shall be unlawful for any person within the corporate limits of the city to waste water, which shall consist of using, causing, suffering or permitting the use of water in an amount in excess of the amount actually and necessarily required for the specific use or purpose to which the water is put by the consumer or inhabitant.

(b) *Draining into public streets.*

(1) It shall be unlawful for any person to drain, pump or discharge water in any manner on or into any public street from a swimming pool, tank or similar structure. It shall also be unlawful for any person to permit such conduct to occur on or from any land or premises under his control or management.

(2) It shall be unlawful for any person to use or permit the use of any sprinkler, sprinkler system, hose, soaker or other water flow device so as to allow such device to emit water directly onto any public street or so as to allow water emitted from such a device to run off into any public street.

(3) It shall not be a violation of subsection (b) of this section if water is used in any of the following circumstances:

a. The use of water by any person for roadway base preparation, concrete and asphalt work and for building construction processes.

b. The use of water by any person for the testing or repair of water distribution facilities, including permanently installed landscape irrigation systems;

c. The use of water by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as construction projects, cleaning of public streets, and the use of water from fire hydrants and trucks related to fire fighting activities; or

d. The use of water by any person to alleviate an immediate health or fire hazard.

(Ord. of 6-16-53, § 1; Ord. No. 91-062, § 1, 3-18-91)

Sec. 31-127. Resale of water prohibited.

No person, firm, corporation or entity shall ever sell any water supplied to it by the city to any other person, firm, corporation or entity, which is not a customer of the city, whether for residential, industrial, mining or any other use. Sale of water by any customer of the city's water service to any third party is prohibited.

(Ord. No. 86-188, § 1, 10-20-86)

Editors Note: Sections 31-127--31-129 were originally derived from §§ 2--4 of an ordinance adopted June 16, 1953, and were repealed by § 1(b) of Ord. No. 85-201, adopted Nov. 19, 1985, which readopted this Code. Subsequently, Ord. No. 86-188, § 1, adopted Oct. 20, 1986, added new §§ 31-127--31-129.

Sec. 31-128. Uses prohibited in certain circumstances.

In the event of any of the following contingencies:

- (1) Severe drought;
- (2) Contamination of raw water supplies;
- (3) An electrical power blackout;
- (4) Demand on the water system severely exceeding the system's ability to produce and deliver potable water in the city; or
- (5) National emergency;

which is so published by the city manager, it shall be unlawful for any person to use water supplied by the city for the purpose of washing cars, sprinkling, watering or irrigating lawns, flowers, shrubbery, trees, crops and gardens, or cleaning, flushing or watering sidewalks, driveways, porches, houses or any and all other structures, streets and other public ways, or for mining purposes, industrial uses or any other use not specifically authorized by the city.

(Ord. No. 86-188, § 1, 10-20-86)

Note: See the editor's note to § 31-127.

Sec. 31-129. Uses permitted.

Notwithstanding the existence of one (1) of the contingencies set out in section 31-128, the city manager and the director of the water department are authorized to permit one (1) or more of the uses set out in section 31-128, during such times and periods as they, or either of them, determine to be appropriate provided that they or either of them first determine that the supply of water from the water system is of such sufficient quantity that the use of water for one (1) or more uses as set out in section 31-128 will not adversely or injuriously affect the public health and safety.

(Ord. No. 86-188, § 1, 10-20-86)

Note: See the editor's note to § 31-127.

Sec. 31-130. Air conditioning, evaporative coolers ad swimming pools.

It shall be unlawful for any person, within the corporate limits of the city to:

- (1) Install, use or operate any air conditioning equipment with three (3) tons' or more capacity, unless the same shall be equipped with a water conserving device such as an evaporative condenser, water cooling tower or other conserving or water recirculating device;
- (2) Install, use or operate any evaporative water cooler which is designed to deliver eighteen hundred (1,800) or more cubic feet of air per minute, unless such evaporative water cooler is equipped with a water recirculating device or pump;
- (3) Install, use or operate a swimming pool for private or public use unless equipped with a water recirculation system.

Provided, however, that it shall be unlawful to use or operate any such air conditioning equipment, evaporative water cooler or swimming pool, even when so equipped, at such times as the director of the utilities department determines that there is not a sufficient supply of water from the water system to permit such use without adversely or injuriously affecting the public health and safety.

(Ord. of 6-16-53, § 6; Ord. No. 91-062, § 2, 3-18-91)

Sec. 31-131. Enforcement.

The chief of police and all persons employed in the police department and all employees of the utilities department shall, at all reasonable hours, have free access to all premises using water supplied by the city for any of the herein enumerated purposes, to ascertain whether or not the provisions of this division have been, and are being complied with.

(Ord. of 6-16-53, § 6; Ord. No. 91-062, § 3, 3-18-91)

Sec. 31-132. Penalties.

(a) Any person violating any provisions of this division shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to punishment as provided in section 1-6 of this Code.

(b) At locations of repeated or continued violations, the director of the utilities department shall have the authority to discontinue the supply of water to the violator or violators.

(Ord. of 6-16-53, § 7; Ord. No. 91-062, § 4, 3-18-91)

Sec. 31-133. Denial of service to individuals or business entities.

(a) The utilities department is authorized to refuse service to individuals or business entities who owe money on the same or prior location, until such time as proper and complete payment is made, provided that the utilities department conduct a diligent investigation to determine that indeed such person or business has changed the account name or location to avoid payment.

(b) The utilities department is authorized to ban certain addresses from service, when it can prove that the individual or business entity residing or using the location is attempting to change or has changed the account name or location in order to avoid payment.

(c) The utilities department is authorized to seek information about individuals or business entities who owe money for prior service, by other means such as tax rolls, other utility accounts, or any other legal means, for the purpose of attempting to collect the monies owed.

(d) The individuals or business entities who refuse to pay for prior service, or who abandon the location to avoid payment, or who use the services without establishing a valid account as provided in this Code, are declared to be in theft of services and therefore are subject to all provisions of the law.

(e) A property on which an illegal connection is discovered by city personnel or its agents will be immediately denied water and sewer service, until a proper account is opened and an illegal connection fee of five hundred dollars (\$500.00) is paid. A person or business entity opening an account where an illegal connection was found will not be eligible for any deferred payment plan. A portion of the fee up to two hundred dollars (\$200.00) will be utilized to cover the expense of establishing an active account for the customer.

(f) A person wishing to eliminate an illegal connection from his/her property and who notifies the city voluntarily and before detection of this illegal connection in writing will not be charged the illegal connection fee but will be required to open an active account.
(Ord. No. 97-193, §§ 1--4, 8-25-97; Ord. No. 2001-O-128, § 2, 6-25-01)

Secs. 31-134--31-137. Reserved.

DIVISION 3.

RATES AND CHARGES*

* **Editors Note:** Inclusion of the provisions of §§ 1, 2 of an ordinance adopted July 15, 1980, as Ch. 31, Art. III, Div. 3, §§ 31-138, 31-139, was at the discretion of the editor, the ordinance being nonamendatory of the Code.

Sec. 31-138. Water rates and availability.

The following schedule of water rates to be charged by the city within the city limits is hereby adopted and ordered into effect:

Residential:

Monthly minimum, including use of 2,000 gallons per month	\$7.50
Per 1,000 gallons (for the next 2,000 gallons) per month in excess of 2,000 gallons per month	1.10
Per 1,000 gallons (for the next 6,000 gallons) per month in excess of 4,000 gallons per month	1.17
Per 1,000 gallons (for the next 10,000 gallons) per month in excess of 10,000 gallons per month	1.23
Per 1,000 gallons (for the next 10,000 gallons) per month in excess of 20,000 gallons per month	1.30

Per 1,000 gallons (for the next 10,000 gallons) per month in excess of 30,000 gallons per month 1.37

Per 1,000 gallons (for the next 10,000 gallons) per month in excess of 40,000 gallons per month 1.44

Per 1,000 gallons per month in excess of 50,000 gallons per month 2.88

Multifamily and commercial:

Monthly minimum, including use of 2,000 gallons per month 21.25

Per 1,000 gallons (for the next 2,000 gallons) per month in excess of 2,000 gallons per month 1.17

Per 1,000 gallons (for the next 6,000 gallons) per month in excess of 4,000 gallons per month 1.19

Per 1,000 gallons (for the next 30,000 gallons) per month in excess of 10,000 gallons per month 1.39

Per 1,000 gallons (for the next 110,000 gallons) per month in excess of 40,000 gallons per month 1.59

Per 1,000 gallons (for the next 150,000 gallons) per month in excess of 150,000 gallons per month 1.79

Per 1,000 gallons (for the next 300,000 gallons) per month in excess of 300,000 gallons per month 2.19

Per 1,000 gallons (for the next 400,000 gallons) per month in excess of 600,000 gallons per month 2.72

Per 1,000 gallons per month in excess of 1,000,000 gallons per month 2.78

The residential, multifamily and commercial water rates will increase each year from 2007 to 2037 by the following percentages; 2007--10%; 2008--7%; 2009--7%; 2010 through 2014--5% annually; and 2015 through 2037--2% annually. These increases will automatically go into effect on January 1 of each year after the 2006 increase unless the city council revises the ordinance.

- (a) The fees and service charges to perform the special water and sewer functions of the utilities department are the following:

FEES AND SERVICE CHARGES INSIDE CITY LIMITS

Service fee \$ 10.00

Collector's and reconnect fees:

Collector's fee before 5:00 p.m. 7.50

Collector's fee after 5:00 p.m. 10.00

(DFNP = Disconnect for nonpayment)

Reconnect fee (DFNP) during regular business hours (8 a.m. to 5 p.m.) and business days
(M--F) on a 24-hour turnaround time frame 35.00

Reconnect fee (DFNP) after business hours or same day 55.00

Reconnect fee (DFNP) for weekends and holidays 75.00

Nonsufficient fund checks fees:

N.S.F. check service charge before 5:00 p.m. \$25.00

N.S.F. check service charge after 5:00 p.m. 25.00

Late fee:

Late fee (exempting customers who are 65 years and older) 5% or \$5.00

whichever is greater, is charged to the balance owed on the account at the beginning of
the second business day after the bill due date of each month

After office hours, no cash will be accepted for payment, checks or money orders only.

Cost of wet connections, inside city limits:

3 4" T connection \$ 100.00

Six" × six" 660.00

Six" × eight" 770.00

Eight" × eight" 880.00

Ten" × six" 890.00

Ten" × eight" 950.00

Ten" × ten" 990.00

Twelve" × six" 1,300.00
 Twelve" × eight" 1,400.00
 Twelve" × ten" 1,475.00
 Twelve" × twelve" 1,550.00
 Sixteen" × six" 2,300.00
 Sixteen" × eight" 2,450.00
 Sixteen" × ten" 2,525.00
 Sixteen" × twelve" 2,600.00
 Eight" water tap 5,843.50

Cost of water taps inside city limits rates, water tap fees:

3 4" \$ 475.00
 1" 556.00
 1 1 2" 736.00
 2" 881.25
 3" 2,010.00
 4" 2,996.00
 6" 3,801.00

Meter installation fee:

5 8" × 3 4", 3 4" × 3 4" and 1" \$29.00
 1 1 2" 100.00
 2" 150.00
 3" 200.00
 4" 250.00

6" 300.00

CITY OF LAREDO WATER UTILITIES DEPARTMENT COST OF WATER LINE EXTENSIONS,
MATERIAL AND LABOR INSIDE CITY LIMITS

On polyvinyl chloride (P.V.C.) pipe C-900 or DR-14 class 200:

2" P.V.C., per linear foot \$ 2.00

6" P.V.C, per linear foot 20.00

8" P.V.C, per linear foot 25.00

10" P.V.C, per linear foot 27.00

12" P.V.C, per linear foot 30.00

16" P.V.C, per linear foot 50.00

Ductile iron pipe (D.I.):

6" D.I., per linear foot \$20.00

8" D.I., per linear foot 25.00

10" D.I., per linear foot 27.00

12" D.I., per linear foot 30.00

16" D.I., per linear foot 50.00

DEPOSITS REQUIRED

Size of meter inside city limits, residential:

3 4" \$100.00

1" 150.00

1 1 2" 150.00

2" 300.00

3" 600.00

4" 800.00

Size of meter inside city limits, commercial:

3 4" \$150.00

1" 225.00

1 1/2 2" 225.00

2" 300.00

3" 600.00

4" 800.00

**COST OF METER CHARGE INSIDE CITY LIMITS
(DOES NOT INCLUDE WATER AVAILABILITY FEES)**

5 8" × 3 4" \$29.00

3 4" × 3 4" 29.00

1" 95.00

1 1/2 2 185.00

2" 225.00

3" 411.00

4" 850.00

SIX-INCH WATER TAP FOR FIRE PROTECTION

6" water tap \$3,801.00

CONNECT FEES FOR CONSTRUCTION /FIRE HYDRANT METERS

Deposit \$ 225.00

Installation fee 200.00

No. 909 reduced pressure principle backflow preventer for fire protection system, install one fire hydrant 1,500.00

Fire hydrant meters, per 1,000 gallons after minimum charge 3.50

Industrial mining meters, per 1,000 gallons after minimum charge 3.50

CONNECT FEES FOR TEMPORARY METERS FOR RESIDENTIAL CONSTRUCTION

Water availability:

Lot size (square feet)

Under 6,000 300.00

6,000--7,999 500.00

8,000--9,999 750.00

10,000 and over 1,000.00

Deposit 100.00

Installation fee 29.00

3 4" meter 29.00

During the time a temporary meter is in use, the builder will only be assessed water charges. Upon issuance of a certificate of occupancy (CO) from the building department, the temporary meter would become a permanent meter and all costs of services will be added to the bill (sewer, garbage, federal/state mandates, stormwater fee, tax etc.).

(b) Water availability charges applicable to all platted property.

(1) Lot charges. In addition to all other charges provided for herein and in addition to all requirements of the subdivision ordinance or other ordinances regulating the subdivision or platting of land, there shall be an additional charge for the creation of every new lot as set forth below:

a. *Residential lots:*

1. For each lot that is under 6,000 square feet \$ 300.00

2. For each lot that is 6,000 to 7,999 square feet 500.00

3. For each lot that is 8,000 to 9,999 square feet 750.00

4. For each lot that is 10,000 square feet and over 1, 000.00

b. *Nonresidential lots (commercial lots):*

1. For each and every lot created which is less than one (1) acre, the equivalent of one-half acre-feet of municipal use water right, per lot \$ 500.00
2. For every lot which is greater than one (1) acre (any fractional acreage within such lot shall incur a proportionate charge), the equivalent of one-half acre-feet of municipal use water right, per acre 500.00
3. For every lot regardless of size created by a replat that has been previously paid under subsection 1. or 2. above, the equivalent of one-half acre-feet of municipal use water right, per lot 500.00

(2) Connection charges. For each connection to the water system or increase in meter size, the following charges will be collected at the time of connection, as shown below, except for a five-eighths and three-fourths meter connection to a lot of record as defined in section 24-61(b)(59)(ii) of the zoning ordinance, for which there shall be no charge.

a. Residential lots (for which either the five-eighths by three-fourths inch or one-inch meter size applies) will pay a connection fee as follows:

Meter Size (inches)	Lot Size (square feet)	Amount
5/8 x 3/4	under 6,000	\$ 300.00
5/8 x 3/4	6,000--7,999	500.00
5/8 x 3/4	8,000--9,999	750.00
5/8 x 3/4	10,000 and over	1,000.00
1	any size lot	1,000.00

b. Nonresidential lots (commercial lots) will be a connection fee based on the meter size:

Size of meter in inches:

5 8" x 3 4" \$ 500.00

1" 1,000.00

1 1 2" 2,000.00

2 4,000.00

3 8,000.00

4 16,000.00

6 40,000.00

(3) Excluded from the water availability charge are any lot or lots created prior to September 9, 1979, by a subdivision or a resubdivision of land described by metes and bounds contained in an

instrument of grant or conveyance legally executed, duly acknowledged and properly recorded at the county deeds records office, and filed on September 9, 1979, or afterwards within thirty (30) days from such date, which date is the publication date of the public notice printed on page 12A of the Laredo Times at the direction of the planning and zoning commission; and upon proof thereof to the appropriate city official or officials, such lot or lots shall be excluded from the water availability charge.

- (4) Prohibit the use of water rights to pay capital improvement contribution fees.
- (5) The city council hereby ratifies, adopts and approves the water availability charge as passed and approved by the waterworks board at its regular meeting of August 17, 1983.
- (6) Funds collected for water availability shall be allocated to a "water availability fund" in the city's annual budget and shall be used to purchase water, groundwater, or water rights and/or finance studies and pilot programs which tend to diversify and augment the water supply. The water availability fund shall at no time be depleted more than twenty (20) percent of the opening balance per budget year.

(Ord. of 7-15-80, § 1; Ord. No. 82-70, § 1, 3-16-82; Ord. No. 82-116, § 1, 4-6-82; Ord. No. 82-125, § 1, 4-18-82; Ord. No. 89-87, § 1, 7-17-89; Ord. No. 92-190, § 1, 10-5-92; Ord. No. 93-190, § 1, 10-18-93; Ord. No. 95-208, §§ 1, 2, 9-25-95; Ord. No. 96-163, § 1, 9-23-96; Ord. No. 99-047, § 1--3, 2-16-99; Ord. No. 99-231, § 1, 9-7-99; Ord. No. 2001-051, § 1, 2-26-01; Ord. No. 2001-O-243, § 1, 10-15-01; Ord. No. 2006-O-038; Ord. No. 2006-O-052, § 1, 3-6-06; Ord. No. 2006-O-337, § 1, 1-2-07)

Sec. 31-139. Outside city.

The rates for water outside the city limits shall be one and one-half (1 1/2) times the rates prescribed in section 31-138 for water furnished within the city limits.

(Ord. of 7-15-80, § 2; Ord. No. 82-70, § 2, 3-16-82; Ord. No. 82-116, § 2, 4-6-82; Ord. No. 82-125, § 2, 4-18-82; Ord. No. 89-87, § 1, 7-17-89)

Sec. 31-140. Rates for water used for mining or mineral recovery, inside and outside the city limits.

The minimum monthly rates for water used for fire hydrant, mining or mineral recovery, whether supplied inside the city limits or supplied outside the city limits, shall be as follows:

Meter Connection (inches)	Minimum Monthly Rate
1 1/2	\$310.00
2	430.00
3	690.00
4	1,430.00
6	2,100.00

(Ord. No. 86-178, § 1, 10-7-86; Ord. No. 86-210, § 2, 11-18-86; Ord. No. 95-208, § 2, 9-25-95)

Sec. 31-141. Changes or adjustments.

Rates and charges described in sections 31-138 and 31-139 are set by action of the city council of the city. Any changes or adjustments to those rates are prohibited unless approved by the city council, except in the

event that there is a clear error in calculation or meter reading. The director of the city water system or the city manager may, in the case of a clear error of calculation or meter reading, allow certain adjustments of amounts billed if sufficient evidence is presented by the customer to the director of the city water system or the city manager to substantiate in writing the occurrence of such error of calculation or meter reading. In no event shall any such adjustment be made for error of calculation or meter reading which has occurred more than three (3) years prior to the date the matter is brought to the attention of the director of the city water system or the city manager.

(Ord. No. 87-35, § 1, 3-16-87)

Note: Section 1 of Ord. No. 87-35, adopted Mar. 16, 1987, added § 31-140, which the editor has redesignated § 31-141 since Ord. No. 86-178 had previously added § 31-140.

Sec. 31-141.1. Security deposits.

(a) A refundable security deposit for utility services is required from all customers according to section 31-138, rates and charges inside the city.

(b) An applicant for residential service to a three-quarter-inch meter, who has not previous unsatisfactory credit history with the city, is only required to deposit thirty dollars (\$30.00) of the required deposit amount if the applicant complies with one of the following:

(1) The applicant is sixty-five (65) years or older, and has presented proof of age.

(c) For the purpose of this section "unsatisfactory credit history" means, according to the city tax department records, that utility service has been cut off more than once for nonpayment within the previous two (2) years or a bill has been left unpaid after any previous service was discontinued or there are balances overdue on any utility and paving contract and liens for forced lot cleaning or demolition are due to the city.

(d) The city shall review customer's payment histories in April of every year to determine eligibility for a one-time security deposit refund in the amount of seventy dollars (\$70.00). The city may refund seventy dollars (\$70.00) of the required utilities security deposit when a customer meets the requirements under subsection (b) or has met all of the following conditions:

(1) The account is on a residential meter inside city limits; and

(2) The account currently has a utility security deposit posted in the amount of one hundred dollars (\$100.00) or greater; and

(3) The customer has been receiving utility service for more than twelve (12) continuous months; and

(4) The customer has a good credit record of paying in thirty (30) days from the date of billing or less every month in accordance to the city tax department records; and

(5) The customer's service has not been cut off more than twice during the past two (2) years or less for nonpayment of a bill; and

(6) The customer is current on all utility and paving contracts and has no liens for forced lot cleaning

or demolition due to the city.

(e) Customers eligible for refunds will receive their refunds according to the following guidelines:

(1) Any refund of a portion of the security deposit will normally be credited to a customer's May bill. If the deposit is greater than the outstanding bill, the credit may be applied to the customer's next monthly bill.

(f) A customer who has a current utility service account and is eligible to receive a refund according to subsection (d) above may transfer the account from one (1) location to another within the city. If the customer has paid all the utility bills on the account in a prompt manner of within thirty (30) days of the billing according to the city tax department records, said customers shall only be required to deposit thirty dollars (\$30.00) of the current utility services deposit rate.

(g) All sums of money collected as cash deposit securing the utilities department against losses that may be sustained when a customer discontinues his/her utility services shall be deposited in a special fund to be used for the payment or adjustment of final amounts due the city for utility service when the account is being closed.

(h) If a person makes a deposit and becomes insolvent or bankrupt, or makes an assignment for the benefit of the person's creditors, the city shall apply the person's deposit to offset the outstanding bill.

(i) Any customer who has a posted security deposit of less than one hundred dollars (\$100.00) because of a refund, senior citizen reduction, transfer reduction, a prior ordinance or other reason, but subsequently develops an unsatisfactory credit history, may be required as a condition for continuing utility service to post a security deposit in the full amount currently charged to new applicants.

(j) If a person required to make a deposit in accordance with this section fails to make the deposit after applying for service or after notification of the deposit being due, or after notification of liability for an increased deposit, the city may discontinue service until payment or satisfactory arrangements for payment have been made.

(Ord. No. 95-253, § 1, 11-6-95)

Note: Section 1 of Ord. No. 95-253, adopted Nov. 6, 1995, added § 31-142, which the editor has redesignated § 31-141.1 since Ord. No. 95-226 had previously added § 31-142.

Secs. 31-141.2--31-141.14. Reserved.

DIVISION 4.

WATER CONSERVATION

Sec. 31-141.15. Water conservation goals.

The city will continue existing water conservation policies and increase its emphasis on water conservation measures to accomplish the goals presented below. The city's goals with respect to water conservation are to:

- Reduce unaccounted for water to fifteen (15) percent by year 2010 and ten (10) percent by the year 2015 through improved water use accounting and leak detection and repair.
- Reduce the per capita per day consumption by five (5) percent from a four-year average of one hundred thirty (130) gpcd to one hundred ten (110) gpcd by the year 2010.
- Increase the beneficial reuse of effluent from the city's wastewater-treatment facilities.
- Continue the use of increasing block water and wastewater rates to discourage excessive usage.
- Continue the meter testing, repair and replacement program as well as leak detection efforts in order to reduce the unaccounted for water to ten (10) percent as stated above.
- The annual quality control--quality assurance program certifies that our readings are above ninety-five (95) percent of the coefficient of confidence. (New information)

These goals are consistent with commonly accepted industry standards and with the "expected" water conservation effects included in TWDB water demand projections for the city. (Ord. No. 2005-O-339, § 1(Exh. A, § I), 12-19-05)

Sec. 31-141.16. Water conservation program.

The following actions will be taken by the city to accomplish the above-stated goals:

- (a) *Public education and awareness.* Public education and awareness is an essential component of the city's water conservation program. The objective is to communicate to the city's residents the need for and benefits of water conservation and to provide useful consumer-oriented information on water conservation practices and technologies. The city will obtain and disseminate such information through a variety of avenues including:
- Providing water conservation literature to new utility customers at the time they apply for service, to utility customers reporting high water use, and at the utility sales office on a continuing basis;
 - Providing demonstrations and publicity of xeriscape landscaping and the use of native plants and grasses to reduce lawn water demands;
 - Providing consumer tips on water conservation in a newsletter to be posted at all water offices and to be distributed at civic events; and
 - Presentation at schools and to civic organizations.

The city will also obtain video and radio public service announcements on water conservation from the TWDB and make these available to the local media. TWDB videos on state water resources issues and water conservation will also be provided to the public access channel.

The city will also explore opportunities to implement the "Learning to be Water Wise" youth education program. This program combines a water conservation curriculum with a home water conservation kit. Targeted at fifth-grade students, the program conveys the conservation message through fifteen (15) lessons with hands-on activities. In addition, each student receives a kit containing a low-flow showerhead and kitchen and lavatory faucet aerators for installation in their homes. In this way, parents and sibling of the students are exposed to the conservation message and real water savings are achieved through the installation of water conservation devices. The cost of the program is thirty-two dollars (\$32.00) per student. The city will work with the school district, businesses, and civic organizations to obtain funding to implement the program.

- (b) *Plumbing fixture efficiency standards.* Since 1992 state law has prohibited the sale of certain plumbing fixtures that do not conform to specific water use efficiency standards. For example, water use by tank-type toilets sold within Texas is not to exceed one and six-tenths (1.6) gallons per flush. Showerheads are limited to two and one-half (2.5) gallons per minute flow rate. Similar water efficiency standards have also been adopted by the federal government. These state and federal water efficiency standards effectively supersede and replace local standards and eliminate the need for enforcement of plumbing code standards for water efficiency at the local level.

In 1991, the Texas Legislature passed legislation requiring that plumbing fixtures sold in Texas after January 1, 1992, meet the following standards:

- *Shower heads.* No more than two and three-fourths (2.75) gallons per minute at eighty (80) pounds per square inch of pressure.
- *Laboratory/sink faucets and aerators.* No more than two and two-tenths (2.2) gallons per minute at sixty (60) pounds per square inch of pressure.
- *Wall-mounted, flushometer toilets.* No more than ten (10) gallons per flush.
- *All other toilets.* No more than one and six-tenths (1.6) gallons per flush.
- *Drinking water fountains.* Must be self closing.
- *[Enforcement.]* The above standards are enforced through requirements placed directly on the manufacturers, importers, and suppliers of new fixtures in Texas.

In addition, the city encourages the following water conservation measures:

- *Hot water pipes.* Hot water lines not in or under a concrete slab should be insulated.
- *Pressure reduction valves.* Pressure reduction valves may be installed where system pressures exceed eighty (80) pounds per square inch.
- *Swimming pools.* Swimming pools should have recirculating filtration equipment.

- *Automatic dishwashers.* Automatic dishwashers installed in residential dwellings should be a design that uses a maximum of six (6) gallons of water per cycle.

- *Automatic clothes washers.* Automatic clothes washers installed in residential dwellings should be a design that uses a maximum of fourteen (14) gallons of water per cycle.

New plumbing fixtures that replace or renovate existing plumbing fixtures should follow the residential and commercial construction requirements.

The use of water efficient plumbing fixtures in new construction and as replacements in existing construction is expected to significantly reduce per capita water use and wastewater flows over time. Importantly, such savings will occur "passively" in that market penetration will occur as a consequence of new development and as older inefficient plumbing fixtures wear out and are replaced. Also, water savings associated with high-efficiency plumbing fixtures are relatively predictable as the savings are not dependent on conscious effort by the consumer to modify water use behaviors. The city's plumbing code encourages the use of water conserving plumbing fixtures for residential and commercial construction. The city has adopted the Southern Plumbing Code.

- (c) *Plumbing fixture retrofit and replacement.* The city will encourage the retrofit and/or replacement of older, inefficient plumbing fixtures and appliances through the public education and awareness activities described above. Particular emphasis will be placed on the expected cost-savings and payback periods through reduced water, wastewater, and energy costs. Also, as previously indicated, retrofit kits will be provided through the "Learning to be Water Wise" program. In addition, the city will investigate the costs and benefits of replacing inefficient plumbing fixtures in all city-owned facilities.
- (e) *Water rate structure.* The city's rate structure increases the rate of water used per thousand at different intervals. Since the late 1980s, the city has had an escalating rate structure, with higher rates as the consumption increases.
- (f) *Metering and repair.* Metering all water services is an effective means of improving and maintaining control of water system operations and provides the basis for efficient and equitable cost recovery. Metering provides a database for system performance monitoring, for planning future facilities, and for assessing the effects of water conservation measures. Metering also improves accountability for both water deliveries and for unaccounted for water losses. The city meters all water accounts, including those serving city facilities. The city meters the quantity of water that is delivered to each residential and commercial customer, and to each public use, including city facilities. Meters are read and the quantities are recorded once per month, with billings made monthly to residential and commercial customers. Efforts are on the way to implement some type of automatic meter reading (AMR) to remove the human factor in the reading of meters and thus reduce unaccounted for water (UFW).

Periodic testing, repair and/or change-out of meters is essential to an effective metering program.

All meters larger than two (2) inches, are tested by the city annually and meters one and one-half

(1 1/2) inches and smaller are tested on a cycle of once every five (5) years. Meters found to perform outside accepted parameters for accuracy will be repaired or replaced as required.

The city meters all water sales and public uses, and operates a meter replacement program with the objective to replace fifteen (15) percent of residential meters per year, and a goal to replace all residential meters every seven (7) to eight (8) years. All commercial meters are tested annually and replaced as necessary. The city plans to continue this program.

The city has instituted procedures to improve accounting for unmetered water losses resulting from the flushing of water mains, fire fighting, and main breaks. These procedures allow the city to better estimate actual water losses due to leakage and will aid in evaluating the costs and benefits associated with leak detection and the repair or replacement of main waterlines.

- (f) *Leak detection and repair.* In 1996, a water leak study was performed to determine the unaccounted for water. Recommendations are currently being implemented. The city will repeat the study to show the improvement. Also, the city owns sonic water leak detection equipment and has done its own systematic leak survey of the older water mains that have experienced numerous breaks and repairs and they were replaced.
- (g) *Water-conserving landscaping.* The city does not plan to require water conserving landscaping, however, the city does, through its education and awareness activities, encourage residents to adopt water-efficient landscaping and landscape-maintenance practices. Through its public information program, the city encourages and supports the use of xeriscape landscaping techniques. Utilities staff distribute xeriscape literature and provide presentations at public meetings on water conserving landscaping and lawn watering methods. Particular emphasis is placed on providing such information in advance of and during the summer lawn water season.
- (h) *Reuse.* The city's wastewater reuse program includes the following three (3) major components:
 - 1) Use of treated wastewater at the wastewater treatment plant instead of using potable water for in plant purposes, such as wash-down, unit spray bars, and site irrigation;
 - 2) An evaluation of potential for use of treated wastewater to irrigate city parks and athletic fields, with implementation of those elements which can be demonstrated to be feasible; and
 - 3) Evaluating the feasibility of use of that portion of the city's highly treated wastewater that is discharged into the Rio Grande River.

In the case of reuse of wastewater for irrigation of athletic fields an assessment will be made of the potential quantities, estimated costs, and environmental effects of such project.
- (i) *Pressure reduction.* Pressure is the force which determines how much water can pass through a given faucet, valve, pipe or hole in a given time. For example, tests for one (1) type of faucet showed that flow rates through the faucet opened at a constant setting varied from three (3.0) to

five and six-tenths (5.6) gallons per minute at one hundred fifty (150) psi. From this example, it is obvious that pressure reduction will help save water by reducing the amount of water that will flow through an opened valve or faucet in a given time period. Pressure reduction also saves water by reducing excessive mechanical stress on plumbing fixtures and appliances and on distribution systems. Faucet seats and washers will last longer, washing machine and dishwasher valves will break less frequently, pipe joints will be less susceptible to failure, and leaks in distribution systems will lose water more slowly at lower pressures. For these reasons, many utility plumbing codes and regulations require pressure reduction for customer connections.

- (j) *Means of implementation and enforcement.* The city's utilities director will have the primary responsibility for implementing the plan. Water conservation orders will be enforced by the city police department, code enforcement officers, utility department personnel and municipal court, as appropriate.

(Ord. No. 2005-O-339, § 1(Exh. A, § II), 12-19-05)

Sec. 31-141.17. Reporting.

The service area of the city is located within the Rio Grande Regional Water Planning Group [Rio Grande Region (M)] and the city has provided a copy of this plan to this entity.

In the event the city requests loans from the TWDB, the city will be obligated to the TWDB (under Rule 31 TAC 363.71) to submit an annual report to the executive administrator of the TWDB on the implementation and status of the city's water conservation programs for three (3) years after the closing date for loans made by the TWDB. The report will be in a form and will include all information required by TWDB staff to determine the city's compliance with the water conservation and drought contingency plans.

The annual review of the water conservation program will be completed by the city's utilities director. The city's utilities director will be alert throughout the year to any changes in the water supply and distribution system; or, to any changes in population which could affect the goals and objectives of the city's water conservation plan. Periodic and in depth reviews will be made to determine if such changes discussed above might require an amendment or major changes in the plan.

Sec. 31-141.18. Drought contingency plan for city utilities.

- (1) *Declaration of purpose and objective.* The purpose of the city's drought contingency plan is to establish procedures for identifying and responding to a water supply emergency. The overall objective is to minimize any risks to public health and safety, preserve essential public services, and minimize any adverse impacts of a water supply emergency on the residents and economic well-being of the city.

- (2) *Public involvement.* Opportunity for the public to provide input into the preparation of the plan was provided by the city by means of town hall meetings on August 9--12, 1999, and a public hearing on August 16, 1999.

- (3) *Public education.* The city public utilities director or designee will maintain in a current condition information about the city's water supplies, including water levels of Falcon and Amistad Reservoirs, and shall provide this information to the mayor and city council, as appropriate. When the capacity of Falcon

and Amistad Reservoirs, emergency conditions exist, or the water treatment demand reaches trigger levels, as specified in the stages of the drought contingency plan, the full range of information, goals, demand reduction measures, and penalties for each respective stage, as stated in the plan, will be communicated to the city's water customers. The means of communication will be by public announcements in newspapers, radio, TV and printed bulletins which will be posted at Laredo City Hall and, when warranted, will be either mailed or hand delivered to water customers.

(4) *Coordination with regional water planning groups.* The service area of the city is located within the Rio Grande Regional Water Planning Group [Rio Grande Region (M)] and the city has provided a copy of this plan to this entity.

(5) *Authorization.* The mayor or the city manager is authorized to implement each stage of the drought contingency plan as the respective trigger levels are reached. The order to implement or terminate each respective stage shall be made by public announcement and shall be published at least one time in a newspaper of general circulation in the city.

(6) *Application.* The provisions of this plan shall apply to all persons, customers, and property utilizing water provided by the city. The terms "person" and "customer" as used in the plan includes individuals, corporations, partnerships, associations, and all other legal entities.

(7) *Definitions.* For the purpose of this plan, the following definitions shall apply:

Commercial and institutional water use: Water use which is integral to the operations of commercial and nonprofit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: Any person, company, or organization using water supplied by the city.

Domestic water use: Water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even-numbered address: Street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: The use of water for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights of way and medians.

Nonessential water use: Water uses that are not essential or required for the protection of public, health, safety, and welfare, including:

(a) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise

provided under this plan;

- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) Use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd-numbered address: Street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.
(Ord. No. 2005-O-339, § 1, 12-19-05)

Sec. 31-141.19. Triggering criteria for initiation and termination of drought response stages.

Because of the stresses that sustained high peak water demands will place on the city's water system, the trigger conditions for the city drought contingency plan are based on excessive demand, as indicated in table 1.

TABLE 1--WATER DEMAND TRIGGER CONDITIONS EXISTING WTP CAPACITY OF 60 MGD			
Water Use In Gallons Per Day	Duration--Consecutive Days	Classification	Stage
If water usage falls within the following ranges:			
Plant Capacity Total Flow of 60 MGD (90%)	5 days	Mild Drought Conditions	Stage 1--Voluntary Stage 2--Voluntary
Plant Capacity Total Flow of 60 MGD (95%)	5 days	Moderate Drought Conditions	Stage 3--Mandatory Stage 4--Mandatory
Plant Capacity Total Flow of 60 MGD (100%)	3 days	Severe Drought Conditions	Stage 5--Mandatory Stage 6--Mandatory

In addition to the established trigger conditions based on water demand, the city has adopted the "regional" trigger conditions based upon the percent capacity of U.S. waters contained within the Amistad and Falcon Reservoirs. Although the South Texas Development Council did not develop regional triggers during phase 1 of the South Texas Regional Water Supply Plan, the Lower Rio Grande Development Council

(LRGVDC) has. Each of these councils of governments (COGs) are in region "M" of the TWDB Regional Planning Areas. At a May 13, 1998, public meeting, the South Texas Development Council agreed to combine the plans being developed by each of the COGs. Therefore, the city has incorporated the trigger conditions presented below into the drought contingency plan.

**RECOMMENDED POOL LEVELS FOR
IMPLEMENTATION OF VARIOUS
DROUGHT CONTINGENCY PHASES**

Minimum levels of U.S. water storage in Amistad and Falcon Reservoirs at which phases/stages of municipal drought contingency plans will be implemented on a regional basis.

Phase--Voluntary conservation trigger. When the level of U.S. water stored in Amistad and Falcon Reservoirs reaches fifty-one (51) percent or one and sixty-six hundredths (1.66) million acre-feet (MAF), voluntary stage of conservation may be put into effect. This phase consists of voluntary water conservation action to be taken by the general public, governmental agencies and all water users of waters from the Rio Grande River below Amistad and Falcon Dams on the Rio Grade. Customers of the municipal water systems in the region shall be requested to voluntarily conserve and limit the use of water.

Phase--Mandatory conservation trigger. When the levels of U.S. water stored in Amistad and Falcon Reservoirs reach twenty-five (25) percent or eight hundred thirty-four thousand, six hundred (834,600) acre-feet, mandatory conservation may be declared. This phase consists of mandatory restrictions of the use of water and imposing of penalties and sanctions for violations of set restrictions.

Phase--Water curtailment trigger. When the level of U.S. water stored in Amistad and Falcon Reservoirs reaches fifteen (15) percent or five hundred four thousand, six hundred (504,600) acre-feet, this phase may be implemented. This phase reduces the maximum amounts of monthly water usage for residential and nonresidential customers and imposes surcharges, service cutoffs, and other sanctions for violations.

In addition to the established trigger conditions based on either water demand or reservoir levels, the mayor will have the authority to declare an emergency water demand condition of mild, moderate or severe under the following conditions:

- (1) System-related problems, such as equipment failures and line breaks; and
- (2) Other conditions that may affect or otherwise limit the city's ability to meet the demand for water for a forty-eight-hour period.

(Ord. No. 2005-O-339, § 1, 12-19-05)

Sec. 31-141.20. Drought response stages.

Stage 1--Voluntary.

- (1) *Triggering level.* Falcon and Amistad conservation level between fifty-one (51) percent and

thirty-six (36) percent or WTP capacity at ninety (90) percent for five (5) consecutive days.

- (2) *Cumulative reduction goal.* Five (5) percent.

Voluntary conservation alert. Customers of the city's utility system during stage 1 are requested to voluntarily limit the amount of water used to that amount absolutely necessary for health, business and irrigation. Notice of such request shall be given by the city manager and/or mayor through appropriate circular, television, radio and newspaper media at the mayor's discretion.

The following uses of water are defined as waste of water and are absolutely prohibited:

- (1) Allowing irrigation water to run off into a gutter, ditch or drain;
- (2) Failure to repair a controllable leak.

Stage 2--Voluntary.

Voluntary compliance--Water conservation warning.

- (1) *Triggering level.* Falcon and Amistad conservation level between thirty-five (35) percent and twenty-six (26) percent or WTP capacity at ninety (90) percent for five (5) consecutive days.
- (2) *Cumulative reduction goal.* Five (5) percent.

Since this is a voluntary stage, the restrictions presented here will not be enforced but are presented here so customers can prepare to adopt them for stage 3. During stage 2, the following voluntary restrictions shall apply to all persons. Notice of such order shall be given by the city manager and/or mayor through appropriate circular, television, radio and newspaper media at the mayor's discretion. All elements of stage 1 shall remain in effect except that:

- (a) Irrigation utilizing hose-end sprinklers or automatic sprinkler systems for lawns, gardens, landscaped areas, trees, shrubs and other plants is prohibited except during designated hours which shall be between the hours of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0, 2, 4, 6, 8) are only allowed to water between designated hours on Mondays, Wednesdays and Fridays. Customers with an address ending in an odd number (1, 3, 5, 7, 9) are only allowed to water between designated hours on Tuesdays, Thursdays and Saturdays.

Irrigation of lawns, gardens, landscaped areas, trees, shrubs or other plants is permitted at any time if:

1. A continuously attended hand-held hose is used; or,
 2. A drip irrigation system is used.
- (b) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited except on designated hours between the hours of 8:00 p.m. to 8:00 a.m.

Customers with an address ending in an even number (0, 2, 4, 6, 8) are only allowed to wash mobile equipment between designated hours on Mondays, Wednesdays and Fridays. Customers with an address ending in an odd number (1, 3, 5, 7, 9) are only allowed to wash mobile equipment between designated hours on Tuesdays, Thursdays and Saturdays. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses.

Exception: Washing may be done at any time on the immediate premises of a commercial carwash or commercial service station. Further, such washing may be exempted from this division if the health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as garbage trucks and vehicles used to transport food and perishables.

- (c) The refilling or adding of water to residential swimming and/or wading pools is prohibited except on designated hours between the hour of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0, 2, 4, 6, 8) are only allowed to use water for this purpose between designated hours on Mondays, Wednesdays and Fridays. Customers with an address ending in an odd number (1, 3, 5, 7, 9) are only allowed to water for this purpose between designated hours on Tuesdays, Thursdays and Saturdays.
- (d) The operation of any ornamental fountain or other structure making similar use of water is prohibited except for those fountains or structures with a recycling system.
- (e) The use of water for irrigation for parks, plazas and squares is prohibited except on designated hours between the hours of 8:00 p.m. to 8:00 a.m. The irrigation of golf-course fairways is absolutely prohibited. Provided, however, any above mentioned in this division utilizing wastewater effluent or well water is exempted from the provisions of this division.
- (f) Essential and utility use.

Essential use.

- (1) *Firefighting.* No restrictions.
- (2) *Medical use by health care facilities.* No restrictions.

Water utility use.

- (1) Reduction of average system pressure to sixty (60) psi is recommended.
- (2) Leak detection and system repairs are recommended.
- (3) Stabilizing and equalizing system pressure is recommended.
- (4) Sewer line flushing: reduction is recommended.
- (5) Fire hydrant flushing: reduction is recommended.

- (6) Power production use: reduction of water use for power production is recommended.
- (g) The following uses of water are defined as waste of water and are absolutely prohibited:
 - 1. Allowing irrigation water to run off into a gutter, ditch or drain;
 - 2. Failure to repair a controllable leak;
 - 3. Washing sidewalks, streets, driveways, parking areas, tennis courts, or other paved areas, except to alleviate immediate fire hazards.
- (h) Irrigation using hose-end sprinklers or automatic sprinkler systems for athletic fields is prohibited except during designated hours which shall be between the hours of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0, 2, 4, 6, 8) are only allowed to water between designated hours on Mondays, Wednesdays and Fridays. Customers with an address ending in an odd number (1, 3, 5, 7, 9) are only allowed to water between designated hours on Tuesdays, Thursdays and Saturdays. Irrigation using hand- held hoses or drip irrigation systems are exempt.

Stage 3--Mandatory.

Mandatory compliance--Water shortage advisory.

- (1) *Triggering level.* Falcon and Amistad conservation level between twenty-five (25) percent and eighteen (18) percent or WTP capacity at ninety-five (95) percent for five (5) consecutive days.
- 2. *Cumulative reduction goal.* Ten (10) percent.

During stage 3, the following restrictions shall apply to all persons. Notice of such order shall be given by the city manager and/or mayor through appropriate circular, television, radio and newspaper media at the mayor's discretion. All elements of stage 2 shall remain in effect except that:

- (a) Irrigation utilizing hose-end sprinklers or automatic sprinkler systems for lawns, gardens, landscaped areas, trees, shrubs and other plants is prohibited except during designated hours which shall be between the hours of 8:00 p.m. to 8:00 am. Customers with an address ending in an even number (0, 2, 4, 6, 8) are only allowed to water between designated hours on Mondays, Wednesdays and Fridays. Customers with an address ending in an odd number (1, 3, 5, 7, 9) are only allowed to water between designated hours on Tuesdays, Thursdays and Saturdays.

Irrigation of lawns, gardens, landscaped areas, trees, shrubs or other plants is permitted at any time if:

- 1. A continuously attended hand-held hose is used; or

2. A drip irrigation system is used.

Exception. Commercial nurseries [nurseries], commercial sod farmers and similarly situated establishments are exempt from stage 3 irrigation restrictions, but will be requested to curtail all nonessential water use.

- (b) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited except on designated hours between the hours of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0, 2, 4, 6, 8) are only allowed to wash mobile equipment between designated hours on Mondays, Wednesdays and Fridays. Customers with an address ending in an odd number (1, 3, 5, 7, 9) are only allowed to wash mobile equipment between designated hours on Tuesdays, Thursdays and Saturdays. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses.

Exception. Washing may be done at any time on the immediate premises of a commercial carwash or commercial service station. Further, such washing may be exempted from this division if the health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as garbage trucks and vehicles used to transport food and perishables.

- (c) The refilling or adding of water to residential swimming and/or wading pools is prohibited except on designated hours between the hour of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0, 2, 4, 6, 8) are only allowed to use water for this purpose between designated hours on Mondays, Wednesdays and Fridays. Customers with an address ending in an odd number (1, 3, 5, 7, 9) are only allowed to water for this purpose between designated hours on Tuesdays, Thursdays and Saturdays.
- (d) The operation of any ornamental fountain or other structure making similar use of water is prohibited except for those fountains or structures with a recycling system.
- (e) The use of water for irrigation for parks, plazas and squares is prohibited except on designated hours between the hours of 8:00 p.m. to 8:00 a.m. The irrigation of golf course fairway is absolutely prohibited. Provided, however, any above mentioned in this division utilizing wastewater effluent or well water is exempted from the provisions of this division.
- (f) Essential and utility use.

Essential use.

- (1) *Fire fighting.* No restrictions.
- (2) *Medical use by health care facilities.* No restrictions.

Water utility use.

- (1) Reduction of average system pressure to fifty (50) psi is recommended.

- (2) Leak detection and system repairs are recommended.
 - (3) Stabilizing and equalizing system pressure is recommended.
 - (4) Sewer line flushing: reduction is recommended.
 - (5) Fire hydrant flushing: reduction is recommended.
 - (6) Power production use: reduction of water use for power production is recommended.
- (g) The following uses of water are defined as waste of water and are absolutely prohibited:
1. Allowing irrigation water to run off into a gutter, ditch or drain;
 2. Failure to repair a controlled leak;
 3. Washing sidewalks, streets, driveways, parking areas, tennis courts, or other paved areas, except to alleviate immediate fire hazards.
- (h) Irrigation using hose-end sprinklers or automatic sprinider [sprinkler] systems for athletic fields is prohibited except during designated hours which shall be between the hours of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0, 2, 4, 6, 8) are only allowed to water between designated hours on Mondays, Wednesdays and Fridays. Customers with an address ending in an odd number (1, 3, 5, 7, 9) are only allowed to water between designated hours on Tuesdays, Thursdays and Saturdays. Irrigation using hand-held hoses or drip irrigation systems are exempt.
- (i) No bulk water sales shall be made from the city or water points for any purpose when such water will be transported by any tanker truck or similar type vehicle outside the city except for domestic or residential use or for livestock as approved by the utilities director.

Stage 4--Mandatory.

- (1) *Triggering level.* Falcon and Amistad conservation level between seventeen (17) percent and twelve (12) percent or WTP capacity at ninety-five (95) percent for five (5) consecutive days.
- (2) *Cumulative reduction goal.* Fifteen (15) percent.

Mandatory compliance--Water shortage alert. During stage 4, the following restrictions shall apply to all persons. Notice of such order shall be given by the city manager and/or mayor through appropriate circular, television, radio and newspaper media at the mayor's discretion. All elements of stage 3 shall remain in effect in stage 4 except that:

- (a) Irrigation utilizing hose-end sprinklers or automatic sprinkler systems for lawns, gardens,

landscaped areas, trees, shrubs and other plants is prohibited except during designated hours which shall be between the hours of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0, 2, 4, 6, 8) are only allowed to use water for this purpose between designated hours on Mondays and Fridays. Customers with an address ending in an odd number (1, 3, 5, 7, 9) are only allowed to water for this purpose between designated hours on Tuesdays and Saturdays. Irrigation by hand-held hoses or drip irrigation systems is exempt.

- (b) Irrigation using hose-end sprinklers or automatic sprinkler systems for athletic fields is prohibited except during designated hours which shall be between the hours of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0, 2, 4, 6, 8) are only allowed to water between designated hours on Mondays and Fridays. Customers with an address ending in an odd number (1, 3, 5, 7, 9) are only allowed to water between designated hours on Tuesdays and Saturdays.
- (c) The watering of golf fairway areas is prohibited unless done with treated wastewater, reused water, or well water.
- (d) A water use surcharge of ten dollars (\$10.00) shall be levied against all customers that use over thirty thousand (30,000) gallons per month.

Stage 5--Mandatory.

- (1) *Triggering level.* Falcon and Amistad conservation level between eleven and nine-tenths (11.9) percent and ten (10) percent or WTP capacity at one hundred (100) percent for three (3) consecutive days.
- (2) *Cumulative reduction goal.* Twenty-five (25) percent.

Mandatory compliance--Water shortage warning. During stage 5, the following restrictions shall apply to all persons. All elements of stage 4 shall remain in effect in stage 5 except that:

- (a) Irrigation utilizing hose-end sprinklers or automatic sprinkler systems for lawns, gardens, landscaped areas, trees, shrubs and other plants is prohibited except during designated hours which shall be between the hours of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0, 2, 4, 6, 8) are allowed to use water only on Wednesdays of each week during designated hours. Customers with an address ending in an odd number (1, 3, 5, 7, 9) are allowed to water only on Saturdays of each week during designated hours. Irrigation with hand-held hoses or irrigation drip systems are exempt.
- (b) The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment not occurring upon the immediate premises of commercial carwashes and commercial service stations, and not in the immediate interest of the public health, safety and welfare shall be prohibited except during designated hours which shall be between the hours of 8:00 p.m. to 8:00 a.m. and only on the owner's of such vehicles, etc. premises. Customers with an address ending in an even number (0, 2, 4, 6, 8) are allowed to wash mobile equipment only on Wednesdays of each week during designated hours. Customers with an address ending in an odd number (1, 3, 5,

7, 9) are allowed to wash mobile equipment only on Saturdays of each week during designated hours.

- (c) Commercial car washes and commercial service stations in the immediate interest of the public health, safety and welfare shall be limited to fifty (50) percent of their monthly average usage based on the last twelve (12) billing periods for each such customer. After such usage, the public utilities director shall enforce this subsection by terminating water service.
- (d) Commercial nurseries, commercial sod farmers, and similarly situated establishments shall water only on designated days between the hours of 10:00 p.m. and 5:00 a.m. and shall use only hand-held hoses, drip irrigation systems, or hand-held buckets.
- (e) The filling, refilling or adding of water, except to maintain the structural integrity of the pool, to swimming and/or wading pools is prohibited.
- (f) The operation of any ornamental fountain or similar structure, with or without recirculating features, is prohibited.
- (g) Irrigation using hose-end sprinklers or automatic sprinkler systems for athletic fields is prohibited except during designated hours which shall be between the hours of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0, 2, 4, 6, 8) are only allowed to water between designated hours on Wednesdays of each week. Customers with an address ending in an odd number (1, 3, 5, 7, 9) are only allowed to water between designated hours on Saturdays of each week.
- (h) A water use surcharge of fifteen dollars (\$15.00) shall be levied against all customers that use over twenty thousand (20,000) gallons per month.
- (i) Fire hydrant water sales shall cease. Users shall be directed to obtain effluent from the wastewater treatment plants as available. Potable water shall only be made available for direct human consumption, to maintain sanitary conditions and for livestock only by approval by the utilities director.

Stage 6--Mandatory.

- (1) *Triggering level.* Falcon and Amistad conservation level at nine (9) percent or less or WTP capacity at one hundred (100) percent for three (3) consecutive days.
- (2) *Reduction goal.* Thirty-five (35) percent.

Mandatory compliance--Water shortage emergency. During stage 6 the following restrictions shall apply to all persons. All elements of stage s shall remain in effect in stage 6 except that:

- (a) No applications for new, additional, thither expanded, or increased- in-size water service connections, meters, service lines, pipeline extensions, mains, or other water service facilities of any kind shall be allowed, approved or installed except as approved by the city utilities.

- (b) All allocations of water use to nonessential industrial and commercial customers shall be reduced to amounts as established by the public utilities director.
- (c) The maximum monthly water use allocation for residential customers may be established with revised rate schedules and penalties by the city council upon recommendation by the public utilities director.
- (d) Irrigation by hose-end spriniders [sprinklers] or automatic sprinkler systems is prohibited. Irrigation is permitted only by continuously attended hand-held hoses or the use of drip irrigation systems which shall be between the hours of 8:00 p.m. to 8:00 am. Customers with an address ending in an even number (0, 2, 4, 6, 8) are allowed to use water only on Wednesdays of each week during designated hours. Customers with an address ending in an odd number (1, 3, 5, 7, 9) are allowed to water only on Saturdays of each week during designated hours.
- (e) The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment not occurring upon the immediate premises of commercial carwashes and commercial service stations and not in the immediate interest of the public health, safety and welfare shall be prohibited.
- (f) Irrigation for athletic fields is prohibited.
- (g) A water use surcharge of twenty dollars (\$20.00) shall be levied against all customers that use over fifteen thousand (15,000) gallons per month.

(Ord. No. 2005-O-339, § 1, 12-19-05)

Sec. 31-141.21. Enforcement.

The city drought contingency plan will be enforced by the city police department, code enforcement officers, utility department personnel and municipal court, as appropriate.

Any person who violates this plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than twenty dollars (\$20.00) and not more than one hundred dollars (\$100.00). Each day that one (1) or more of the provisions in this plan is violated shall constitute a separate offense. If a person is convicted of three (3) or more distinct violations of this plan, the utility director shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at ten dollars (\$10.00), and any other costs incurred by the city utilities in discontinuing service. In addition, suitable assurance must be given to the utility director that the same action shall not be repeated while the plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

Any employee of the city water utilities, police officer, or other city employee designated by the utilities director, may issue a citation to a person he/she reasonably believes to be in violation of this division. 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 municipal court on the date shown on the citation which date shall not be less than three (3) days nor more than five (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 delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over fourteen (14) years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in the city municipal court to enter a plea of guilty or not guilty for the violation of this plan. If the alleged violator fails to appear in the city 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 the city municipal court before all other cases. (Ord. No. 2005-O-339, § 1, 12-19-05)

Sec. 31-141.22. Variances.

The city manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan wit [when it] is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- (a) 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.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

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

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the plan from which the petitioner is requesting relief.
- (d) 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 petitioner complies with this division.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) 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.
- (h) Other pertinent information.

Variations granted by the city utilities shall be subject to the following conditions, unless waived or modified by the city manager or his/her designee:

- (a) Variations granted shall include a timetable for compliance.
- (b) Variations granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.

(Ord. No. 2005-O-339, § 1, 12-19-05)

ARTICLE IV.

LIQUID WASTE TRANSPORTATION

DIVISION 1.

GENERALLY

Sec. 31-142. Definitions.

As used in this article:

City means the City of Laredo, Texas, as represented by the official acts of the city council and representatives.

Department means the City of Laredo Water Utilities Department.

Director means the director of the department of water utilities or his or her designated representative or agent.

Discharge means the unpermitted disposal, deposit, dumping, spilling, leaking or placing of any liquid waste including but not limited to solid or semisolid grease trap waste, grit trap waste, and/or septic tank waste into or on any land, water, sanitary or storm sewer facilities so as to cause such waste or any constituent thereof to adversely enter the environment, or be adversely emitted into the air or into any water including ground waters.

Disposal site (land application) means a permitted or registered facility or part of a permitted or registered facility at which liquid waste, including but not limited to grease trap waste is intentionally placed into or on any land where it is intended that said waste shall remain after closure of said facility.

Disposal site means a permitted facility or part of a permitted facility, including but not limited to collection sewers, where sludge is handled, collected, transported, treated, and intentionally disposed of by conveyance to receiving water and/or lands. These types of facilities must be classified as either Type I (landfill) or Type V (other, i.e. liquid processing) municipal solid waste facility as defined under 40 CFR part

257 and TAC, part IX, chapter 330, subchapter D, section 330.41(b) and section 330.41(f).

Disposal site operator means a person, firm, corporation, municipal corporation, or utility permitted or registered by the appropriate state and/or federal regulatory agencies to engage in receiving, storing, processing and/or ultimately disposing of liquid waste, including but not limited to, grease trap waste, grit trap waste, and septage.

Generator means a person who causes, creates, generates, stores or otherwise produces liquid waste, including but not limited to grease trap waste, grit trap waste and septage as a by-product of some domestic or nondomestic activity.

Grease trap means a receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict the passage of organic, greasy or fatty liquid, semiliquid, and/or solid wastes into both public and private sanitary sewers to which the receptacle is directly or indirectly connected.

Grit trap means a receptacle utilized by commercial or industrial generator of liquid waste to intercept, collect and restrict the passage of petroleum-based oil and grease wastes and inorganic or other solids into both private and public sanitary sewer to which the receptacle is directly or indirectly connected.

Grit trap waste means oil and grease wastes and inorganic solids generated by commercial, industrial, automotive or heavy machinery repair and/or washing facilities that are collected by and ultimately removed from a grit trap for disposal.

Hazardous waste means a solid waste, or combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or their environment when improperly treated, sorted, transported, or disposed of, or otherwise managed.

Liquid waste means water-borne solids and liquids containing dissolved or suspended waste materials, including but not limited to, septage and wastes from grease traps and grit traps.

Manifest means the written, multipart documentation required to be in the possession of the transporter enabling disposal or hauled grit trap waste, grease trap waste, and septage at a permitted or registered disposal site as provided for in section 31-167 of this division.

Manifest system means a record keeping and accounting system consisting of a multipaged manifest booklet and other forms used to document specific date regarding the point of generation, transportation, volume and disposal of grit trap waste, grease trap waste, and septage.

Manager means the person responsible for documenting, supervising, managing or representing the business activities of a generator or transporter.

Permit means the formal written control document issued by the city to a transporter which entitles such transporter to collect, transport and dispose of grease trap waste, grit trap waste and septage at a permitted or registered treatment storage, or disposal site or facility, and regulates said activities.

Permittee means a person issued a permit under this division.

Person means any individual, corporation (including a governmental subdivision or agency), political subdivision or a state, interstate agency or body, business, trust, partnership, association, firm company, joint stock company, commission, or any other legal entity.

Sanitary sewer means a system of pipes, conduit, and treatment facilities owned and/or operated by the city which collect, transport, and treat sanitary sewage, and to which storm, surface, and ground waters are not intentionally or normally admitted.

Secondary transporter means a person who collects waste from other transporters and transports the waste from the city to other cities or out of state to an authorized disposal, beneficial use or processing site.

Septage means liquid wastes and sludges containing sufficient liquid content, normally more than eighty-five (85) percent, to permit flow by gravity or minimal pumping, which is removed from a portable toilet, chemical toilet, septic tank (as used herein), or cesspool. Septage does not include nondomestic wastes from commercial or industrial establishments.

Tank means a receptacle device or structure designed to contain an accumulation of liquid waste including but not limited to grease trap waste, grit trap waste, and septage which is constructed of materials (e.g., concrete, steel, alloy, fiberglass, plastic, etc.) manufactured to provide appropriate structural support for the containment.

TNRCC means the Texas Natural Resource Conservation Commission.

Transporter means a person who utilizes a vehicle to transport liquid waste by roadway which is:

- (1) Disposed of within the regional agent boundary;
- (2) Transferred within the regional agent boundary for the purpose of disposal; or
- (3) Collected from a generator or waste transporter within the regional agent boundary.

Vehicle means a mobile receptacle or device in which or by which liquid waste may be transported upon a public street or highway.

(Ord. No. 95-226, § 1, 10-16-95; Ord. No. 98-209, § 1, 8-17-98)

DIVISION 2.

PERMIT REQUIREMENTS

Sec. 31-143. Offense.

A person will be in violation of this article if he operates or causes the operation of a vehicle for the purpose of transporting grease trap waste, grit trap waste or septage without first obtaining a permit from the

water utilities director or his or her designate.
(Ord. No. 95-226, § 1, 10-16-95; Ord. No. 98-209, § 1, 8-17-98)

Sec. 31-144. Permit application.

In addition to complying with the proper registration procedures established by the state, any person intending to engage in the activity of transporting grit trap waste, grease trap waste or septage must first submit a permit application to the city water utilities department, division of water pollution control with the following information and documentation:

- (1) Name, business address, and telephone number of the applicant.
- (2) Trade name under which the applicant intends to transport liquid waste.
- (3) For each vehicle requesting permitting the person must provide:
 - a. Type of vehicle, and tank volumes.
 - b. General physical description or manufacturers trade description.
 - c. A sworn notarized affidavit of applicant stating that the transport vehicles meet the minimum specifications and maintenance provisions set forth in section 31-150.
 - d. Application and registration assigned by the state (TNRCC).
 - e. Photocopy of the driver's license of all vehicle operators under the employ of the applicant.
- (4) The period of time the applicant has been engaged in the activity of transporting liquid waste, and the daily hours of operation.
- (5) A statement setting out any record of criminal convictions against the applicant, or anyone under his employ, resulting from the unlawful operation of a vehicle used to transport liquid waste.
- (6) Documentation that the applicant has obtained the necessary insurance required under section 31-146.
- (7) Any additional requested information from the director or his/her designated representative, which is relevant to the evaluation of the applicant.

(Ord. No. 95-226, § 1, 10-16-95; Ord. No. 98-209, § 1, 8-17-98)

Sec. 31-145. Investigation of information.

The staff of the water utilities department may conduct an investigation to determine the accuracy of the information supplied by the applicant prior to the issuance of a permit.

(Ord. No. 95-226, § 1, 10-16-95; Ord. No. 98-209, § 1, 8-17-98)

Sec. 31-146. Insurance requirements.

Prior to issuance of a permit, the applicant must file with the city water utilities department, evidence of a policy of public liability insurance and thereafter keep same in full force and effect with an insurance company authorized to do business in the state. The vehicle insurance provisions of such policy shall provide a minimum amount of coverage in the policy as to each and every transporter vehicle to be not less than one million dollars (\$1,000,000.00) for bodily injury or death of any one (1) person, for bodily injury or death in any one (1) accident, for the damage to, or destruction of, property in any one (1) accident. (Ord. No. 95-226, § 1, 10-16-95; Ord. No. 98-209, § 1, 8-17-98)

Sec. 31-147. Permit fees.

(a) Prior to application and issuance of a permit the applicant shall tender to the city water utilities department the then current application fee and the then current registration fee for each truck requesting registration in accordance with the fee permit schedule. In addition during the process of reissuance of a permit, the applicant shall tender the current registration fee to the city water utilities department.

(b) The permittee disposing waste at a city owned and authorized disposal site will be charged a monthly wastewater treatment recovery cost at the end of every month. This charge will be calculated in direction of section 31-99. (Ord. No. 95-226, § 1, 10-16-95; Ord. No. 98-209, § 1, 8-17-98)

Sec. 31-148. Vehicle inspection.

(a) Prior to issuance of a permit, the department shall require the applicant to submit, for inspection by the department, each vehicle which will be utilized to transport grit trap waste, grease trap waste, and/or septage. The department or its agents shall determine if the transport vehicle is constructed and equipped in accordance with section 31-150 of this division and the tanks, valves, and hoses on the vehicle are in good repair, prior to permit issuance.

(b) Designated departmental employees are hereby authorized to reinspect the vehicles periodically in order to observe that the vehicles are generally maintained in good repair so as not to constitute a public health hazard under the provisions of this division. These inspections may take place at any reasonable and safe location during normal business hours.

(c) These inspections are in no way meant to take the place of any state and/or federally mandated motor vehicle requirements. (Ord. No. 95-226, § 1, 10-16-95; Ord. No. 98-209, § 1, 8-17-98)

Sec. 31-149. Issuance of permit.

(a) Upon satisfying the requirements set out under section 31-144, the department shall issue a permit to the applicant with specific permit number assignments for each truck requesting registration. The permit will be valid for a one-year period and terminating on August 31 of the year of issuance or reissuance. The permit requirements set out in section 31-144 must again be met prior to reissuance.

(b) Prior to the operation of any vehicle regulated by this article, each permitted liquid waste transportation truck must display on both sides and the rear of each vehicle, in a color clearly contrasting with the background, in three-inch letters or larger, the business or trade name of the transporter contained in the permit and the city assigned permit number specified for each truck registered.

(c) In addition to the display of the city permit number, every registered truck will be issued a decal displaying the year of active registration. This decal shall be displayed in an easily viewed but unobstructed area on the registered truck by an inspector from this department.

(d) A permit issued under this division is nontransferable, and may be revoked by the city for violations by the permittee of the terms of the permit or of this division.
(Ord. No. 95-226, § 1, 10-16-95; Ord. No. 98-209, § 1, 8-17-98)

Sec. 31-150. Vehicle specifications and maintenance requirements.

All liquid waste transportation vehicles transporting waste within the regional agent boundary by roadway shall conform to the following vehicle specifications and maintenance requirements.

(1) *Vehicle specifications.*

- a. The vehicle must be equipped with tank(s) that is (are) firmly, securely and permanently attached to the primary structure of the vehicle in such a manner as to assure that the tank(s) will not loosen or dislodge during the transport of liquid wastes. Vehicles with portable or removable tank(s) or other containers temporarily attached or affixed to vehicles are prohibited.
- b. All piping, valves, and connectors shall be permanently attached to the tank(s) and/or vehicles.
- c. The tanks must be liquid tight.
- d. The tank(s) must be constructed so that every interior and exterior portion can be thoroughly cleaned.
- e. All piping, valves, and connectors shall be accessible and easy to clean.
- f. The inlet, or the opening of the tank(s) shall be constructed and located so that collected waste shall not spill during filling, transfer or transport.
- g. Outlet connections shall be constructed so that no liquid waste shall discharge, leak, run or spill out from the tank(s). All outlets shall be prominently marked as discharge valves, be visible and readily accessible.
- h. Outlets are to be of design and type suitable for the liquid waste to be safely removed and be capable of controlling outflow without discharge, spillage, spray, or flooding of

immediate surroundings while in use.

- i. Pumps, valves, cylinders, diaphragms and other appurtenances shall be of a design and type suitable for the liquid waste to be safely loaded, transported and removed, be capable of operation without discharge, spillage, spray or leakage, and be easily disassembled for cleaning.

(2) *Maintenance requirements.*

- a. A liquid waste transporter shall maintain, hoses, tanks, valves, pumps, cylinders, diaphragms, pipes, connections, and other appurtenances on a vehicle in good operation and repair and free from leaks.
- b. Provide a safety plug or cap for each inlet and outlet tank valve.
- c. Cause the vehicle exterior to be clean, vector free and relatively odor free at the beginning of each working day and provide for intermittent wash downs of vehicle exterior and wash outs of tank interiors as necessary to maintain the above conditions at all times.

(Ord. No. 95-226, § 1, 10-16-95; Ord. No. 98-209, § 1, 8-17-98)

Secs. 31-151--31-165. Reserved.

DIVISION 3.

RESPONSIBILITIES

Sec. 31-166. Liquid waste transporters responsibilities.

- (a) *Determining nature of material.*
 - (1) Prior to accepting a load of liquid waste for transportation, a liquid waste transporter shall, to the best of his ability, determine the volume, nature and classification of the material to be transported and that his/her permit, vehicle and equipment are sufficient to legally and properly accept, transport, and dispose of the load without discharge, spillage, leakage of the material, or release of malodorous fumes.
 - (2) Upon delivery of the waste to the disposal site, the transporter shall inform the disposal site operator of the content of the waste.
 - (3) At the discretion of the department of the disposal site operator, the liquid waste presented for disposal may be sampled and tested prior to disposal to verify the classification, quality, concentration, character or volume of the liquid waste. The city cost for conducted any positive, conforming test resulting in verification of unpermitted transport or prohibited discharge shall be paid by the permittee.

(b) *Interceptor evacuation.* A liquid waste transporter shall completely evacuate all grease, liquid, semi-solid, and solids from all grease or grit traps and other interceptors during servicing. Further, the discharge of liquid, semi-solids, or solids back into an interceptor after servicing is strictly prohibited.

(c) *No mixing of different types of waste.* A liquid waste transporter shall not mix different classifications of wastes in the same tank load. A transporter permitted by the city to transport grease trap waste, grit trap waste or septage shall not mix waste of one (1) of these waste classifications in the same tank load with another of these waste classifications.

(d) *Storage of liquid wastes.* The storage of liquid wastes in unpermitted temporary storage tanks by liquid waste transporters is prohibited. Collected waste must be disposed of within four (4) days of collection date.

(e) *Utilize appropriate disposal sites.* All liquid waste transporters shall only dispose of liquid waste at disposal sites approved, designated, or permitted by the appropriate federal, state or local regulatory agency to receive the particular classification of waste being transported.

(f) *Utilization of manifest system by transportation of grease, trap waste, grit trap waste, and septage.* All liquid waste transporters holding a city permit for transporting grease trap waste, grit trap waste, and septage shall utilize the manifest system set out in section 31-167. It is the responsibility of the permittee to assure that all manifests are completely and accurately filled out in a timely manner.

(g) *Change in operations.* It will be the responsibility of all liquid waste transporters to supply the city with documentation of any change in business operation and all changes affecting the services to the generators and the city liquid waste transporter permit.
(Ord. No. 95-226, § 1, 10-16-95; Ord. No. 98-209, § 1, 8-17-98)

Sec. 31-167. Manifest system.

(a) A manifest system consisting of manifest booklets shall be used by all transporters holding a city liquid waste transporter permit. Each manifest shall thoroughly document the following information:

- (1) The quantity and type of waste being transported.
- (2) The generator's name, telephone number, address, date collected and signature at the point of receipt of liquid wastes by the transporter.
- (3) The transporter's corporate, business or trade name, address and telephone number.
- (4) The transporter's vehicle operator's name with signature.
- (5) The transporter's permit number issued by the city.
- (6) The registration number assigned to the transporter's vehicle by the state.
- (7) The time of disposal.

(8) The signature of the disposal site operator.

(b) Manifest booklets shall be purchased from the city water utilities department in accordance with the fee schedules currently in effect.

(c) A transporter must complete one (1) manifest for each generator location services, with the exception of chemical/portable toilet companies servicing their own units.

(d) Chemical/toilet companies servicing their own units which may be located at various locations shall be required to complete one (1) manifest for each vehicle load transported.

(e) Each individual carbonless, print-trace manifest shall consist of five (5) parts.

(1) The white original of the manifest shall be signed by the transporter and generator at the time of the liquid waste collection.

(2) The green copy shall be given to the generator once signed by both the transporter and generator.

(3) The white original of the manifest shall be signed by the disposal site operator at the time of disposal and the yellow copy maintained by the disposal site operator.

(4) The pink copy of the manifest shall be maintained by the transporter for five (5) years. They shall be readily accessible for inspection by appropriate personnel of the department or be submitted to the department upon request.

(5) The gold copy shall be returned to the generator and the white original copy to the department within fifteen (15) days upon completion of the above steps.

(f) It shall be the responsibility of the liquid waste transporter to return the gold copy to the generator and the white original copy to the department within fifteen (15) days of disposal.

(g) The director may make administrative modifications of the manifest form used. Each manifest booklet shall contain thirty (30) manifests serially numbered. The department may issue more than one (1) manifest booklet to any transporter, at the department's discretion, based on volume of business, number of trucks, etc. additional manifest booklets may be purchased only after previously issued and completed manifests have been properly returned to the department as set forth in this section.

(h) In the event that a manifest booklet is lost or stolen, the permittee shall submit a sworn and notarized affidavit stating the circumstances surrounding the loss of the booklet, the probable contents of the wastes transported and disposed of, and efforts made to locate the booklet. After reasonable investigation by the department indicates no fraudulent or wrongful acts by the permittee, the department shall not unreasonably deny continued purchase of manifest booklets.

(Ord. No. 95-226, § 1, 10-16-95; Ord. No. 98-209, § 1, 8-17-98)

Sec. 31-168. Disposal site procedures.

All liquid waste transporters permitted hereunder shall follow the procedures required by the appropriate city, state, or federal authority when disposing of liquid waste in a registered or permitted disposal site under the jurisdiction of such authority. Additionally, the following procedures must be followed by liquid waste transporters holding city permits when disposing of liquid waste at one (1) of the approved liquid waste disposal sites.

(Ord. No. 95-226, § 1, 10-16-95; Ord. No. 98-209, § 1, 8-17-98)

Sec. 31-169. Disposal procedures.

(a) City liquid waste transporter permit holders will not dispose of waste at the disposal site until authorized disposal personnel have done the following:

- (1) Inspected the permit holder's permit to see if it is still valid.
- (2) Verified that the manifest being presented by the permittee's employee is appropriate for both the classification of waste being transported and the vehicle tank capacity being used.
- (3) Signed the manifest and received the disposal site operator's copy of same.
- (4) Verified and collected the appropriate volume stated on the manifest.
- (5) Collected sample when required and documented for laboratory analysis.

[(b) Reserved.]

(Ord. No. 95-226, § 1, 10-16-95; Ord. No. 98-209, § 1, 8-17-98)

Sec. 31-170. Responsibilities of generator and disposal site operator.

(a) It shall be unlawful and an offense under this section for a generator to fail to do the following:

- (1) It shall be the responsibility of every generator of liquid waste to:
 - a. Know or ascertain the contents, characteristics and classifications of wastes;
 - b. Have liquid waste removed from his premises by a transporter holding the proper city, state, and/or federal permits or registrations required to collect and transport such waste; and
 - c. Make a determination that the waste to be transported under this division is nonhazardous, as required.
- (2) A generator of hazardous waste, or liquid waste in combination with hazardous waste, shall only have such waste removed from his premises by a transporter holding the applicable city, state or federal permit or registration to transport wastes.

- (3) A generator of liquid waste shall have traps serviced as frequently as necessary to prevent bypass or overflow and to insure proper operation of the trap. Such generators shall have traps serviced as approved by the director in accordance with all other provisions of this division.
- (4) A generator of liquid waste shall sign the manifest presented by the liquid waste transporter holding a city liquid waste transporter permit and shall keep the manifest for a period of three (3) years. Appropriate department personnel may inspect such manifests during normal business hours.
- (5) A generator shall, in addition to the requirements above, be responsible for performing the following:
 - a. Install or provide a collection point for liquid waste of size and type specified by the appropriate city, state, or federal authority, if any such specification exists.
 - b. Continuously maintain the collection point in an accessible, clean, safe and proper operational condition.
 - c. Supervise the proper maintenance of the collection point.
 - d. Report discharges, spills or accidents involving collection point which pose a threat to the public health or potential damage to the environment involving the collection point to the utilities department immediately.
 - e. Recover all accidental spills and discharges immediately and have such waste disposed of by a transporter holding a valid permit, license, or registration from the appropriate city, state or federal authority.
- (6) It is the responsibility of every generator to hire and supervise the maintenance of their grease trap, grit trap or septage tank for proper cleaning and procedures. Any dissatisfaction with service must be discussed with the contracted liquid waste transporter. If high surcharge bills continue although regular trap maintenance, it is the responsibility of the generator to hire and supervise the maintenance to their satisfaction.
- (7) Grit trap waste generators that choose to dry their waste before disposal shall construct an onsite drying facility specified and approved by the director. The waste shall be transported and disposed of by a transporter holding a city permit to an authorized and permitted disposal site.
- (b) It shall be unlawful and an offense under this section for operators to fail to do the following:
 - (1) Liquid waste disposal site operator which accept liquid waste from a transporter permitted by the city shall comply with this division and receive waste from a transporter holding a city permit issued hereunder according to the requirements of the permit and the division. Every disposal site operator shall maintain the operator's copy of a manifest from a city liquid waste transporter permit for a period of three (3) years. The appropriate department personnel may inspect such manifests during normal business hours.

(Ord. No. 98-209, § 1, 8-17-98)

Sec. 31-171. Secondary transporters.

Secondary transporters shall comply with all the requirements for transporters contained in section 31-142 through section 31-188.

(Ord. No. 98-209, § 1, 8-17-98)

Secs. 31-172--31-185. Reserved.

DIVISION 4.

ENFORCEMENT AND CHARGES*

* **Editors Note:** Ord. No. 98-209, § 1, adopted Aug. 17, 1998, created a heading for div. 4.

Sec. 31-186. Enforcement.

Violations, penalties and legal action will be in correlation with section 1-6 of this Code.

(Ord. No. 98-209, § 1, 8-17-98)

Sec. 31-187. Right of revision.

The city reserves the right to amend this article at any time to establish more stringent specific limitations or requirements on disposal to the regional wastewater transportation and treatment system if deemed necessary by the city to protect the collection, treatment operations and processes or to cure or prevent an effluent quality problem in potential landfill leachates, treated wastewater and/or resulting sludges. The city reserves the right to amend this article to comply with the general objectives and purposes.

(Ord. No. 95-226, § 1, 10-16-95; Ord. No. 98-209, § 1, 8-17-98)

Sec. 31-188. Fees.

The following schedule of fees to be charged by the city is hereby adopted and ordered into effect:

(1) *Application.* One-time cost for each company. This fee will not be assessed more than once unless the company fails to renew registration by specific date and again is requesting city registration.

a. Clerical work; filing \$10.00

b. Truck operator training 20.00

c. Application verification 20.00

Total \$50.00

(2) *Registration.* Annual cost per truck requesting registration. Registration expires at end of year.

a. Truck inspections and decal 10.00

b. Clerical work 5.00

c. Manifest verification 10.00

Total \$25.00

(3) *Manifests.* Manifests will be in quantities of thirty (30) per booklets.

a. Costs of booklets \$4.00

(Ord. No. 95-226, § 1, 10-16-95; Ord. No. 98-209, § 1, 8-17-98)