

TITLE V: PUBLIC WORKS

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CHAPTER 50: GARBAGE AND REFUSE

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§ 50.01 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"APPLIANCES." Household only, cookstoves, dishwashers, microwaves, ovens, refrigerators, freezers and the like.

"CITIZEN COLLECTION STATION." (See 330.2 taken from Texas Natural Resource Conservation Commission Rules and Regulations). A facility established for the convenience and exclusive use of residents (not commercial or industrial users or collection vehicles). The facility may consist of one or more storage containers (limit two), bins, or trailers.

"COMMERCIAL." Any individual, person, firm, corporation or association that is engaged in the hauling of any material to the citizen collection station, up to three, five cubic yard loads per week, in any two weeks, in any one month.

"DRY GARBAGE." Refuse, trash, rubbish, such as feathers, coffee grounds, tin cans, paper, boxes, glass, ashes, cinders, rocks, old

clothes and shoes, broken dishes and utensils, old iron, tin, zinc, and all kinds of junk and useless material and waste of every description, including grass, shrubs, and tree trimmings and cuttings.

"DUMPSTERS." The three cubic yard trash container owned by the contractor and used for the depositing or dumping of trash.

"INDUSTRIAL." Any business in the production and distribution of goods.

"TRASH." Any man-made or man used waste, which is deposited within the city, other than in the dumpster or other trash containers, tends to create a danger to public health, safety and welfare or to impair the environment of the people of the city.

"WET GARBAGE." All animal or vegetable matter, such as waste material from kitchens, grocery stores, butcher shops, restaurants, cafes, hotels, rooming, and boardinghouses, including scraps of meat, bread, bones, and peelings of fruit and vegetables.
(Ord. 356, passed 5-22-78; Am. Ord. 522, passed 3-21-94)

§ 50.02 COLLECTIONS BY AN INDEPENDENT CONTRACTOR.

The collection of garbage in the city shall be the duty of the independent contractor, the employees of which shall make periodic garbage pickups throughout the city from disposable containers provided by the contractor, city, or by the citizens; providing the containers are of sufficient design and strength to contain the waste materials pending collections by the contractor.
(Ord. 356, passed 5-22-78; Am. Ord. 522, passed 3-21-94)

§ 50.03 CONTAINERS REQUIRED.

(A) Each owner, occupant, tenant, or lessee using and occupying any residence, building, house, or structure within the corporate limits of the city as a place of abode or as a place of business is hereby required to keep and maintain, at all times at a convenient place at his dwelling or place of business, if the business is of a type that accumulates wet garbage in connection with the operation of same, containers of standard type and construction, and in sufficient numbers to properly receive and hold all wet garbage being disposed of at such dwelling or place of business. Each such owner, tenant, occupant or lessee is hereby further required to keep and maintain at his dwelling and place of business, if his business is of such a character that dry garbage is accumulated in the operation thereof, adequate containers in sufficient numbers for the depositing and keeping of dry garbage. All garbage produced or accumulated on the premises shall be deposited in such containers.

(B) All containers required by division (A) of this section shall not exceed 30 gallons in capacity. These containers may be constructed of plastic bags; however, all containers shall be of sufficient strength for their intended purpose. Plastic bags shall be a minimum of two mil, plus or minus 5%.

(C) All containers required by division (A) of this section shall be equipped with an adequate lid or cover, which lid or cover shall at all times be kept on and fastened so that flies and other insects may not have access to the contents thereof, and the same shall be removed while depositing additional garbage therein.

(Ord. 356, passed 5-22-78; Am. Ord. 522, passed 3-21-94) Penalty, see § 50.99

§ 50.04 PLACEMENT FOR COLLECTION.

(A) If the house, building, or premises from which garbage is to be collected and removed is adjacent to an alley, the owner, occupant, tenant, or lessee of such premises shall be required to keep the garbage container within his private property until the day of or the evening before, the day of collection. In the event it is not practicable to collect and remove the garbage from the alley, or if the alley service is not available, the owner, occupant, tenant, or lessee shall keep the container at a point behind the building line until the day of (or the evening before under unavoidable conditions) for collection.

(B) When placing the containers for collection, wet garbage shall be contained in a suitable manner to prevent odors from escaping and the containers placed adjacent to the alley, or when alley service is not available, adjacent to the front curb line. When no curb is in front of the house, then containers shall be placed on the property line.

(C) No metal or plastic cans or barrels will be allowed at pickup points. Sacks must set freely either on the ground or upon a rack so that no sacks will be in a bind on lifting.

(Ord. 356, passed 5-22-78; Am. Ord. 522, passed 3-21-94) Penalty, see § 50.99

§ 50.05 DEPOSITING GARBAGE IN OTHER THAN CONTAINER PROHIBITED.

It shall be unlawful for any person to place, throw, or otherwise deposit any garbage or refuse on any lot or parcel of land or on any street, alley, sidewalk, or other place in the city, except in a container meeting the requirements of this subchapter.

(Ord. 356, passed 5-22-78; Am. Ord. 522, passed 3-21-94) Penalty, see § 50.99

§ 50.06 GARBAGE NOT TO BE PLACED IN OPEN BINS.

Garbage shall not be placed in open bins where collectors have to remove it by hand or forks.

(Ord. 356, passed 5-22-78; Am. Ord. 522, passed 3-21-94) Penalty, see § 50.99

§ 50.07 PREPARATION OF BRUSH, SHRUBS, AND TREE TRIMMINGS FOR COLLECTION.

All brush, shrubs, tree trimmings, and cuttings to be collected by the city shall be reduced to sufficient size and shape to permit handling by one man. Trimmings with diameter of five inches or less may be up to 12 feet in length. Trimmings with diameter over five inches must not weigh over 50 pounds. This work will be picked up at the discretion of the city, with rates established by the Board of Commissioners at \$25 for the first hour. Each half hour thereafter will be \$10. This service will not be provided when the work is performed by professional tree service.

(Ord. 356, passed 5-22-78; Am. Ord. 495, passed 8-17-92; Am. Ord. 515, passed 9-20-93; Am. Ord. 522, passed 3-21-94)

§ 50.08 DISPOSAL OF DEAD ANIMALS, MANURE, AND THE LIKE.

(A) No rocks, dirt, glass, dead fowl, manure, chicken or rabbit droppings, human excretion or dead animals shall be placed in garbage containers provided in accord with this subchapter. The same shall be placed in separate receptacles and disposed of by the owner at his own expense, and it shall be unlawful to deposit the same on any street, alley, or other place or to retain the same on the premises so as to become a nuisance.

(B) It shall be the duty of the independent contractor to see that such refuse is properly disposed of by the owner thereof when so ordered. Such refuse shall be hauled away from the premises of the owner thereof at his own expense and by his own means and such refuse shall not be considered garbage and shall not be transported by the contractor.

(Ord. 356, passed 5-22-78; Am. Ord. 522, passed 3-21-94) Penalty, see § 50.99

§ 50.09 RIGHT TO REFUSE COLLECTION WHERE DOGS LOOSE IN YARD.

The independent contractor shall have the right to refuse to pick up garbage on any property where dogs are loose in the yard.

(Ord. 356, passed 5-22-78; Am. Ord. 522, passed 3-21-94)

§ 50.10 COLLECTION CHARGES.

(A) The monthly rates for residential garbage service set by the Board of Commissioners shall be as follows:

<u>Service</u>	<u>Rates</u>
Residential collection	\$ 21.35 per month
Once a week pickup-polycart	
Once a week call-in bulk pickup	

<u>Service</u>	<u>Rates</u>
Senior citizens (65 and over)	\$ 17.29 per month
Once a week pickup-polycart	
Once a week call-in bulk pickup	
Extra polycart	\$ 9.36 per month

(B) The monthly rates for commercial garbage service set by the Board of Commissioners shall be as follows:

Container Size	1X	2X	3X	5X
2 cubic yd.	\$54.44	\$108.59	\$167.60	\$290.82
4 cubic yd.	\$90.97	\$183.81	\$283.95	\$508.05
6 cubic yd.	\$135.32	\$282.44	\$424.79	\$760.96
8 cubic yd.	\$179.71	\$365.65	\$565.65	\$1,013.87

(C) The above schedule of rates shall be effective October 1, 2018.

(Ord. 356, passed 5-22-78; Am. Ord. 379, passed 10-21-80; Am. Ord. 407, passed 9-19-83; Am. Ord. 454, passed 9-19-88; Am. Ord. 469, passed 8-13-90; Am. Ord. 479, passed 8-19-91; Am. Ord. 492, passed 8-17-92; Am. Ord. 513, passed 8-23-93; Am. Ord. 522, passed 3-21-94; Am. Ord. 606, passed 10-16-00; Am. Ord. 678, passed 7-19-04; Am. Ord. 719, passed 8-21-06; Am. Ord. 737, passed 9-12-07; Am. Ord. 752, passed 9-4-08; Am. Ord. 767, passed 8-17-09; Am. Ord. 813, passed 9-19-11; Am. Ord. 827, passed 9-17-12; Am. Ord. 843, passed 9-16-13; Am. Ord. 866, passed 10-20-14; Am. Ord. 873, passed 4-20-15; Am. Ord. 887, passed 9-18-15; Am. Ord. 907, passed 9-19-16; Am. Ord. 928, passed 9-18-17; Am. Ord. 942, passed 9-17-18)

§ 50.11 DELINQUENT ACCOUNTS.

If any person fails or refuses to pay the charges fixed against him for the collection of garbage and refuse when due, the city shall be authorized to cut off and disconnect the water and sewer services to his place of abode or place of business and to discontinue garbage pick up services until such fees have been paid in full. The person shall be required to maintain sanitation standards at his own expense until such time service is resumed.

(Ord. 356, passed 5-22-78; Am. Ord. 522, passed 3-21-94)

§ 50.12 NOTIFICATION OF VACANT PREMISES; CREDIT.

No credit will be given to any person on the charges fixed for the collection of garbage from his premises because of the vacancy of such premises, unless the city is notified within five days after such property is vacated. If such notice is given to the Water Department within five days after such property is vacated, credit will only be prorated from the date of notice.

(Ord. 356, passed 5-22-78; Am. Ord. 522, passed 3-21-94)

§ 50.13 EXCEPTIONS.

It shall be mandatory that all residents in the city limits use the garbage collection service provided by the city, and pay the city the set fee for such services each month, except in cases where the City Manager determines that it is not economically practical, in the city limits, to provide such service because of distances between houses or inaccessibility to houses. In the event of any resident, owner, or tenant thereof certifying to the city, that they do not desire such city garbage collection service and that they will dispose of their garbage themselves, then they shall pay the minimum charge set for resident garbage collection each month for the upkeep of the city and other necessary expenses that the city must maintain for proper garbage disposal in the city.

(Ord. 356, passed 5-22-78; Am. Ord. 454, passed 9-19-88; Am. Ord. 522, passed 3-21-94)

§ 50.14 AUTHORIZED USE OF DUMPSTERS.

(A) Dumpsters located in city parks and other city-owned property shall be used for the deposit of trash by persons using the park for picnics or recreational purposes and for no other purpose.

(B) All other dumpsters in commercial areas, mobile parks, apartment complexes, hotels, and motels are leased or rented to persons, firms, corporations, or their agents for a cash consideration to be used in connection with their business or establishment for their own exclusive use and benefit. No other person, firm, or organization other than those above designated shall use the dumpster for any purpose whatsoever. No person, firm or organization other than those above designated shall use the dumpster for any purpose whatsoever. No person, firm, or organization can give another person, firm, or organization permission to use their dumpster or any other dumpster. (Ord. 373, passed 11-19-79; Am. Ord. 507, passed 6-21-93; Am. Ord. 522, passed 3-21-94) Penalty, see § 50.99

§ 50.15 UNAUTHORIZED TRASH DEPOSITED IN DUMPSTERS.

No person, firm, corporation or permitted persons are allowed to deposit the following trash into the city dumpsters, which includes but is not limited to, trees, tree trimmings, brush, grass, lumber, tires, batteries, liquid, oil, grease, oil filters, dirt, rocks, metal products and the like. (Ord. 508, passed 7-19-93; Am. Ord. 522, passed 3-21-94) Penalty, see § 50.99

§ 50.16 DUMPSTERS LOCATED ON RESIDENTIAL GARBAGE COLLECTION ROUTE; BUSINESSES OPTING NOT TO HAVE DUMPSTERS.

(A) Any commercial business not located on a residential garbage collection route must be assigned a commercial dumpster.

(B) Any business located on a residential garbage collection route that opts not to have a dumpster may be charged more than a residential charge on the same route based on volume of the business, as to be determined by the contractor and approved by City Manager. (Ord. 407, passed 9-19-83; Am. Ord. 522, passed 3-21-94)

§ 50.17 ENFORCEMENT.

Regulations promulgated in this subchapter shall be enforced by the Department of Public Works or the Police Department. (Ord. 373, passed 11-19-79; Am. Ord. 522, passed 3-21-94)

§ 50.18 HOURS OF OPERATION OF CITIZEN COLLECTION STATION.

The hours and days of operation for the citizen collection station shall be governed by the City Manager and can be altered at his or her discretion. (Ord. 378, passed 10-20-80; Am. Ord. 522, passed 3-21-94; Am. Ord. 678, passed 7-19-04; Am. Ord. 737, passed 9-12-07; Am. Ord. 792, passed 11-15-10)

§ 50.19 FEE REQUIRED FOR DUMPING.

(A) (1) The rates for dumping garbage at the citizen collection station set by the Board of Commissioners shall be as follows:

(2) No one load will be accepted that exceeds five cubic yards (see definition of "citizen collection station" in § 50.01).

(3) All garbage will be priced by weight.

(4) Pricing is based on \$40 per ton or \$2 per 100 pounds with an \$8 minimum.

(B) Nothing will be allowed in the citizen collection station that violates state law (oil, oil cans, oil filters, liquid, hazardous waste, truck or tractor tires, batteries, and the like).

(C) The citizen collection station cannot accept any appliance that contains freon.

(D) Wood products will be separated from all other garbage. Wood products such as brush, shrubs, trees, tree trimmings, and cuttings will be separated from other wood products that contain nails or any metal products (such as straps, clips, bands, and the like).

(E) Local industry and commercial over five cubic yards must make their own arrangements for disposing of their trash at another location.

(Ord. 378, passed 10-20-80; Am. Ord. 470, passed 8-13-90; Am. Ord 481, passed 8-19-91; Am. Ord. 494, passed 8-17-92; Am. Ord. 514, passed 9-20-93; Am. Ord. 522, passed 3-21-94; Am. Ord. 866, passed 10-20-14) Penalty, see § 50.99

§ 50.20 GATE ATTENDANT; AUTHORITY.

(A) It shall be unlawful for any individual, person, firm, corporation, or association to dispose of any materials mentioned in § 50.19 without the instruction of the gate attendant. The gate attendant, under direction of the City Manager of the citizen collection station, shall have authority to direct dumping in given areas.

(B) He shall have the authority to file charges on any person who shall refuse to pay the fee; refuse to dump in designated areas; scatter trash and debris; or set fires.

(Ord. 378, passed 10-20-80; Am. Ord. 522, passed 3-21-94) Penalty, see § 50.99

§ 50.21 PERMISSION REQUIRED FOR REMOVAL OF ARTICLES.

It shall be unlawful for any individual, person, firm, corporation, or association to remove any articles or items from the municipal citizen collection station without the prior permission of the City Manager, or the attendant on duty employed by the city at such citizen collection station.

(Ord. 378, passed 10-20-80; Am. Ord. 522, passed 3-21-94) Penalty, see § 50.99

§ 50.22 SCAVENGING.

It shall be unlawful for any individual, person, firm, corporation, or association to scavenge or perform any acts of junking on the premises of the city collection station.

(Ord. 378, passed 10-20-80; Am. Ord. 522, passed 3-21-94) Penalty, see § 50.99

(D) Wood products will be separated from all other garbage. Wood products such as brush, shrubs, trees, tree trimmings, and cuttings will be separated from other wood products that contain nails or any metal products (such as straps, clips, bands, and the like).

(E) Local industry and commercial over five cubic yards must make their own arrangements for disposing of their trash at another location.

(Ord. 378, passed 10-20-80; Am. Ord. 470, passed 8-13-90; Am. Ord 481, passed 8-19-91; Am. Ord. 494, passed 8-17-92; Am. Ord. 514, passed 9-20-93; Am. Ord. 522, passed 3-21-94) Penalty, see § 50.99

§ 50.23 RESTRICTIONS.

The facility will be for city residents only and will not accept any refuse from another person, firm, corporation, or association which is located within another municipality.

(Ord. 522, passed 3-21-94)

§ 50.99 PENALTY.

Any person, firm or corporation who shall violate any of the provision of this chapter for which no other penalty is set forth shall be guilty of a misdemeanor and upon conviction in the Municipal Court, shall be punished by a fine not less than \$150 and not more than \$500. Each day of violation shall be deemed a separate offense.

(Ord. 356, passed 5-22-78; Am. Ord. 507, passed 6-21-93; Am. Ord. 522, passed 3-21-94)

Section

51.01 General service rate for sales of natural gas to residential and commercial consumers

§ 51.01 GENERAL SERVICE RATE FOR SALES OF NATURAL GAS TO RESIDENTIAL AND COMMERCIAL CONSUMERS.

(A) The maximum general service rate for sales of natural gas rendered to residential and commercial consumers within the city limits, by the Lone Star Gas Company, a division of Enserch Corporation, a Texas Corporation, its successors and assigns, is hereby fixed and determined as set forth in division (H) (1) of this section.

(B) The residential and commercial rates set forth above shall be adjusted upward or downward from a base of \$4.0200 per Mcf by a gas cost adjustment factor expressed as an amount per 1000 cubic feet (Mcf) of natural gas for changes in the intracompany city gate rate charge as authorized by the State Railroad Commission or other regulatory body having jurisdiction for gas delivered to the city distribution system, according to division (H) (2) of this section.

(C) The residential and commercial rates set forth above shall be adjusted upward or downward for changes in taxes and other governmental impositions, rental fees or charges according to division (G) (4) of this section.

(D) The company shall also receive weather normalization adjustments according to division (H) (3) of this section.

(E) In addition to the aforesaid rates, the company shall have the right to collect such reasonable charges as are necessary to conduct its business and to carry out its reasonable rules and regulations in effect. The charges set forth in divisions (H) (5) and (6) of this section are approved. Services for which no charge is set out may be performed and charged for by the company at a level established by the normal forces of competition.

(F) In addition to the aforesaid rates, the Company is authorized to recover the current and any unrecovered prior rate case expense through a surcharge designed for a six-month nominal recovery period. The surcharge per Mcf will be calculated by dividing the rate case expense to be recovered by one-half of the adjusted annual sales volume to residential and commercial customers. The Company will provide monthly status reports to the city to account for the collection of rate case expense.

(G) The rates set forth in this section may be changed and amended by either the city or the company in the manner provided by law. Service hereunder is subject to the orders of regulatory bodies having jurisdiction, and to the company's rules and regulations currently on file in the company's office.

(H) Lone Star Gas Company tariffs and schedules.

(1) Item A. Rates.

(a) Subject to applicable adjustments, the following rates are the maximum applicable to residential and commercial consumers per meter per month or for any part of a month for which gas service is available at the same location.

1. Residential:

Customer charge	\$7.0000
All consumption @	4.9700 per Mcf

If the service period is less than 28 days in a month the customer charge is \$.2857 times the number of days service. If the consumption contains a portion of an Mcf, a pro rata portion of the per Mcf charge will be made.

2. Commercial:

Customer charge	\$12.0000
First 20 Mcf @	5.2700 per Mcf
Next 30 Mcf @	4.9700 per Mcf
Over 50 Mcf @	4.8200

If the service period is less than 28 days in a month the customer charge is \$.5000 times the number of days service. If the consumption contains a portion of an Mcf, a pro rata portion of the per Mcf charge will be made.

(b) Bills are due and payable when rendered and must be paid within ten days from the monthly billing date.

(c) Residential off-peak sales discount: An off-peak sale discount of \$.25 per Mcf will apply to residential customer's volume purchased in excess of 8 Mcf for each billing months May through October.

(2) Item B. Gas cost adjustment.

(a) Each monthly bill at the above rates shall be adjusted for gas cost as follows:

1. The city gate rate increase or decrease applicable to current billing month residential and commercial sales shall be estimated to the nearest \$0.0001 per Mcf based upon:

a. The city gate rate estimated to be applicable to volumes purchased during the current calendar month, expressed to the nearest \$0.0001 per Mcf (shown below as "Re") less

b. The base city gate rate of \$4.0200 per Mcf, multiplied by

c. A volume factor of 1.0204 determined in establishing the above rates for the distribution system as the ratio of adjusted purchased volumes divided by adjusted sales volumes.

2. Correction of the estimated adjustment determined by division (H) (2) (a)1. of this section shall be included as part of the adjustment. The correcting factor (shown below as division (H) (2) (a)1.b. of this section) shall be expressed to the nearest \$0.0001 per Mcf based upon:

a. The corrected adjustment amount based upon the actual city gate rate, less

b. The estimated adjustment amount billed under division (H) (2) (a)1. of this section, divided by

c. Distribution system residential and commercial sales Mcf recorded on the company's books during the prior year for the month that the correction is included as part of the adjustment.

3. The adjustment determined by division (H) (2) (a)1. and 2. of this section shall be multiplied by a tax factor of 1.05232 to include street and alley rental and state occupation tax due to the change in the company revenues under this gas cost adjustment provision.

(b) In summary, the gas cost adjustment (GCA) shall be determined to the nearest \$0.0001 per Mcf by division (H) (2) (a)1. through 3. of this section as follows:

$$\text{GCA} = [\text{division (H) (2) (a)1.} + \text{division (H) (2) (a)2.}] \times \text{division (H) (2) (a)3. of this section.}$$

$$\text{GCA} = [(1.0204) (\text{Re} - \$4.0200) + \text{C}] \times 1.05232$$

(3) Item C.

(a) Weather normalization adjustment. Effective with bills rendered during the October 1995 through May 1996 billing months, and annually thereafter for the October through May billing months, the above residential and commercial consumption rates for gas service, as adjusted, shall be subject to a weather normalization adjustment each billing cycle to reflect the impact of variations in the actual heating degree days during the period included in the billing cycle from the normal level of heating degree days during the period included in the billing cycle. The weather normalization adjustment will be implemented on a per Mcf basis and will be applicable to the heating load of each customer during the period included in the billing cycle. It will be determined separately for residential and commercial customers based on heating degree data recorded by the Wichita Falls

weather station. The adjustment to be made for each billing cycle will be calculated according to the following formula:

$$WNA = \frac{NDD - ADD}{ADD} \times M \times AHL$$

Where:

- WNA = Weather normalization adjustment
- NDD = Normal heating degree days during the period covered by the billing cycle
- ADD = Actual heating degree days during the period covered by the billing cycle
- M = Weighted average margin per Mcf included in the commodity portion of the rates effective during the October through May billing months
- AHL = Actual heating load per customer

(b) The heating load to which the weather normalization adjustment is to be applied for residential customers is determined by subtracting the residential class base load from the total volume being billed to the customer. The heating load to which the weather normalization adjustment is to be applied for commercial customers is determined by subtracting the base load for the customer from the total volume being billed to the customer. The base load of a customer is the average level of nonheating consumption.

(c) The weather normalization adjustment is subject to a 50% limitation factor based on temperatures being 50% warmer or colder than normal. The weather normalization adjustment will be calculated to the nearest \$.0001 per Mcf.

(4) Item D. Tax adjustment. The tax adjustment shall be an amount equivalent to the proportionate part of any new tax, or any tax increase or decrease, or any increase or decrease of any other governmental imposition, rental, fee or charge (except state, county, city and special district ad valorem taxes and taxes on net income) levied, assessed, or imposed subsequent to July 1, 1993, upon or allocable to the company's distribution operations, by any new or amended law, ordinance, or contract.

(5) Item E. Schedule of service charges.

(a) Inauguration of service. In addition to the charges and rates set out above, the company shall charge and collect the sum of:

<u>Schedule</u>	<u>Charge</u>
8:00 a.m. to 5:00 p.m. Monday through Friday	\$27.50
5:00 p.m. to 8:00 a.m. Monday through Friday	41.25
Saturdays, Sundays, and holidays	41.25

For each reconnection of gas service, where service has been discontinued at the same premises for any reason, and for each new inauguration of service when the billable party has changed, with the following exceptions:

1. For a builder who uses gas temporarily during construction or for display purposes;
2. For the first occupant of the premises;
3. Whenever gas service has been temporarily interrupted because of system outage, service work or appliance installation done by the company; or
4. For any reason deemed necessary for company operations.

(b) Returned check charges. A returned check handling charge of \$13.75 is made for each check returned to the company for reasons of nonsufficient funds, account closed, payment withheld, invalid signature, or improper preparation.

(c) Collection charge. A charge of \$7 shall be made for each instance when it is necessary for a company employee to go to a customer's residence or place of business in order to collect amounts owed the company for gas service previously rendered. This charge shall not apply if service is terminated at the time of the collection action. This charge shall apply to only one trip on the same amount owed.

(5) Item E. Main line extension rate. The charge for extending mains beyond the free limit established by franchise, or any free limit established by franchise, for bona fide residential customer shall be the lesser of: the system-wide average cost of construction, including all overheads, for the prior fiscal year; or the adjusted actual cost as determined by applying the latest Handy-Whitman Index to the 1975 actual base cost of \$2.94. A bona fide residential customer uses gas for heating and water heating, or the equivalent load thereof, at a minimum. Residential customers other than bona fide residential customers shall pay actual cost for main line extensions beyond the free limit. The company shall file the calculation of such charge with the city as soon as sufficient data is available each fiscal year. Extension to commercial and industrial customers shall be based on actual cost per foot.

(Ord. 417, passed 6-17-85; Am. Ord. 456, passed 2-20-89; Am. Ord. 523, passed 8-22-94)

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GENERAL PROVISIONS

§ 52.01 POLICY, PURPOSES, AND APPLICABLE REGULATIONS.

(A) This chapter provides for prohibitions on discharges of certain substances into the POTW of the city from all sources, domestic, commercial, or industrial. A further purpose of this chapter is to set forth uniform requirements for industrial dischargers into the POTW and to enable the Control Authority to protect the public health in conformity with all applicable state and federal laws relating thereto.

(B) The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the POTW which will interfere with the normal operation of the POTW or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system; and

(3) To improve the opportunity to recycle or reclaim the wastewater and to dispose of, recycle, or reclaim the sludge generated by the POTW.

(C) The regulation of discharges into the POTW under this chapter shall be accomplished through the issuance of permits, as specified herein, and by monitoring and inspection of facilities, according to this chapter.

(D) Parts of this chapter are enacted pursuant to regulations established by the U.S. Environmental Protection Agency (EPA). All categorical pretreatment standards, list of toxic pollutants, industrial categories, and other standards and categories which have been promulgated by the EPA are incorporated as a part of this chapter, as are EPA regulations regarding sewage pretreatment established pursuant to the Clean Water Act. The city shall maintain current standards and regulations which shall be available for inspection and copying.

(E) The city shall have the authority to promulgate such administrative regulations as are from time to time necessary for the implementation and enforcement of this chapter. Public notice of any such proposed regulations shall be published in a newspaper of general circulation in the city at least 14 days prior to promulgation. After such notice, the city shall give interested persons an opportunity to submit written data, views or arguments, with or without opportunity for oral presentation. After consideration of the relevant matter presented, in conjunction with any regulation adopted, the city shall

prepare a concise general statement of the basis and purpose of the regulation.

(Ord. 338A, passed 5-5-92)

§ 52.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ACT." The Clean Water Act (33 U.S.C. 1251 et seq.), as amended.

"BOD." The quantity of oxygen, expressed in parts per million by weight (milligrams per liter), utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees Celsius. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods."

"BUILDING DRAIN." That part of the lowest horizontal piping of a drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building three (3) feet outside the inner face of the building wall.

"BUILDING SEWER." The extension from the building drain to the public sewer or other place of disposal.

"CATEGORICAL PRETREATMENT STANDARD OR PRETREATMENT STANDARD." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Dischargers. (Located in 40 CFR Chapter I, Chapter N.)

"CITY." The City or City Council of Burkburnett, Texas, or any authorized person acting in its behalf.

"CONTROL AUTHORITY." The department designated by the city to supervise the operation of its publicly owned treatment works and that is charged with certain duties and responsibilities by this chapter, or any duly authorized representative of that designated department.

"COOLING WATER." The water discharged from any system of condensation such as air conditioning, cooling, refrigeration or water used as a coolant in cooling towers where the only pollutant is thermal.

"DISCHARGE." The introduction or addition of any waste, wastewater, or other substance into the POTW.

"DISCHARGER." Any person who discharges or introduces anything other than normal domestic sewage into the POTW. The term includes owners and/or occupants of the premises connected to and discharging waste or wastewater into the POTW.

"DOMESTIC SEWAGE." Water-borne wastes normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, and institutions, free from storm and surface waters and industrial wastes.

"ENVIRONMENTAL PROTECTION AGENCY" or "EPA." The United States Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator of EPA or other duly authorized official of EPA.

"GARBAGE." Solid wastes and residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

"GREASE." Fatty acids, soaps, fats, waxes, petroleum products, oil, and any other material which is extractable by hexane or freon solvent from an acidified sample, and which is not volatilized during evaporation of the solvent.

"GREASE TRAP." A device by which the grease content of sewage may be cooled and congealed so that it may be skimmed from the surface.

"INDIRECT DISCHARGE." The discharge or the introduction of Industrial Waste into a POTW.

"INDUSTRIAL DISCHARGER." Any person who discharges or introduces an Industrial Waste into a POTW.

"INDUSTRIAL WASTE." Water-borne solids, liquids, or gaseous wastes resulting from and discharged, permitted to flow, or escaping from any industrial, manufacturing, or food-processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic sewage. (The term is generally synonymous with "nondomestic waste.")

"INTERFERENCE." A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) Therefore, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (Including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D or the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

"LIQUID WASTE HAULER." Any person who transports wastewater beyond the site of origin within the city.

"mg/l." Milligrams per liter.

"NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT." A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342) which regulates discharges to "Waters of the State."

"NATURAL OUTLET." Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

"NORMAL DOMESTIC SEWAGE." Domestic sewage in which the average concentration of suspended solids and five-day BOD are at two hundred (200) parts per million (milligrams per liter) each, or lower.

"OWNER" or "OCCUPANT." Any person using the lot, parcel of land, building, or premises connected to and discharging sewage into the POTW, and who pays, or is legally responsible for the payment of, water rates or charges made against the said lot, parcel of land, building or premises, if connected to the water distribution system of the city, or who would pay or be legally responsible for such payment if so connected.

"PARTS PER MILLION." A weight-to-weight ratio also expressed as milligrams per liter; the parts per million value, multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

"PASS THROUGH." The discharge of pollutants through the POTW into Waters of the State 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 requirements of the POTW's NPDES or TWC permit or any discharge permit issued by the State.

"PERMIT" or "DISCHARGE PERMIT." A wastewater discharge permit issued to a Significant Industrial Discharger to allow a discharge into the POTW.

"PERSON." Any person, natural or artificial, including any individual, firm, company, partnership, trust, estate, municipal or private corporation, association, governmental agency or other entity, or their representatives, agents, servants or employees.

"pH." The logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter of solution. It shall be determined by one of the procedures outlined in "Standard Methods."

"POTW TREATMENT PLANT." That portion of the POTW designed to provide treatment to wastewater.

"PRETREATMENT" or "TREATMENT." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes or other means, except as prohibited by 40 CFR Section 403.6(d).

"PRETREATMENT REQUIREMENT." Any substantive or procedural requirements related to pretreatment imposed on a discharger by this chapter, by state statute or regulation, or by a Categorical Pretreatment Standard.

"PROPERLY SHREDDED GARBAGE." Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the sewer, with no particle greater than one-half inch in any dimension.

"PUBLIC SEWER." A sewer in which all owners of abutting properties have equal rights and interest, and which is controlled by public authority.

"PUBLICLY-OWNED TREATMENT WORKS (POTW)." A treatment works, as defined by Section 212 of the Act, which is owned by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any collection and treatment system from persons outside the city who are, by contract or agreement with the city, users of the city's sewage collection and treatment system. This definition also includes any public sludge disposal sites or public sludge handling or treatment structures or equipment.

"SEWAGE." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, institutions, and/or industrial facilities, together with such ground, surface, and storm water as may be present, whether treated or untreated, which is discharged or permitted to enter the POTW.

"SEWAGE SERVICE CHARGE." The charge made on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative or normal domestic sewage.

"SEWER" or "SANITARY SEWER." A pipe or conduit for conveying sewage, and into which storm, surface, and ground waters are not intentionally admitted.

"SHALL" is mandatory. "MAY" is permissive.

"SIGNIFICANT INDUSTRIAL DISCHARGER." Any industrial discharger who has an average discharge flow into the POTW or 25,000 gallons or more per work day; or has an average daily (work day) discharge flow greater than 5 percent of the average daily flow into the POTW Treatment Plant serving the Discharger; or has in its wastes toxic pollutants defined pursuant to Section 307 of the Federal Water Pollution Control Act, and as defined by the Texas Statutes and Rules; or is subject to Categorical Pretreatment Standards; or is found by the city, the Texas Water Commission, or the U.S. Environmental Protection Agency to have caused interference or otherwise" to have significant impact, either singly or in combination with other contributing industries, on the POTW, the quality of sludge, the POTW's effluent quality, or air emissions generated by the POTW. This definition includes any hauler of wastewater who discharges into the POTW and who falls within any of the criteria specified in this definition.

"SLUGLOAD." Any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.

"STANDARD INDUSTRIAL CLASSIFICATION (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

"STANDARD METHODS." The examination and analytical procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved and published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation.

"STATE." State of Texas, including the Texas Water Commission (TWC) or any duly-authorized agency thereof having jurisdiction over waters of the state, sewage collection or treatment, or municipal sewage sludge disposal.

"STORM SEWER" or "STORM DRAIN." A pipe or conduit for conveying storm and surface waters and drainage, and from which domestic sewage and industrial waste is excluded.

"STORM WATER." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

"SURCHARGE." The charge, in addition to the sewage service charge, which is made on those persons whose wastes are greater in strength than the concentration values established as representative of normal domestic sewage.

"SUSPENDED SOLIDS." Solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtration. Quantitative determination of suspended solids shall be expressed in parts per million by weight (milligrams per liter) and made in accordance with procedures set forth in "Standard Methods."

"TOXIC POLLUTANT." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of the Clean Water Act, Section 307(a), or other legislation.

"UPSET." Any exceptional incident in which a discharger unintentionally and temporarily fails to comply with the standards established in this chapter or with the discharger's permit, due to factors beyond the reasonable control of the discharger, excluding noncompliance with the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

"WASTEWATER." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and/or institutions, together with such ground, surface, and storm water as may be present, whether treated or untreated, which is discharged, treated, stored, and/or disposed of.

"WATER OF THE STATE." The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico, and the stormwater, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watershed in the State.

"WATERCOURSE." A channel in which a flow of water occurs, either continuously or intermittently.

"WORK DAY." When used in conjunction with the determination of a Significant Industrial Discharger, the terms mean any day, or portions thereof, when the discharger is providing any service or producing its product or any part of its product line, or otherwise generating nondomestic wastewaters that may be discharged to the POTW. All other use of this term shall mean any day a nondomestic wastewater discharge occurs.

(Ord. 338A, passed 5-5-92)

§ 52.03 OPENING WATER METER BOX.

It shall be unlawful for any person other than a duly authorized city employee to open a city water meter box, such city water meter box being the closed box which houses the meter measuring the water to each city user and consumer.

(Ord. 338A, passed 5-5-92) Penalty, see § 52.99

§ 52.04 PROTECTION FROM DAMAGE.

No unauthorized person shall maliciously or willfully break, damage, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct.

(Ord. 338A, passed 5-5-92) Penalty, see § 52.99

USE OF PUBLIC SEWERS

§ 52.20 ADMISSION OF INDUSTRIAL WASTES INTO THE PUBLIC SEWERS.

(A) Approval required: Review and acceptance of the Control Authority, pursuant to § 52.60, shall be obtained prior to the discharge into the POTW of any wastewaters having:

- (1) A five-day, 20° C. biochemical oxygen demand (BOD) greater than 200 parts per million, and/or
- (2) Suspended solids containing greater than 200 parts per million.

(B) Pretreatment. The Control Authority may require a discharger to install, at the discharger's expense, preliminary treatment or processing facilities as may be necessary to prevent:

- (1) Pass through;
- (2) Interference;
- (3) A violation of the discharger's categorical pretreatment standards;
- (4) Any general or specific discharge prohibition contained in this chapter;
- (5) Any adverse effect on the health and safety of personnel maintaining and operating the POTW; and
- (6) Any unreasonable adverse effect on the POTW.

(C) Grease, oil and sand interceptors. Grease, oil and sand interceptors shall be provided for the proper handling of liquid wastes containing grease in amounts that might obstruct or otherwise interfere with the operation of the POTW, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwellings. All interceptors shall be of a type and capacity approved by the Control Authority and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense in continuously efficient operation at all times. Owners shall keep complete records of all cleaning and maintenance of interceptors. A record copy of the invoice for any cleaning or maintenance is to be forwarded to the Control Authority within one week of its completion. If necessary, the Control Authority may establish and require specific

interceptor cleaning frequencies for individual owners to be in compliance.

(Ord. 338A, passed 5-5-92) Penalty, see § 52.99

§ 52.21 PROHIBITED DISCHARGES.

(A) No person shall discharge or cause to be discharged into the POTW, either directly or indirectly, any waste, wastewater, or other substance which will cause interference with the operation or performance of the POTW.

(B) No person shall discharge or cause to be discharged into the POTW, either directly or indirectly, any of the following described substances, waste, or wastewater:

(1) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case wastewater with a temperature which exceeds 150° F. (65° C.).

(2) Any wastewater containing wax, grease, oil, plastic, or other substance that will solidify or become discernibly viscous at temperatures between 32° to 150° F.

(3) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW, to the operation of the POTW, to the health and safety of personnel maintaining and operating the POTW, or to any other persons or property.

(4) Any solids, floatable, slurries or viscous substances of such character as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the POTW, such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, lime residues, slops, chemical residues, paint residues, or bulk solids.

(5) Any garbage that has not been properly comminuted or shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewers, with no particle greater than 1/2 inch in any dimension.

(6) Any wastewater having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(7) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving

waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(8) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(9) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; or any criteria, guidelines, or regulations affecting sludge use of disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

(10) Any substance which will cause the POTW to violate its NPDES and/or State discharge permit or receiving water quality standards.

(11) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(12) Any slugload, which shall mean any pollutant, including oxygen demanding pollutants (BOD, ammonia, and the like) released in an extraordinary discharge episode of such volume or pollutant concentration as to cause interference to the POTW. In no case shall a slugload have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities, or flow during normal operation.

(13) Any wastewater which causes a hazard to human life or creates a public nuisance.

(14) Any wastewater containing any radioactive waste or isotope of such half-life or concentration as may exceed limits established by the city - in compliance with applicable State and/or Federal regulations.

(15) Any cyanide greater than 0.5 parts per million, as CN.

(16) Any chromium greater than five parts per million as trivalent chromium of 0.5 parts per million as hexavalent chromium.

(17) Any arsenic greater than 0.05 parts per million.

- (18) Any copper greater than one part per million.
- (19) Any nickel greater than one part per million.
- (20) Any cadmium greater than two-hundredths part per million.
- (21) Any zinc greater than 0.1 parts per million.
- (22) Any phenols greater than 12 parts per million.
- (23) Any iron greater than five parts per million.
- (24) Any tin greater than one part per million.
- (25) Any barium greater than one part per million.
- (26) Any boron greater than one part per million.
- (27) Any lead greater than 0.1 part per million.
- (28) Any manganese greater than one part per million.
- (29) Any mercury greater than 0.005 parts per million.
- (30) Any selenium greater than 0.02 parts per million.
- (31) Any silver greater than 0.02 parts per million.
- (32) Any chlorides in concentrations greater than 250 parts per million.

(C) No person shall discharge, or cause to be discharged, any storm water, groundwater, road runoff, subsurface drainage, downspouts, yard drains, yard fountains, ponds, or lawn sprays into any sanitary sewer. Storm water and all other such unpolluted drainage water shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Control Authority.

(D) No wastewater may be discharged into any storm sewer within the city.

(E) No wastewater may be discharged into any waters of the state within the city, unless expressly authorized by the Texas Water Commission and the EPA.

(F) No person shall discharge, or cause to be discharged into the POTW any wastewater or other wastes containing:

(1) Free or emulsified oil and grease, or combinations thereof, exceeding on analysis an average of 100 parts per million (833 pounds per million gallons) of either or both, if in the opinion of the Control Authority it appears probable that such wastes:

(a) Will deposit grease or oil in the sewer lines in such a manner to clog the sewers;

(b) Will overload skimming and grease-handling equipment;

(c) Will not be amenable to bacterial action and will therefore pass to the receiving water without being affected by normal sewage treatment processes; or

(d) Will have deleterious effect on the treatment process due to the excessive quantities.

(2) Cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of 0.5 parts per million by weight as CN within the sewer system.

(G) If the Control Authority determines that any person is discharging, or causing to be discharged, to the POTW any wastewater, or other substance in violation of the prohibitions in this section, the Control Authority may take enforcement action pursuant to § 52.75. (Ord. 338A, passed 5-5-92) Penalty, see § 52.99

§ 52.22 SPECIAL RULES RELATING TO INDUSTRIAL DISCHARGES.

(A) Compliance with standards:

(1) Upon the promulgation of the categorical pretreatment standards for a particular industrial subcategory, the federal Standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter.

(2) State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this chapter or any other applicable ordinance.

(3) No discharger shall increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the Pretreatment Requirements set forth in this chapter.

(4) The Control Authority may impose mass limitations on Dischargers where the imposition of mass limitations is deemed appropriate.

(B) Accidental discharges.

(1) Prevention of accidental discharges. Each discharger shall provide prudent protection from accidental discharge of prohibited materials or other substances regulated by this chapter.
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Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's costs and expense. When applicable, detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Control Authority for review, and shall be approved by the Control Authority before construction of the facility. Each existing discharger as designated by the Control Authority shall complete its plan and submit same to the Control Authority within 60 days after the effective date of this chapter. No designated discharger proposing to connect or contribute any wastewater to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge protection procedures have been approved by the control authority. Review and approval of such plans and operating procedures by the control authority shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

(2) Notice of accidental discharges or "slugloads":

(a) Dischargers shall notify the Control Authority orally as soon as practicable but not later than within 24 hours following the occurrence of a "slugload" or accidental discharge of substances prohibited by this chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions.

(b) A written report shall also be provided within five days of the occurrence. The written report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(c) Notification shall not relieve the discharger of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the discharger of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(3) Liability due to accidental discharges of "slugloads". Any discharger who discharges "slugloads" or prohibited materials shall be liable, pursuant to § 52.78, for any expense, loss, or damage to the POTW caused thereby, in addition to the amount of any fines imposed on the Control Authority on account thereof under State and Federal law.

(4) Instructions to employees. Each employer shall instruct all applicable employees who may cause or discover such a discharge with respect to emergency notification procedures including the proper telephone number and/or extension number of the Control Authority to be notified.

(Ord. 338A, passed 5-5-92) Penalty, see § 52.99

§ 52.23 WASTEWATER DISCHARGE PERMITS.

(A) It shall be unlawful for any significant industrial discharger to discharge to the POTW any wastewater without a permit issued by the Control Authority in accordance with the provisions of this chapter.

(B) All significant industrial dischargers proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant industrial dischargers connected to or contributing to the POTW shall obtain a Discharge Permit within 120 days after the effective date of this chapter.

(C) Permit application. All significant industrial dischargers shall complete and file with the control authority an application in the form prescribed by the Control Authority. Existing significant industrial dischargers shall apply for a discharge permit within 60 days after the effective date of this chapter, and proposed new significant industrial dischargers shall apply at least 60 days prior to connecting to or contributing to the POTW. No significant industrial discharger shall be permitted to discharge if it fails to submit a completed discharge permit application within the specified time. In support of the application, the discharger shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, address, and location (if different from the address);

(2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(3) Wastewater constituents and characteristics including but not limited to those mentioned in § 52.20 and § 52.21 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance With procedures established by the EPA pursuant to Section 304(9) of the Act and contained in 40 CFR, Part 136, as amended;

(4) Time and duration of contribution;

(5) Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly and seasonal variations if any;

(6) Site plans, floor plans, plumbing plans and details to show all sewers, floor drains, sewer connections, and appurtenances by size, location, and elevation;

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

(8) Wastewater constituents and characteristics, including any pollutants in the discharge which are limited by any city, state, or federal pretreatment requirements, and a statement regarding whether or not the pretreatment requirements are being met on a consistent basis and if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is requirement for the discharger to meet applicable Pretreatment Requirements;

(9) If additional pretreatment and/or O & M will be required to meet the pretreatment requirements; the shortest time schedule by which the discharger 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 requirement. The following conditions shall apply to this schedule:

(a) The schedule shall contain increments of progress 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 discharger to meet the applicable pretreatment requirements (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and the like).

(b) No increment referred to in division (C)(9)(a) shall exceed nine months, nor shall the total compliance period exceed 18 months.

(c) Not later than 14 days following each date in the schedule and the final date for compliance, the discharger shall submit a progress report to the Control Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the schedule established. In no event shall more than nine months and 14 days elapse between such progress reports to the Control Authority.

(10) Any other information as may be deemed by the Control Authority to be necessary to evaluate the permit application.

(D) Action on the permit application. The Control Authority will evaluate the completed application and data furnished by the discharger and may require additional information within 60 days. After evaluation of the completed application and acceptance of the data

furnished, the Control Authority shall issue or deny a discharge permit. If the permit is issued, it shall be subject to terms and conditions provided herein. If the application is denied, the applicant shall be notified in writing within 30 days or the reasons for such denial. If denial is based on the Control Authority's determination that the applicant cannot meet the pretreatment requirements specified in this chapter, the Control Authority may specify that additional pretreatment operations will be required of the applicant in compliance with division (C)(9) of this section.

(E) Permit conditions. Wastewater discharge permits shall be subject to all provisions of this chapter and all other applicable regulations, industrial waste surcharges, and fees established by the city. Permits may contain, but shall not be limited to, the following:

- (1) Limits on the average and maximum wastewater constituents and characteristics;
- (2) Limits on average and maximum rate and time of discharge and/or requirements for flow regulation and equalization;
- (3) Development and implementation of accidental discharge prevention and control plans pursuant to § 52.22(B)(1);
- (4) The unit charge or schedule or user charges and fees for the management of the wastewater discharged to the POTW;
- (5) Requirements for installation and maintenance of inspection and sampling facilities;
- (6) Location of approved discharge points;
- (7) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, laboratory analysis method, and reporting schedule;
- (8) Compliance schedules;
- (9) Requirements for submission of special technical reports or discharge reports differing from those prescribed by this chapter;
- (10) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Control Authority, and affording Control Authority access thereto;
- (11) Requirements for notification of the Control Authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;
- (12) Requirements for notification of excessive, accidental, or slug discharges pursuant to § 52.22(B)(2);

(13) The duration of the permit, which shall not extend beyond the expiration date of the city's NPDES permit;

(14) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this chapter.

(F) Permit modifications.

(1) The Control Authority may modify the permit for good cause including, but not limited to, the following:

(a) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

(b) Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit;

(c) A change in any condition in either the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge in order to implement the prohibitions in § 52.24 or in order to avoid any other violation of this chapter;

(d) Information indicating that the permitted discharge poses a threat to the Control Authority's collection and treatment systems, POTW personnel, or the receiving waters;

(e) Violation of any terms or conditions of the permit;

(f) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;

(g) Revision of or a grant of variance from federal categorical pretreatment standards pursuant to 40 CFR 403.13;

(h) To correct typographical or other errors in the permit;

(i) To reflect transfer of the facility ownership and/or operation to a new owner/operator;

(j) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

(2) The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(3) (a) Any request by the permittee for a modification of its permit shall be in writing and shall be accompanied by all relevant data, documentation, explanations, and other pertinent information. The Control Authority shall provide personal notice to the permittee, and published notice if public interest is affected, of any proposed permit modification at least 14 days prior to decision on the proposed modification.

(b) The Control Authority shall provide the permittee and any requesting interested persons with notice of the final modification decision.

(c) Appeal of permit modification decisions may be taken pursuant to the procedures specified for permit appeals in division (G) (2) of this section.

(G) Permit issuance and appeal procedures.

(1) Public notification. The Control Authority shall provide personal notice to the permittee, and published notice in a newspaper of general circulation in the city, of intent to issue a discharge permit, at least 30 days prior to issuance. The notice shall indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.

(2) Permit appeals. The Control Authority shall provide all requesting interested persons with notice of final permit decisions. Upon notice by the Control Authority, any person, including the industrial user, may petition for reconsideration of the terms of the permit within 30 days of the notice.

(a) In its petition, the appealing party must indicate any permit provision objected to, the reason for the objection, and the alternative condition, if any, it seeks to be placed in the permit.

(b) The effectiveness of the permit shall not be stayed pending a reconsideration by the Control Authority unless the Control Authority expressly so indicates.

(c) The Control Authority shall respond in writing to any petition for reconsideration within 30 days.

(d) In its response, the Control Authority shall indicate its decision whether to affirm, vacate, or modify the terms of permit issued.

(e) The Control Authority's action upon any petition for reconsideration shall be considered final for purposes of any judicial review.

(H) Permit transfer. Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the Control Authority.

(1) The permittee must give at least 30 days advance notice to the Control Authority.

(2) The notice must include a written certification by the new owner which:

(a) States that the new owner 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 permit.

(I) Permit termination. Pretreatment permits may be terminated pursuant to § 52.75 for the following reasons:

(1) Falsifying self-monitoring reports;

(2) Tampering with monitoring equipment;

(3) Refusing to allow timely access to the facility premises and records;

(4) Failure to meet pretreatment requirements;

(5) Failure to pay penalties imposed pursuant to § 52.99.

(6) Failure to pay sewer charges; or

(7) Failure to meet compliance schedules.

(J) Permit reissuance. The discharger shall apply for permit reissuance by submitting a complete permit application a minimum of 90 days prior to the expiration of the discharger's existing permit.

(K) Continuation of expired permits. An expired permit will continue to be effective and enforceable until the permit is reissued if:

(1) The discharger has submitted a complete permit application at least 90 days prior to the expiration date of the discharger's existing permit; and

(2) The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the discharger.

(1) Petition for relief from permitting requirement. Any discharger under a permit issued pursuant to this section may petition the Control Authority to find that:

(1) The discharger no longer meets any of the criteria to be a "Significant Industrial Discharger" as defined in § 52.02;

(2) The discharger has not met any of those criteria for the immediately preceding three years; and

(3) Therefore, the permitting requirements of § 52.23 should no longer apply to the discharger.

(a) The petitioning discharger shall produce all information relevant to the requested findings.

(b) The Control Authority shall afford reasonable opportunity for a hearing on any relevant factual issues upon request of the petitioning discharger.

(c) If the Control Authority finds that the discharger does not meet any of the criteria to be a Significant Industrial Discharger as defined in § 52.02 and that the discharger has not met any of those criteria for the immediately preceding three years, the Control Authority shall cancel any existing permit issued to the discharger, and the discharger shall be relieved of any further obligation to comply therewith.

(d) No such permit cancellation shall affect any later determination that a discharger subsequently meets the criteria for a significant industrial discharger.

(Ord. 338A, passed 5-5-92) Penalty, see § 52.99

§ 52.24 LIQUID WASTE HAULER PERMITS.

(A) No person shall drain, flush, or clean out any tanks or basins containing chemical liquid wastes, septic tank wastes, oil and grease trap wastes, or any other type of domestic or non-domestic liquid wastes within the city unless such person is issued a permit by the Control Authority, authorizing such acts or services. Such permit shall also be required of all persons disposing of such waste within the city, regardless of point of origin.

(B) No such liquid waste hauler shall discharge of wastewater or any other waste into the POTW in violation of the standards, limitations, and other requirements specified in this chapter.

(C) Any disposal site within the city, and any method of disposal, must be approved by the Control Authority. Copies of trip tickets shall be maintained and made available for inspection at any reasonable time.

(D) Any liquid waste hauler who is a significant industrial discharger shall also obtain a discharge permit pursuant to § 52.23.
(Ord. 338A, passed 5-5-92) Penalty, see § 52.99

MONITORING; INSPECTIONS; REPORTS

§ 52.40 MONITORING FACILITIES.

(A) Unless expressly exempted by the Control Authority, all significant industrial dischargers shall provide, at their own expense, monitoring facilities prior to approval of a permit application, to allow inspection, sampling and flow measurement at each discharge point. Each monitoring facility shall be located on the discharger's premises; except, in the case where such location would be impractical or cause undue hardship to the discharger, the Control Authority may approve the placement of monitoring facilities in the public street or sidewalk area. All monitoring equipment and facilities shall be maintained in safe and proper operating condition at the expense of the discharger.

(B) Failure to provide proper monitoring facilities shall be grounds for denial of a permit application.
(Ord. 338A, passed 5-5-92) Penalty, see § 52.99

§ 52.41 INSPECTIONS AND SAMPLING.

(A) The Control Authority may inspect the facilities of any discharger to determine compliance with the requirements of this chapter. The discharger shall allow the Control Authority or its representatives to enter upon the premises of the discharger at all reasonable times, for the purposes of inspection, sampling, or examination of records. Any employee, agent, or other representative of the Control Authority who enters private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. The Control Authority shall have the right to set up on the discharger's property such devices as are reasonably necessary to conduct sampling, inspection, compliance monitoring, metering and/or measuring operations.

(B) Any discharges of wastewater or other waste into the POTW shall be subject to inspection and/or sampling as often as may be deemed necessary by the Control Authority. Samples shall be collected in such manner as to be representative of the character and concentration of the wastewater or waste under operating conditions. The Control Authority shall provide the Discharger with a split set of all discharge samples taken. The laboratory methods used in the examination of said waste shall be Standard Methods and/or those set forth in 40 CFR, Part 136. Regular inspections and/or sampling shall be conducted at such times and on such schedules as may be established by the Control Authority. Should a discharger desire that a scheduled inspection and/or sampling be conducted at some time other than that scheduled by the Control Authority, such inspection and/or sampling may be conducted by the Control Authority at the expense of the discharger.

(C) Unscheduled inspections may be conducted whenever deemed by the Control Authority to be reasonably necessary to ensure that the terms of this chapter are complied with.

(D) The failure or refusal of a discharger to allow the access required by this section shall be grounds for the disconnection of water and/or sewer service to the discharger's facility, pursuant to the provisions of this chapter applicable to enforcement and/or termination of service.

(Ord. 338A, passed 5-5-92) Penalty, see § 52.99

§ 52.42 DETERMINATION OF FLOW.

(A) The water consumption during the previous month, as determined from the meter records of the city water department, shall be the basis for computing the sewage flow from any discharger, unless actual sewage flow is measured by a recording meter of a type approved by the Control Authority. The discharger shall install and maintain such recording meter in proper condition to accurately measure such flow. Upon failure to do so, the water consumption shall be the basis for computing the sewage flow.

(B) When water is contained in a product or is evaporated or is discharged as unpolluted wastewater in an uncontaminated condition to surface drainage (in compliance with this chapter and all state and federal law), an application may be made for a reduction in the computed volume of waste discharged to the POTW, provided supporting data satisfactory to the Control Authority is furnished. Such data shall include a flow diagram and other indication of the destination of water supply and/or wastewater, supported by data from meters installed on such process piping at the expense of the discharger.

(C) Any discharger who procures any part or all of his water supply from a source or sources other than the city, any of which is discharged into the POTW, shall install and maintain at his expense an effluent meter and/or other flow measuring device of a type approved by the Control Authority for the purpose of determining the proper volume of flow to be used in computing sewer flow. Such meters or measuring devices shall be read monthly.

(Ord. 338A, passed 5-5-92) Penalty, see § 52.99

§ 52.43 REPORTING REQUIREMENTS FOR SIGNIFICANT DISCHARGERS/PERMITTEES.

(A) Baseline report. Within 90 days following the effective date for any applicable categorical pretreatment standard or prior to commencement of the introduction of wastewater into the POTW by a new significant industrial discharger, any significant industrial discharger subject to a categorical pretreatment standard shall submit to the Control Authority a report, indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report from existing significant industrial dischargers shall state whether the applicable categorical pretreatment standards and pretreatment requirements are being met on a consistent basis, and if

not, what additional O & M and/or pretreatment is necessary to bring the discharger into compliance with the applicable categorical pretreatment standards and pretreatment requirements. This statement shall be signed by an authorized representative of the discharger, and certified by a qualified professional.

(B) Compliance date report. Within 90 days following the date for final compliance by a significant industrial discharger with an applicable categorical pretreatment standard, or 90 days following commencement of the introduction of wastewater into the POTW by a new significant industrial discharger, any significant industrial discharger subject to a categorical pretreatment standard shall submit to the Control Authority a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards and requirements. This statement shall be signed by an authorized representative of the discharger, and certified to by a qualified professional.

(C) Periodic compliance reports. Any significant industrial discharger subject to a categorical pretreatment standard or requested by the control authority shall submit to the control authority, during the months of June and December of each year, a report indicating the nature and concentration of prohibited and regulated substances in the effluent which are limited by the pretreatment standards or requirements. In addition, this report shall include a record of all measured or estimated average and maximum daily flows which, during the reporting period, exceeded the average daily flow specified in the discharger's permit. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, the Control Authority may accept reports of average and maximum flows estimated by verifiable techniques. The Control Authority, taking into consideration such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, may authorize the submission or said reports on months other than those specified above.

(D) Reports of significant industrial dischargers shall contain all results of sampling and analysis of the discharge, including the flow rate, the nature and concentration of the constituents, or the production and mass of the constituents, where required by the Control Authority. The frequency of monitoring by the discharger shall be as prescribed in the applicable categorical pretreatment standard or in this chapter or more frequently as specified by the Control Authority. Sampling shall be done in accordance with Standard Methods and 40 CFR, Part 136.

(E) The reporting requirements specified in this section as applicable to significant industrial dischargers who are subject to

categorical pretreatment standards shall also apply to any other significant industrial discharger upon whom the Control Authority imposes such reporting requirements.

(Ord. 338A, passed 5-5-92) Penalty, see § 52.99

§ 52.44 CONFIDENTIAL INFORMATION.

(A) All information and data submitted by a discharger to the Control Authority may be submitted to the Environmental Protection Agency pursuant to the Clean Water Act and the regulations promulgated by the EPA governing the POTW. Such information shall be considered subject to public disclosure, provided, however, that the discharger may request that information not be subject to public disclosure, in accordance with 40 CFR Part 2, as follows:

(1) A discharger may assert a business confidentiality claim covering part of all of the information, in a manner described below, and that information covered by such a claim will be disclosed only by means of the procedure set forth below.

(2) If no claim of business confidentiality is asserted, all information will be subject to public disclosure without further notice to the discharger.

(B) Method and time of asserting business confidentiality claim. A discharger which is submitting information to the Control Authority may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the Control Authority, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise nonconfidential documents should be clearly identified by the discharger, and may be submitted separately to facilitate identification and handling by the Control Authority. If the discharger desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

(C) Nothing in this section shall prevent the disclosure of information and data regarding the nature and content of a limitation to be met by discharger, and this information shall be available to the public with no restrictions.

(Ord. 338A, passed 5-5-92)

§ 52.45 PRESERVATION OF RECORDS.

(A) All dischargers subject to this chapter shall retain and preserve for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by and on behalf of a discharger in connection with its discharge.

(B) All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the Control Authority pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(Ord. 338A, passed 5-5-92) Penalty, see § 52.99

RATES AND CHARGES

§ 52.60 RATES AND CHARGES.

Users of the City Sewer System shall be subject to the following rates effective October 1, 2017:

(A) Residential User Charges.

(1) Residential user charges shall be calculated from the following formula:

Monthly user charge = Base rate + \$2.26 (Average water consumption)

Where: Monthly user charge = the amount in dollars charged for basic residential sewer services.

Base rate = \$13.34

Average monthly water consumption = the average monthly water consumption during the months of December, January and February measured in 1,000 gallon units.

(2) Whenever an average monthly water consumption has not yet been established, a minimum charge of \$26.31 per month shall be used.

(B) Commercial User Charges.

(1) "COMMERCIAL USER" is hereby defined for the purposes of this section as anyone who uses water for purposes other than domestic use.

(2) Commercial user charges shall be calculated from the following formula:

Monthly user charge = Base rate + \$2.57 (Monthly water consumption)

Where: Monthly user charge = the amount in dollars charged for basic commercial sewer services.

Base rate: \$13.34

Monthly water consumption = the monthly water consumption measured in 1,000 gallon units.

(3) Commercial user charges shall be calculated from the following: Any commercial user who uses water as an ingredient in the manufacturing process of a product shall not be required to pay a sewer charge based on the water so incorporated into the product. Any such industrial user shall be required to show proof, of the amount of water used as an ingredient in the manufacturing process. The city reserves the right to conduct such tests as it may deem necessary to determine the amount of wastewater placed into the sanitary sewer by such user.

(C) The industrial wastewater surcharge is a reimbursement for costs incurred by the city's wastewater treatment plant and sewer collection system from the treatment of pollutants in excess of normal domestic sewage discharged by industrial uses. Assessment of surcharges does not alleviate the industrial user of the responsibility to comply with pretreatment requirements. Consistent non-compliance by an industrial user will result in enforcement actions as defined by this section.

(1) Surcharges for excess Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) BOD and TSS surcharges shall be calculated as follows:

Formulas: Surcharge for TSS = $S \times (S_1 - S_d) \times 8.34 \times F$
 Surcharges for BOD = $B \times (B_1 - B_d) \times 8.34 \times F$

S = unit cost of treating (\$/lb)
 S_1 = TSS concentration in sample (mg/L)
 B = unit cost of treating BOD (\$/lb)
 B_1 = BOD concentration sample (mg/L)
 B_d = BOD plant design criteria for normal domestic sewage
 = 200 mg/L (Base value from which the surcharge is calculated)
 S_d = TSS plant design criteria for normal domestic sewage
 = 200 mg/L (Base value from which the surcharge is calculated)
 F = Discharged flow measured in millions of gallons per day (MGD) or millions of gallons (MG)
 8.34 = equivalent mass of one gallon of water measured in pounds (8.34 lbs/gal)

(2) Current Unit Cost of Treatment for TSS is \$.10 per pound; and \$.08 per pounds. These values are based on an annual flow of 478.15 million gallons, 1.533 million pounds BOD, 620 thousand pounds TSS, at an annual O&M cost of \$365,885.00.

(3) Annual Adjustment of Unit Costs. The unit costs of treating TSS(S) and BOD(B) shall be adjusted annually to reflect

increases or decreases in wastewater treatment costs based on the previous year's experience as presented in the annual Auditor's Report. In the event that major changes in the industrial base have taken place prior to the annual review, the city may adjust the Unit Cost Rates based on current operational data and expenditures.

(a) The Pretreatment Coordinator shall determine the Unit Cost of treatment of BOD and TSS based on the following criteria:

- Total volume of treated wastewater for fiscal year
- Total mass of BOD treated for fiscal year
- Total mass of TSS treated for fiscal year
- Total operation and maintenance expenditures for fiscal year based on auditor's report

(b) The following assumptions shall be used to determine the percentage of operation and maintenance costs associated with treatment of FLOW, BOD and TSS:

- FLOW: 50% of O&M expenditures
- BOD: 33% of O&M expenditures
- TSS: 17% of O&M expenditures

(c) The following formulas shall be applied in determining the unit cost of treatment:

$$B = \frac{33\% C}{B_T}$$

$$S = \frac{17\% C}{S_T}$$

Where:

- B = Unit cost of treatment for BOD measured in dollars per pound (\$/lb)
- C = Total O&M of BOD expenditures for fiscal year from auditor's report
- B_T = Total mass of BOD during fiscal year measured in pounds (lbs)
- S = Unit cost of treatment for TSS measured in dollars per pound (\$/lb)
- S_T = Total mass of TSS treated during fiscal year measured in pounds (lbs)

(d) The calculated Unit Cost Rate shall be rounded to the nearest whole cent. (Example: \$0.0785 shall be rounded to \$0.08)

(e) The Pretreatment Coordinator shall submit the unit cost rate adjustments to the city and unit cost rates shall become effective 30 days following approval by the city.

(4) Surcharges may be assessed on a daily basis providing the industrial user's wastewater discharge is measured by a totalizing flow meter. BOD and TSS surcharges may be assessed using the

arithmetic monthly average of the daily concentrations for each pollutant respectively and the total flow discharged for the month.

(D) The Pretreatment Coordinator shall prepare surcharge assessments for all industrial users on a monthly basis and shall submit the assessment to the City Water Billing Department. The discharger shall pay monthly in accordance with practices existing for payment of sewer charges.

(E) The city reserves the right to assess surcharges for excess costs of treatment for other pollutants not specified in this section. (Ord. 480, passed 8-19-91; Ord. 338A, passed 5-5-92; Am. Ord. 493, passed 8-17-92; Am. Ord. 511, passed 8-16-93; Am. Ord. 529, passed 11-21-94; Am. Ord. 530, passed 11-21-94; Am. Ord. 660, passed 8-18-03; Am. Ord. 696, passed 5-16-05; Am. Ord. 766, passed 8-17-09; Am. Ord. 801, passed 3-21-11; Am. Ord. 815, passed 9-19-11; Am. Ord. 828, passed 9-17-12; Am. Ord. 863, passed 9-15-14; Am. Ord. 881, passed 6-5-15; Am. Ord. 927, passed 9-18-17) Penalty, see § 52.99

§ 52.61 BILLING.

Industrial waste charges provided for in this chapter shall be included as a separate item on the regular bill for water and sewer charges and shall be paid monthly in accordance with the existing practices. Such charges will be paid at the same time that the water charges of the persons become due. The Control Authority shall specify in each bill the determination of the amount due for all industrial waste charges. Payment for water services shall not be accepted without payment also of sewer service charges. (Ord. 338A, passed 5-5-92)

§ 52.62 FAILURE TO PAY BILLS.

If a discharger's payment of its monthly bills for water and sewer services, including any industrial waste charges, is more than 60 days overdue, the Control Authority may disconnect all connections to the water and sanitary sewer mains to the city. The same penalties and charges now or hereafter provided for by the ordinances of the city for failure to pay the bill for water service when due shall be applicable in a like manner in case of failure to pay the established charge for waste discharged to the sanitary sewer mains as established in § 52.60. (Ord. 338A, passed 5-5-92)

§ 52.63 COSTS OF ADMINISTERING PROGRAM.

The Control Authority may make such charges, known as monitoring and pretreatment charges, as are reasonable for services rendered in administering the programs outlined in this chapter. Such charges shall be equitable as between users of the POTW system. The Control Authority shall provide, upon request, documentation and justification for all calculations in determining the charges. Such charges may include, but are not limited to, the following:

- (A) Permitting industrial facilities;
- (B) Inspection;
- (C) Sample analysis;
- (D) Monitoring;
- (E) Enforcement.

(Ord. 338A, passed 5-5-92)

§ 52.64 RIGHT OF REVISION.

The Control Authority reserves the right to amend this chapter to provide for more or less stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in Section 338A-12 of this chapter.

(Ord. 338A, passed 5-5-92)

§ 52.65 SEWER SERVICE FEE REQUIRED TO BE PAID; REIMBURSEMENT LIMIT.

(A) In 1961 the City Council determined that every resident that has city sewer available will be required to pay the fee for sewer service. Due to discrepancies in how billing was done in 1961 versus how bills are figured presently; to clarify this situation, the City Council decrees if sewer service is available, whether or not the residence is hooked on to sewer, shall pay the same as if they were connected to the city sewer.

(B) It was determined by the City Council in 1961 that it would be the responsibility of the residence for knowing if they are hooked on or not to the city sewer.

(C) If any residence has been paying for sewer service and determines that sewer service was not available to the residence, then the city shall set a two year reimbursement to funds as a limit of repayment.

(Ord. 542, passed 4-15-96)

§ 52.66 EFFLUENT WATER REUSE PROGRAM.

The rates for the effluent water reuse program will be as follows:

Rate type	Rate costs
Non-bulk rate resident	\$0.0025 per gallon or \$2.50 per thousand gallons
Non-bulk rate non-residents	(A) \$0.003 per gallon or \$3 per thousand gallons (B) A \$25 deposit
Bulk rate raw	(A) \$0.00225 per gallon or \$2.25 per thousand gallons (B) A \$25 deposit

(Ord. 845, passed 10-21-13; Am. Ord. 865, passed 10-20-14)

ADMINISTRATION AND ENFORCEMENT

§ 52.75 ENFORCEMENT.

(A) Authority to implement federal and state law. The Control Authority is hereby provided the authority to implement all federal and state laws and regulations pertaining to the POTW.

(B) Revocation of permit. In accordance with the procedures in this section, the Control Authority may revoke the permit of any discharger which:

(1) Fails to factually report the wastewater constituents and characteristics of its discharge;

(2) Fails to report significant changes in wastewater constituents or characteristics;

(3) Refuses to allow reasonable and timely access to the Discharger's premises by representatives of the Control Authority for the purpose of inspection or fails to meet pretreatment requirements;

(4) Fails to pay penalties imposed pursuant to § 52.99;

(5) Fails to pay bills for sewer services; or

(6) Fails to meet compliance schedules.

(C) Notification of violation; administrative adjustment. Whenever the Control Authority finds that any discharger had violated or is violating this chapter or its discharge permit, the Control

Authority may serve or cause to be served upon such discharger a written notice, either by personal delivery or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within 30 days of the date of the notice, the discharger shall respond in person or in writing to the Control Authority, stating its position with respect to the notice of violation. Thereafter, the parties shall meet to discuss the occurrence of the violation or violations alleged and, where necessary, establish a plan for the satisfactory correction thereof.

(D) Show cause hearing. Where any violation of permit or this chapter is not corrected by means of administrative adjustment as described in division (C) above, the Control Authority may order any violating discharger to show cause, before the Control Authority or its duly authorized representative, why the proposed enforcement action should not be taken. A written notice shall be served on the discharger by personal service, certified or registered, return receipt requested, specifying the time and place of a hearing to be held by the Control Authority or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the discharger to show cause before the authority or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten days before the hearing. Service may be made on any agent, officer, or authorized representative of the discharger. The director of the Control Authority may himself conduct the hearing and take the evidence, or he may designate any employee of the city or any specially-appointed attorney or engineer to:

(1) Issue in the name of the city notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

(2) Take the evidence;

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Control Authority for action thereon.

(E) At any hearing held pursuant to this section, testimony taken must be under oath and recorded. Any party is entitled to present his/her case or defense by oral or documentary evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. A transcript will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(E) Action following show cause hearing. After the Control Authority has reviewed the evidence, it may issue an order to the discharger responsible for any violation found to have been committed, directing that, following a specified time period, the sewer service be

discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued, including revocation or suspension of any discharge permit.

(F) Right to appeal. Following the entry of the order by the Control Authority with respect to the conduct of a discharger, the discharger may file an appeal in an appropriate court of competent jurisdiction challenging the Control Authority's order.
(Ord. 338A, passed 5-5-92)

§ 52.76 EMERGENCY SUSPENSION OF SERVICE AND/OR DISCHARGE PERMITS.

(A) The Control Authority may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the Control Authority, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW, or causes the city to violate any condition of its NPDES Permit. Also, the Control Authority may suspend wastewater treatment service and/or a wastewater discharge permit whenever acids and chemicals damaging the sewer lines or treatment processes are released to the sewer causing rapid deterioration of such structures or interfering with proper treatment of sewage.

(B) Any discharger notified of a suspension of the wastewater treatment service and/or its wastewater discharge permit shall immediately stop or eliminate the offending discharge. In the event of a failure of the discharger to comply voluntarily with the suspension order, the Control Authority shall take such steps as deemed necessary, including immediate disconnection of the discharger's sewer and/or water service connection, to prevent or minimize damage to the POTW system or endangerment to any individuals or the environment.

(C) In the case of emergency disconnection of service, the Control Authority shall make reasonable attempts to notify the discharger or user of the premises where such offending discharge is generated before disconnecting the water or sewer service line. The party whose service has been disconnected shall have an opportunity for a hearing on the issue of the offending discharge and the disconnection as soon as possible after such disconnection has taken place.

(D) The Control Authority shall reinstate the wastewater discharge permit and/or the wastewater treatment and/or water service upon proof of the elimination of the offending discharge. A detailed written statement by the discharger describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Control Authority within 15 days of the date of the occurrence. The city water and/or wastewater service shall be reconnected only at the discharger's expense.

(Ord. 338A, passed 5-5-92) Penalty, see § 52.99

§ 52.77 LEGAL ACTION.

If any person discharges wastewater or other wastes into the city's POTW contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the City Attorney may commence an action for appropriate legal and/or equitable relief in any court of competent jurisdiction.

(Ord. 338A, passed 5-5-92)

§ 52.78 RECOVERY OF COSTS INCURRED BY THE CONTROL AUTHORITY.

Any discharger violating any of the provisions of this chapter or causing damage to or impairing the city's wastewater disposal system, shall be liable to the city for any expense, loss, or damage caused by such violation or discharge. The city shall bill the discharger for the costs incurred by the city for any cleaning, repair, or replacement work caused by the violation or discharge.

(Ord. 338A, passed 5-5-92)

§ 52.79 UPSETS.

(A) Any discharger which experiences an upset in operations which places the discharger in a temporary state of noncompliance with this chapter shall inform the Control Authority thereof orally as soon as practicable but not later than within 24 hours of first awareness of the commencement of the upset. A written report shall also be filed by the discharger with the Control Authority within five working days. The report shall specify:

(1) Description of the upset, the cause thereof, and the upset's impact on a discharger's compliance status;

(2) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur; and

(3) All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an upset or other condition of noncompliance.

(B) The Control Authority may waive the written report on a case-by-case basis if an oral report has been received within 24 hours.

(C) An upset constitutes an affirmative defense to any enforcement action brought by the Control Authority against a discharger for any noncompliance with this chapter occurring during the period of the upset if the discharger demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the discharger can identify the causes of the upset;

(2) The discharging facility was at the time being properly operated;

(3) The discharger submitted the 24-hour notice and written report as required by division (A) of this section; and

(4) The discharger has taken all reasonable steps to minimize or prevent any discharge in violation of its permit or this chapter which had a reasonable likelihood of adversely affecting human health or the environment.

(D) In any enforcement action, any discharger seeking to establish the occurrence of an upset has the burden of proof.
(Ord. 338A, passed 5-5-92) Penalty, see § 52.99

§ 52.80 VARIANCES.

A discharger may apply to the city for a variance from any discharge limitation specified in § 52.21(B). The city may grant such a variance if the discharge limitation does not prevent and is not designed to prevent: pass through; interference; a violation of the discharger's categorical pretreatment standards; any adverse damage to the health and safety of personnel maintaining and operating the POTW; or any exceedance of the criteria for water quality developed by EPA pursuant to section 304 of the Clean Water Act, 33 U.S.C. 1314.
(Ord. 338A, passed 5-5-92)

§ 52.81 REMOVAL CREDITS.

Where applicable, the Control Authority may elect to initiate a program of removal credits as part of this chapter to reflect the POTW's ability to remove pollutants in accordance with 40 CFR Part 403.7.
(Ord. 338A, passed 5-5-92)

§ 52.82 NEW/GROSS CALCULATIONS.

A discharger whose only source of intake water is the city water service may apply to the Control Authority to adjust Categorical Pretreatment Standards and/or Pretreatment Requirements in this chapter to reflect the presence of pollutants in the discharger's intake water, in accordance with 40 CFR Part 403.15.
(Ord. 338A, passed 5-5-92)

ON-SITE SEWAGE DISPOSAL

§ 52.85 TEXAS HEALTH AND SAFETY CODE, CHAPTER 366 ADOPTED.

The city clearly understands the technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, does adopt and will fully enforce Chapter 366 of the Texas Health and Safety Code.
(Ord. 593, passed 6-19-00)

§ 52.86 AREA OF JURISDICTION.

(A) The rules adopted by this subchapter shall apply to all the incorporated area of the city.

(B) These rules shall apply to those incorporated cities or towns that have executed intergovernmental contracts with the city.
(Ord. 593, passed 6-19-00)

§ 52.87 ON-SITE SEWAGE FACILITY RULES.

Any structure discharging sewage into an on-site sewage facility within the jurisdictional area of the city must comply with the rules adopted in § 52.88 of this subchapter.
(Ord. 593, passed 6-19-00) Penalty, see § 52.99

§ 52.88 ON-SITE SEWAGE FACILITY RULES ADOPTED.

The rules ("Design Criteria For On-Site Sewage Facilities", Texas Administrative Code §§ 285.1 - 285.91), promulgated by the Texas Natural Resource Conservation Commission for sewage are hereby adopted, and all officials and employees of the city having duties under said rules are authorized to perform such duties as are required of them under said rules.
(Ord. 593, passed 6-19-00) Penalty, see § 52.99

§ 52.89 DESIGN CRITERIA INCORPORATED BY REFERENCE.

The Design Criteria (Texas Administrative Code §§ 285.1 - 285.91) and all future amendments and revisions thereto are incorporated by reference and are thus a part of these rules. A copy of the current Design Criteria is on file with the City Clerk's office.
(Ord. 593, passed 6-19-00)

§ 52.90 AMENDMENTS.

The city wishing to adopt more stringent rules for this subchapter understands that the more stringent conflicting local rule shall take precedence over the corresponding Texas Natural Resource Conservation Commission requirement. Listed below are the most stringent rules adopted by the city:

(A) A permit shall be required for all on-site sewage facilities regardless of acreage.

(B) All existing on-site sewage facilities shall be inspected before any sales and/or transfers of ownership. This includes homes, trailers, lake lots, cabin and businesses. (This includes Private, Conventional, FHA, and VA loans, etc.)
(Ord. 593, passed 6-19-00) Penalty, see § 52.99

§ 52.91 DUTIES AND POWERS.

The Wichita Falls/Wichita County Health District of the city is herewith declared the designated representative for the enforcement of these rules within its jurisdictional area. The appointed individual(s) must be approved and certified by the Texas Natural Resource Conservation Commission before assuming the duties and responsibilities of the designated representative of the city.
(Ord. 593, passed 6-19-00)

§ 52.92 COLLECTION OF FEES.

All fees collected for permits and/or inspections shall be made payable to Wichita Falls/Wichita County Public Health District.
(Ord. 593, passed 6-19-00) Penalty, see § 52.99

§ 52.93 FEE SCHEDULE.

The licensing authority shall establish a fee schedule for the OSSF program within the county and maintain a copy of such fee schedule at the Wichita Falls/Wichita County Public Health District for inspection by the public. Such fee schedule shall set reasonable fees for services performed by or at the direction of the licensing authority and may be amended by the licensing authority from time to time.
(Ord. 593, passed 6-19-00)

§ 52.94 APPEALS.

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the Board of Commissioners of the city.
(Ord. 593, passed 6-19-00)

§ 52.95 RELINQUISHMENT OF ORDINANCE.

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

(A) The Board of Commissioners shall inform the Texas Natural Resource Conservation Commission by certified mail at least 30 days before the published date of the public hearing notice that it wishes to relinquish its On-Site Sewage Facility ordinance.

(B) The authorized agent shall post the required notice in a newspaper regularly published or circulated in the area of jurisdiction at least 30 days prior to the anticipated date of action by the authorized agent.

(C) The authorized agent shall send a copy of the public notice, a publisher's affidavit of public notice and certified copy of the minutes of the Texas Natural Resource Conservation Commission.

(D) The executive director shall process the request the relinquishment and may issue an order relinquishing the authority to regulate on-site sewage facilities within the authorized agent's jurisdiction or may refer the request to relinquish to the commission.

(E) Prior to issuance of a relinquishment order the governmental entity and the executive director shall determine the exact date the authorized agent would surrender its authorized agent designation to the executive director.

(Ord. 593, passed 6-19-00)

§ 52.99 PENALTY.

(A) If a person intentionally, knowingly, or recklessly violates any of the provisions of this chapter or of the Burkburnett City Code relating to the sewer service, he shall be guilty of a misdemeanor and, upon conviction in the municipal court, shall be punished by a fine not exceeding \$1,000 for each offense. Each day on which such a violation shall occur or continue shall be deemed a separate offense. Any such violation which causes endangerment (placing another person in imminent danger of death or serious bodily injury) has committed a felony and the act is punishable by fines up to \$250,000, imprisonment of up to 15 years, or both.

(B) Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or wastewater discharge permit or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, for each offense be guilty of a misdemeanor and, upon conviction in the municipal court, shall be punished by a fine of not more than \$1,000.

(C) In addition to the penalties provided in this section, the city may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation against any person found to have committed any offense described in divisions (A) and (B) above.

(Ord. 338A, passed 5-5-92)

(D) Sections 52.85 through 52.95 adopt all applicable penalty provisions to on-site sewage facilities, including, but 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 the Texas Administrative Code Chapter 285. (Ord. 593, passed 6-19-00)

CHAPTER 53: WATER

Section

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- 53.02 Prohibiting use of water from city water mains for sprinklers, air conditioners, and washing of motor vehicles
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- 53.20 Rates; billing
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GENERAL PROVISIONS

§ 53.01 INSTALLATION OF WATER MAINS; SERVICE IN NEW ADDITIONS.

All additions that are to be developed within the city limits or within one mile of the existing city limits and wish to use city water for supplying to the addition then must conform to the following procedure:

(A) The developer shall have a survey made by a licensed surveyor or engineer and a plat drawn describing the addition by metes and bounds according to existing surveys. A copy of this plat shall be presented to the Board of Commissioners, showing the proposed blocks, lots, streets, alleys, and utility easements, and also the proposed names of the streets with all dimensions.

(B) The city shall determine the water system needed, as to the size of mains, location of fire hydrants with reference to the various lots, and work up a total cost estimate for materials and installation of the water system; and at that time the developer will place that amount of money in an account with the city and the city will obtain the materials and let the contract for installation of the water system.

(C) The city will extend the water main to the addition at the nearest point of connection to the system in the addition and make the tie-in. The city shall also furnish the fire hydrants to be placed in the system, at such time as the water is turned into the system in the addition. When the system is checked and inspected and found to be satisfactory, then that system shall become the property of the city without recourse and they shall then assume the operation and maintenance of the system.

(D) The developer shall pay all of the expense of the system in the addition up to the individual meters and shall not be reimbursed by the city for any of his expense.

(E) The developer shall be required to furnish standard street signs at all street intersections, that will meet the approval of the city and which will conform to other existing street signs being used in other portions of the city.

(Ord. 234, passed 3-25-57)

§ 53.02 PROHIBITING USE OF WATER FROM CITY WATER MAINS FOR SPRINKLERS, AIR CONDITIONERS, AND WASHING OF MOTOR VEHICLES.

(A) It shall be unlawful for any person, firm, or corporation to use water from the city water mains to irrigate, sprinkle, or wet down any lawns, gardens, trees, or shrubs within or outside the city limits; to use the water in air conditioners not having a circulating pump; or to use the water for washing cars or other motor vehicles within or outside the city limits.

(B) The Board of Commissioners shall have the authority, in order to conserve the shrubs and trees of the citizens of the city, to zone the city, and through proclamation to allow the people of the city in those zones to use water for specified purposes set out in the proclamation.

(C) The City of Burkburnett Drought Contingency Plan, be and the same is hereby adopted by reference as the official plan of the city as if fully set out herein.

(Ord. 218, passed 6-15-53; Am. Ord. 573, passed 9-7-99; Am. Ord. 848, passed 11-18-13; Am. Ord. 854, passed 5-19-14; Am. Ord. 864, passed 5-19-14) Penalty, see § 53.99

§ 53.03 USE OF WATER DURING DROUGHT CONDITIONS.

(A) It shall be unlawful to use water during drought conditions outside of any residence or premises except on the days and hours designated by the Board of Commissioners, which designation shall be published in the local newspaper, posted on the city bulletin board, and filed with the City Secretary.

(B) This section may be enforced by injunction or cutting off of the water supply to any violator or in any other legal manner in a court of competent jurisdiction.

(Ord. 310, passed 8-3-71) Penalty, see § 53.99

§ 53.04 USE OF OUTSIDE WATERING.

It shall be unlawful for any person, firm, corporation or other entity, at any time of the year to:

(A) Run outside spray type irrigation on any day of the week between 11:00 a.m. and 6:00 p.m. Landscape watering is permitted any time with a hand held hose, soaker hose, bucket, watering can, bubbler or drip irrigation system.

(B) Wash any motor vehicle at any location other than a commercial car wash, car dealership, detail shop or automotive shop unless the hose is equipped with a positive shut off nozzle. Such nozzle shall stop the flow of water through the hose when released by the operator.

(C) Install new irrigation systems unless they are designed so as to be water conserving. A site plan and construction documents of such systems shall be made available to the City Building Officials for permit approval. All irrigation systems will require a backflow prevention device at delivery point to the system.

(Ord. 621, passed 7-16-01)

RATES; BILLING

§ 53.20 RATES; BILLING.

(A) The water rates to be charged and collected per month by the city from all customers within the city limits obtaining service from the waterworks system of the city, shall be and are hereby fixed as follows:

<u>Gallons</u>	<u>Monthly Rate</u>
Minimum first 2,000	\$26.50
Senior citizens (65 and over),	
Minimum first 2,000	\$25.50
2,001 - 10,000	\$6.61 per 1,000 gallons
10,001 - 15,000	\$7.57 per 1,000 gallons
15,001 - 20,000	\$8.00 per 1,000 gallons
20,001+	\$9.00 per 1,000 gallons

(B) All customers outside the city limits obtaining service from the waterworks system of the city shall pay double the above fixed rates.

(Ord. 352, passed 3-20-78; Am. Ord. 406, passed 9-19-83; Am. Ord. 423, passed 10-21-85; Am. Ord. 439, passed 5-18-87; Am. Ord. 510, passed 8-16-93; Am. Ord. 618, passed 6-18-01; Am. Ord. 701, passed 8-15-05; Am. Ord. 724, passed 9-18-06; Am. Ord. 765, passed 8-17-09; Am. Ord. 814, passed 9-19-11; Am. Ord. 835, passed 7-15-13; Am. Ord. 847, passed 11-18-13; Am. Ord. 853, passed 3-17-14; Am. Ord. 856, passed 6-16-14; Am. Ord. 862, passed 9-15-14; Am. Ord. 880, passed 6-5-15; Am. Ord. 883, passed 8-17-15; Am. Ord. 895, passed 2-15-16; Am. Ord. 906, passed 9-19-16)

§ 53.21 DISCONNECTION OF SERVICE.

The City Manager and the officers and employees of the Water Department are authorized, and it shall be their duty, after the tenth day of any month, to cut off the city water from any house where the water and sewer charges have not been paid for the preceding month. The water meter deposit made for such house shall stand good for all water and sewer charges due by the owner or occupant of the house and those charges shall be deducted from the deposit when a refund is made.

(Ord. 158, passed 2-1-26)

§ 53.22 WATER SECURITY DEPOSITS.

(A) The rates for residential and commercial water security deposits set by the Board of Commissioners shall be as follows:

<u>SERVICE</u>	<u>RATES</u>
Residential customers	\$75
Commercial customers (Under 10,000 gallons)	\$75
Commercial customers (Over 10,000 gallons)	\$100

(B) A security water deposit shall be required by each residential and commercial customer. Such deposit will be refunded in full when the customer's final bill is paid or will be applied to the balance owed after services have been terminated.

(C) Any person leaving the city with a bad debt and later returning and wanting services restored, shall be required to pay all outstanding debts and put up a new security deposit before services are restored to such party.

(Ord. 519, passed 11-15-93; Am. Ord. 539, passed 11-20-95; Am. Ord. 738, passed 9-12-07)

§ 53.23 TRANSFER FEE.

A service charge of \$15 will be added to a customer's bill each time the customer moves to a different service address.

(Ord. 519, passed 11-15-93; Am. Ord. 539, passed 11-20-95)

§ 53.24 RECONNECT FEE.

A reconnect charge of \$25 plus full amount of delinquent water, sewer and sanitation will be paid before services will be reinstated.

(Ord. 519, passed 11-15-93; Am. Ord. 539, passed 11-20-95)

§ 53.25 RETURNED CHECK FEE.

A service charge of \$15 will be made for every insufficient check.

(Ord. 519, passed 11-15-93; Am. Ord. 539, passed 11-20-95)

§ 53.26 REMINDER NOTICES.

Reminder notices will be mailed out on or about the 20th of each month.

(Ord. 539, passed 11-20-95)

§ 53.27 CUTOFFS.

Cutoff of water service (for non-payment of water, sewer and sanitation charges) will occur on or after the 25th of each month.

(Ord. 539, passed 11-20-95)

§ 53.28 LATE CHARGE FEE.

A late charge fee of 10% of the total amount of the bill will be added to a customer's water bill if paid after the due date posted on the bill.

(Ord. 571, passed 8-16-99; Am. Ord. 883, passed 8-17-15; Am. Ord. 895, passed 2-15-16; Am. Ord. 906, passed 9-19-16)

§ 53.29 AUTOMATIC METER RATES.

The prices for the new automatic meter reading water meters are as follows:

<u>Size</u>	<u>Cost</u>
3/4-inch (meter box/meter only)	\$200
3/4-inch (full service connect)	\$300
1-inch	\$400
1-1/2 inch	\$700
2-inch	\$1,000

(Ord. 670, passed 3-16-04)

§ 53.30 WATER VENDING MACHINE.

(A) For residential customers obtaining water from the water vending machine who are not residents of the city, the rate shall be \$6.15 per thousand gallons of water, plus a service fee of \$25 per month, and a \$75 deposit. Persons who are not residents of the city may not purchase more than 10,000 gallons of water from the water vending machine per calendar month per residence.

(B) Persons purchasing water from the water vending machine may only use said water in accordance with drought management provisions applicable to water service from the city.
 (Ord. 844, passed 9-23-13; Am. Ord. 855, passed 5-19-14)

WATER WELLS

§ 53.40 GENERAL PROVISIONS.

It shall be unlawful for any person, firm or corporation to drill or operate any water well within the corporate limits of the city without first obtaining a permit therefore from the city, and without complying with the terms and provisions of this subchapter.
 (Ord. 612, passed 2-19-01) Penalty, see § 53.99

§ 53.41 APPLICATION FOR DRILLING AND OPERATION OF WELLS.

Application for the drilling and/or operation of a water well shall conform to the following requirements and give the following information:

(A) It shall be in writing and signed by the owner of the premises where the well is located.

(B) It shall give the street address and legal description of the property where the well is located or to be located.

(C) It shall be accompanied by detailed drawings and specifications showing the exact location of the well on the premises, the depth and diameter of the well hole, type and size of the casing and pumping facilities to be used, maximum capacity per minute of the pumping facilities, and location of all piping and outlets on the premises to be served by the well.

(D) It shall be accompanied by a fee of \$25 to defray the city's cost in investigating the application and issuing the permit. This fee will not be refundable whether the permit is granted or denied. (Ord. 612, passed 2-19-01) Penalty, see § 53.99

§ 53.42 REGULATIONS.

All water wells for non-municipal use in the city shall be drilled and operated in conformity with the following regulations:

(A) The well hole shall not have a maximum depth in excess of 200 feet from the ground surface.

(B) The well borehole shall not have a maximum diameter in excess of six inches.

(C) No windmill shall be erected or used as a means of pumping water from the well.

(D) The well shall be located only in the backyard of the premises, and no well shall be permissible in the front or side yards of any premises within the city.

(E) The pumping device used to raise water from the well shall not have a maximum height of more than seven feet above ground level, and shall not have a maximum pumping capacity in excess of 30 gallons per minute.

(F) The well opening, pumping facilities and storage tanks shall be housed in a manner to comply with all applicable city codes.

(G) The pumping and electrical connections to the well shall be in conformity with all requirements of the city Building Codes.

(H) The well, pumping facilities and water systems connected

thereto shall be subject to inspection by the city.
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(I) No such well shall ever be connected to the city Municipal Water System.

(J) Water from such well shall be used only for non-domestic purposes. Non-domestic purposes, as used in this subchapter, shall mean for purposes other than for non-human consumption and/or connection to plumbing facilities used within residential and public buildings of all kinds for preparation of food for human consumption and/or washing of utensils used in cooking or serving food for human consumption and clothing for human wear and/or disposal of waste into the city Municipal Sewer System.

(K) Water from such well shall be used only for non-domestic uses of the owner of the premises where the well is located, and no water from such well shall be given away or sold to other persons, firms or corporations.

(L) If the city, after investigation, determines that water from such well is being discharged in any manner, by drainage or seepage or otherwise, into the city Municipal Water System, an additional sewer charge will be made to such premises to reasonably compensate the city for handling such discharge.

(M) Such well shall be drilled and operated in conformity with all municipal, county and state health and safety laws, rules and regulations, which compliance shall be the responsibility of the owner or owners of the premises where the well is located.

(N) Water faucets connected with such well, whether located at the wellhead or otherwise, shall be enclosed and locked when not in use, so as to prevent access thereby by children or any person who is not authorized by the owner to use water from the well in conformity with this subchapter.

(O) During any time of rationing of water usage from the city Municipal Water System, the premises where any such well is located shall have a legible sign placed in the front yard of the premises to inform both the public and municipal officials that a private well is in operation on said premises.

(Ord. 612, passed 2-19-01) Penalty, see § 53.99

§ 53.43 PERMITS.

(A) Applications for permits under this subchapter shall be made to the city Community Planning Department, and in addition to other information herein required, shall state in detail the specific use intended to be made of water from the well for which the permit is requested. If the application is found to be in order and in compliance with all of the regulations contained in this subchapter, as well as state, county and other municipal laws, rules and regulations, then the permit will be issued; otherwise it will be denied. Denial of a permit may be appealed to the city Board of Commissioners. by giving notice in writing to the City Secretary of intent to appeal within 15 days after notice of such denial.

(B) Any permit issued under this subchapter shall be for the sole benefit of the owner or owners, and their tenants, of the property where located. In the event of a subsequent change of ownership of the subject property, then the new owners must submit a new application to the city for a permit for continued use of the existing well.

(Ord. 612, passed 2-19-01) Penalty, see § 53.99

§ 53.44 INSPECTION OF WELL PREMISES.

Premises where any private well, as contemplated by this subchapter, is located, shall be subject to inspection at any time, without notice, by municipal officials, to determine whether it is being drilled and/or operated in conformity with the provisions of the subchapter, and whether water from such well is being discharged into the city Municipal Sewer System or connected in any way to the city Municipal Water System.

(Ord. 612, passed 2-19-01) Penalty, see § 53.99

§ 53.45 EXEMPTIONS.

Wells for non-municipal use within the city in existence at the effective date of this subchapter shall be exempt from the limitations set forth in the subchapter with respect to depth and diameter of the well hole, size and type of pumping facilities and location on the premises, if they are not then in conformity with such regulations. The exemptions shall continue only during the continuing life and uses of the well, however, and shall terminate upon the abandonment of the well. Existing wells, however, shall be subject to all other regulations of this subchapter relating to their continued operation, including the requirement of a permit for such continued operation; provided, however, the owner or owners of the premises where such existing wells are located shall have a period of three months in which to obtain a permit. No permit fee will be charged for the initial permit for continued operation of an existing well.

(Ord. 612, passed 2-19-01) Penalty, see § 53.99

§ 53.46 ABANDONMENT OF WELLS.

Upon abandonment of any non-municipal well in the city, the owner or owners of the premises where such well is located shall disconnect all plumbing lines and connections from said well and shall plug the hole, with cement or other means, sufficient to prevent any person from stepping into or falling in the well hole or raising water from the abandoned well.

(Ord. 612, passed 2-19-01) Penalty, see § 53.99

§ 53.47 VARIANCES.

If water from the city Municipal Water System is not available to particular premises within the city, or for any other reason of an emergency or hardship nature under particular circumstances deemed adequate after hearing, any provisions of this subchapter should equitably be waived, then the Board of Commissioners may grant variances from the particular provisions of the subchapter as to particular premises, either temporary or permanent, in order to alleviate such hardship, emergency or inequity. Application for such variance shall be made in writing, and unless made a part of an original application hereunder, shall be accompanied by the same fee as for drilling or operation of a well. The Board of Commissioners may, at its election, refer such application to the city staff for study and recommendation.

(Ord. 612, passed 2-19-01) Penalty, see § 53.99

OUT OF CITY WATER SALES

§ 53.50 WHERE AND TO WHOM OUT OF CITY WATER SALES CAN BE MADE.

(A) Sale and distribution of potable water by the city may be made outside of the city limits of the city to any qualified non-city user in accordance with these rules and regulations.

(B) A "QUALIFIED NON-CITY USER" shall mean:

(1) Any person or firm presently purchasing water from the city or that desires to purchase water from the city; and

(2) That is located outside of the territorial limits of the city but within the city's extraterritorial jurisdiction, as such territorial jurisdiction presently exists or as it may be expanded by operation of law or amendment of the statute relating to the extraterritorial jurisdiction of municipalities; and

(3) That installs and maintains an approved water line, which taps onto an approved water main (as those terms are defined in these rules), and a city water meter.

(Ord. 652, passed 1-20-03)

§ 53.51 WATER RATES AND CHARGES.

(A) Water rates. A qualified non-city user shall pay the city for the water metered through the user's water meter. The amount to be paid by a qualified non-city user shall be calculated at a rate that is twice the rate that would be paid by the user if the user were located

within the city limits. A qualified non-city user shall be responsible for their own line (types and size of which are to be approved by the city as provided in these regulations) and any loss or usage will be paid by such user (no leak adjustments will be made).

(B) Tap fees. Any qualified non-city user desiring to tap onto a water main shall pay the same fee schedule set out in § 53.29. (See below.) In addition, taps requiring a road crossing will be charged an additional \$150 (long service connections).

<u>Size</u>	<u>Cost</u>
3/4" (meter box/meter only)	\$200
3/4" (full service connect)	\$300
1"	\$400
1-1/2"	\$700
2"	\$1,000

(C) Security deposit and contract. A qualified non-city user shall pay the current security deposit for residential and/or commercial accounts (for users located within the city limits) and execute a water sales contract provided by the city's Utility Billing Department at City Hall prior to water service being connected.

(D) Billing. All charges and fees required to be paid by a qualified non-city user shall be billed and collected in the same manner as charges and fees relating to water sales and usage are billed to and collected from users located within the city limits.

(E) Water main preliminary plan inspection fee. Any person desiring to construct and dedicate an approved water main, in accordance with these rules and regulations, shall, at the time preliminary plans are submitted to the city, pay a processing fee of \$150 to defray the city's cost of consultation and inspection with respect to such main.

(F) Findings. The city finds that the foregoing rates and charges are fair and reasonable, represent a fair return on the investment of the city in the assets it uses to acquire, treat and distribute potable water taking into account the burden placed on the city's overall water system in supplying such out of city users and the absence of offsetting revenues from qualified non-city users (such as ad valorem tax revenue).

(Ord. 652, passed 1-20-03; Am. Ord. 664, passed 10-27-03; Am. Ord. 672, passed 4-19-04)

§ 53.52 APPROVAL OF DISTRIBUTION SYSTEM.

(A) Review of plans for water mains. A developer or any other person that desires to become a qualified non-city user or to provide water service for persons who desire to become qualified non-city users shall submit plans for a water main to the City Manager or his/her designee. Such plans must provide sufficient detail to demonstrate that the proposed water main will:

(1) Meet all applicable standards for its construction and operation, including, without limitation, those standards specified by the building codes, plumbing codes and other applicable construction codes adopted by the city and governing subdivisions and construction within the city limits;

(2) Comply with all federal and state laws, rules and regulations pertaining to the construction and distribution of potable water;

(3) Be adequate to provide for the needs of persons who will be eligible to tap onto the main both at the time it is constructed and at the time the area in which the main is located is fully developed;

(4) Operate properly with the city's existing water distribution system, will not place any undue strain on the city's existing water distribution system and will be tied into the city's existing water distribution system in a manner which will insure the safe and proper operation of the new main and the city's existing water distribution system;

(5) Be located within the bounds of a perpetual easement or real estate owned in fee by the developer or person constructing the water main; which easement or real estate must be wide enough to encompass the water main and provide access for maintenance and repair of the main and otherwise acceptable to the city and which will be conveyed to the city in accordance with these regulations;

(6) Include a copy of a title policy, lawyer's title opinion or other information acceptable to the city indicating ownership of the property on which the water main will be located and a copy of the proposed easement or conveyance of such property and the water main to the city; and

(7) Specify the estimated cost of the construction of the proposed water main for purposes of determining the capital recovery fee described below.

(B) The City Manager or his/her designee shall have discretion to approve or disapprove of any aspect of the plans required by these regulations and to determine the sufficiency of information submitted by a developer.

(C) Dedication of qualified water main to city. The city shall not be responsible for any of the cost of constructing a qualified water main. The developer or person proposing to construct a qualified water main must agree to dedicate or convey the qualified water main and the easement or real property described above to the city.

(D) Final inspection of water mains. Upon completion of the construction of a proposed water main the City Manager or his/her designee shall inspect the water main to determine its compliance with the plans previously approved by the city. A water main, which complies with the approved plans, shall be designated as a "qualified water main." Prior to the final approval a conveyance or easement of the water main to the city shall be executed in recordable form and delivered to the City Manager or his/her designee.

(E) Qualified water lines. A person who desires to become a qualified non-city user and tap onto a qualified water main shall make application with the City Manager or his/her designee for a tap. The person shall submit such information as may be necessary to demonstrate that the tap and the water line serving such person's property will:

(1) Meet all applicable standards for its construction and operation, including, without limitation, those standards specified by the building codes, plumbing codes and other applicable construction codes adopted by the city and governing subdivisions and construction within the city limits;

(2) Comply with all federal and state laws, rules and regulations pertaining to the construction and distribution of water;

(3) Operate properly with the city's existing water distribution system, will not place any undue strain on the city's existing water distribution system and will be tied into the city's existing water distribution system in a manner which will ensure the safe and proper operation of the new main and the city's existing water distribution system; and

(4) Not be used for any purpose prohibited by these regulations.

(F) A person desiring to become a qualified non-city user and tap onto a qualified water main shall submit such information as the City Manager or his/her designee deems reasonably necessary to determine compliance of the proposed water line with these regulations and, if the water line is to serve any structure other than a residence, to determine the volume of usage.

(Ord. 652, passed 1-20-03)

§ 53.53 USAGE RULES.

(A) High volume usage. Water will not be sold or distributed to any person or firm outside of the city limits for any high volume use such as livestock watering or industrial or manufacturing uses unless the City Manager or his/her designee gives a specific waiver of this requirement. The City Manager or his/her designee may develop rules or criteria to determine what is a high volume use.

(B) Restrictions on usage. All qualified non-city users shall be subject to the same restrictions and regulations which are applicable to users within the city limits including, without limitation, any rationing or curtailment plans implemented by the city.
(Ord. 652, passed 1-20-03)

§ 53.54 AMENDMENT OF REGULATIONS; NO VESTED RIGHTS.

The above rules and regulations may be amended or repealed by subsequent action of the Board of Commissioners. No person shall have any vested right to water service or the continuation of water service under these regulations. These regulations shall not be construed as imposing any duty on the city to provide water service or to continue providing water service to any person located outside of the city limits. These regulations are simply designed to provide the conditions under which the city will provide water service to persons outside of the city limits in those circumstances in which the city, in its sole and absolute discretion, determines it will provide such service.
(Ord. 652, passed 1-20-03)

WATER CONSERVATION PLAN

§ 53.60 ADOPTION OF PLAN.

The City of Burkburnett, Texas Water Conservation Plan attached to Ordinance 909 as Exhibit A and made part hereof for all purposes be, and the same is hereby adopted as the official policy of the city.
(Ord. 761, passed 5-18-09; Am. Ord. 832, passed 3-18-13; Am. Ord. 834, passed 5-20-13; Am. Ord. 848, passed 11-18-13; Am. Ord. 854, passed 5-19-14; Am. Ord. 864, passed 5-19-14; Am. Ord. 909, passed 12-19-16)

§ 53.99 PENALTY.

(A) Any person, firm, corporation, or association who shall violate any of the provisions of § 53.02 or suffer or allow the same to be violated, shall upon conviction therefor be subject to a fine of not more than \$200.
(Ord. 218, passed 6-15-53)

(B) Any person, firm, or corporation who violates any of the provisions of § 53.03 shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum of not less than \$5 and not more than \$200 for each offense. Each day's continuance of a failure to comply therewith shall constitute a separate and distinct offense for each of those days.

(Ord. 310, passed 8-3-71)

(C) Any person violating any of the provisions of §§ 53.40 through 53.47 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed \$200. Each day that a violation of §§ 53.40 through 53.47 occurs by continued drilling or operation of a well in violation of the provisions of §§ 53.40 through 53.47 shall be deemed to constitute a distinct and separate offense.

(Ord. 612, passed 2-19-01)

Section

54.01	Definitions
54.02	Established
54.03	Adoption of system
54.04	Schedule of charges
54.05	Exemptions
54.06	Billing, deposits and expenditures
54.07	Appeals

§ 54.01 DEFINITIONS.

(A) For the purpose of this chapter the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

"BENEFITED PROPERTY." A lot or tract to which drainage service is made available or which receives water or wastewater or sanitation service from the city.

"COST OF SERVICE." As defined by law, includes the following:

(a) The prorated cost of land, easements and rights-of-way related to drainage improvements;

(b) The cost of acquisition, construction, repair and maintenance of structures, equipment and facilities used in draining the benefited properties;

(c) The cost of architectural, engineering, legal, and related services, plans and specifications, studies, surveys, estimates of cost and of revenue, and all other expenses necessary or incident to planning, providing, or determining the feasibility and practicality of structures, equipment, and facilities used in draining the benefited properties;

(d) The cost of all machinery, equipment, furniture, and facilities necessary or incident to the provision and operation of draining the benefited properties;

(e) The cost of funding, debt service, financing charges, and interest arising from construction projects and the start-up of a drainage facility used in draining the benefited properties; and

(f) The administrative costs of a drainage utility system.

"DRAINAGE CHARGE."

(a) The levy imposed to recover the cost of service of the city in furnishing drainage for any benefited property; and

(b) An amount made in contribution to funding of future drainage system construction by the city.

"DRAINAGE SYSTEM." The drainage owned or controlled in whole or in part by the city and dedicated to the service of benefited property, including provisions for additions to the system.

"SERVICE AREA." The municipal boundaries of the city.

(B) Specific terms used in this chapter or in the administration of this chapter not otherwise defined shall have the respective meanings assigned to them in §552.044 TEX. LOC. GOVT. CODE, as amended. (Ord. 735, passed 9-17-07; Am. Ord. 822, passed 9-17-12)

§ 54.02 ESTABLISHED.

The city does hereby declare under the state constitution and §§ 552.041 through 552.054 TEX. LOC. GOVT. CODE (the "Municipal Drainage Utility Systems Act") as such act is adopted and amended, from time to time, that the drainage system of the city shall be a public utility. Pursuant to the provisions of TEX. LOC. GOVT. CODE § 552.046, the city incorporates its existing drainage facilities, materials, and supplies into the system.

(Ord. 735, passed 9-17-07; Am. Ord. 822, passed 9-17-12)

§ 54.03 ADOPTION OF SYSTEM.

(A) The Board of Commissioners of the city finds that the city shall establish a schedule of charges against all eligible real property in the proposed service area.

(B) The Board of Commissioners of the city finds that the city will provide drainage for all eligible real property in the service area subject to charges under Chapter 552 of the TEX. LOC. GOVT. CODE upon payment of drainage charges, unless exempted in this chapter.

(C) The Board of Commissioners of the city finds that the city will offer drainage service on nondiscriminatory, reasonable and equitable terms.

(Ord. 735, passed 9-17-07; Am. Ord. 822, passed 9-17-12)

§ 54.04 SCHEDULE OF CHARGES.

(A) The schedule of charges under this chapter is based on studies, staff review, and the projects and work program approved by

the Board of Commissioners. Future revisions will be made only after a separate hearing has been held with notices properly published.

(B) The schedule of charges is based on a methodology that is nondiscriminatory, reasonable, and equitable. The properties are established as a class unless individual calculation is believed to be necessary. The source of the impervious area data is the city and the stormwater runoff factors are based on engineering quantifications. The fee for all properties is computed using the same formula, which places all properties on the basis of a single-family living unit equivalent (SFLUE).

(1) A SFLUE is defined as the impervious area of an average residential lot which is 3,500 square feet.

(2) The minimum monthly drainage utility system fee for a nonresidential piece of property is \$1.50. An additional \$1.50 fee will be charged for each additional SFLUE. Each SFLUE is treated as a whole. If a nonresidential piece of property has impervious cover greater than 3,500 square feet but less than 7,000 square feet, the fee will be \$3.00 per month.

(3) Applied to a nonresidential piece of property with an impervious area of 31,600 square feet, the drainage utility system fee would be \$15.00, computed as follows:

31,600 square feet impervious;

31,600 square feet of impervious area divided by 3,500 square feet of impervious area per SFLUE;

= 10 SFLUEs times \$1.50 per SFLUE;

= \$15.00 per month.

(4) The fee schedule is applied with the following results:

(a) For single-family residential, condominiums and townhome classifications: \$1.50 per month per utility customer.

(b) For nonresidential: The fee will be based on the impervious land area of the property as determined by the city if the water service is provided through master meters. In the case of multiple master meters, the sum of the drainage charges for the entire property may be placed on the same utility bill.

(C) All-weather surfaces: The drainage utility service fee for any portion of a lot which consists of an all-weather surface shall be computed at one-half of the rate that would be applicable to an impervious surface area. For purposes of this section an "ALL-WEATHER SURFACE" shall mean a surface used for pedestrian or vehicle traffic or vehicle or equipment storage or parking which is not paved with concrete, asphalt or other paving material determined by the city to be impervious.

(Ord. 735, passed 9-17-07; Am. Ord. 822, passed 9-17-12; Am. Ord. 918, passed 6-30-17)

§ 54.05 EXEMPTIONS.

The following categories of utility customers shall be exempt from this chapter and the charges hereby imposed:

(A) A lot or tract which is owned by one or more of the following governmental entities: the State of Texas, Wichita County or the Burkburnett Independent School District.

(B) Property which is required to be exempted from this chapter pursuant to § 552.053(c) TEX. LOC. GOVT. CODE, as amended.
(Ord. 735, passed 9-17-07; Am. Ord. 822, passed 9-17-12)

§ 54.06 BILLING, DEPOSITS AND EXPENDITURES.

(A) The city will bill for drainage services on the monthly utility bill along with water, sewer and solid waste services.

(B) There will be no separate deposit required by utility customers.

(C) In the case of a delinquent payment of the monthly utility bill, which includes the drainage charge, the city is authorized by § 552.050 TEX. LOC. GOVT. CODE and by this chapter to discontinue service of all city utilities for nonpayment, even if the amount in dispute is the drainage charge component of the monthly utility bill.

(D) The city shall identify and separate all drainage utility income.

(E) The monies received from utility drainage charges shall be used only for purposes that are directly or indirectly related to the utility drainage system, as provided by law, including those costs of service defined in § 54.01 above.

(Ord. 735, passed 9-17-07; Am. Ord. 822, passed 9-17-12)

§ 54.07 APPEALS.

(A) Disputes regarding the administration of drainage system shall be determined, in the first instance, by the city's Public Works Director. Any person disputing the decision of the Public Works Director may appeal the decision of the Public Works Director to the City Manager by compliance with the following procedures:

(1) The disputing party must deliver a written notice of appeal to the City Manager and the Public Works Director within ten days of the date of the decision by the Public Works Director. The notice must specify the decision appealed from and the reason the disputing party believes the decision is incorrect. The city may develop forms for use in such appeals and, if such forms have been developed, then the disputing party must use those forms in prosecuting their appeal.

(2) The City Manager shall sustain the decision of the Public Works Director if there is substantial evidence to support the decision. The City Manager may reverse or modify the decision of the Public Works Director if the City Manager determines:

(a) That the decision of the Public Works Director does not comply with this chapter or the Municipal Drainage Utility Systems Act, as amended; or

(b) That an error was made with regard to the category of land development, the area of imperviousness of the land development or the size of the developed property; or

(c) That the property is unimproved and therefore not subject to the stormwater drainage utility system fee.

(B) The City Manager shall render a written decision on such appeals within 30 days after receiving a written notice of appeal from the land owner. All such decisions by the City Manager shall be final. (Ord. 735, passed 9-17-07; Am. Ord. 822, passed 9-17-12)

