

CITY OF BALCH SPRINGS, TEXAS

CITY/CITY CODE CONSOLIDATION ORDINANCE FOR UTILITIES

ORDINANCE NO. 3083-13

AN ORDINANCE OF THE CITY OF BALCH SPRINGS, TEXAS, CONSOLIDATING CERTAIN UTILITY PROVISIONS OF DALLAS COUNTY WATER CONTROL AND IMPROVEMENT CITY NO. 6 CODE INTO THE CITY OF BALCH SPRINGS CODE OF ORDINANCES; AMENDING CHAPTER 82 OF THE CITY'S CODE OF ORDINANCE, ENTITLED "UTILITIES" IN ITS ENTIRETY; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, Senate Bill 1635 was enacted by the 83rd Legislature of the State of Texas, thereby authorizing the consolidation of Dallas County Water Control and Improvement City No. 6 ("the City") and the City of Balch Springs ("the City"); and

WHEREAS, the process of consolidating the City and City includes the elimination of redundant and unnecessary provisions of the City's code of ordinances and incorporating provisions necessary for the continued governance and operation of the City into the City's code of ordinances; and

WHEREAS, those provisions of the City's Code dealing with water and wastewater service, industrial waste, prohibited inter-connections, fire hydrants, and related ordinances and regulations should be incorporated into Chapter 82 of the City of Balch Springs Code of Ordinances, entitled "Utilities;" and

WHEREAS, the City Council has reviewed both sets of ordinances, consulted with the City Attorney with regard thereto, and has found that the incorporation of the following provisions of the City's code into the City's code are necessary for the health, safety, and well-being of the City of Balch Springs and its residents;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BALCH SPRINGS, TEXAS, that:

SECTION 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. The sections of the City's Code of Ordinances Code dealing with water and wastewater service, industrial waste, prohibited inter-connections, and related utility ordinances and regulations are hereby adopted, recodified, and incorporated into Chapter 82 of the City of Balch Springs Code of Ordinances, together with the existing provisions of Chapter 82, so that the chapter is hereby amended to read in its entirety as follows:

CHAPTER 82- UTILITIES

ARTICLE I. GENERALLY

DIVISION 1. In General

Sec. 82-1 Definitions

As used in this chapter, the following words or terms shall have the following meaning:

Aesthetic Water Use. Water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Apartment(s). Residential dwelling structure(s) containing multiple dwelling of three (3) or more units which units are, or are available to be leased or rented and are not available for purchase on an individual basis.

Backflow Assembly. The assembly installed between the customer's service line and the City's meter.

Building Plumbing. Plumbing located entirely on private property and usually within or under the building itself.

City. The City of Balch Springs, Texas, or any duly authorized representative acting in its behalf.

City's Engineer. The person, firm or corporation that the City has engaged to provide engineering services for the City.

City Manager. The City Manager of the City of Balch Springs or his or her designee.

City's Operator. The person(s), firm, corporation, municipal corporation or political subdivision, if any, with which the City has contracted or hired for operation and maintenance of the City's system. In the absence of such a contract or hire, the term shall be interpreted to mean the City's Public Works Department or other designee delegated to perform the functions of the City's Operator.

Cleanout. The appurtenance, used to detect or remotely remove stoppage, placed in the customer sewer lateral at the customer's property line to the easement or right-of-way.

Commercial. Whether referring to connections or City water and sewer service, shall mean and include any office building, hotel, retail store, clubhouse, warehouse, service station, or other establishment rendering a service or offering a product for sale to the public, including apartments unless specifically excluded herein, and any establishment not generally considered a single-family residence.

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

Commercial Waste. Liquid-carried sanitary sewage discharged from commercial connections (excluding apartments) which is properly shredded and amenable to biological treatment and which may contain trace amounts of sand, grit, lubricants and other petroleum products commonly associated with commercial establishments such as service stations and carwash facilities.

Connection. A single-family residential unit or each commercial or industrial establishment to which drinking water is supplied from the system. As an example, the number of service connections in an apartment complex, hotel, or motel would be equal to the number of individual apartments or other rental units, and fire line, swimming pool, laundry, landscape, and other connections; and the number of service connections for a commercial or industrial establishment would be equal to the number of rental leaseholds, fire line, landscape, or other connections.

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

Customer. The person, firm or corporation who requests and/or receives City services for a residential, commercial or other structure within the area of the City, whether the owner, renter or lessee thereof or the consumer of water and/or sanitary sewer services within such structure.

Delinquent Service Bill. A service bill which has not been paid within twenty-five (25) days after the billing date.

Director of Utilities. The Director of Utilities of the City of Balch Spring or his or her designee

Disabled Persons Discount Rate. Shall apply to those persons unable to do substantial gainful work as a result of medical evidence or other sources having a service bill in their name, for a single-family residential structure, and who have made application and received approval from the City for such discount rates. Rejection of application may be appealed to the City Council.

Domestic Waste. Liquid-carried sanitary sewage discharged from residential connections (including apartments) which is properly shredded and amenable to biological treatment, which is normally discharged from residential food preparation and bathroom facilities, and which has biological oxygen demand (5-day) and total suspended solids concentrations not exceeding one hundred eighty (180) milligrams per liter.

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

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

Field Collection Service. A service provided by the City, where a City employee may collect payment for a service bill due prior to disconnection.

Good Payment History. A City utility customer who:

- (1) Has not had service discontinued for nonpayment;
- (2) Issued a check returned by a bank for any reason;
- (3) Received an extension of payment for any service; or
- (4) Received benefit of paying out a service bill in installments within a two-year period of time.

The City Manager is given discretionary power of evaluating circumstances regarding a customer's payment history. Events such as, but not limited to, severe illness and family tragedy can have drastic impacts upon customer payment histories. The City Manager may assess each individual case, upon written appeal, and determine if the customer should be granted a "good payment history."

Industrial Waste. Waste resulting from any process of industry, manufacturing, trade or business, from the development of any natural resource, or any mixture of the waste with water or normal wastewater or distinct from normal wastewater.

Landscape Irrigation Use. Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Main Line. Line receiving flow from the service lines. Usually is six inches (6") in diameter or larger and located entirely on public right-of-way or easement.

Meter. The device installed on the customer service connection to measure the amount of water used by the customer.

Natural outlet. An outlet into a watercourse, ditch, stream, creek or other body of surface water or groundwater.

Nonessential Water Use. Water uses that are neither essential nor required for the protection of public, health, safety, and welfare, including:

- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this plan;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;

- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (8) Failure to repair a uncontrollable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (9) Use of water fire hydrants for construction purposes or any other purposes other than firefighting.

Odd-Numbered Address. Street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Ownership. A sole proprietor or partnership of a business where the applicant homeowner has fifty percent (50%) or greater share in the business. Proof of ownership of a residence shall be a deed, title or bona fide bill of sale. Corporations shall not be granted exceptions regardless of residency.

Past Due Service Bill. A bill for water and/or sewer service which has not been paid within fifteen (15) days after the billing date.

Polluted water. Any water, liquid or gaseous wastes consisting of or containing any of the following:

- (1) Soluble or insoluble substances of organic or inorganic nature;
- (2) Settleable solids that may form sludge deposits;
- (3) Grease and oils;
- (4) Floating solids that may cause an unsightly appearance or color;
- (5) Substances that would impart any taste or odor to the receiving stream: or
- (6) Toxic or poisonous substances.

Pro-Rata Fees. A predetermined fee based on the acreage or a flat fee per connection footage of property which is adjacent and affronts an existing water or sewer service main.

Re-Read Meter Service Fee. The [fee] assessed for a re-read of a service meter of three (3) or more requests made by the same customer and location during the fiscal year of the City.

Residential. Whether referring to initial connections or water and sanitary sewer service, shall mean and include any single-family residence, townhouse or multiplex (other than apartments , except as noted herein) when such is separately metered.

Sanitary sewer. A public sewer that conveys domestic wastewater or industrial wastes or a combination thereof to, or as a part of, the sanitary sewer system and into which stormwater, surface water, groundwater and other unpolluted wastes are not intentionally passed.

Sanitary sewer system. The public system through which sewage is lawfully discharged and conveyed for treatment and/or disposal.

Senior Citizens Discount Rate. Shall apply to those persons sixty-five (65) years old and older having a service bill in their name, for a single-family residential structure, and who has made application and received approval from the City for such discount rates. Rejection of application may be appealed to the City Council.

Service Connection. The connection of a residential or commercial customer's line directly or indirectly to the City's water distribution mains for the purposes of obtaining water or to the City's sewer collection mains for the purposes of disposing of waste sewage.

Service Line. Line carrying flow from a residence or business to the main line. This line is normally four inches (4") in diameter or larger and is more or less perpendicular to the main line. It is located both on public and private property but is primarily the responsibility of the property owner to maintain a clear line to its connection to the main line. Sewage entering the service line has its source in the property served, although there may be more than one tenant on an individual service line (i.e. duplexes, apartments, shopping centers, business office complexes, etc.).

Separate Connections. Each residential or commercial unit for which City services have been requested or provided, whether occupied or not, including separate apartments within a single building, and separate commercial establishments within a single building.

Service Bill. A monthly cycle bill for water and/or sewer service based on metered water which shall be due upon billing date.

Sewage means the waterborne wastes normally discharged from the sanitary conveniences of private, public or commercial dwellings, office buildings, industrial establishments and institutions, and includes a combination of waterborne wastes from residences, business buildings, institutions, commercial and industrial establishments, together with such groundwater, surface water and stormwater as may be present.

Small Business Operations. A commercial connection where the connection is 3/4 inch or smaller.

Standby Charge. The charge assessed, to the property owner, for a service location where water and sanitary sewer service lines exist but is inactive.

Storm drain system and storm sewer mean a public sewer which carries stormwater, surface water and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

Subdivision Meter. The device that includes Data Matic Fire Fly automatic meter reading device installed on the customer service connection in a subdivision to measure the amount of water used by the customer.

System. The water and/or sanitary sewer facilities of the City and all extensions and additions thereto, whether now in place or hereafter constructed.

TCEQ. The Texas Commission on Environmental Quality or its successor.

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

Water Utilities Permit. A permit issued by the City operator to commence installation of water and sewer service taps and lines or installation of water or sewer mains.

Sec. 82-2 Violations; penalties.

(a) Any person, firm, entity, or corporation violating this Chapter shall be adjudged guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$100.00 nor more than \$2,000.00.

(b) The City Manager or his designee may enforce the provisions of this division by filing suit in any court of proper jurisdiction seeking injunctive relief to restrain violations of this division or seeking civil penalties not to exceed \$1,000.00 for each discharge in violation of the terms of this division, or seeking both such injunctive relief and civil penalties.

(c) The prohibitions contained in this division and the penalties imposed in this section for violations of the provisions of this division are cumulative of any and all other laws, regulations, prohibitions and sanctions imposed by ordinance or state or federal law, and the penalties imposed in this section may be enforced in addition to, and not in lieu of, any such other prohibitions and sanctions.

Sec. 82-3 No Entitlement of Services

Customers are not guaranteed a specific quantity or pressure of water or specific capacity in sewer facilities for any purpose whatsoever; in no instance shall the City be liable for failure or refusal to furnish water or any particular amount or pressure of water or to provide capacity in sewer facilities.

Sec. 82-4 Name Changes on Service Bills

Deceased customers' service can be changed over into a spouse's name without the City Manager's review by presenting a death certificate of the deceased spouse. A divorced couple's service may be changed over to the name of the spouse who wishes to continue

receiving services if the spouse who will no longer receive services signs a notarized letter saying that the City may do so.

Sec. 82-5 Adjustments on Bills

(a) If a customer's water bill has increased by three hundred percent (300%) or more, the City Manager shall conduct a thorough investigation, to include but not be limited to, checking the meter for flow and/or leaks and calibration of the meter. If the City Manager can find no just cause for such a large increase in the customer's water bill, the City Manager is given the authority to adjust the sewer portion of the customer's water bill by using the average of the past twelve (12) months.

(b) Adjustments of the sewer portion of a customer's water bill when a pool is filled and/or repaired, for those customers who own swimming pools, whether aboveground or in-ground pools, will not be made.

(c) The City Manager shall be advised of any and all adjustments on the sewer portion of a customer's water bill and the reasons for such adjustments.

Sec. 82-6 No Reduced Rates or Free Service

All customers receiving services from the City shall be subject to the provisions of this code and shall be charged the rates established in this chapter, and no reduced rate or free service shall be furnished to any such customer. Provided, however, this section shall not prohibit the City, upon good cause shown, from establishing reasonable classifications of customers for which rates differing from the rates stated herein may be adopted.

DIVISION 2. SERVICE BILL DUE DATE AND TERMINATION OF SERVICE

Sec. 82-7 Due Date

A customer service bill is due upon the billing date.

Sec. 82-8 Past Due Penalty

(a) A customer's past due service bill shall have a ten percent (10%) payment penalty added to the current monthly service bill.

(b) Customers meeting the conditions and qualifications for senior citizens or disabled persons discount rate are exempt from paying a penalty.

Sec. 82-9 Delinquent Monthly Service

A customer's monthly service bill shall become a delinquent service bill twenty-five (25) days after the billing date.

Sec. 82-10 Termination of Service for Failure to Pay Bills When Due

The City shall at any time have the right to terminate service and cut off the supply of water to a customer when the customer's service bill becomes a delinquent service bill. The customer shall be mailed a written notice to the address recorded in the City's file to state the notification of the delinquency, the date water service will be disconnected if the amount is not paid, and the amount due. The date shown shall not be less than ten (10) days from the past due date. The disconnect notice shall state the address and time which the account may be paid. Errors in the service bill may be corrected by contacting the City, and telephone number shall be given in such notice. If the delinquent amount, including penalty, together with any outstanding billings, has not been paid in full by the termination date, water service shall be cut off. A reconnect fee provided for in the fee schedule on file in the office of the City Secretary shall apply only where the water service has been cut off. A customer requesting reconnection within thirty (30) days from the date of water cut-off shall pay any outstanding amounts due the City, including penalties plus the reconnect fee before water service may be restored.

- (1) Payments received in full prior to water cut-off are not subject to the reconnect fee.
- (2) Prior to water cut-off, authorized employees may accept payments by check, no cash under any circumstances, made payable to the City for the amount due from approved customers. A field collection service fee, as set out in the general fee schedule on file in the city secretary's office, shall apply for checks accepted by authorized City employees.
- (3) The City Manager is given discretionary authority for evaluating circumstances regarding the reconnect fee. Events such as, but not limited to, severe illness and family tragedy, military service, or severe economic impact due to limited funds available may be considered. The City Manager may assess each individual case, upon written appeal, and determine if the reconnect fee may be waived.
- (4) Customers who allow their water to be cut off three (3) or more times within a twelvemonth period impose a greater risk and potential loss to the City. After the third disconnect and prior to restoring water service, the customer shall be required to make an additional cash deposit equal to three (3) times their average monthly service bill.
- (5) The City Manager is given the discretionary authority to notify a customer that a service bill is delinquent by telephonic notification, whether done manually or by automation. However, this telephonic notification shall be in addition to the other means of notification provided herein before service is terminated.

Sec. 82-11 Discontinuing Service Upon Request of a Customer

Whenever a customer requests that water and sewer service be temporarily discontinued, he or she shall notify the City at least two days prior to the time he or she desires such service discontinued. A charge as provided for in Section shall be made for discontinuing and restoring water service when such service is discontinued and restored at the request of the customer and he or she is not delinquent in the payment of any bill at the time of either request. The charge for temporarily discontinuing and restoring water service shall be paid in full prior to the discontinuing of said service. Where the City Manager

determines or agrees that an emergency justified the discontinuance of services, no charge will be applied.

Sec. 82-12 Bulk Rates

The water and sewer service rates set forth herein shall not be construed to prevent the City from furnishing water and/or sewer service to any customer at a bulk rate if deemed advisable by the City, such rate to be determined on a case-by-case basis.

Sec. 82-13 Rate Categories for Churches

Churches will be charged as residential with the exception of those churches that have a day-care center and those will be charged commercial rates.

Sec. 82-14 Utility Deposits and Fees

(a) The City is hereby given authority to require persons requesting water and/or sewer service from the City to post the following cash deposits and/or fees with the City:

(1) An activation fee as set out in the general fee schedule on file in the city secretary's office shall be paid to the City for each service, except as hereinafter provided in subsection (3).

(2) An additional deposit as set out in the general fee schedule on file in the city secretary's office shall be required for each commercial business connection to the City's system, except as hereinafter provided in subsection (3).

(3) Multifamily residential and/or commercial shall be determined by the City Manager or his designee of the City based on the previous one-year history of water consumption, or like facilities, and the current water and sewer rates. If the cash deposit required is ten thousand and no/100 (\$10,000.00) or more, the customer may supply an irrevocable letter of credit approved by the City operator.

(b) If it is found that the deposit required is not sufficient to protect the City from losses that may be sustained over a month's time, an additional cash deposit may be required at the discretion of the City Manager.

(c) If it is found that a customer applying for service with the City has a previous balance due to the City, the customer shall be required to pay the previous balance in full before service will be connected. An additional cash deposit may be required as provided under subsection (b) above.

(d) If a person making a deposit becomes insolvent, declares bankruptcy, or makes an assignment for the benefit of the creditors, the City shall have the right to apply the deposit to any outstanding amount due to the City.

(e) Upon termination of service, the City shall apply the deposit on hand to the unpaid service charges of the customer. The customer shall be reimbursed the excess, if any. No interest will be paid by the City on said deposit.

Sec. 82-15 Definitions Relating to Miscellaneous Charges and Fees

(a) Definitions. For purposes of this Chapter, the following words or terms shall have the following meanings:

Construction Meter-Deposit on Water. Typically utilized by contractors for bulk water service which needs to be metered and charged to the contractor.

Convenience Turn-Off/Turn-on. A service requested by a customer where water supply is interrupted for a period of eight (8) hours or less, also includes vacation and extended leave customer requests.

Damaged or Broken Lock. A replacement fee where the City on its own action/or customer request locked the meter and the lock was damaged or broken at the service location.

Emergency. Circumstances would be natural disasters, major accidents or other occurrences where the City will take action in the best interest of the City and customers.

Floating Turn-on. A service to customers having more than one location where a deposit has been posted. Landlords with rental properties are allowed to disconnect or reconnect service and the City does not require a new application and deposit.

I.D. and Lease Agreement. Reconnects pertaining to accounts where a customer was required to provide identification and/or legal papers with their initial application.

Meter Calibration Test. A service required by the customer for their water meter.

New Service After Hours. A customer request where City personnel will connect the service after normal working hours.

Transfer. An existing customer moving within the City.

2nd Appointment. Service trip and subsequent trips are for new or existing customers where City employees are scheduled to meet the customer at an appointed time.

3-Day Service. A customer request for service limited to three (3) days. Refer to the general fee schedule on file in the city secretary's office.

(b) Fees. See the general fee schedule on file in the city secretary's office

Sec. 82-16 Inspections

(a) All installations of service connections to City utility lines, within or outside the City, shall be inspected by City inspectors. No service connection to City lines shall be accepted until inspected and approved

(b) Charges for inspections will be in accordance with the City's rate ordinance existing at the time the inspection is made and found under the section relating to plans and installation inspections.

(c) The property owner or builder will pay a fee as set in the general fee schedule on file in the city secretary's office to the City for the inspection of a connection to an existing sewer lateral.

(d) As unacceptable plumbing practices are discovered, they shall be promptly eliminated to prevent possible contamination of the water supplied by the public water system. The existence of a serious threat to the integrity of the public water supply shall be considered sufficient grounds for immediate termination of water service. Service can be restored only when the source of potential contamination no longer exists, or until sufficient safeguards have been put in place.

Sec. 82-17 Application for Water and Sanitary Sewer Connections

(a) Each person desiring water and sewer service or initial connections to the City's system shall be required to sign and complete an application for such service and to pay such fees as established by this section. The application form may be amended by the City from time to time; as deemed appropriate, without the necessity of an amendment to this section. No service shall be rendered until such application has been completed and such fees have been paid.

(b) All installations of service connections to City lines, within or outside the City, shall be required to pay an application fee as found in the general fee schedule on file in the city secretary's office.

Sec. 82-18 Certification and Control of Damage

Connections shall not be made to the City's system or portions of the system until the City's operator has certified that the system or applicable portion thereof is operational. Water service shall not be provided to any customer until an acceptable sanitary sewer connection has been made. The City's operator is hereby given authority to institute and monitor procedures from time to time and control damage to City facilities either upon the sale of property within the City served by the City's system or upon applications for initial connections.

Sec. 82-19 Availability of Access

Upon application for initial connection, the applicant shall grant an easement of ingress and egress to and from the meter or point of service for such installation, maintenance and repair as the City, in its judgment, may deem necessary. Taps and connections will not be made when, in the opinion of the City's Engineer or operator, the work area is obstructed by building materials and debris or the work area is not completed to finished grade. When sidewalks, driveways or other improvements have been constructed prior to application for service, such application shall be construed and accepted as a waiver of a claim for damages

to such improvements resulting from the reasonable actions of the City's operator in installation of the customer's connection

Sec. 82-20 Property of City

All meters, fittings, boxes, valves and appurtenances installed shall remain the property of the City.

Sec. 82-21 Connections by City Operator or Licensed Plumber

(a) All connections to the City's water system shall be made by the City's operator unless specified otherwise by the City Manager. All connections to the City's sewer system shall be made in accordance with the City's policy governing sewer house lines and sewer connections. No person, other than the properly authorized agents of the City, shall be permitted to tap or make any connection with the mains or distribution piping of the City's water system, except for emergency firefighting purposes, or make any repairs or additions to or alterations in any meter, box, tap, pipe, cock, or other fixture connected with the water service or any manhole, main, trunk or appurtenance of the City's sanitary sewer system except by the written permission of the City.

(b) No person other than a bonded plumber, licensed and operating under the laws of the state, shall connect any water service or sewer taps. Whenever such plumber shall use the water in testing the pipes or repairing fixtures, he or she shall, in every instance, before leaving the premises, see that the curb cock is left in the position he or she found it when he or she first opened the meter box, and it shall be the duty of such plumber to notify the City's operator in every instance when he or she finds, or has reason to believe, that any meter, meter box or other waterworks equipment has been improperly tampered with. Such plumber shall not, in any such event, disconnect a meter or any fitting in a meter box, nor shall he or she change the level or location of such meter or meter box. Before leaving the premises, it shall be plumber's duty to see that the meter box cover is securely in place and locked. Before any excavation for the installation of a water or sanitary sewer service tap or repairs to such service is made by a plumber, such plumber shall apply and obtain a permit from the City. In additions, where such work is to be performed within the corporate limits of any city, an excavation permit must first be obtained from that city and a copy of such permit shall be supplied to the City. A contractor is not required to pull a permit if the excavation is on behalf of the City.

Sec. 82-22 Submission of Water Utilities Plans for Multifamily, Commercial, and Industrial Connections

(a) Each applicant for commercial water and sewer services shall, within thirty (30) days prior to the payment of tap fees for initial service, submit to the City's Engineer or other party designated by the City Manager, the following information:

(1) Engineering drawings [three (3) sets for City purposes] indicating details of building plumbing, materials to be used and the location, size and number of proposed connections to the City's system;

(2) The size of the land area to be served by the City's system; and

(3) A general description of the type of proposed commercial establishment and, if applicable, a description of the special measures taken in order to prevent any possible industrial waste and/or unauthorized commercial waste from entering the City's sanitary sewer system.

(b) In recognition of the City's obligation to protect and maintain public health, the City's Engineer, City operator, or other party designated by the City Manager shall review the information presented and may approve or reject the application, or request that further information be submitted prior to approval of the application. Customer shall be notified in writing as to the basis for rejection of applications. Failure to construct the facilities in accordance with approved drawings shall constitute a basis for denial of City services.

(c) If the application being held is responsible for any delays in the installation of water and sewer connections or the provision of other City services, payment of tap fees to the City's operator prior to the approval of plans shall not be considered approval of said plans or approval for service as set forth herein; any unauthorized connection or connections may be removed at the expense of the person or firm causing such connection or connections to be made.

Secs. 82-23—82-40. Reserved.

DIVISION 3. DAMAGE TO CITY FACILITIES

Sec. 82-41 Damage to the Meters and Appurtenances

No person other than a duly authorized agent of the City shall open the meter box, tamper with or in any way interfere with the meter, meter box, service line or other water and/or sewer system appurtenances. The City reserves the right to immediately, without notice, remove the meter or disconnect the water service to any customer whose meter has been tampered with and to assess damages plus a service fee as provided for in the Chart of Charges found in Section 82-15(b). Customers disconnected under this section for the third occurrence shall be required to reapply under the direction of Section 82-14 of this chapter.

Sec. 82-42 Right to Repair

In recognition of the City's obligation to protect and maintain the public health, the City reserves the right to repair damage to the City's system and appurtenances without prior notice, and to assess against customers such penalties as are provided by law and the City in addition to those charges necessary to repair the portion of the system so damaged. The customer may be charged the actual costs of repairs in accordance to the general fee schedule on file in the city secretary's office, plus applicable administrative fees.

Sec. 82-43 Inter-Connection Prohibited

(a) Inter-connection or cross-connection of the City's water system, whether directly or through a customer's private system to another source of water is strictly prohibited without the express written consent of the City. Initial customers shall construct and each customer shall maintain water connections and appurtenances so as to avoid infiltration of any possible contaminate into the City's system.

(b) City personnel shall have access to all customer water line connections and appurtenances within reasonable time periods in order to inspect suspected unauthorized connections. The City reserves the right to immediately, and without notice, disconnect water service to any customer whose internal private system has been found to be inter-connected or cross-connected, and to assess against said customer such penalties as are provided by law and the City in addition to those charges necessary to repair the portion of the system so damaged or contaminated.

Secs. 82-44—82-55. Reserved.

ARTICLE II. WATER

DIVISION 1. GENERAL

Sec. 82-56. Acts adversely affecting water quality.

It shall be unlawful for any person, whether as owner, tenant or employee, to commit any acts listed below that will adversely affect the quality of water in the storm drain system and watercourses within the city:

(1) Operate an automotive center, service station or vehicle maintenance, repair or wash operation without installing and maintaining, in working order, grease and sand traps.

(2) Maintain grease and sand traps in an automotive center, service station or vehicle maintenance, repair or wash operation that are not connected to the sanitary sewer.

(3) Engage in the washing or cleaning, for profit, of vehicles, including automotive, truck, tractor, airplane and any other motor vehicle, without the waste effluent being trapped and placed in the sanitary sewer.

(4) Dump grass clippings, leaves, brush or any rubbish or debris to the curb, gutter, storm inlet, storm drain or watercourse.

(5) Use detergent to wash driveways, except when vacuum scrubbers are used to pick up materials for disposal in grease and sand traps or an approved disposal site.

(6) Permit motor oil, crankcase drainings, drainage from engine oil filters or vehicle engines, or other oils, oily substances, greases or similar material to be deposited or go to an area that may drain to the storm drain system or watercourses.

(7) Deposit liquid waste, semiliquid waste or chemical waste in an area that may drain to the storm drain system or watercourses. All such material shall be disposed of at an approved disposal site.

- (8) Permit cooling tower, compressor or boiler blowdown water, with the exception of clean untreated water, to flow to the storm drain system or watercourses.
- (9) Permit water from nurseries or garden centers to flow to streets and alleys to the extent that a nuisance is created, damage results to streets or alleys, or the free passage of foot traffic is affected.
- (10) Allow wastewater resulting from floor cleaning, rug and carpet cleaning and laundering processes to flow to streets or alleys or into the storm drain system or watercourses.
- (11) Permit filter backwash from swimming pools and fountains to flow to the storm drain system or watercourses.
- (12) Permit liquid wastes from animal pens used for kennels, veterinarian clinics, packinghouses, poultry processing plants and dairies to flow to an area other than the sanitary sewers, unless specifically approved by the city manager or his designee.
- (13) Permit unused materials from ready-mix concrete, mortar or asphalt base delivery trucks to be dumped to an area that may drain to the storm drain system, streams or watercourses. All such residues shall be disposed of and vehicles washed down at approved disposal sites.
- (14) Permit waste oil storage drums or any other containers which are filled or partially filled with waste oil, solvents or chemicals to remain in the open or under the eave of a building or structure in such a manner as to allow the vessels to overflow as a result of precipitation.
- (15) Permit motors, transmissions, automobiles, automobile parts or any other machinery parts which are coated or partially coated with grease, oil or solvents to remain uncovered in the open where portions of the coating materials may be washed into the storm drain system or watercourses as the result of precipitation.
- (16) Permit sewage to be discharged or to flow to an area that may drain to the storm drain system or watercourses.

Sec. 82-57. Discharges; obstruction of natural flow.

- (a) No person shall discharge or deposit, or cause, suffer, allow or permit to be discharged or deposited, any wastewater, polluted water, industrial waste, liquid waste containing concrete or building materials, oils, chemicals or other liquid wastes into any storm sewer, street, gutter, drainage ditch or watercourse within the city.
- (b) Stormwater and all other drainage of unpolluted water shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the city.
- (c) No person shall obstruct, block or impede the natural flow of water through or within the storm sewer system or watercourses.

DIVISION 2. DROUGHT MEASURES

Sec. 82-61 Triggering Criteria for Initiation and Termination of Drought Response Stages

(a) Monitoring. All relevant components of the City's water system will be monitored to ensure that all actions taken are based on current and reliable information. The City will monitor the system at a minimum of on a weekly basis until such point when projections based on past use indicate a trigger could be reached within two weeks. At this time, daily monitoring and reporting to the Director of Utilities will occur.

(b) Initiation. The Director of Utilities will advise the City Manager when conditions exist to initiate a plan stage. The City Manager may then order the initiation of the appropriate stage of the plan. To be effective, the ordinance must be made by public notification.

(c) Meeting or exceeding one or more trigger conditions will be sufficient cause to initiate a corresponding plan stage. Nevertheless, the Director of Utilities can recommend that a stage not be initiated under these circumstances. Factors influencing this decision may include, but not be limited to, the time of year, weather conditions, anticipation of replenished water supplies, or anticipation that facilities will come on-line to serve capacity.

(d) Duration, Changes and Extensions. The ordinance can be made effective for up to, but not more than, 60 days from the date of publication. Upon recommendation of the Director of Utilities, the City Manager may upgrade or downgrade a stage when the conditions triggering that stage occur. To be effective, the ordinance must be made by public notification. Upon recommendation of the Director of Utilities and City Manager, the City Council may extend the duration of an ordinance for additional time periods, not to exceed 120 days each.

(e) Termination. The Director of Utilities will advise the City Manager when conditions exist to terminate a plan stage. The City Manager may then order the termination of the appropriate stage of the plan. To be effective, the order must be made by public notification.

(f) The decision to terminate a stage will occur if the corresponding water management condition has subsided or been eliminated and if the corresponding trigger condition is no longer exceeded and would unlikely recur upon termination

(g) Public Notification. The following procedures are required to initiate or terminate each stage of the water management plan:

(1) Notification must be made by public announcement.

(2) Notification must be published in newspapers of general circulation to the city within 24 hours after the public announcement.

(h) Effective Date. The order will become effective immediately upon publication.

(i) TCEO Notification. The City will notify the executive director of the Texas Commission on Environmental Quality (TCEQ) within five (5) business days of the implementation of any mandatory provisions of the water management plan. Such mandatory provisions include implementation of pro rata water allocations to wholesale customers.

(j) The City has developed specific criteria for the initiation and termination of water management stages. These criteria, or trigger conditions, are based on three (3) distinct types of water shortage situations, which are listed below:

(1) Type A, Water Supplies are Low. This condition would be caused by an extended drought. The best opportunity to respond to a drought is early in the drought cycle. Water management measures under these conditions should stress overall reductions in water demand (i.e., average-day water demand).

(2) Type B, Water Demand Approaches System Capacity. This condition would be caused by increased water demand in the short term. This typically occurs during the summer months as more water is used for irrigation. In the long term, it could occur if treatment plant or distribution system expansions do not keep pace with the growth in consumer demand. Water management measures should stress reductions in peak, water demand or redistribution of the demand to off-peak hours.

(3) Type C, Short-Term Deficiencies Limit Supply Capability. This type of condition would be caused by equipment or system failures such as a break in a water main or an inoperable pump or treatment plant facility. It could also be caused by contamination of water supplies or some other unforeseen occurrence. Situations of this type may be localized and may call for a localized response. They may arise with little warning and require immediate and/or aggressive actions. The severity of the situation will be determined by the Director of Utilities. Water management measures should stress reductions in peak water demand or redistribution of the demand to off-peak hours.

(k) Four Stages of the Water Management Plan. Proactive management is the best way to lessen the potential impact of a water management situation on the citizens of the City. The City has established four (4) successive stages to implement progressively stringent water management measures. Meeting or exceeding the water-reduction goals in the early stages could reduce or eliminate the need to progress to later stages. Because the health and safety of all of the citizens of the City will be affected by the measures, all the public will benefit if responsible action is taken in the early stages of a water management situation.

Description of Stages. Each stage is listed below, followed by a brief description of the severity of the situation and the type of actions that may be required:

(1) Stage 1, Water Awareness. A potentially serious water management condition is possible for all or part of the system. If voluntary water reduction measures are implemented, the situation may be averted with minimal hardship or sacrifice. A public

awareness campaign is initiated to inform the public of ways to voluntarily reduce water use. The City will take the lead by reducing water use.

(2) Stage 2, Water Watch. The situation has worsened and calls for an intensification of the public awareness campaign to achieve greater water-use efficiencies. The City will take additional actions to reduce water use.

(3) Stage 3, Water Warning. The situation has deteriorated further, and it is necessary to implement mandatory water management measures to protect public health and safety. The public awareness campaign is intensified to alert the public of the potential severity of the water shortage. Penalties will be imposed for wasting, water, violating permits, or ignoring restrictions. Water rate increases will be imposed for excessive water use.

(4) Stage 4, Water Emergency. The situation is even more serious, and it is necessary to implement stringent water management measures. The public awareness campaign must emphasize the need for extreme measures and stiff penalties. Severe restrictions will be imposed on all but the most essential water uses. Penalties imposed for wasting water, violating permits, or ignoring restrictions may be increased.

(l) Trigger Conditions. The trigger conditions for each of the three (3) types of water management conditions and each of the four (4) water management plan stages are provided in the table. The rationale for each trigger condition discussed following the table.

(m) Different goals will be emphasized, depending upon the nature of the situation. For a type A situation caused by drought conditions, preservation of the total water supply will be critical, and corresponding water management measures should stress overall reductions in water use.

(n) For a type B situation, in which the water demand approaches the delivery capacity of the system, the peak water demand will be critical, and corresponding water management measures should stress water-use reductions or shifts to off-peak hours. In this situation, the ultimate goal of stages 1, 2 and 3 will be to avoid triggering the next stage. If stage 4 is triggered, immediate and severe water demand reductions will be required. A type B situation can be worsened by equipment or system failures that result from increased stresses to the transmission, treatment, or distribution systems.

(o) For a type C situation, in which short-term deficiencies limit the supply capacity, both water-use reductions and shifts to off-peak hours may be necessary. Immediate action may be required, although the area requiring water-demand reduction may be localized.

Sec. 82-62 Water Management Measures

Section 82-61 outlined the water management stages and the monitoring for initiation and termination. This section outlines the responses at each stage. Because the most effective response to a given water management condition may vary depending on its type and factors unique to the situation, the City has prepared menus of possible actions. Actions other than those shown may also be taken as deemed necessary by the City Manager. The appropriate actions will be determined by the City Manager prior to initiating, or at any

time during a water management stage, and may be applied locally or to all customers, as necessary.

(1) Stage 1, Water Awareness Actions Available.

- (A) Staff will begin review of the problems which initiated the Stage 1 actions.
- (B) Intensify normal leak detection and repair activities on water pipes and mains.
- (C) Initiate public education campaign, teaching and encouraging reduced water use practices.
- (D) Reduce usage for interruptible customers per contract terms.
- (E) Encourage reduction in flushing of new mains not immediately required to provide service.
- (F) Encourage reduction in frequency of washing or rinsing of vehicles and recommend use of bucket/container, hand-held hose with positive shut-off valve, or commercial carwash.
- (G) Identify and encourage voluntary reduction figures by high volume water users through water use audits.
- (H) Encourage reduction of excessive runoff from landscape areas.
- (I) Encourage reduction in frequency of watering new and first-year landscaping and foundations and request watering only during off-peak hours.
- (J) Encourage reduction of water use through the publication of the voluntary landscape watering schedule and request watering only during off-peak hours.
- (K) Encourage only initial filling of ornamental fountains. Encourage reduction in municipal use.
- (L) Encourage reduction in frequency in draining and refilling of swimming pools.
- (M) Encourage reduction in landscape uses for parks and golf courses.
- (N) Encourage reduction in hosing off of paved areas, buildings, windows, or other surfaces.
- (O) Encourage reduction in use for landscape uses.
- (p) Encourage reduction in frequency of recreational water use, including use of faucets, hoses or hydrants.

(2) Stage 2, Water Watch Actions Available.

- (A) Initiate engineering studies to evaluate alternatives should conditions worsen.
- (B) Encourage further reduction in frequency in draining and refilling of swimming pools.
- (C) Accelerate public education campaign teaching and encouraging reduced water use practices.
- (D) Prohibit hosing off of paved areas, building, windows, or other surfaces.
- (E) Restrict flushing of new mains not immediately required to provide service.
- (F) Municipal government restricted to landscape watering schedule except for parks and golf courses.
- (G) Identify and encourage voluntary reduction measures by high-volume water users through water use audits.
- (H) Encourage reduction in frequency of watering new and first-year landscaping and foundations and request watering only during off-peak hours.
- (I) Continue intensified leak detection and repair activities on water pipes and mains.
- (J) Restrict operation of ornamental fountains to initial filling.
- (K) Reduce usage for interruptible customers per contract terms.
- (L) Prohibit operation of ornamental fountains by municipal government.
- (M) Encourage reduction of water use through the publication of voluntary landscape watering schedule and request watering only during off-peak hours.
- (N) Require reduction of excessive runoff from landscape areas through code enforcement warnings.
- (O) Encourage further reduction in landscape uses for parks and golf courses.
- (P) Prohibit recreational water use, including use of faucets, hoses or hydrants, which uses water in such a manner as to allow runoff or other wastes.
- (Q) Encourage further reduction in landscape uses [for] nursery stock.
- (R) Restrict washing or rinsing of vehicles to use of bucket/container, handheld hose with positive shut-off valve, or commercial carwash.

(3) Stage 3, Water Warning Actions Available.

- (A) Implement recommended engineering alternatives.

- (B) Restrict landscape watering to landscape watering schedule and only during off-peak hours.
- (C) Accelerate public education campaign teaching and encouraging reduced water use practices.
- (D) Prohibit operation of ornamental fountains.
- (E) Restrict flushing of new mains not immediately required to provide service.
- (F) Restrict watering of nursery plant encourage voluntary stock to off-peak hours.
- (G) Identify and reduction measures by high-volume water users through water use audits.
- (H) Restrict watering of golf course greens and tee boxes to off-peak hours; other golf course areas and parks adhere to landscape watering schedule.
- (I) Continue intensified leak detection and repair activities on water pipes and mains.
- (J) Restrict washing or rinsing of vehicles to use of bucket/container, handheld hose with positive shut-off valve, or commercial carwash only during off-peak hours.
- (K) Reduce usage for interruptible customers per contract terms.
- (L) Prohibit excessive runoff from landscape areas through code enforcement warnings.
- (M) Initiate 10% rate increase for high water demand users (greater than 4,000 gallons per month per account).
- (N) Prohibit draining and refilling of swimming pools.
- (O) Prohibit permitting of new swimming pools, hot tubs, spas, ornamental ponds and fountain construction.
- (P) Prohibit hosing off of paved areas, buildings, windows, or other surfaces.
- (Q) Prohibit recreational water use, including use of faucets, hoses or hydrants, which use water in such a manner as to allow runoff or other wastes.
- (4) Stage 4, Water Emergency Actions Available.
 - (A) Accelerate public education campaign teaching and encouraging reduced water use practices.
 - (B) Prohibit municipal landscape watering, except for golf courses.
 - (C) Prohibit flushing of new mains not immediately required to provide service.

(D) Restrict watering of nursery plant stock to off-peak hours and to landscape watering schedule.

(E) Identify and encourage voluntary reduction measures by high-volume water users through water use audits. Restrict watering of golf course greens and tee boxes to off-peak hours; other golf course areas and parks prohibited.

(F) Continue intensified leak detection and repair activities on water pipes and mains.

(G) Prohibit washing or rinsing of vehicles.

(H) Reduce usage for interruptible customers per contract terms.

(I) Prohibit excessive runoff landscape areas through code enforcement warnings.

(J) Continue 10% rate increase for high water demand users (greater than 4,000 gallons per month per account).

(K) Prohibit draining and refilling of swimming pools.

(L) Prohibit permitting of new swimming pools, hot tubs, spas, ornamental ponds, and fountain construction.

(M) Prohibit hosing off of paved areas, buildings, windows, or other surfaces.

(N) Prohibit all commercial and residential landscape watering.

(O) Prohibit recreational water use, including use of faucets, hoses or hydrants, which uses water in such a manner as to allow runoff or other waste.

(P) Foundations may be watered for a two-hour period during off-peak hours with soaker or hand-held hose on the watering schedule.

(Q) Require reduction of indoor water uses by 25%.

(R) Prohibit operation of ornamental fountains.

Sec. 82-63 Water Rationing

During stages 3 and 4 of the water management plan, the City may impose a retail water rate increase to discourage water use. All rates for usage in excess of 4,000 gallons per month (per account), or any other usage amount above 4,000 gallons per month, as deemed appropriate by the City Manager, may be increased by an additional 10% or any other percentage deemed appropriate by the City Manager.

Sec. 82-64 Variances

(a) The City, in its discretion that an emergency exists, and in order to protect and assure the health, safety and welfare of the citizens of the City, may enter upon and repair the water or sewer pipe(s) of customers under the following circumstances:

(1) Compliance with this water management plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the water management plan is in effect.

(2) Alternative methods may be implemented which will achieve the same level of reduction in water use. Person(s) requesting an exemption from the provision of the water management plan shall file a petition for variance with the City Manager within a period of 5 days after the water management plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the director, or his/her designee, and shall include the following:

(A) Name and address of the petitioner(s).

(B) Purpose of water use.

(C) Specific provision(s) of the water management plan from which the petitioner is requesting relief.

(D) Detailed statement as to how the specific provision of the water management plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this article.

(E) Description of the relief requested.

(F) Period of time for which the variance is sought.

(G) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this water management plan and the compliance date.

(H) Any other pertinent information.

(b) Variances granted shall be subject to the following conditions, unless waived or modified by the City:

(1) Variances shall include a timetable for compliance.

(2) Variances granted shall expire when the water management plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

(3) The director may revoke a variance when the director determines that the conditions are not being met or no longer applicable.

(c) No variance shall be retroactive or otherwise justify any violation of this water management plan occurring prior to the issuance of the variance.

Secs. 82-65—82-70. Reserved.

DIVISION III. WATER POLLUTION CONTROL AND ABATEMENT

Sec. 82-71. Program established

The City Manager shall establish a water pollution control and abatement program to accomplish the objectives set forth in this division and to enforce the terms and provisions of this division. Such program shall be implemented by the city manager by the delegation of functions and tasks to such personnel as may be necessary to effect the purpose of the program, which personnel shall be provided with such facilities and equipment as may be necessary to perform the duties assigned.

(Ord. No. 758-95, § 1(11-6-1(a)), 6-12-1995)

Sec. 82-72. Program services and functions.

The water pollution control and abatement program shall include all areas within the city limits and shall consist of the following services and functions:

- (1) The development and maintenance of an inventory of all significant waste discharges into or adjacent to the public waters, watercourses and drainage systems within the city;
- (2) The regular monitoring of all significant waste discharges included in the inventory required to be compiled in this division;
- (3) The collecting of samples and conducting of periodic inspections and tests of the waste discharges being monitored to determine whether the discharges are being conducted in compliance with state law and any applicable permits, ordinances or rules of the TCEQ, and whether such discharges should be covered by a permit from the TCEQ;
- (4) In cooperation with the TCEQ, the development and implementation of a procedure for obtaining compliance by the waste dischargers being monitored, including, where necessary, the use of legal enforcement proceedings;
- (5) The development and execution of reasonable and realistic plans for controlling and abating pollution or potential pollution resulting from generalized discharges of waste which are not traceable to a specific source, such as storm sewer discharges and urban runoff from rainwater; and
- (6) The enforcement of the standards, prohibitions and requirements set forth in this division.

(Ord. No. 758-95, § 1(11-6-1(b)), 6-12-1995)

Sec. 82-73. Inspection; right of entry; cooperation with state and federal agencies.

The City may collect samples and conduct inspections in watercourses and waterways within the city to determine that pollutants are not being discharged into the watershed and to determine that the provisions of this division are not violated. The city shall have the right of entry onto private property to investigate and determine the existence of such violations. The city manager or his designee may cooperate with the TCEQ, the United States Environmental Protection Agency and any other state or federal agency as may be necessary or appropriate in identifying, monitoring, abating and controlling water pollution discharges and sources, and in enforcing any legal prohibition imposed by ordinance or state or federal law or regulation.

(Ord. No. 758-95, § 1(11-6-7), 6-12-1995)

Secs. 82-74—82-80. Reserved.

DIVISION 4. INITIAL AND SUBSEQUENT SERVICE CONNECTIONS TO THE CITY'S SYSTEM ("TAPS")

Sec. 82-81 City Manager to Determine Sizes of Taps

The City Manager, or his or her designated representative, of the City shall determine the size and type of water meter/tap and/or sewer tap, and prepare a list of material, equipment, and labor charges for utilities service installation and make such list available to the City customers.

Sec. 82-82 Unauthorized Water Use Prohibited

Withdrawal of water from flush valves or other appurtenances of the City's system without prior approval of the City, except for emergency firefighting purposes is prohibited. Such approval and rates and fees charged will be given only in accordance with policies established by the City Council.

Sec. 82-83 Emergency Repairs on Customer Property

(a) The City, in its discretion that an emergency exists, and in order to protect and assure the health, safety and welfare of the citizens of the City, may enter upon and repair the water or sewer pipe(s) of customers under the following circumstance:

(1) When a customer's water pipe(s) is leaking for more than three (3) successive days:

(A) After twenty-four (24) hours from written notification if customer fails to repair said pipe(s);

- (B) Immediately if such leaking of water pipe(s) intrudes onto another citizens' property;
- (C) Immediately if such leaking of water pipe(s) intrudes onto public property;
- (2) When a customer's sewer pipe(s) is overflowing for more than three (3) successive days:
 - (A) After twenty-four (24) hours from written notification if customer fails to repair said pipe(s)
 - (B) Immediately if such leaking of sewer pipe(s) intrudes onto another citizen's property;
 - (C) Immediately if such leaking of sewer pipe(s) intrudes onto public property.
- (3) The City shall charge the landowner for such materials, labor and equipment used to make repairs to said water or sewer pipe(s) in the following manner:
 - (A) Added to monthly water bill, same rules applying, to amounts due on water bills; Or
 - (B) By special invoice, same rules applying to amounts due on water bills.
- (b) The City shall not be responsible for any damage caused by leaks or breakage of water or sewer pipe(s) in or on the customer's premises.

Sec. 82-84 Fire Line Metering and Rates

- (a) All new construction or reconstruction of new or existing fire lines, including, but not limited to, combination fire and domestic water lines, and fire sprinkler systems hereinafter referred to, whether one or more, as "fire lines"), within or without the City but serviced by the City, shall be required to have City-approved meters (hereinafter referred to as "meter" or "meters").
- (b) Any existing fire line determined by the City to be used for any purpose other than fire protection shall have a meter installed by the City, all at the sole expense of the customer, before water service shall be continued.
- (c) The City, if it determines it is in the best interest of the general health, safety and welfare of the residents of the City, shall have the authority, at the customer's sole expense, to install meters on fire lines within the easements and rights-of-way maintained by the City.
- (d) All meters must be installed in accordance with the City's current "Standard Details for Construction."
- (e) All fire lines shall be constructed with or have installed therein a backflow prevention device as required by this Code.

(f) All water rates for fire line water use and other fees and charges associated therewith shall be charged at the same rates for domestic use and other fees and charges associated therewith as provided in Section 2.03.001 and other provisions of the City's code.

Sec. 82-85 Multi-User Water Connections

When multifamily, commercial, or other customer categories supply more than one user through one meter (or a greater number of users through a lesser number of meters), the minimum monthly water charge shall be made for each user taking water through and by means of the meter(s). The regular minimum and each additional minimum, together with all water used over the minimum, shall be charged to the customer in whose name the meter is installed.

Sec. 82-86 Water Service Connections and Fees

(a) The customer will pay a fee as set in the general fee schedule on file in the city secretary's office to the City for determination of what type of installation is needed, where the tap is, who should do it, and if a contractor is needed or if the City will make the tap. The City's representative is to examine the characteristics of the site and, after examination has been completed, will file a report with the City's office with a copy going to the customer.

(b) The City shall install and maintain all water service connections in the streets, alleys and easements, and shall charge for the installation and maintenance of all such connections a sum sufficient to cover the average cost thereof. It shall be the responsibility of the City to furnish the water meter, meter gaskets, meter box and tapping of the existing water main.

(1) 1-Inch Short and Long Taps and 3/4- and 1-Inch Meters. A flat fee as set out in the general fee schedule on file in the city secretary's office shall be charged for a 1-inch short tap. A flat fee as set out in the general fee schedule on file in the city secretary's office shall be charged for 1-inch long water taps. The flat fee covers all necessary fitting, deposit, and inspection costs. Other backflow prevention devices, when deemed necessary as provided in Chapter 5 of the City's code, shall be at the customer's expense.

(2) 1-1/2-Inch Short and Long Taps and Meters. A flat fee as set out in the general fee schedule on file in the city secretary's office shall be charged for a 1-1/2-inch short tap. A flat fee as set out in the general fee schedule on file in the city secretary's office shall be charged for 1-1/2-inch long water taps. The flat fee covers all necessary fittings, deposit, and inspection costs. Other backflow prevention devices, when deemed necessary as provided in Chapter 5 of the City's code, shall be at the customer's expense.

(3) 2-Inch Short and Long Taps and Meters. A flat fee as set out in the general fee schedule on file in the city secretary's office shall be charged for a 2-inch short tap. A flat fee as set out in the general fee schedule on file in the city secretary's office shall be charged for 2-inch long water taps. The flat fee covers all necessary fittings, deposit, and

inspection costs. Other backflow prevention devices, when deemed necessary, shall be at the customer's expense.

(4) All services larger than two inches (2") shall be installed by the City. The fee to install and maintain a water tap(s) larger than two inches (2") shall be determined upon each request. The City will evaluate each request individually and will contact the customer with the appropriate cost. The customer will pay the City's fee for this service plus the administrative fee as set in the general fee schedule on file in the city secretary's office.

(5) Charges will be assessed for the installation or change out of meters and/or approved locking meter boxes as set out in the general fee schedule on file in the city secretary's office.

(c) The property owner shall install a service line, at the property owner's expense, to the City's service line, usually at the property line of the property served, and shall thereafter be responsible for normal maintenance of said service line from the house to the property line.

(d) Each house or building served by the City shall be served by a separate and independent water service connection and meter. Exceptions to this section shall only be by Council approval.

(e) Service connections shall be made in accordance with the North Central Texas Council of Governments Specifications (1988 or updated edition) item #6.7.3 (i) and with attached standard detail drawings of the City.

(f) Materials used in service connections shall be in accordance with the City's standard details for construction.

Sec. 82-87 All Permits Required Prior to Commencement of Service

It shall be the policy of the City that prior to commencement of water utilities installation or the City operator issuing a permit for new or reconstruction for water utilities installation and connection to the City's water and sewer mains that the applicant for customer water utilities services or by developers must provide the City with the following:

(1) If such utility work is to be performed within the corporate limits of any city, the customer must first obtain from that city all required permits and supply copies of said permits to the City.

(2) Where such utility work is to be performed in the county unincorporated areas and that are not in any city and where the City does not provide sanitary sewer service, a septic system permit from the county health department shall be supplied to the City.

(3) All plans must be approved by the City and an application completed.

(4) All fees and charges of the City, as set forth in this article and pro-rata assessment shall be paid in advance.

Sec. 82-88—82-100. Reserved.

DIVISION 5. FIRE HYDRANTS

Sec. 82-101 Temporary Water Service from a Fire Hydrant

(a) All connections to a fire hydrant must be metered except firefighting equipment or contractual agreements entered into by the City. No customer is authorized under any circumstances to take water without receiving written approval from the City's operator. Any customer requesting temporary water service from a fire hydrant must complete an application and post a deposit as provided for in the Chart of Charges or Master Fee Schedule.

(b) The application shall require notice of monthly billings, responsibilities of the application, payment of the deposit, and water rates charged for commercial and business.

Sec. 82-102 Fire Hydrant Meter Permit

(a) All fire hydrants shall have meter devices approved by the City.

(b) A person or business requesting use of a fire hydrant ("requesting party") shall make written application for a permit fee for a fire hydrant meter assembly ("meter") in a form that shall be determined by the City Manager or his designee.

(c) The requesting party:

(1) Shall make a deposit with the City in accordance with the City's standard fee for fire hydrants.

(2) Shall use a meter furnished by the City whenever discharging water from a fire hydrant.

(3) Shall use the backflow preventer that is attached to the meter furnished by the City.

(4) Shall bring the meter to the City, either on or between the tenth and the fifteenth of each month, for reading by the City at its administration office, if the fifteenth falls on a holiday or weekend, the meter shall be brought in for reading on the next business day.

(5) Shall keep the permit tag and backflow test tag attached to the meter at all times.

(6) Shall only use an approved spanner wrench and must replace all caps on the outlets when the meter is not in use.

- (7) Shall be responsible for adapting to the fittings supplied by the City.
- (8) Shall be responsible for all damages caused by the improper use of the meter, including, but not limited to, allowing the meter to freeze, and the surrounding water main, hydrant, valves and other material and equipment.
- (9) Shall be responsible for the operation and care of the fire hydrants so that fire hydrants are opened and operated fully when the meter is connected. All fire hydrants are to be opened and closed slowly so that the water main will not be damaged.
- (10) Shall be responsible for the meter in the event of theft or damage.
- (d) Fire hydrants are to be opened only by authorized employees of the City or by any person or business that has obtained a valid permit from the City under the terms and provisions of this article.
- (e) It shall be a violation of this article if a person or business:
 - (1) Discharges water from a fire hydrant without a permit issued under this article by the City.
 - (2) Tampers with the meter in any way, including, but not limited to, the removal of the backflow preventer.
 - (3) Fails to keep the meter in its entirety intact, including, but not limited to, all fittings and connection adapters.
 - (4) Violates any of the terms and/or conditions of the permit granted herein.
- (f) All City employees engaged in the City's work or a contractor working directly for the City on a City-funded project shall be exempt from paying for the water usage. However, such employees and contractors covered herein must abide by all the remaining provisions of this article.
- (g) Failure by any person or business to abide by the terms and conditions of the permit issued under this article may result in the confiscation of the meter, loss of the deposit in full with a requirement that an additional deposit be made, and/or the prohibition of further use of a fire hydrant or granting of a permit under this article.

Sec. 82-103 Obstructions

- (a) After a water meter has been set, the customer shall at all times keep the area in, around and upon the meter and meter box and the City's easements and property under the customer's control free from rubbish or obstructions of any kind. Failure of a customer to keep the meter and meter box, and the City's easements and property under the customer's control free from rubbish or obstructions of any kind shall result in disconnection of water services. Obstructions of any kind shall result in disconnection of water services and/or the assessment of charges to the customer as provided in Section

82-15, plus the administrative fee, all to be included and set out in the general fee schedule on file in the city secretary's office, necessary to remove said obstructions (i.e. towing of motor vehicles, charges incurred for removal of garbage, tree limbs, etc.)

(b) In accordance with Vernon's Texas Code Annotated, Texas Water Code, Section 49.228 which provides that, "a person who willfully destroys, defaces, damages or interferes with City or water supply corporation property is guilty of a Class B misdemeanor," the customer shall be notified by certified mail, return receipt requested of the illegal conduct and that, if the customer continues to engage in such illegal conduct, the City will proceed with any and all legal actions necessary to correct the situation. The customer shall also be notified that a Class B misdemeanor is punishable by:

(1) A fine not to exceed \$1,000.00;

(2) Confinement in jail for a term not to exceed 180 days; or

(3) Both such fine and confinement.

(c) Customers are prohibited from introducing material into the City's sanitary sewer system which would cause obstruction of said system. In the event that an inspection by the City's Engineer or operator reveals foreseeable damage to the sanitary sewer system resulting from a customer's failure to prevent obstructions from entering said system, the City reserves the right to immediately and without notice remove the obstruction. Any costs or expenses incurred by the City for removal of obstructions of any kind, including the cleaning of grease traps, shall be assessed and charged to the customer as provided in the fee schedule maintain in the office of the City Secretary, plus an administrative fee.

Secs. 82-104—82-110. Reserved.

DIVISION 6. EMERGENCY WATER USE PLAN

Sec. 82-111 Plan Adopted

The emergency water use plan is adopted and shall be incorporated herein as if fully set forth herein and enforceable as a part of this article.

Sec. 82-112 Purpose

The purpose of this article is to establish the City's policy in the event of shortages or delivery limitations in the City's water supply

Sec. 82-113 Applicability

This division applies to all persons and premises using water from the water system of the City.

Sec. 82-114 Enforcement

- (a) City Manager. The City Manager is authorized to enforce the provisions of this article.
- (b) Civil Jurisdiction. This article may be enforced by a civil court action as provided by state and federal law.
- (c) Offenses. A person who violates any provision of Section 2 of the emergency water use plan is guilty of a separate offense for each day or portion of a day during which the violation continues.
- (d) Penal.
- (1) First Violation. The customer will be notified by written notice of the specific violation.
- (2) Second Violation. After written notice to the customer the City may install a flow restrictor on the customer's line to limit the amount of water which will pass through the meter in a twenty-four-hour period. The cost to be charged to the customer's account will be the actual installer cost to the City, not to exceed the amount as set out in fee schedule on file in the city secretary's office.
- (3) Subsequent Violations. The City may terminate service at the meter for a period of seven (7) days, or until the end of the calendar month, whichever is less. The normal reconnect fee for the City will apply for restoration of service.
- (e) Culpability. A person is criminally responsible for a violation of this section if the person:
- (1) Commits or assists in the commission of a violation; or
- (2) Is a customer, owner, tenant, permittee or other person in control of the premises determined to be the source of violation.

Sec. 82-115—82-120. Reserved.

DIVISION 7. WATER MANAGEMENT PLAN

Sec. 82-121 Declaration of Policy, Purpose, and Intent

This water management plan describes the conditions that require short-term water demand management in the City and establishes policies and procedures that offer strategies for a timely and effective water management response. In general, such a response would be needed when water use in the area served by the City approaches the system's supply, treatment, or delivery capacity. Examples include drought conditions, unusually high water demands, unforeseen equipment or system failure, or contamination of a water supply source.

- (a) In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire

protection, and to protect and preserve public health and welfare, aid safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City hereby adopts the following regulations and restrictions on the delivery and consumption of water.

(b) Water uses regulated or prohibited under this water management plan are considered to be nonessential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in this Chapter.

Sec. 82-122 Public Involvement

The goal of this plan is to minimize the costs and inconvenience associated with reducing water demand. For this reason, a public meeting was held to receive input from the public as this plan was being developed.

Sec. 82-123 Public Education

(a) An effective education and public awareness campaign is critical to the successful implementation of the water management plan. During a water management condition, steps will be taken to:

(1) Alert the public and keep the public regularly informed through local media (options for media are listed later in the plan).

(2) Initiate public discussions when appropriate.

(3) Promote public understanding of the water management plan and the measures that are required and will be required should the situation worsen.

(4) Educate the public about ways to use water more efficiently and about water uses that are considered nonessential.

(5) Gather public support for the plan's actions.

(6) Highlight the leadership role of the City to save water.

(b) Successful implementation of the water management plan depends on effective communication with the public. The City must exchange ideas with the public to understand its needs and what water uses are most essential, and the public must believe that the measures adopted are credible. The public awareness and education campaign will be successful if it conveys to the public that:

(1) The water management condition is real.

(2) Reductions in water demand are necessary.

(3) The adopted measures realistically correspond to the severity of the situation.

- (4) The inconvenience to and sacrifice of the public is taken seriously.
- (5) The inconvenience and sacrifice are equitably shared.
- (6) The City is effectively managing the existing water supply.
- (c) A variety of means may be used to successfully implement the public awareness and education campaign. Options include:
 - (1) News Media.
 - (A) Radio and television public service announcements.
 - (B) Newspaper and magazine announcements.
 - (C) Interviews on radio and television programs.
 - (D) Other radio and television pieces.
 - (E) Newspaper and magazine articles.
 - (F) Press releases.
 - (G) Paid or donated advertising.
 - (2) Communications.
 - (A) Activated hot line.
 - (B) Web site and e-mail.
 - (C) Telephone notifications.
 - (D) Water bill inserts or messages.
 - (E) Distribution of fact sheets, brochures, and pamphlets.
 - (F) Mass mailing of letters.
 - (G) Posting of signs and notices (e.g., city and county buildings, post offices).
 - (H) Billboards.
 - (I) City customer service representatives.
 - (J) Education and outreach from City employees.
 - (3) Community Involvement.

- (A) Public meetings and hearings.
- (B) Public education seminars.
- (C) Commercial and industrial employee education seminars.
- (D) City employee training.
- (E) School programs.
- (F) Organized contents (e.g., poster or T-shirt design, new ideas to save water).
- (G) Community outreach programs.
- (H) Education and outreach from community volunteers.
- (I) Formation of citizens committees or other public forums.

Sec. 82-124 Coordination with Regional Water Planning Groups

The service area of the City is located within Region C, Regional Water Planning Group, and the City has provided a copy of this plan to Region C, Regional Water Planning Group.

Sec. 82-125 Authorization

The City Manager or his/her designee is hereby authorized and directed to implement the applicable provisions of this plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this plan.

Sec. 82-126 Application

The provisions of this plan shall apply to all persons, customers, and property utilizing water provided by the City. The terms "person" and "customer" as used in the plan include individuals, corporations, partnerships, associations, and all other legal entities.

Secs. 82-127—82-130. Reserved.

ARTICLE III. SEWER

DIVISION 1. GENERAL

Sec. 82-131. Use of public sewer system required.

(a) No person shall discharge, or cause, allow, suffer or permit to be discharged, to the storm drain system, any natural outlet within the city, watercourses, or in or upon any public or private property within the city any sewage, industrial wastes or other polluted water, except where such discharge is made into the sanitary sewer system or as may be provided in this article.

(b) The owner of an establishment, house, building or property used for human occupancy, employment, recreation or industrial or commercial purposes shall install, at his own expense, suitable facilities for conveying all industrial wastes, sanitary sewage and all other wastewater and sewage to the sanitary sewer system.

Sec. 82-132. Sewage discharges regulated.

(a) No person shall discharge or deposit sewage within the city, except the following:

(1) Sewage discharged into a sanitary sewer system.

(2) Sewage discharged into an on-site sewage facility permitted in accordance with the provisions of this section.

(3) Sewage discharged into an on-site sewage facility in existence on the effective date of the ordinance from which this article is derived [6-12-1995] and which is not found to be endangering public health or polluting water.

(b) Any user within the city limits shall be required to install and tie into an organized disposal system or sanitary sewer system, unless granted a special sewer permit. Such special sewer permit may, in appropriate cases, be granted by the city council on such terms and conditions as may be necessary to the health and welfare of the city under the circumstances of each individual case. Such permit may be rejected if the city council finds that such permit will be detrimental to the health and welfare of the city.

(c) It shall be unlawful to construct or maintain a privy, privy vault, septic tank, cesspool or other private facility intended or used for the disposal of sewage or industrial wastes, except as provided in this article.

Sec. 82-133 Discontinuing Service Due to a Health Hazard Caused by Open Customer Service Lines

A potential health hazard exists when a customer's sewer lateral is excavated, opened and left exposed to the extent where people or animals may come in contact with raw sewage. This includes rainwater or runoff water which may drain into the open line. Upon notification the customer is responsible to make repairs to sewer line within thirty (30) days. This includes the repairs that consist of rigid pipe and watertight connections. If the line is not repaired, the water service may be disconnected. The customer will be responsible for any permits or inspections required by the City of Balch Springs.

Sec. 82-134 Sewer Rates

Refer to the fee schedule maintained in the office of the City Secretary for current sewer rates charged by the City.

Sec. 82-135 Multi-User Sewer Connections

When multifamily, school, commercial, or other customer categories supply more than one user through one meter (or a greater number of user; through lesser number of meters), the minimum monthly sewer charge shall be made for each user taking water through and by means of the meter(s). The regular minimum and each additional minimum, together with all water used over the minimum, shall be charged to the customer in whose name the meter is installed.

Sec.82-136 Sewer Service Connections and Fees

(a) The customer will pay to the City a fee as set in the general fee schedule on file in the city secretary's office for determination of what type of installation is needed, where the tap is, who should do it, and if a contractor is needed or if the City will make the tap. Sewer service connection taps shall be a minimum of four inches (4') in diameter. The City's representative shall examine the characteristics of the site, and after the examination has been completed, will file a report with the City's office with a copy going to the customer. Sewer taps over eight feet (8') in depth shall require taps to be made by a utility contractor at the customer's expense and inspected by a City representative.

(b) Each house or building served by the City shall be served by a separate and independent sewer service connection installed according to the attached detailed City drawing.

(c) Materials used in service connections shall be in accordance with the City's standard details for construction.

(d) The sewer tap fees shall be as set out in the general fee schedule on file in the city secretary's office. A sewer service charge may be assessed as set out in the general fee schedule on file in the city secretary's office each time the City has to clean, unstop, and/or service a customer's private service lateral.

Secs. 82-137—82-140. Reserved.

DIVISION 2. SANITARY SEWER MAINTENANCE POLICIES

Sec. 82-141 Specific Policy

It shall be the policy of the City to provide maintenance to sewer main lines and those portions of the service line serving an individual residence or business that are located within the public right-of-way or easement areas. This specifically excludes any lines located on private property. The following items will provide specific policy concerning those lines included in the maintenance responsibility of the City:

(1) Upon receipt of a call regarding a sewer problem, a City crew will be dispatched to check the sewer main serving the property concerned.

(A) If the mainline is stopped, it will be cleared as soon as possible by City crews and after clearing, crews will check with the owner/tenant to ascertain that the problem is alleviated.

(B) If the mainline is clear, the homeowner or tenant will be so informed and advised to have the service line and/or building plumbing cleaned. Such cleaning shall include the service line entirely to mainline including that portion lying in the public right-of-way or easement except as further provided below.

(C) If the plumber should be unable to unstop the portion of the service line lying on public property due to broken pipe, slipped joint, excessive root intrusion, etc., he or she should call the City and request assistance. A City crew will be dispatched to assist the plumber and determine what repairs, if any, may be necessary. If it is determined that repairs to the portion of the service line lying within the public right-of-way or easement are needed, the City crew shall contact their supervisor for scheduling of these repairs as soon as possible and notify the owner/tenant of the approximate time and date. Repairs will be made on the same date unless no immediate backup or service interruption is apparent.

(2) Should a property owner experience repeated problems with sewer service line stoppages, two stoppages per year or more, and it can be ascertained that the stoppages have been on the City portion (through City records or plumber's records), City crews will check this portion of the service and make repairs as needed. However, this policy will not apply in the event of misuse of the sewers through the introduction of substances deemed as inadmissible discharges (City wastewater ordinance). In such cases, the owner/tenant shall be advised of the violation and appropriate action initiated to cause such to cease. Stoppages caused by misuse shall be the owner's responsibility to remove unless repair on the City's portion is necessary as determined in subsection (1)(C) above.

(3) In the event that the property owner or others shall have caused the placement of a standard clean-out at the property or easement line, effectively allowing that portion of the service line lying within the right-of-way or easement to be cleaned and maintained without entering, disrupting, or damaging private property, City crew shall provide such cleaning and/or other maintenance.

(4) It is requested that in the event a property owner replaces the service line on private property, the City be contacted prior to connection to the City's portion of the service so that the serviceability of this line may be checked at that time. This may be done as soon as the plumber uncovers the service line at/or near the property line.

Sec. 82-142 Permit-Required Confined Space Entry Program

Pursuant to the requirements of the Occupational Safety and Health Act (OSHA), the City has duly adopted a permit-required confined space entry program consisting of Exhibits 1 through 12 as kept on file in the office of the Administrative Secretary.

ARTICLE IV
INDUSTRIAL WASTE RULES AND REGULATIONS
DIVISION 1: IN GENERAL

Sec. 82-143 Definitions

When used in this article, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

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

Amenable to Treatment. That a substance:

- (1) Does not damage or interfere with the operation of the wastewater system;
- (2) Is acceptable for stream discharge and normal sludge disposal methods used by the City;
- (3) Does not pose a health or safety threat to City employees or contractors performing work in the wastewater system.

Applicant. A person who makes application to receive a service from the City.

Authorized Representative of the Industrial User. As defined by 40 CFR 403.12, by responsible corporate officer if the industrial user submitting the reports required; the manager, the general partner by a duly authorized representative of the individual designated in paragraph 11 or 12. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates such as the position of plant manager, operator of a well, well field superintendent, or a position of equivalent responsibility or having overall responsibility for environmental, environmental matters for the company and the written authorization is submission to the Control Authority. Authorization specifies either an individual or a position having responsibility will meet the requirements of defining authorized representative of the industrial user.

BOD (Biochemical Oxv.en Demand) . The quantity of oxygen, expressed in mg/L, utilized in the biochemical oxidation of organic matter by standard methods.

Building Drain. That part of the lowest horizontal piping of a drainage system that receives wastewater discharge from drainage pipes within a building, and conveys it to the building lateral which begins two feet (2') outside the inner face of the building wall or foundation.

Building Lateral. The conduit or pipe extending from the building drain to the wastewater service line at the property line or other lawful place of disposal.

Building Water Line. The water line on private premises that acts as the main water service to the premises.

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

CFR. Code of Federal Regulations.

City. The City of Dallas, Texas, or Control Authority.

City Council (or Council). The governing body of the City.

Closed Sprinkler System. A fire protection system with automatic water flow sprinklers from which no water may be taken manually except from the test cock.

COD (Chemical Oxygen Demand). The measure of oxygen consuming capacity, expressed in mg/L. The term is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. The term does not differentiate between stable and unstable organic matter and does not necessarily correlate with biochemical oxygen demand.

Composite Samples. Samples collected during a period of time exceeding fifteen (15) minutes and combined into one sample.

Control Authority. TCEQ, EPA or any local state or federal agency with the authority to enact regulations on the City or its customers.

City. Dallas County Water Control & Improvement City No. 6.

EPA. Environmental Protection Agency.

Floatable Grease. Grease, oil, or fat in a physical state such that it will separate or stratify by gravity in wastewater.

Food Preparation.

(1) Heavy Food Preparation. Any area in which foods are prepared utilizing a grill, griddle, deep fat fryer, commercial-type ovens, and/or any similar food preparation equipment; or wet cleaning procedures due to the cutting or processing of meat, poultry, fish or pork. Heavy food preparation includes, but is not limited to: cafeterias, fast food restaurants, full service restaurants, donut preparation, meat and fish markets, etc.

(2) Light Food Preparation. Any area in which foods are prepared without the use of fryers, grills, or other similar equipment. Light food preparation is usually limited to the preparation of hot dogs, sandwiches, salads, or other similar foods and fountain-type cold drinks.

(3) No Food Preparation. Any area in which foods are provided pre-wrapped, with the microwave oven-type heating being the maximum handling involved. A no food establishment is limited to pre-packaged sandwiches or similar foods, candies and beverages in containers.

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

City Manager. The City Manager of the City, designated City personnel.

Grab Sample. A sample taken during a period of fifteen (15) minutes or less.

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

Goyeniinz body. Any court system which has jurisdiction over any portion of the City.

Industrial Surcharge. The additional charge made to a person or industry who discharges into the wastewater system industrial waste which is amenable to treatment by the wastewater system but which exceeds the strength of normal wastewater.

Industrial User. An industry that discharges wastewater into the wastewater system.

Industrial Waste. All water-borne solids, liquids, or gaseous substances resulting from an industrial, manufacturing, or food processing operation, or from the development of a natural resource, or any mixture of these with water or normal domestic wastewater.

Industry. A person or establishment that is recognized and identified in the Standard Industrial Classification Manual, 1987, Executive Office of the President: Office of Management and Budget.

Interference. The term as defined in Chapter 40, CFR, Part 403.3(i), as amended.

Liquid Waste Generator. A person who causes, creates, generates, or produces liquid waste.

Manifest System. A system consisting of a four-part trip ticket used to document the generation, transportation and disposal of liquid waste.

MGD. Million gallons per day.

MGL (Milligrams per Liter) (M21L). A weight per volume concentration; the milligram-per-liter value multiplied by the factor 8.34 is equivalent to pounds of constituent per million gallons of water.

National Categorical Pretreatment Standards. The national pretreatment standards, imposed on existing or new industrial users in specific industrial subcategories, specifying the quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a wastewater treatment plant.

National Pretreatment Standards. Any pretreatment regulations containing pollutant discharge limits that have been established or will be established for industrial users by the Control Authority.

New Source. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants the construction of which commenced after the application for proposed pretreatment standards under Section 307c of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that the building, structure, facility, or installation is constructed at a site at which no other source is located or the building, structure, facility, or installation totally replaces a process of production equipment that causes the discharge of pollutants at an existing source or the production of or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as:

(1) The extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on site at which an existing source is located results in a modification rather than a new source if the construction does not create new buildings, structures, facilities, or installations meeting the criteria of paragraphs K1 2i, or K1 3i of Section 403.3 but otherwise alters, replaces, or adds to existing processes or production equipment.

(3) Construction of a new source has commenced and the owner or operator has begun or caused to begin as part of a continuous on-site construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of a new source, facilities, or equipment or is entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, contracts, or feasibility engineering and design studies do not constitute a contractual obligation under this paragraph (C.F.R., Ch. 40).

(C)

Normal Domestic Wastewater. Wastewater normally discharged from the commodes or sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free from storm or groundwater and industrial waste.

Normal Wastewater. Wastewater of the City and Control Authority for which the average concentration of suspended solids and five (5) day BOD is established at and does not exceed 250 mg/L

Obstruct. Make passage impossible or unreasonably inconvenient or hazardous; or interfere or cause interference with a specific activity in order to prevent the activity from starting, continuing or concluding.

Owner. The legal fee title holder of record of property.

Pass Through. The discharge of pollutants through the City's wastewater system treatment process or operations into navigable waters and quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources is a cause of a violation of

any requirement of the City's federal, or state effluent discharge permits including an increase in the magnitude or duration of violation.

Permittee. A person granted a permit pursuant to this article.

Person. An individual, private, or public corporation, partnership, association, governmental entity, firm, industry, or other entity.

Pollutant. Dredge soil, solid waste, oil, incinerator residues, sewage garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rocks, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into the water. It does not mean:

- (1) Sewage from vessels; or
- (2) Water, gas or other materials injected into a well to facilitate production of oil or gas or water derived in association with oil or gas production and disposed of in a well if the well, used either to facilitate production or for disposal purposes, is approved by authority of the state in which the well is located and if such state determines that such injection or disposal will not result in degradation of ground or surface water resources.

POTW. Publicly Owned Treatment Works.

Premises or Property. Real property and includes improvements.

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. Continuing the reduction or alteration may be retained by physical, chemical, or biological processes, process changes or by other means except as prohibited by 403.6 paragraph D, appropriate pretreatment technology includes control equipment such as equalization tactics or facilities for protection against surges or slug loadings that might interfere with or otherwise might be incompatible with the POTW, however, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 403.6.

Pretreatment Standards. Pollutant concentration discharge limitation requirements stipulated in this article and national pretreatment standards.

Properly Shredded Garbage. Garbage that has been shredded to such an extent that all particles will be carried freely under the flow conditions normally prevailing in wastewater mains, with no particle having greater than a one-half-inch cross-sectional dimension.

Service. All water and water-related service provided for the use and benefit of persons inside and outside the City through the operations and facilities of the City or through connection of the City's facilities to the City's facilities, including but not limited to:

- (1) Supply of untreated water;
- (2) Supply of treated water;
- (3) Wastewater collection, treatment, and disposal;
- (4) Building and extension of service mains;

- (5) Providing of meters and service connections to property;
- (6) Discontinuance, restoration, or repair of service;
- (7) Issuance and use of permits;
- (8) Extension or replacement of service mains for which pro rata or other assessments are charged;
- (9) Collections of rates or fees for service;
- (10) Other department activities for the benefit of the general public authorized under this article.

Service Line. The pipe or conduit that extends from the water or wastewater main and that connects with the meter or the building lateral to provide a water or wastewater service connection.

Significant Industrial User. Any industrial user that:

- (1) Discharges an average of 25,000 or more gallons of wastewater per day into the wastewater system, excluding normal domestic wastewater, non-cooling water, and boiler blow-down water;
- (2) Is defined as subject to national categorical pretreatment standards by the Control Authority;
- (3) Contributes a stream of wastewater that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the City's wastewater treatment plant; or
- (4) Is a user deemed by the City Manager to be a significant non-domestic discharge source that alone or combined with other sources may cause pass through, interference, or sludge contamination in the wastewater system.

Standard Methods. The laboratory procedures or techniques for the testing, sampling or analysis of pollutants:

- (1) Established and approved by the Control Authority; or
- (2) Approved by the City Manager with the concurrence of the Control Authority, where the Control Authority has not established procedures or techniques for testing, sampling or analyzing a pollutant in question or determines that approved procedures or techniques are inappropriate for the pollutant in question.

Storm Sewer. A conduit, drainage ditch, stream, or other water course that may directly or indirectly carry storm or groundwater to the Trinity River.

Suspended Solids. Solids that either float on the surface of, or are suspended in, water, wastewater, or other liquids and which, in accordance with standard methods, are removable by a standard, specific laboratory filtration device.

Treatment Facility. Any plant, disposal field, lagoon, incinerator, area devoted to sanitary landfills, or other facility installed for the purpose of treating, neutralizing, or stabilizing waste.

Upset. An exceptional incident in which there is unintentional and temporary noncompliance with national categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. The term does not include noncompliance caused by operational error, improperly designed pretreatment facilities,

inadequate pretreatment facilities, lack of preventive maintenance, or careless or improper operation.

Waste Hauler/Liquid Waste Transporter. A person who transports or hauls liquid waste.

Waste Management Operator. A person engaged in the private business of receiving, storing, treating, or disposing of industrial waste.

Wastewater. Water-carried waste.

Wastewater Main. A conduit or pipe of the wastewater system that conveys domestic wastewater or industrial wastes, or a combination of both, and into which storm surface water, groundwater or unpolluted wastes are not intentionally admitted. The term includes access structures, valves and other appurtenances that are incidental to use of the wastewater main.

Wastewater System. All treatment plants, mains, pumps, interceptors, lift stations, connections, meters, sludge storage facilities, appurtenances, and other facilities of the City employed in the collection, treatment, and disposal of wastewater.

Water Main. A conduit or pipe of the water system that conveys water. The term includes fire hydrants, access structures, valves and other appurtenances that are incidental to use of the water main.

Water System. All treatment plants, mains, pumps, meters, connections, supply reservoirs, storage tanks, appurtenances and other facilities of the City employed in the purification, transportation, and supply of treated and untreated water.

Sec. 82-144 Controls of and Access to System; Interference with Access Generally

(a) Who has Access. Only a person who is authorized by the City Council will have access to the water and wastewater systems for inspection, operation, construction, maintenance, repair, and other service-related purposes.

(b) Obstruction of Authorized Persons. A person commits an offense if he or she knowingly obstructs a person authorized by the City Council from:

- (1) Gaining access to a part of the water or wastewater system for purposes of operation, inspection, construction, maintenance or repair; or
- (2) Performing actual operation, inspection, construction, maintenance, or repair of a part of the water or wastewater system.

Sec. 82-145 Enforcement

(a) Authority to Enforce. The City Manager shall have the power to enforce the provisions of this article.

(b) Administrative Search Warrants. The Governing Body shall have the power to issue to the City Manager administrative search warrants, or other process allowed by law, where necessary to aid in enforcing this article.

(c) Criminal Penalties.

(1) Any person, business, entity, firm or corporation violating any of the provisions or terms of Chapter 4, as amended hereby, may be guilty of a separate offense for each day or portion of a day during which the violation continues and, upon conviction, shall be punished as follows: Fine(s) of not more than one thousand dollars (\$1,000.00) per day for each offense.

(2) The City is hereby authorized to seek injunctive or other legal or equitable relief as may be necessary and appropriate to the enforcement of Article IV.

(3) Any person, business, entity, firm or corporation violating any of the provisions or terms of Article IV, as amended hereby, shall be guilty of a misdemeanor and upon conviction in a court of competent jurisdiction, shall be subject to a fine not to exceed the sum of one thousand dollars (\$1,000.00) for each offense; and each and every day such violation is continued shall be deemed to constitute a separate offense.

(4) If the City prevails in any suit to enforce its rules, it may, in the same action, recover reasonable fees for attorneys, expert witnesses, and other costs incurred by the City before the court. The amount of attorney's fees shall be fixed by the court.

(d) Civil Penalties.

(1) Any person, business, entity, firm or corporation violating any of the provisions or terms of Article IV, as amended hereby, may be tried civilly in a court of competent jurisdiction, and shall be subject to a fine not to exceed the sum of one thousand dollars (\$1,000.00) for each violation; and each and every day such violation is continued shall be deemed to constitute a separate violation.

(2) If the City prevails in any civil suit to enforce its rules, it may, in the same action, recover reasonable fees for attorneys, expert witnesses, and other costs incurred by the City before the court. The amount of attorney's fees shall be fixed by the court.

(e) Notices, Citations or Summons. The City Manager of the City or any person designated by him/her as an authorized designee may issue notices, citations or summons for any violations of Article IV.

(f) Fines or Imprisonment. Penalties can include fines or imprisonment.

(g) Those Subject to Penalties. Any person, business, entity, firm, corporation, contractor, subcontractor, and/or company servicing the City service area shall be subject to the fines, penalties, and imprisonment herein.

Sec. 82-146 Certain Wastes Prohibited in the Wastewater System

(a) Certain Discharges Prohibited. No person shall discharge, or cause or permit to be discharged, into the wastewater system:

- (1) Inflows or infiltration, as illustrated by, but not limited to, stormwater, groundwater, roof runoff, subsurface drainage, a downspout, a yard drain, a yard fountain or pond, or lawn spray;
- (2) Wastewater or industrial waste generated or produced outside the City unless approval in writing from the City Manager and the Control Authority has been given the person discharging the waste;
- (3) A liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65 degrees Centigrade);
- (4) Gasoline, kerosene, benzene, naphtha, fuel oil or vapors, or materials capable of forming a flammable or explosive mixture;
- (5) Used motor oil;
- (6) Solid or liquid substances in quantities capable of causing obstruction to the flow in wastewater mains or other interference with the proper operation of the wastewater system as illustrated by, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, slops, chemical residues, and paint residues or bulk solids, except when such items as lime slurry or lime residues are used in the treatment of combined stormwater and wastewater during storm runoff;
- (7) A gas or substance capable of forming a gas which either singly or by interaction with other waste may cause objectionable odor, hazard to life, or other conditions deleterious to structures or the City's or the treatment facilities;
- (8) Garbage that is not properly shredded garbage as defined in Section 82-143;
- (9) Except where the City Manager and Control Authority have determined that different limits under an industrial waste discharge permit are appropriate, wastewater exceeding one hundred (100) mg/L of oils, fats, and grease of the following types:
 - (A) Floatable grease of any origin;
 - (B) Free or emulsified grease of petroleum or mineral origin, or both, including, but not limited to:
 - (i) Cooling or quenching oil;
 - (ii) Lubricating oil;
 - (iii) Non-biodegradable cutting oil; and
 - (iv) Non-saponifiable oil;
 - (C) Emulsified or floatable grease of animal or vegetable origin in concentrations which are not amenable to treatment;
- (10) A substance having a pH value lower than 5.5 or higher than 10.5;
- (11) Metals in the form of compounds or elements in solution or suspension in concentrations exceeding the following:

Arsenic (As)	0.5 mg/L
Cadmium (Cd)	1.0 mg/L

Chromium (Total (Cr.))	5.0 mg/L
Copper (Cu)	4.0 mg/L
Lead (Pb)	1.6 mg/L
Mercury (Hg)	0.01 mg/L
Nickel (Ni)	9.0 mg/L
Selenium (Se)	0.2 mg/L
Silver (Ag)	4.0 mg/L
Zinc (Zn)	5.0 mg/L

(12) Cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidifications in excess of 1.6 mg/L as cyanide;

(13) Radioactive materials in a manner which will permit a transient concentration higher than one hundred (100) microcuries per liter; Sulfides greater than ten (10) mg/L;

(14) (15) Unusual taste- or odor-producing substances, unless pretreated to a concentration acceptable to the City Manager so that the material does not:

(A) Cause damage to collection facilities;

(C) Impair the City's or the City's treatment processes;

(D) Incur treatment costs exceeding those of normal wastewater;

(E) Render the water unfit for stream disposal or industrial use; or

(F) Create a public nuisance;

(16) BOD or suspended solids in excess of ten thousand (10,000) mg/L;

(17) A discharge of water, normal domestic wastewater, or industrial waste which in quantity of flow exceeds, for a duration of longer than fifteen (15) minutes, more than four times the average twenty-four-hour flow during normal operation;

(18) Total dissolved solids in concentrations which are not amenable to treatment;

(19) Organic chemical substances in concentrations exceeding the following:

Benzene	1.0 mg/L
Phenol	149.0 mg/L
Toluene	3.0 mg/L
Isopropyl alcohol	26,250.0 mg/L
Acetone	21,000.0 mg/L
Methylene chloride	21.0 mg/L

Ethyl benzene	1.6 mg/L
Methyl alcohol	20,000.0 mg/L
Methyl ethyl ketone	249.0 mg/L
Xylene	2.0 mg/L

(20) Insecticides and herbicides in concentrations which are not amenable to treatment;

(21) Poly-chlorinated biphenyls; or

(22) Without the approval of the City Council and the Control Authority, a substance or pollutant other than industrial waste, normal domestic wastewater, septic tank waste, or chemical toilet waste which is of a toxic or hazardous nature, regardless of whether or not it is amenable to treatment, including but not limited to, bulk or packaged chemical products;

(23) Except at discharge points authorized by this article, only regulations promulgated by the City Council and the Control Authority that are not in conflict with this article or other laws, wastewater or a pollutant that is trucked or hauled; or

(24) Any other pollutant, substance, or material not amenable to treatment or of a concentration or quantity sufficient to harm the wastewater system, as determined by the City Manager;

(25) Any pollutant, including oxygen demanding pollutants (BOD) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW wastewater treatment system.

(b) Defense to Prosecution. It is a defense to prosecution under subsection (a) of this section if a person makes a prohibited discharge and as a result of a bypass that has been authorized by the City Manager in accordance with the provision of Chapter 40, CFR, Part 403.17, as amended.

(c) Enforcement Actions. If a person discharges a substance into the wastewater system in violation of this section, the City Manager may:

(1) Terminate water and wastewater service to the premises from which the substance was discharged;

(2) By administrative order, where applicable, or by other authorized means, require pretreatment or control of the quantities and rates of discharge of wastewater to bring the discharge within the limits established by this section; or

(3) Bring a criminal or civil enforcement action as authorized in Section 82-145.

(d) No Waiver of Other Enforcement. Action taken by the City Manager under subsection (c) does not prevent the use of other enforcement methods available to the City.

(e) Applicability of More Stringent Regulations. If national pretreatment standards, categorical or otherwise, more stringent than the discharge limits prescribed in subsection (a) of this section are promulgated by the Control Authority for certain industries, the more stringent national pretreatment standards will apply to the affected industrial user. A violation of the more stringent national pretreatment standards shall also be considered a violation of subsection (a) of this section.

(f) Variances in Compliance Dates. The City Council may grant a variance in compliance dates to an industry when, in its opinion, such action is necessary to achieve pretreatment or corrective measures. In no case shall the City Council grant a variance in compliance dates to an industry affected by National Categorical Pretreatment Standards beyond the compliance dates established by the United States EPA.

(g) Authority to Regulate. The City Council may establish regulations, not in conflict with this chapter or other laws, to control the disposal and discharge of industrial waste into the wastewater system and to ensure compliance of the City's pretreatment enforcement program with all applicable pretreatment regulations promulgated by the Control Authority. The regulations established shall, where applicable, be made part of any discharge permit issued to an industrial user by the City Council under Section 82-148.

(h) Dissolution Prohibited as Suitable for Treatment. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with a pretreatment standard or requirement. The Control Authority may impose mass limitation on industrial users which are using dissolution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations is appropriate.

Sec. 82-147 Waste Disposal Through Vehicles, Grease Traps, or Other Means

(a) Illegal Waste Disposal. A person commits an offense if:

(1) From a vehicle, portable tank, or other container used for transporting water, normal domestic wastewater, or industrial waste, he or she discharges or causes the discharge of water, normal domestic wastewater, or industrial waste into the wastewater system or a private sewer facility directly or indirectly connected to the wastewater system;

(2) By any means, he or she discharges or causes the discharge of water, normal domestic wastewater or industrial waste into a part of the wastewater system generally used for maintenance or monitoring, including, but not limited to, manholes, cleanouts, or sampling chambers; or

(3) By means of a mechanical device or extraneous water, he or she forces normal domestic wastewater or industrial waste collected in a grease trap, sand trap, or other

waste collection device into the wastewater system or a private sewer facility directly or indirectly connected to the wastewater system.

(b) Defense. It is a defense to prosecution under subsection (a) above if the discharge of water, normal domestic wastewater, or industrial waste into the wastewater system, or into a private sewer facility directly or indirectly connected to the wastewater system, is from a motor vehicle:

(1) That is specifically designed and adapted to treat water, normal domestic wastewater, or industrial waste to concentrations meeting the requirements of this article prior to discharge into the wastewater system; and

(2) The operator of which has written permission from the City Council to operate the vehicle within the City.

Sec. 82-148 Right of Entry of City Employees

The City Manager and other duly authorized employees of the City and/or Representative acting as his or her duly authorized agents, shall be permitted to carry out all inspections, surveillance and monitoring procedures necessary to determine independent of the information supplied by the industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under section 403.12(m) to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under section 308 of the Act.

Sec. 82-148 Permit Required for Discharge of Industrial Waste; Applications; Exemptions

(a) Permit Required. A significant industrial user commits an offense if they discharge, or allow the discharge of, industrial waste into the wastewater system without obtaining and maintaining a valid permit from the City Council.

(b) Application Procedures. Application for a permit must be made to the City Council upon a form provided for the purpose and must be accompanied by plans and specifications for pretreatment facilities if pretreatment is required. The City Council may establish further regulations and procedures not in conflict with this chapter or other laws, regarding the granting and enforcement of permits, including but not limited to administrative orders issued for the purpose of bringing a violator back into compliance with a permit.

(c) Terms and Conditions of Permit. The City Council shall prescribe such terms and conditions of the permit as are required and authorized by the Control Authority and as necessary to ensure full compliance with this article and all national pretreatment standards and regulations. In addition, the permit must incorporate all applicable national pretreatment standards and all other pretreatment regulations promulgated by the Control Authority applicable to significant industrial users. The term of a permit shall never be

longer than five (5) years. A person commits an offense if they discharge, or allow the discharge of industrial waste into the wastewater system in violation of any term or condition of a permit issued under this section. The City Council may enforce the terms and conditions of the permit as authorized under this chapter.

(d) Issuance of Permits. The City Council shall issue a permit if:

(1) The City Council determines that pretreatment facilities are adequate for efficient treatment of discharged waste and comply with the waste concentration level requirement of Section 82-146 or with national pretreatment standards, whichever is applicable;

(2) The applicant has submitted:

(A) An expected compliance date;

(B) An installation schedule of approved pretreatment devices; and

(C) A self-monitoring program prepared in accordance with all applicable federal pretreatment regulations promulgated by the Control Authority; or

(3) The applicant is not discharging wastewater in violation of Section 82-146.

(e) Non-Transferability. Permits granted under this section are not transferable or assignable.

(f) Defense to Enforcement Actions. It is a defense to prosecution or to civil court action brought under this section for a violation of pretreatment standards that the person hold a permit under this section and the person discharged industrial waste in violation of national categorical treatment standards as the result of:

(1) An upset, except that the burden of proof for the defense is not met until relevant, admissible evidence establishes the conditions necessary for a demonstration of upset pursuant to Chapter 40, CFR, Part 403.16 as amended; or

(2) A bypass authorized by the City Manager in accordance with Chapter 40, CFR, Part 403.17(c) as amended.

Sec. 82.149 Denial or Suspension of Permit; Amending Permit

(a) Grounds for Denial and Suspension. The City Council may deny a permit if they determine that an applicant is not qualified under Section 82-146. The City Council may suspend a permit if it determines that a permittee:

(1) Is not qualified under Section 82-146;

(2) Has violated a provision of this article;

- (3) Has failed to pay a fee required by the City;
- (4) Has failed to comply with applicable federal pretreatment standards and requirements; or
- (5) Has failed to comply with the compliance schedule submitted pursuant to Section 82-148.

(b) Reinstatement. After suspension under this section, a permittee may file a request for reinstatement of the permit. The City Council shall reinstate the permit if they determine that:

- (1) The permittee is again qualified under Section 82-148(c);
- (2) All violations of this article and applicable federal pretreatment standards and requirements have been corrected;
- (3) Precautions have been taken to prevent future violations; and
- (4) All fees required by this chapter have been paid.

(c) Discharge Without Permit. A permittee whose permit is suspended shall not discharge industrial waste into the wastewater system.

(d) Amending a Permit. The City Manager may amend a permit with additional requirements to assure compliance with applicable laws and regulations.

Sec. 82-150 Pretreatment

(a) Grease Traps Required. The owner of premises from which industrial waste is discharged shall provide grease and sand traps for the proper handling of liquid wastes containing grease, floatable substances, or sand. The traps must be of a type and capacity approved by the City Council to adequately handle the waste and must be located so that they are easily accessible for cleaning, inspection, and monitoring.

(b) Liquid Waste Generators. A person who is an industrial waste generator who transports or permits transport of industrial waste off his or her premises for disposal shall dispose, or direct disposal to be made, of the waste at a permitted facility conforming to the requirements of state, federal and local laws and regulations.

(c) Requirements for Transporters. A person who is a transporter of grease trap or sand trap waste shall comply with all applicable state, federal and local laws and regulations.

(c) Operation and Maintenance of Pretreatment Facilities. When pretreatment of industrial waste is required by the City Council as a condition for acceptance of the waste into the wastewater system, the owner of the premises from which the waste is discharged must operate and maintain treatment facilities in a manner capable of complying with applicable discharge standards.

(d) Extraneous Water Prohibited. The owner, operator or permittee of premises from which industrial waste is discharged must not allow the use of extraneous water intermixed for the purpose of diluting the concentration of the waste.

Sec. 82-151 Liquid Waste

(a) Responsibilities of a Liquid Waste Transporter/Liquid Waste Hauler. All liquid waste haulers shall register with the City and pay a registration fee as provided in the Chart of Charges annually per truck.

(1) Before accepting a load of liquid waste for transportation, a liquid waste transporter shall determine the nature of the material to be transported and that his equipment is sufficient to properly handle the job without spillage, leaks, or release of toxic or harmful gases, fumes, liquids, or other substances. Upon delivery of the waste to the disposer, the transporter shall inform the disposer of the waste.

(2) A transporter with a City liquid waste transporter permit shall not transport materials that are hazardous in waste vehicles permitted by the City for transporting liquid waste.

(3) A transporter holding a City permit must use a disposal site permitted or approved by the State of Texas.

(4) A manifest system, consisting of a five-part trip ticket, is used to control the transporting and disposal of all applicable liquid waste generated in the City and shall be used as follows:

(A) The trip ticket books, which shall be used exclusively for a single waste vehicle, are purchased by the transporter from the City for the amount as provided in the Chart of Charges;

(B) A transporter will complete one trip ticket for each location serviced, with the exception of chemical toilet companies servicing their own units who will complete one trip ticket for each load transported;

(C) First copy of manifest form signed by transporter and liquid waste generator at time of waste collection shall be left with liquid waste generator for their files; disposer;

(E) Third copy of manifest form (which has the signatures of transporter, liquid waste generator, and disposer) shall be maintained by transporter;

(F) All trip tickets containing the original manifest form with all signatures will be sent to the City within ten (10) days of the service date;

(E) A copy of all manifests shall be maintained for a period of three (3) years; and

(D) Second copy of manifest form (which has the transporter and liquid waste generator's signatures) signed by disposer at the time of disposal shall be maintained by

(F) All records required shall be made available for inspection by the approving authority at any reasonable time.

(5) A transporter shall completely evacuate all materials and water from grease interceptor each time they are serviced to eliminate drain blockage, sewer overflows and ensure that the concentration of wastewater does not exceed City requirements.

(b) Responsibility of Liquid Waste Generator.

(1) A liquid waste generator shall have all liquid waste material transported by a transporter who holds a valid permit from the City and transports to an approved site for disposal.

(2) A liquid waste generator shall determine if the liquid waste is in combination with hazardous waste removed from his or its premises by a liquid waste transporter operating under a City permit.

(3) A liquid waste generator shall sign the manifest from the transporter when a load is picked up by the transporter and shall keep a copy of all trip tickets for a period of three (3) years. The City may inspect these records at any time.

(4) A liquid waste generator:

(A) Shall install or provide a grease interceptor of a size and design in a location specified by approving authority;

(B) Shall have grease interceptor serviced by a City-permitted liquid waste transporter at a frequency to eliminate drain blockages and subsequent sewer overflows and to keep the interceptor in proper working order at all times;

(C) Shall supervise proper cleaning of grease interceptor;

(D) Shall report spills and accidents immediately and have material disposed of by a permitted transporter utilizing approved means;

(E) Shall clean up all spills and accidents immediately and have material disposed of by a permitted transporter utilizing approved means;

(F) Shall not install or utilize any system, process or pretreatment involving the use of enzymes, bacteria or other additives, nor alter the design or function of the grease

interceptor without specific written approval of the City; and

(G) Shall be responsible for supplying the City with a copy of the trip ticket within ten (10) days of the service date.

Sec. 82-152 Industrial Surcharge for Excessive Concentrations; Sampling Fees

(a) Excessive BOD/Suspended Solids Concentrations. A person discharging into the wastewater system industrial waste which exhibits none of the characteristics of wastewater prohibited in Section 82-146, but which has a concentration for a duration of fifteen (15) minutes that is greater than four times that of normal wastewater as measured by suspended solids, BOD, or both, or a concentration during a twenty-four-hour period average of suspended solids, BOD, or both in excess of normal wastewater, shall pretreat the industrial waste to meet the concentrations of normal wastewater, except, that the industrial waste may be accepted in the wastewater system for treatment by the City if all the following requirements are met:

- (1) The industrial waste will not cause damage to the wastewater system.
- (2) The industrial waste will not impair the City's treatment processes.
- (3) The BOD or suspended solids concentration of industrial waste discharged does not have the potential to cause the average BOD or suspended solids of wastewater to increase above two hundred fifty (250) mg/L.
- (4) In any event, the BOD or suspended solids concentration of industrial waste discharged does not exceed ten thousand (10,000) mg/L at the source.
- (5) The person responsible for the industrial waste pays an industrial surcharge in addition to the regular water and sewer rates, in accordance with the formula prescribed in Section 82-152.

(b) Sampling Laboratory Fees in General.

(1) A person determined to be discharging industrial waste in violation of Section 82-146 or applicable standards of the Control Authority, including BOD or suspended solids (TSS) concentrations greater than two hundred fifty (250) mg/L but less than ten thousand (10,000) mg/L, must compensate the City for the cost of sampling and laboratory service expenses required for monitoring the discharges until such time as the discharged waste is in compliance with Section 82-146. The City Manager shall determine the number of ~~samples~~ and the frequency of sampling necessary to maintain surveillance of the discharges. Testing shall be done at the City's discretion.

(2) The customer may request, after being notified of the results of the testing and the surcharge amount, to have the City re-test their facility. Such re-testing shall be at the customer's expense for the sampling laboratory fees and a re-inspection fee per day as set out in accordance with the Chart of Charges or Master Fee Schedule for each day required for an Authorized Representative to collect the samples required for re-testing. All sampling laboratory fees and re-inspection fees must be paid in full prior to any re-testing being conducted.

(3) Re-testing shall be required for a minimum of two (2) consecutive months for four consecutive days per month. During re-testing, the customer shall be charged, and required to pay, the surcharge fee that was assessed after the first sampling results for that six-month period. Should the test results indicate the customer is still in violation of

Section 82-146, the customer shall be charged a surcharge fee not less than the average of the months retested.

(c) Sampling Fees for Industrial Surcharge. A person discharging concentrations of BOD or suspended solids shall compensate the City for the cost of sample collections and laboratory service necessary when an industrial surcharge rate is established. This subsection does not apply to a waste management operator, or to a discharger who accepts billing under Section 82-152.

(d) Grease or Sand Traps. All persons required to install and utilize grease or sand traps shall be required on a routine basis to have the City test each trap for four (4) consecutive days, and pay the City a sampling and testing fee as set out in accordance with the Chart of Charges or Master Fee Schedule per day for each trap tested. The City's representative will collect all samples and submit such samples to a testing laboratory for analysis.

Sec. 82-153 Industrial Surcharge Rate Formula for Excessive Concentrations

(a) The user's cost factors for excessive industrial waste are based on the capital and operating cost of wastewater facilities to provide treatment for the reduction of BOD and suspended solids. The surcharge formula reflects a standard rate. The formula is provided in the Chart of Charges.

(b) The rate for each user may be calculated using the results from routine sampling.

Sec. 82-154 Inspection Chambers

(a) Chambers Required. A person who discharges industrial waste into the wastewater system must provide, at his own expense, an inspection manhole or chamber in an accessible location on the premises from which the waste is discharged. The City Manager or designee may request this at any time.

(b) Special Requirements. An inspection manhole or chamber must be:

(1) Near the outlet of each building lateral, sewer, drain, pipe, or channel which connects with the wastewater system;

(2) Designed and constructed to prevent infiltration by ground and surface water; and

(3) Maintained so that a person may easily and safely measure the volume and obtain samples of the flow.

(c) Construction Plans Required. Before beginning construction of an inspection manhole or chamber, a person must submit plans to the City Manager or authorized representative for review and approval to ensure compliance with this section. Plans must include the wastewater metering device if one is to be installed.

Sec. 82-155 Measurement of Waste Volume

(a) Metering Devices. If a person who discharges industrial waste into the wastewater system installs and maintains in proper working condition a wastewater metering device of a type approved by the City Manager, the actual wastewater flow from the premises will be the basis for computing charges for services.

(b) Measurements Without a Meter. On premises where water is obtained exclusively from the water system and no wastewater metering device is installed, the City Manager shall compute the wastewater flow, for purposes of determining service charges, based on the water consumption during the previous month.

(c) Wastewater from Private Sources. On premises where all or part of the water is obtained from a source other than the water system and no wastewater metering device is installed, the owner shall provide and maintain a metering device, of a type approved by the City Manager, to measure sources of private water.

(d) Estimated Usage. If an activity on premises consumes water by evaporation, includes water in a product or discharges water into a storm sewer, the owner may make application to the City Manager for reduction in the volume of wastewater estimated to be discharged from the premises. The application must contain supporting data, including but not limited to a flow diagram showing the route and destination of the water supply and wastewater.

Sec. 82-156 Sampling of Waste

(a) When Samples Taken. The City Manager or an authorized representative shall take samples of industrial waste discharges from an establishment as often as he or she determines is necessary to adequately monitor and control the discharges. If an owner desires additional samples, the owner will be required to pay the laboratory costs of the additional service. Additional samples shall be taken only once within a twelve-month period.

(b) How Samples Taken. A sample may be taken manually or by use of mechanical equipment. The method of sample collection will be determined by the City Manager or authorized representative. The City Manager or authorized representative shall use standard methods for determining concentrations of industrial waste.

(c) Inspection for Compliance. The City Manager or authorized representative shall conduct inspection, surveillance and monitoring procedures to determine whether an industrial user is in compliance with applicable pretreatment standards and requirements. The inspection, surveillance, and monitoring must be independent of information received from the self-monitoring reports program.

(d) Self-Monitoring Program. The City Manager may, to the extent permitted by the Control Authority, delegate self monitoring and reporting responsibilities to specific industrial waste discharge permittees, based upon the compliance history of a permittee and the volume and character of the waste discharge.

Sec. 82-157 Waste Management Operators

A person who is a waste management operator and discharges industrial waste into the wastewater system must:

- (1) Install and maintain an accurate wastewater metering device, or provide for accurate flow-estimates in a manner as required by the City Manager or an authorized representative;
- (2) Compensate the City for the full cost of all sample collection and laboratory analyses for the purpose of monitoring and maintaining control of the discharge of industrial waste into the wastewater system; or implement a self-monitoring and reporting program approved by the City Manager or an authorized representative;
- (3) Maintain accurate records, available to the City Manager or an authorized representative upon request, showing:
 - (A) The volume of industrial waste discharged;
 - (B) The dates of receipt and disposal of industrial waste;
 - (C) The type of waste discharged; and
 - (D) The names and addresses of liquid waste generators and haulers of all waste being processed; and
- (4) Comply with all applicable federal, state, and local laws and regulations.

Sec. 82-158 Deposit or Discharge of Certain Material into Wastewater System or Storm Sewer

- (a) Illegal Discharges. A person commits an offense if he or she:
 - (1) Deposits garbage, dead animals, trash, articles, or other substances tending to obstruct the flow of wastewater, into a manhole, cleanout, or other opening;
 - (2) Discharges industrial waste into a storm sewer or storm drain;
 - (3) Discharges normal domestic wastewater into a storm sewer or storm drain; or
 - (4) Discharges stormwater collected from a storm sewer or storm drain into the wastewater system.
- (b) Gutter Connections. A person commits an offense if he or she connects a private gutter, rainwater conductor, privy, or cistern to a part of the wastewater system.

DIVISION 2: GREASE TRAPS

Sec. 82-159 Grease Traps for Food Establishments Required

All food service businesses within the City shall be required to install a grease trap according to the City's specifications.

Sec. 82-160 Industrial Interceptors (Clarifiers) and Separators

(a) When Required. Interceptors (clarifiers) [including grease, oil and sand interceptors (clarifiers), etc.] shall be provided when, in the judgment of the City, they are necessary for the proper handling of liquid wastes containing grease, flammable wastes, sand, solids, acid or alkaline substances or other ingredients harmful to the building drainage system, the public or private sewer or to public or private sewage disposal.

(1) Work areas of machine shops or of any facility or part of a facility which manufactures, rebuilds, repairs, overhauls, or maintains motors, transmissions, hydraulic systems, or similar machinery and areas where fluids are changed shall not have any floor drains or other devices where wastewater or any other wastes may be discharged into the sanitary sewer.

(A) Work areas such as described above shall be physically separated from any other areas that drain into the sanitary sewer.

(B) Drainage from these work areas such as described above shall go into a hold-haul tank. All hold-haul tanks shall be equipped so as to prevent them from allowing any fluid or material to leak, spill, and/or splash out at any time, including but not limited to daily operations and cleaning.

(C) Washwater used for cleaning the floors of any work areas such as described above shall be excluded from the sanitary sewer except where pretreated to within the specifications of this chapter.

(D) Disposal records of these materials and fluids removed from the hold-haul tanks shall be kept and maintained for a period of three years and made available to the City for inspection and copying upon request.

(b) Approval. The size, type, and location of each interceptor (clarifier) or separator shall be approved by the City, in accordance with its standards. Except where otherwise specifically permitted, no wastes other than those requiring treatment or separation shall be discharged into any interceptor (clarifier). Wastes in excess of 140°F (60°C) shall not discharge into a grease trap.

(c) Design. Interceptors (clarifiers) for sand and similar heavy solids shall be so designed and located as to be readily accessible for cleaning and shall have a water seal of not less than six (6) inches (152.4 mm).

(d) Relief Vent. Interceptors (clarifiers) shall be so designed that they will not become air bound if closed covers are used. Each interceptor (clarifier) shall be properly vented.

(e) Location. Each interceptor (clarifiers) cover shall be readily accessible for servicing and maintaining the interceptor (clarifier) in working and operating condition. The use of ladders or the removal of bulky equipment in order to service interceptors (clarifiers) shall constitute a violation of accessibility. Location of all interceptors (clarifiers) shall be shown on the approved building plan.

Sec. 82-161 Slaughterhouses, Packing Establishments, Etc.

Every fish, fowl and animal slaughter house or establishment and every fish, fowl and meat packing or curing establishment and every soap factory, tallow rendering, fat rendering and hide curing establishment, or any other establishment that does not meet the criteria of normal wastewater, shall be connected to and shall drain or discharge into a grease interceptor (clarifier) of an approved design for this use.

Sec. 82-162 Grease Traps

(a) When, in the judgment of the City, waste pretreatment is required, an approved type grease trap complying with the provisions of this section shall be installed in the waste line leading from sinks, drains and other fixtures or equipment in establishments such as restaurants, cafes, lunch counters, cafeterias, churches, bars and clubs, hotel, hospital, sanitarium, factory or school kitchens, catering kitchens or other establishments that do not meet the criteria of normal wastewater. A grease trap is not required for an individual dwelling unit that does not meet the aforementioned criteria.

(b) No grease trap shall be installed which has an approved rate of flow of more than fifty-five (55) gallons per minute (3.5 L/s), nor less than twenty (20) gallons per minute (1.3 L/s), except when specially approved by the City.

(c) Each plumbing fixture or piece of equipment connected to a grease trap shall be provided with an approved type flow control or restricting device installed in a readily accessible and visible location in the tailpiece or drain outlet of each such fixture. Flow control devices shall be so designed that the flow through such device or devices shall at no time be greater than the rated capacity of the grease trap. No flow control device having adjustable or removable parts shall be approved.

(d) Each fixture discharged into a grease trap shall be individually trapped and vented in an approved manner. An approved type grease trap may be used as a fixture trap for a single fixture when the horizontal distance between the fixture outlet and the grease trap does not exceed four (4) feet (1.2 m) and the vertical tailpipe or drain does not exceed two and one-half (2-1/2) feet (.8 m).

(e) Grease traps shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping, or public or private sewer.

(f) No water jacketed grease trap or grease interceptor shall be approved or installed.

(g) Each grease trap shall have an approved water seal of not less than two (2) inches (50.8 mm) in depth or the diameter of its outlet whichever is greater.

(h) Waste discharge requirements:

(1) No food preparation: Grease trap is not required;

(2) Light food preparation: A minimum of a 500-gallon three-compartment grease interceptor is required; and

(3) Heavy food preparation: A minimum of a 1,000-gallon three-compartment grease interceptor is required.

(i) The City may give the facility a time limit of thirty (30) days to come into compliance or be subject to the water and sewer service being disconnected at their facility, charges added to the water bill, citations, etc.

Sec. 82-163 Food Waste Disposal Prohibited

Unless specifically required or permitted by the City, no food waste disposal unit shall be connected to or discharged into any grease interceptors.

Sec. 82-164 Requirement for Businesses to Comply

This requirement includes all present business and future businesses within said City.

Sec. 82-165 Inspections

The frequency of all grease trap inspections shall be determined by the City's representative.

Sec. 82-166 Requirements for Removal of Grease

Refer to Section 82-151.

Sec. 82-167 Penalties

- (a) All costs to the City, including, but not limited to, costs that the City may incur in cleaning City sewers when discharge by a customer from non-compliant traps obstructs the flow in the City's sanitary sewer system, shall be charged to the customer. If such costs are not paid after being billed by the City, such customer's water and sewer service may be terminated.
- (b) If a customer becomes non-compliant, the City or representative may call a registered liquid waste hauler to service the non-compliant trap.
- (c) In addition to the above-listed penalties, failure of a customer to comply with this Chapter may result in an administrative fine of \$200.00 per day of non-compliance until such customer is in compliance.

Sec. 82-168 Time for Compliance

- (a) All existing businesses which do not have proper grease traps shall have thirty (30) days to comply with this chapter. Extensions for compliance may be granted by the City Manager of the City or his appointee. Any such extension shall not exceed an additional sixty (60) days.
- (b) For all customers that are not in compliance with this chapter, the City's representative may set a pump schedule or cleaning schedule for such grease traps.

Sec. 82-169 Oil Separators; Minimum Requirements for Auto Wash Rack

Every private or public wash rack and/or floor or slab used for cleaning machinery or machine parts shall be adequately protected against storm or surface water and shall drain or discharge into an interceptor (clarifier) of an approved design for this use.

DIVISION 3: CROSS-CONNECTION CONTROL AND PREVENTION

Sec. 82-170 Introduction

- (a) The City has the responsibility to supply potable water to their customers. In the exercise of this responsibility, the City shall implement, administer, and maintain an ongoing backflow prevention and cross-connection control program to protect the City's system from the hazards originating on the premises of their

customers and from temporary connections that may impair or alter the water in the public water systems. The return of any water to the City's system after the water has been used for any purpose on the customer's premises or within the customer's piping system is unacceptable and opposed by the City.

(b) Every source of contamination or possible contamination from any contaminant which originates from or is located at a residential or Commercial establishment, which is connected to any public water supply or which provides water to the public shall be equipped with the protection required under the provisions of the City Code.

(c) A monthly fee as set out in accordance with the Chart of Charges shall be assessed for the purposes of implementing and conducting an annual inspection of each backflow cross-connection prevention assembly in the City.

Sec. 82-171 Definitions

For the purpose of the City Code, the following definitions apply unless the context clearly indicates or requires a different meaning. If a word or term in the City Code is not contained in the following list, its definition, or other technical terms used, shall have the meanings or definitions listed in the most recent edition of the International Plumbing Code and/or USC Manual of Cross Connection Control, Tenth Edition. The following definitions shall apply to the City Code:

Air Gap. A physical separation between the free flowing discharge end of a potable water supply piping and/or appurtenance and an open or non-pressure receiving vessel, plumbing fixture or other assembly. An "approved air-gap separation" shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture or other assembly in no case less than one inch.

Atmospheric Vacuum Breaker Backflow Prevention Assembly or Atmospheric Vacuum Breaker (AVB). An assembly used to prevent back siphonage in non-health hazard conditions. This assembly cannot be tested and cannot prevent back pressure backflow.

Auxiliary Supply. Any water source or system other than the public water system that may be available in the building or on the property, including groundwater or surface waters used for industrial, irrigation or any other purpose.

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

Backflow Prevention Assembly and/or Assembly. Any effective assembly, including but not limited to, reduced pressure assemblies, double check valves and vacuum breakers, approved by the City Manager and used to prevent water of unknown quality in private plumbing facilities from flowing back into the water system.

Back Pressure. Any elevation of pressure in the downstream piping system (by any means) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow and the introduction of fluids, mixtures or substances from any source other than the intended source.

Back Siphonage. The flow of water or other liquids, mixture or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by a sudden reduction of pressure in the potable water supply system.

Boresight or Boresight to Daylight. Providing adequate drainage for backflow prevention assemblies installed in vaults through the use of an unobstructed drain pipe.

Commercial Establishment (Commercial). A property or location, whether leased or owned, which is used primarily for but not limited to, industrial, manufacture, production, storage, wholesaling or retailing of services, RV parks, schools, churches, daycare facilities, pet grooming facilities, salons, clinics, hotels, etc., which is or may be placed in the flow of commerce or any property or location which is used primarily for the provision of any service.

Commercial Use. Water used by any persons other than a residential customer of the water supply and include all uses not specifically included in “residential uses.”

Contaminants. Any foreign material, solid or liquid, or gas, not common to the potable water supply which makes the water unfit or undesirable for human consumption.

Contamination. The admission of contaminants into the potable water supply system.

Cross-Connection. A physical connection between a public water system and either another supply of unknown or questionable quality, any source including, but not limited to garden hoses, unapproved piping connecting one structure to another, which may contain contaminating or polluting substances, or any source of water treated to a lesser degree in the treatment process.

Cross-Connection Control Assembly. Any nationally approved or recognized assembly placed upon any connection, physical or otherwise, between a potable water supply system and any plumbing fixture of any tank, receptacle, equipment or assembly, which is designed to prevent non-potable, used, unclean, polluted and contaminated water, or other substances, from entering into any part of such potable water system under any condition or set of conditions.

Customer Service Inspection (CSI). A TCEQ mandated examination of the private distribution facility for the purpose of providing or denying water service. The inspection is limited to the identification and prevention of cross-connections, potential contaminants hazards, and illegal lead materials.

Customer Service Inspector. The person who is licensed by the TCEQ or its designated agent as a certified customer inspector, or licensed by the Texas State Board of Plumbing Examiners as a plumbing inspector or as a water protection specialist.

Degree of Hazard. Health hazard or non-health hazard as determined by the evaluation of the conditions within a system by the executive director of the TCEQ:

(1) Health hazard. A cross-connection, potential cross-connection, or other situation involving any substance that could cause death or illness, spread disease, or has a high probability of causing such effects if introduced into the potable drinking water. The following list, including but not limited to, contains common hazards and other hazards that may be determined by the City to require premises isolation with a Reduced Pressure Zone (RPZ) :

Carwash

Multi-storied building - 3 floors or more

Animal hospital

Auxiliary water supply

Building containing a reclaimed water system

Commercial or industrial irrigation

Commercial laundry

Cooling tower

Dental office

Doctor's office

Food and beverage processing plant

Food establishments

Funeral home and mortuary

Green house or nursery

Hospitals - parallel system required

Commercial irrigation systems

Laboratories, including medical, dental, research and labs at educational facilities

Manufacturing plant

Metal manufacturing, cleaning, processing, and fabrication plants

Petroleum processing or storage facilities

Plants using radioactive materials

Premises where inspection is restricted or exempted

Rendering plant

Sewage lift stations sewage treatment plants

Steam plants

- (2) Non-health hazard. A cross-connection or potential cross-connection involving any substance that generally would not be a health hazard but would constitute a nuisance, or be aesthetically objectionable, if introduced into the potable drinking water.

City. Dallas County Water Control & Improvement City #6 or any of its representatives or agents who is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of the City Code.

Double Check Detector Backflow Prevention Assembly or Double Check Detector (DCDA). An assembly composed of a line-size approved double check assembly with a bypass containing a specific water meter and an approved

double check valve assembly. The meter shall register accurately for very low rates of flow.

Double Check Valve Backflow Prevention Assembly or Double Check Assembly or Double Check (DC). An assembly which consists of two independently acting, approved check valves, including tightly closing resilient seated shut-off valves attached at each end of the assembly and fitted with properly located resilient seated test ports.

Fire Line Tester. A tester who is employed by a state-approved fire line contractor and is qualified to test backflow prevention assemblies on fire lines only.

General Tester. A tester who is qualified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service except fire lines.

Hose Bibb Vacuum Breaker (HBVB). An assembly that consists of a spring-loaded check valve that seals against an atmospheric outlet when the water supply is turned on. When the supply is turned off, the assembly vents to atmosphere, thus protecting against back-siphonage in non-health hazard conditions.

Mobile Unit. Any operation which may have the potential to introduce contaminants into a potable water system from a mobile source. These include, but are not limited to, carpet-cleaning vehicles, water-hauling vehicles, street-cleaning vehicles, hydro-jets, liquid-waste vehicles, power-wash operations and pest-control vehicles.

Non-Residential Use. Water used by any persons other than a residential customer of the water supply and include all uses not specifically included in “residential uses.”

Person. Can mean any individual, business, private, or public corporation, partnership, association, governmental entity, firm, industry, or other entity.

Point-of-Use Isolation. The appropriate backflow prevention within the consumer’s water system at the point at which the actual or potential cross-connection exists.

Potable Water Supply. Any water supply intended or used for human consumption or other domestic use.

Premises. Any piece of property to which water is provided, including all improvements, mobile structures, and structures located on it.

Premises Isolation. The appropriate backflow prevention at the service connection between the public water system and the water user.

Pressure Vacuum Breaker Backflow Prevention Assembly or Pressure Vacuum Breaker (PVB). An assembly which provides protection against back siphonage, but does not provide adequate protection against back pressure backflow. The assembly is a combination of a single check valve with an Atmospheric Vacuum Breaker and can be used with downstream resilient seated shut-off valves. In addition, the assembly has suction and discharge gate valves and resilient seated test ports which allows the full testing of the assembly.

Public Water System or System. Any public or privately owned water system which supplies water for public domestic use. The system will include all services, reservoirs, facilities, and any equipment used in the process of producing, treating, storing or conveying water for public consumption.

Recreational Vehicle (RV). A self-contained trailer or vehicle that is used for recreational, work or living.

Reduced Pressure Principle Backflow Prevention Assembly or Reduced Pressure Principle Assembly or Reduced Pressure Assembly or Reduced Pressure Zone (RP). An assembly containing two independently acting approved check valves together with a hydraulically operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The assembly shall include properly located resilient seated test ports and a tightly closing resilient seated shut-off valve at the end of the assembly.

Reduced Pressure Principle Detector Backflow Prevention Assembly or Reduced Pressure Detector (RPDA). An assembly composed of a line-size approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for very low rates of flow.

Representative of the Water System. A person designated by the City Manager of the City to perform cross-connection control duties that shall include, but are not limited to, issue notices, citations or summons, cross-connection inspections and water use surveys.

Residential Use (Residential). Water used by any persons other than a Commercial customer of the water supply and include all uses not specifically included in “Commercial uses.”

Service Connection. The point of delivery at which point the physical responsibility of the water transfers from the City to the customer.

Spill-Resistant Pressure Vacuum Breaker (SVB). An assembly containing an independently operating, internally loaded check valve and independently operating, loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with a properly located resilient seated test cock and tightly closing resilient seated shutoff valves attached at each end of the assembly.

TCEQ. The Texas Commission on Environmental Quality.

Tester. A person that is a certified backflow prevention assembly technician approved by and registered with the City and the TCEQ.

Thermal Expansion. Heated water that does not have the space to expand.

Used Water. Water supplied by a public water system to a water user's system after it has passed through the service connection.

Sec. 82.172 Protection Required; Installation

The backflow prevention assemblies required under the City Code shall be from the approved list of the University of Southern California or as determined by the City. Each backflow prevention assembly shall have been approved by the City prior to installation. Failure to obtain such approval prior to installation of the backflow prevention assembly may result in the backflow prevention assembly failing to meet final approval by the City. The City shall determine the type and location of backflow assembly to be installed within the area served by the City. The assembly will be required in each of the following circumstances, but the representative is in no way limited to the following circumstances:

- (1) The nature and extent of any activity of the premises, or the materials used in connection with any activity of the premises, or materials stored on the premises, could contaminate or pollute the potable water supply.
- (2) Premises having one or more potential cross-connections.
- (3) Internal cross-connections are present that are not correctable.
- (4) Intricate plumbing arrangements that are present which make it impractical to ascertain whether cross-connections exist.
- (5) There is restricted entry so that inspections cannot be made with sufficient frequency to assure that cross-connections do not exist.

- (6) Installation of an approved backflow prevention assembly is deemed to be necessary to accomplish the purpose of these regulations in the judgment of the City.
- (7) A fire suppression system that is connected to the City's water system.
- (8) All new construction if deemed necessary in the CSI. The type of assembly required will be determined by the degree of hazard.
- (9) When a building is constructed on Commercial premises, and the end use of such building is not determined or could change.
- (10) Any used-water return system.
- (11) A premises isolation assembly shall be required in the event a Point-of-use assembly has not been tested or repaired as required by the City Code.
- (12) Premises isolation may be required if it is determined that additions or alterations have been made to the plumbing system without obtaining proper permits.
- (13) All multi-story buildings or any building with a booster pump or elevated storage tank.
- (14) Retrofitting will be required on all high hazard connections and wherever else the City deems necessary to retrofit.
- (15) Premises isolation will be required if there is an active well on the premises.

Sec. 82-173 Customer Service Inspection

(a) Pursuant to TCEQ Water System Regulations, a CSI for cross-connection control shall be performed by the City prior to providing continuous water service in each of the following circumstances:

- (1) Water service to a newly constructed facility or previously non-existing premises.
- (2) After any material improvement to building(s) or premises.
- (3) Any correction or addition to the plumbing of any facility or premises.
- (4) The City deems it necessary.

(b) Permanent water service shall not be supplied to a new construction facility(s) until after the CSI is completed.

- (c) Temporary water service which poses a potential cross-connection threat to the potable water supply shall be protected by an approved backflow prevention assembly.
- (d) All CSIs shall be performed by the City.
- (e) The charges for CSIs shall be in accordance with the Chart of Charges of the City.
- (f) A CSI certificate shall be completed prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.
- (g) As unacceptable plumbing practices are discovered, they shall be promptly eliminated to prevent possible contamination of the water supplied by the public water system. The existence of a serious threat to the integrity of the public water supply shall be considered sufficient grounds for immediate termination of water service. Service can be restored only when the source of potential contamination no longer exists or until sufficient additional safeguards have been taken.
- (h) Copies of properly completed inspection certifications shall be kept on file by the City and made available, upon request, for TCEQ review. These certifications shall be retained for a minimum of ten (10) years and shall certify that:
 - (1) No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination are isolated from the public water system by an air-gap or an appropriate backflow prevention assembly in accordance with all local state and federal laws and the rules and regulations found in the City Code. Additionally, all pressure relief valves and thermal expansion assemblies shall be in compliance with all local state and federal laws.
 - (2) No cross-connection between the public drinking water supply and a private water source exists. Where an actual air-gap is not maintained between the public water supply and a private water supply, an approved RP is properly installed and a service agreement exists for annual inspection and testing by a City-recognized backflow prevention assembly tester.
 - (3) No connection exists which would allow the return of water used for condensing, cooling or industrial processed back to the public water supply.
 - (4) No pipe or pipe fitting which contains more than 8.0% (percent) lead exists in private plumbing facilities installed on or after July 1, 1988.

- (5) No solder or flux which contains more than 0.2% (percent) lead exists in private plumbing facilities installed on or after July 1, 1988.
- (6) No plumbing fixture is installed which is not in compliance with all local state and federal laws.
 - (i) The CSI requirements are not considered acceptable substitutes for and shall not apply to the sanitary control requirements.

Sec. 82-174 Customer Classifications

(a) Commercial Connections.

- (1) An RP shall be the minimum protection for all new or existing Commercial connections which utilize the City's potable water supply.
- (2) Additional assemblies may be required at Point-of-use according to the degree of hazard as the City deems it necessary.

(b) Fire Hydrant Connections. An approved RP shall be the minimum protection for fire hydrant water meters which are being used for a temporary water supply during any construction or other uses which would pose a potential hazard to the public water supply.

- (1) It is the responsibility of all persons engaging in the use and rental of a fire hydrant water meter to abide by the conditions of the City Code. All fire hydrant water meter rentals shall meet the current requirements as provided for by the City.
- (2) Only City fire hydrant water meters with approved backflow prevention assemblies are allowed to be used within the City's boundaries.
- (3) Deposit Fee for Fire Hydrant Water Meter with Backflow Prevention Assembly. The deposit fee for fire hydrant water meters with backflow assemblies shall be specified in Section 2.03.009(b).
- (4) All non-approved fire hydrant meters which are found to be in use in the City will be confiscated and enforcement action taken against the responsible party, as allowed for in the enforcement section of the City Code.

(c) Fire Suppression Systems. All new or existing fire lines which utilize the City's potable water supply shall have installed an approved backflow prevention assemblies according to the degree of hazard. An approved DC or RP shall be the minimum protection for fire sprinkler systems.

- (1) It is the responsibility of all property owners and persons in charge of any premises to abide by the conditions of the City Code. In the event of any changes to the plumbing system, it is the responsibility of the property owners to notify the City. All costs associated with the City Code and the purchase, installation, testing and repair of a DC or RP assembly is the responsibility of the property owner and persons in charge of any premises.
- (2) All assemblies required on Fire Line Suppression Systems shall abide by the rules and regulations found in the City Code, with the exception that all testing on Fire Line Suppression Systems shall be completed by a licensed and City-registered Fire Line Tester.
 - (d) Irrigation Systems. All Commercial irrigation systems and irrigation systems that contain mechanical injection stations shall be required to have RPs. Residential irrigation systems shall be required to have a minimum of DC.
 - (e) Mobile Units. The connection of a mobile unit to any potable water system is prohibited unless such connection is protected by an air gap or an RP. Prior approval and annual testing of any backflow prevention assembly shall be provided to the City before connection to any potable water system.
 - (f) Multiple Connections. Any premises requiring multiple service connections for adequacy of supply and/or fire protection will be required to install a backflow assembly on all service lines to the premises. The type of assembly will be determined by the degree of hazard in the event of an interconnection between services.
 - (g) Recreational Vehicles.
 - (1) An HBVB shall be the minimum protection for all new or existing RV connections which utilize the City's potable water supply.
 - (2) All connections to a public or private line shall be a non-toxic supply line.
 - (h) Residential Service Connections. Any person who owns or controls any residential property which has been determined to have an actual or potential cross-connection shall be required to eliminate the actual or potential cross connection and may be required to have an approved backflow assembly installed in accordance with the City Code.

Sec. 82-175 Noncompliance Fee

Failure to abide by the requirements in this chapter may lead to a noncompliance penalty fee as set out in Appendix C, Chart of Charges

DIVISION 4: LAWN SPRINKLER IRRIGATION SYSTEMS

Sec. 82-176 Permits

Permits for lawn sprinkler systems can generally be approved at the City's administrative office. A completed permit application must be submitted prior to approval. The permit application must include all of the following information:

- (1) The name, address, and telephone number of the licensed irrigation or plumbing contractor, including state-issued license number.
- (2) The only minimum required backflow assembly within the City for commercial irrigation systems is a reduced pressure principal zone (RPZ) backflow assembly.
- (3) A double check valve (DC) is the minimum protection required for residential irrigation systems without chemical injection.
- (4) The name of the company who manufactures the specific assembly to be used. The model number of the assembly.
- (5) The name of the manufacture of the enclosure that will protect the assembly from freezing. For a list of the City's approved manufacturers, see "Approved Materials List."

Sec. 82-177 General Requirements

- (a) An application fee for residential systems and for commercial systems, as set out in Appendix C, Chart of Charges, must be paid when applying for irrigation service.
- (b) An inspection fee as set out in Appendix C, Chart of Charges must be paid prior to requesting a meter.
- (c) All backflow testers and irrigators must be registered with the City prior to obtaining any permit.
- (d) Registration fees for backflow testers and irrigators are as set out in the Appendix C, Chart of Charges as a charge per year per person. All registration paperwork must be completed before any work can begin.

(e) At all times during the instillation of the irrigation system, the application must be visible from the street. If installing an irrigation system in the back yard, application must be visible from the street with backyard system noted.

Sec. 82-178 Conservation Measures Relating to Lawn and Landscape Irrigation

(a) Purpose. Lawn and landscape irrigation practices within the City, especially during the summer months, can cause a waste of valuable water resources. The purpose of this section is to mandate that water be used for lawn and landscape irrigation in a manner that prevents waste, conserves water resources for their most beneficial and vital uses, and protects the public health.

(b) Lawn and Landscape Irrigation Restrictions.

- (1) A person commits an offense if during the period from June 1 through September 30, of any year and between the hours of 10:00 a.m. and 6:00 p.m., on any day during that period, he irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape.
- (2) A person commits an offense if he knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by the person in a manner that causes:
 - (A) Substantial amounts of water to fall upon impervious areas instead of upon the lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or
 - (B) An irrigation system or other lawn or landscape watering assembly to operate during any form of precipitation.
- (3) A person commits an offense if, on premises owned, leased, or managed by him, he operates a lawn or landscape irrigation system or assembly that:
 - (A) Has any broken or missing sprinkler head; or
 - (B) Has not been properly maintained in a manner that prevents the waste of water.

Sec. 82-179 Rain and Freeze Sensing Assemblies

(a) Any new irrigation system installed within the City on or after June 1, 2002, must be equipped with rain and freeze sensing assemblies approved as to number and type by the City.

(b) Any irrigation system installed before June 1, 2002, may not be operated after June 1, 2005, without being equipped with rain sensing assemblies and freeze gauges approved as to number and type by the City.

(c) A person commits an offense if, on premises owned, leased, or managed by he/she:

- (1) Installs, or causes or permits the installation of a new irrigation system in violation of subsection (a);
- (2) Operates, or causes or permits the operation of an irrigation system that does not comply with subsection (a);
- (3) Operates, or causes or permits the operation of an irrigation system that does not comply with subsection (b).

Sec. 82-180 Variances

The City may, in special cases, grant variances from the provisions of Section 5.02.003 to persons demonstrating extreme hardship and need. The City may grant variances only under all of the following circumstances and conditions:

- (1) The applicant must sign a compliance agreement on forms provided by the City, agreeing to irrigate or water a lawn or landscape only in the amount and manner permitted by the variance.
- (2) Granting of a variance must not cause an immediate significant reduction in the City's water supply.
- (3) The extreme hardship or need requiring the variance must relate to the health, safety, or welfare of the person requesting the variance.
- (4) The health, safety, and welfare of other persons must not be adversely affected by granting the variance.

Sec. 82-181 Revocation of Variances

The City may revoke a variance granted when the City determines that:

- (1) The conditions of Section 5.02.005 are not being met or are no longer applicable;
- (2) The terms of the compliance agreement are being violated; or
- (3) The health, safety, or welfare of other persons requires revocation.

Sec. 82-182 Installation Guidelines and Requirements for Backflow Prevention Assemblies

(a) General. To ensure proper operation and accessibility of all backflow prevention assemblies, the following guideline requirements shall apply.

- (1) All assemblies shall be installed in accordance with the City's Standard Details.
- (2) Backflow prevention assemblies shall be installed in accordance with the current TCEQ Rules and the rules and regulations found in the City Code. The assembly installer shall obtain the required plumbing permits and have the installation inspected by a representative of the City.
- (3) The City shall specify other areas for installation of the assembly. An assembly shall be before any branch in the line and on private property located just inside the boundary between the City right-of-way and the landowner's property.

Assemblies that are installed or are located on City right-of-ways are the responsibilities of the business or entity that the water line is serving.

- (4) The assembly shall be protected from freezing and other severe weather conditions by an approved enclosure.
- (5) All backflow prevention assemblies shall be of a type and model approved by the City.
- (6) All vertical installations of backflow assemblies shall have prior approval by the City.
- (7) Assemblies that are installed more than five (5) feet above floor level may be required to have a suitable platform for use by testing or maintenance personnel.
- (8) Lines should be thoroughly flushed prior to installation. A strainer with blowout tapping may be required ahead of the assembly.
- (9) Bypass lines will only be allowed at facilities that require continuous, uninterrupted water service and are required to have a backflow assembly. The customer shall make provisions for the parallel installation of assemblies of the same size and type so that testing, repair and maintenance can be performed.
- (10) The property owner assumes all responsibility for any damages resulting from installation, operation, and/or maintenance of a backflow assembly.

- (11) The owner shall be responsible for keeping all backflow prevention assembly enclosures free of obstructions to ensure adequate space is provided for testing and maintenance. Such obstructions are to include but not limited to, landscaping, insects, silt and debris.
- (12) Upon completion of installation of a new assembly or discovery of an existing assembly, the City shall be notified and all assemblies shall be registered, inspected and tested in accordance with the rules and regulations found in the City Code.
- (13) In the event of a failed assembly, the City may require that the hazard be removed until such time that the assembly is repaired.
- (14) All backflow prevention assemblies shall be installed in a manner designed to facilitate ease of inspection by the City. Any currently installed backflow prevention assemblies which are located in inaccessible locations or where the tester is subject to physical danger shall be relocated to approved locations following current national guideline standards.
- (15) It is the responsibility of any person who owns or controls property to eliminate the possibility of thermal expansion, if a closed system has been created by the installation of a backflow assembly.
- (16) Any reduction in water pressure caused by the installation of a backflow assembly is not the responsibility of the City.
- (17) All assemblies shall be sized to provide an adequate supply of water and pressure for the premises being served. Flow characteristics are not standard. Consult manufacturer's specifications for specific performance data.
- (18) The assembly shall be readily accessible for testing and maintenance and shall be located in an area where water damage to building or furnishing would not occur. The property owner assumes all responsibility for any damage caused by water discharge from any assembly.
- (19) No part of any backflow prevention assembly shall be continuously submerged in water or installed in a location subject to flooding.
- (20) There shall be an annual, non-refundable backflow prevention registration fee for each assembly installed in accordance with the Chart of Charges.
- (21) Any Backflow Assembly installed on or after January 1, 2014 shall be Lead free.

- (22) Variances from City specifications will be evaluated on a case-by-case basis. Any deviations shall have prior written approval by City.

(b) Atmospheric Vacuum Breaker (AVB). May be required at Point-of-use protection only where a substance is used or stored that would be objectionable but not hazardous to health if introduced into the potable water system. In a Point-of-use installation, an AVB can be used in areas including but not limited to, laboratory sinks and mop sinks.

- (1) An AVB can not be used for back pressure conditions, only back siphonage.
- (2) An AVB shall not be installed below ground, where flooding could immerse the AVB or subjected to a continuous flow of water or pressure.
- (3) An AVB shall not be used over 12 hours in any 24-hour period.
- (4) There shall not be any downstream valves on the AVB system.
- (5) An AVB shall be at least 6 inches higher than the highest downstream opening.
- (6) An AVB shall be installed in the vertical position.

(c) Reduced Pressure Principle Backflow Prevention Assemblies (RP). May be required at premises where a substance is used or stored that would be hazardous to health if introduced into the potable water system. The RP is normally used in locations where an air gap is impractical. The RP is effective against both back siphonage and back pressure.

- (1) An approved air gap shall be located at the relief valve orifice of RP assemblies.
- (2) Enclosures shall be designed for ready access and sized to allow for the minimum clearances established below. Removable protective enclosures are typically installed on the smaller assemblies. Daylight drain ports shall be provided to accommodate full pressure discharge from the assembly.

(d) Reduced Pressure Principle Detector Backflow Prevention Assemblies (RPDA). May be required in all installations requiring a RP.

- (1) RPDAs shall comply with the same installation requirements applicable for an RP.

(e) Double Check Valve Backflow Prevention Assemblies (DC). May be required at premises where a substance is handled that would be objectionable but not hazardous to health if introduced into the potable water system.

- (1) Vertical installations of DCs are allowed only on sizes up to and including four (4) inches that meet the following requirements:

- (A) Internally spring-loaded check valves;
- (B) Flow is upward through assembly;
- (C) Manufacturer states their assembly can be used in a vertical position;
- (D) Approved by the City and USC.

(f) Double Check Detector Backflow Prevention Assemblies (DCDA). May be required in all installations requiring a DC assembly.

- (1) DCDA's shall comply with the same installation requirements applicable for DCs.

(g) Pressure Vacuum Breaker Backflow Prevention Assemblies (PVB). May be required at Point-of use protection only and where a substance is used and stored that would be objectionable but not hazardous to health if introduced into the potable water system. PVBs protect against back siphonage only and shall not be installed where there is potential for back pressure.

- (1) Assembly shall be installed a minimum of twelve (12) inches above highest downstream outlet and not above 60 inches high.
- (2) All PVBs shall have a minimum clearance of twelve (12) inches all around the assembly.

(h) Spill Resistant Pressure Vacuum Breaker Backflow Prevention Assemblies (SVB). May be required in all installations requiring a PVB.

- (1) SVBs shall comply with the installation and maintenance requirements applicable for PVBs.

(i) Hose Bibb Vacuum Breaker (HBVB). May be required at Point-of-use protection only and where a substance is used and stored that would be objectionable but not hazardous to health if introduced into the potable water system. In a Point-of-use installation, an HBVB can be used in areas including but not limited to, water hose connections, laboratory sinks and mop sinks.

(j) Air Gap Separation. Provides maximum protection from backflow hazards and should be utilized where practical at all locations where "high" hazardous substances are at risk of entering the potable water system.

- (1) An air gap separation shall be at least twice the diameter of the supply pipeline measured vertically above the top rim of the receiving vessel and in no case less

than one (1) inch. If splashing is a problem, the supply line may be cut at a 45° angle. The air gap distance is measured from the bottom of the angle. Hoses are not allowed.

- (2) Air gap separations shall not be altered in any way without prior approval from the City and shall be available for inspection at all reasonable times.
- (3) Side walls, ribs or similar obstructions do not affect air gaps when spaced from the inside edge of the spout opening a distance greater than three (3) times the diameter of the effective opening for a single, or a distance greater than four (4) times the effective opening for two intersecting walls.

Sec. 82-183 Inspection and Approval

- (a) All inspections must be requested through our automated system. The automated number is (972) 286-4477.
- (b) An inspection fee as set out in Appendix C, Chart of Charges must be paid prior to requesting an inspection.
- (c) Inspection requests are removed at 8:30 each business day. If an inspection is called in after 8:30, the inspection will take place during normal business hours the next working day, weather permitting.
- (d) If an inspection is canceled due to rain or freezing weather, the contractor must call for an inspection after he or she has verified that the site is still ready for an inspection.
- (e) The backflow assembly test must be submitted to the City offices.
- (f) All backflow assemblies must be installed in a City approved enclosure. The contractor must have the enclosure removed prior to calling for an inspection.
- (g) Contractors are responsible for obtaining approval of the backflow assembly they are planning to use prior to installation.

Sec. 82-184 Reinspection Fees

- (a) A reinspection fee not to exceed the amount as set out in Appendix C, Chart of Charges will be assessed for any of the following reasons, but is not limited to these reasons. No further inspections will be performed on the job until all fees have been paid.
- (b) Reinspection fees will be required when:

- (1) Inspection called for is not ready.
- (2) The backflow assembly is not accessible for inspection.
- (3) Past due date

Sec. 82-185 Testing of Assemblies

(a) It is the responsibility of any person who owns or controls property to have all assemblies tested in accordance with the City Code and to provide reasonable access. Assemblies may be required to be tested more frequently if the City deems necessary. A testing fee and/or a re-testing fee will be charged in accordance with the Chart of Charges.

(b) The City shall inspect and test, or cause to be inspected and tested, all backflow prevention assemblies in each of the following circumstances:

- (1) Immediately after installations;
- (2) Whenever the assembly is moved;
- (3) A minimum of once a year;
- (4) Premises that have been vacated and unoccupied for one year, prior to re-occupancy;
- (5) Immediately after repairs.

(c) All assembly testing shall be performed by a TCEQ-certified backflow prevention assembly tester, approved and registered with the City.

(d) Duly authorized employees of the City bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing the City Code. Persons and occupants of premises which are provided water service by the City, either directly or indirectly, shall allow the City or their representatives/agents ready access at all reasonable times to all parts of the premises for the purposes of inspection, testing, records examination, or in the performance of any of their duties. Where persons or occupants of premises have security measures in force which would require proper identification and clearance before entry into their premises, the persons and occupants of the premises shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(e) The City may cause a water use survey to be conducted at any establishment located in the City which is served by a public water supply or which provides water to the public. Upon determination by the City that the establishment falls under the provisions of the City Code and requires a backflow prevention assembly, the City shall issue a notice to abate the condition or order the establishment to install the proper backflow prevention assembly.

(f) All results from assembly testing by a certified backflow prevention assembly tester shall be placed on a form that is purchased by the tester from the City for an established fee.

Sec. 82-186 Responsibilities

(a) Property Owner. It is the responsibility of all property owners and/or persons in charge of any premises or their designee to abide by the conditions of the City Code and to comply with the following:

- (1) Notify the City immediately of all mandated repairs, testing or installations.
- (2) Be present for all scheduled backflow testing or inspection.
- (3) Payment of all costs associated with the City Code and the purchase, installation, testing and repair of backflow prevention assemblies.
- (4) To install and maintain all backflow prevention assemblies in accordance with the City Code and acceptable industry practice.
- (5) Ensure that no cross-connection exists on the premises.
- (6) Maintain all backflow prevention assemblies in proper working order at all times, including repair as required.
- (7) Maintain all backflow prevention assemblies in a manner which allows them to be tested by a method that has been approved by the City.
- (8) Maintain all records related to backflow prevention assembly installation, testing and repair on the premises for a minimum of three (3) years.
- (9) Obtain any required permits or permission from the City or County agency.

(b) Certified Backflow Prevention Assembly Tester. It is the responsibility of the certified tester to abide by the conditions of the City Code and to comply with the following:

- (1) Annually register with the City and pay all applicable fees in accordance with the Chart of Charges.
- (2) Purchase a Testing Form Booklet from the City in accordance with the Chart of Charges.
- (3) Provide proof that testing equipment is able to maintain a calibration of plus or minus 0.2 psid accuracy.
- (4) Maintain testing equipment in proper working condition.
- (5) Maintain the design or operation characteristics of an assembly.
- (6) Ensure that assemblies are tested according to accepted industry practice, TCEQ regulations and the rules and regulations found in the City Code.
- (7) Enter required testing data, including test gauge serial numbers, on BPA Test and Maintenance Forms obtained from the City.
- (8) Return original test form to the City within fifteen (15) days of testing.
- (9) Report failing results immediately, before leaving the premises, by phone.
- (10) Complete form while on the premises at the time of testing.
- (11) Provide a copy of the completed test report to the property owners and/or persons in charge of any premises at the time of testing.
- (12) Maintain testing and/or repair records for a minimum of three (3) years.

(c) The City. It is the responsibility of the City to abide by the conditions of the City Code and to comply with the following:

- (1) Inspect and initially test, or cause to be tested, all backflow prevention assemblies installed pursuant to the requirements of the City Code.
- (2) Permanent water service may not be provided until all backflow prevention assemblies have been tested, and are operational.
- (3) In cases where the testing of backflow prevention assemblies shall be delayed until the installation of internal production or auxiliary equipment, the City may not provide permanent water service until all backflow prevention assemblies have been tested, and are operational.
- (4) The City shall not be liable for damage caused to any backflow prevention assembly as a result of the inspection or testing.

- (5) Maintain all records related to backflow prevention assembly installation, testing and repair on the premises for a minimum of three (3) years.
- (6) Enforce all TCEQ regulations and City rules and regulations found in the City Code.

Sec. 82-187 Enforcement

(a) Violations.

- (1) A person commits an offense if he/she fails to appear for scheduled testing/inspection.
- (2) A person commits an offense if he/she violates any section of the City Code.
- (3) A person commits an offense if he/she fails to maintain backflow prevention assemblies in compliance with this article.
- (4) A person commits an offense if he/she fails to comply with any mandated repairs deemed necessary by the City.
- (5) A person commits an offense if backflow from premises he/she owns, operates or manages enters the public water supply system.
- (6) A person commits an offense if he/she fails to pay any fees required by the City Code.
- (7) A person commits an offense if he/she reinstates water service to premises discontinued or disconnected under the City Code, except as directed by the City.
- (8) A person in charge of any facility commits an offense if he/she allows an unregistered tester to perform testing work at their establishment.
- (9) A person commits an offense if he/she tests backflow prevention assembly within the City without being registered with the City.
- (10) A person commits an offense if he/she tests backflow prevention assembly within the City without being certified by the TCEQ.

(b) Criminal Penalties.

- (1) In addition to the proceeding under the authority of subsection (b), the City shall immediately disconnect permanent water service until the facility has been brought into compliance.

- (2) Any person, business, entity, firm or corporation violating any of the provisions or terms of Chapter 5, as amended hereby, may be guilty of a separate offense for each day or portion of a day during which the violation continues and, upon conviction, shall be punished as follows: Fine(s) of not more than one thousand dollars (\$1,000.00) per day for each offense.
- (3) The City is hereby authorized to seek injunctive or other legal or equitable relief as may be necessary and appropriate to the enforcement of Chapter 5.
- (4) Any person, business, entity, firm or corporation violating any of the provisions or terms of Chapter 5, as amended hereby, shall be guilty of a misdemeanor and upon conviction in a court of competent jurisdiction, shall be subject to a fine not to exceed the sum of one thousand dollars (\$1,000.00) for each offense; and each and every day such violation is continued shall be deemed to constitute a separate offense.
- (5) If the City prevails in any suit to enforce its rules, it may, in the same action, recover reasonable fees for attorneys, expert witnesses, and other costs incurred by the City before the court. The amount of attorney's fees shall be fixed by the court.

(c) Civil Penalties.

- (1) Any person, business, entity, firm or corporation violating any of the provisions or terms of Chapter 5, as amended hereby, may be tried civilly in a court of competent jurisdiction, and shall be subject to a fine not to exceed the sum of one thousand dollars (\$1,000.00) for each violation; and each and every day such violation is continued shall be deemed to constitute a separate violation.
- (2) If the City prevails in any civil suit to enforce its rules, it may, in the same action, recover reasonable fees for attorneys, expert witnesses, and other costs incurred by the City before the court. The amount of attorney's fees shall be fixed by the court.

(d) Notices, Citations or Summons. The City Manager of the City or any person designated by him/her as an authorized designee may issue notices, citations or summons for any violations of Chapter 5.

(e) Enforcement Authority. The City Manager of the City has the power to enforce all sections of Chapter 5.

(f) Fines or Imprisonment. Penalties can include fines or imprisonment.

(g) Those Subject to Penalties. Any person, business, entity, firm, corporation, contractor, subcontractor, and/or company servicing the City service area shall be subject to the fines, penalties, and imprisonment herein.

(h) Sanction for Failure to Pay Inspection Fees. In addition to sanctions provided for by the City Code, the City is entitled to exercise sanctions provided for by other ordinances of the City.

(i) Administrative Fine. In addition to the above-listed penalties, failure of a customer to comply with the City Code will result in an administrative fine as set out in accordance with the Chart of Charges of non-compliance until such customer is in compliance.

(j) Revocation of Registration. A certified tester's registration may be reviewed and revoked by the City if the City determines that the tester:

- (1) Has falsely, incompletely, or inaccurately reported assembly reports;
- (2) Has used inaccurate gauges;
- (3) Has used improper testing procedures; or
- (4) Has created a threat to public health or the environment.

(k) A person who employs a certified backflow assembly tester may be prohibited from conducting business within the City if the City determines that the person(s):

- (1) Has falsely, incompletely, or inaccurately reported assembly reports;
- (2) Has permitted his/her tester to use inaccurate gauges;
- (3) Has permitted his/her tester to use improper testing procedures;
- (4) Has created a threat to public health or the environment; or
- (5) Employed tester(s) have committed multiple violations in the City Code.

Section 82-189 reserved

ARTICLE V

FRANCHISES AND RATES

DIVISION 1. FRANCHISE REQUIRED

Sec. 82-190. Necessity of franchise declared

Pursuant to article IX of the City Charter, all use of the city's public streets, highways, sidewalks, alleys, parks, public squares and public places of the city, are hereby declared to be inalienable by the city, and any and all use of such city property shall be permitted only as allowed by a properly executed franchise agreement. Any person, firm, corporation, utility, or entity currently operating within the City of Balch Springs and using or desiring to use the streets, alleys, rights-of-way or other public property of the city for the purpose of furnishing a public service or benefit shall enter into a franchise agreement with the City within sixty (60) days of the execution of this article (authorized by Charter sections 9.01, 9.02).

(Ord. No. 3014-11, § 2, 9-26-2011)

Sec. 82-191. Definitions.

Franchise shall mean written authorization, by ordinance, contract, or agreement, containing the authorization of the City Council of Balch Springs to use public streets, highways, sidewalks, alleys, parks, public squares and public places for the purpose of furnishing a public service or benefit.

Person shall mean a natural person, corporation, firm, partnership, association, utility, City, political subdivision, or other legal entity.

Public service or benefit shall mean a service offered or provided to residents of the city, such as water service, wastewater service, or other utility or similar service that requires or is made available by the installation, maintenance, or construction of facilities, such as lines, poles, pipes, lift stations, and similar facilities in real property. It shall not include service or benefits that involve only transportation or travel across streets, rights-of-way, or other public property.

(Ord. No. 3014-11, § 2, 9-26-2011)

Sec. 82-192. Exemptions

(a) No franchise shall be required for any person using or desiring to use the streets, alleys, rights-of-way or other public property of the city for the purpose of furnishing telecommunications or cable television services so long as state law expressly and clearly exempts such services from the requirement for a municipal franchise or has substituted a requirement for a state franchise for such municipal franchise.

(b) This article shall not create a new requirement for a franchise for the use of streets, alleys, rights-of-way or other public property of the city to provide solid waste collection, transportation, and disposal services to residents of the city. An existing or future agreement with a person providing such solid waste services may be entitled or referred to as a "franchise," consistent with the Texas Health and Safety Code, but shall not be governed by or subject to the requirements of this article.

(Ord. No. 3014-11, § 2, 9-26-2011)

Sec. 82-193. Contents of a Franchise.

Each person using or desiring to use the streets, alleys, rights-of-way or other public property of the city for the purpose of furnishing shall obtain a franchise for that specific service, in the name of the person, which contains the procedures, amount, and schedule for payment of franchise compensation, duration of authorization, and all other issues, terms, details or requirements authorized or required by state law or which are in the best interests of the city for the protection of the health, safety or welfare of the public and the fair compensation of the public for the use of public property.

(Ord. No. 3014-11, § 2, 9-26-2011)

Secs. 82-194 through 82-199. Reserved.

DIVISION 2. FRANCHISE RATES

Sec. 82-200. Rate Procedures

(a) As used in this article "franchise holder" or "franchisee" shall mean any person, firm, corporation, utility, or entity enjoying any franchise from the City of Balch Springs or which is required to enter into a franchise agreement to use public property within the City of Balch Springs for the purpose of furnishing a public service or benefit, even if such person, firm, corporation, utility or entity has not actually obtained a franchise.

(b) Pursuant to article IX of the Balch Springs Charter, no franchise holder shall ever make any charge or fix any rate for public service or benefit to its patrons or the inhabitants of the City of Balch Springs without first being authorized by the city council by an ordinance or order approving the same.

(Ord. No. 3014-11, § 2, 9-26-2011)

Sec. 82-201. Authorization to Establish and Regulate Franchise Rates.

(a) The city may establish and regulate rates of a franchisee of the city and/or may regulate rates of any person firm, corporation, utility, or entity using public property within the City of Balch Springs for the purpose of furnishing a public service or benefit that is required to have a franchise and may adopt rules for determining:

- (1) The classification of customers and services; and
- (2) The applicability of rates.

(Ord. No. 3014-11, § 2, 9-26-2011)

Sec. 82-202. Compliance with Title

No person firm, corporation, utility, or entity using public property within the City of Balch Springs for the purpose of furnishing a public service or benefit may charge or receive a rate for such public service or benefit except as provided by this article.

(Ord. No. 3014-11, § 2, 9-26-2011)

Sec. 82-203. Just and Reasonable rates.

(a) The city shall ensure that each rate a franchise holder makes, demands, or receives is just and reasonable.

(b) A rate may not be unreasonably preferential, prejudicial, or discriminatory but must be sufficient, equitable, and consistent in application to each class of consumer.

(c) A franchise holder within the City of Balch Springs may not:

- (1) Grant an unreasonable preference or advantage concerning rates to a person in a classification;
- (2) Subject a person in a classification to an unreasonable prejudice or disadvantage concerning rates; or
- (3) Establish or maintain an unreasonable difference concerning rates between localities or between classes of service.

(Ord. No. 3014-11, § 2, 9-26-2011)

Sec. 82-204. Burden of Proof.

In a proceeding involving a proposed rate change, the franchise holder has the burden of proving that the rate change is just and reasonable.

Secs. 82-205 through 82-209. Reserved.

DIVISION 3. GENERAL PROCEDURES FOR RATE CHANGES PROPOSED BY UTILITY

Sec. 82-210. Statement of Intent to Change Rates

(a) A franchise holder may change its rates unless the person, firm, corporation, utility, or entity files a statement of its intent with the city at least 35 days before the effective date of the proposed change and complies with this article.

(b) The statement of intent must include:

(1) Proposed revisions of tariffs; and

(2) A detailed statement of:

a. Each proposed change;

b. The effect the proposed change is expected to have on the revenues of the franchise holder;

c. Each class and number of consumers affected; and

d. Any other information required by the city's rules.

(Ord. No. 3014-11, § 2, 9-26-2011)

Sec. 82-211. City Council Action on Receipt of Statement of Intent

(a) At the first available council meeting scheduled after receipt of a statement of intent, the council shall consider and take action on the statement, which action may be to:

(1) Approve the proposed rate change by ordinance; or

(2) Suspend the proposed rate change and require compliance with this article.

(b) If the council approves the rate change, no further action by shall be required of the franchise holder or the city pursuant to this article.

(Ord. No. 3014-11, § 2, 9-26-2011)

Sec. 82-212. Notice of Intent to Change Rates

(a) In the event the council votes to suspend the rate change pursuant to subsection 82-171(a)(2), the franchise holder that filed the statement of intent shall publish, in conspicuous form and place, notice to the public of the proposed rate change once each week for two successive weeks in a newspaper having general circulation in the City.

(b) The notice shall contain the same information contained in the statement of intent and shall provide that the rate change shall not become effective prior to completion of the procedure contained herein.

(c) The notice shall provide that a resident of the city who will be affected by the rate change may request that the city conduct a public hearing on the rate change, and shall specify the procedure for making such request, which request shall be due not more than 20 days after the date of the last publication of the notice.

(Ord. No. 3014-11, § 2, 9-26-2011)

Sec. 82-213. Determination of Propriety of Rate Change; Hearing.

(a) If the City receives a request for a hearing, or votes to do so on its own motion, the city council shall call a hearing to determine the propriety of the change.

(b) The hearing shall be scheduled for a date within 30 days of the deadline for the receipt of a request for a hearing specified in the notice unless a longer period of time is requested by the franchise holder.

(c) The City shall give reasonable notice of the hearing. No franchise holder or other person, firm, corporation, utility, or entity within the City of Balch Springs for the purpose of furnishing a public service or benefit is required to provide a formal answer or file any other formal pleading in response to the notice, and the absence of an answer does not affect an order for a hearing (a) If the city receives a request for a hearing, or votes to do so on its own motion, the city council shall call a hearing to determine the propriety of the change.

(Ord. No. 3014-11, § 2, 9-26-2011)

Sec. 82-214. Action Following Public Hearing.

(a) At the conclusion of the public hearing or within not more than fourteen (14) days thereafter, the City Council may:

(1) Approve the rate change;

(2) Suspend the rate change and request that the franchise holder furnish additional evidence in support of the rate change within no less than ninety (90) days unless a longer period of time is requested by the franchise holder.

(b) In the event that the City Council suspends the rate change pursuant to subsection (a)(2) above, it shall select and employ rate consultants, auditors and attorneys ("consultants") to examine the evidence and information provided by the franchise holder in support of the request rate change and to conduct investigations, present evidence, and advise the city council on the action to be taken in regard to the request for a rate change, based on established cost of service and other accepted standards for rate making in the industry. The franchise holder shall reimburse the city for its reasonable and necessary expenses so incurred in hiring and employing such consultants, as provided in Section 9.06 of the Balch Springs Charter.

(Ord. No. 3014-11, § 2, 9-26-2011)

Sec. 82-215. Establishment of Final Rates.

(a) If, after the second hearing, and after being advised by its rate consultants, the city may:

- (1) Approve the requested rate change;
- (2) Approve a portion of the requested rate change based on the advice of the city's consultants;
- (3) Find the requested rates are unreasonable or in violation of law, and deny the requested rate change.

(b) The City shall:

- (1) Enter an order establishing the rates the franchise holder shall charge or apply for the public service or benefit in question; and
- (2) Serve a copy of the ordinance on the franchise holder.

(c) The rates established in the ordinance shall be observed thereafter until changed as provided by this chapter (authorized by Charter Sections 9.04, 9.06).

(Ord. No. 3014-11, § 2, 9-26-2011)

Sec. 82-216. Motion for Rehearing

(a) A franchise holder dissatisfied with the ordinance of the city entered pursuant to Section 82-174, may file a motion for rehearing specifically setting out the grounds of complaint against any such ordinance or ordinance which, if granted by the city council, shall entitle the franchise holder to another hearing within 30 days of the date said motion is granted to present information, evidence and arguments regarding the manner in which the city council ordinance should be revised.

(b) A franchise holder within the City of Balch Springs shall not contest any rate or charge or ordinance fixed by the city council under the authority otherwise conferred in the Charter of the city, in any suit or cause of action in any court until after such utility has filed a motion for a rehearing with the city council specifically setting out the grounds of complaint against any such order or ordinance fixing any rate or charge and until the city council shall have passed upon the said motion for rehearing; provided that, if the city council has not acted within 60 days, the motion shall be deemed overruled.

(Ord. No. 3014-11, § 2, 9-26-2011)

Sec. 82-217. State Law

This Division 3 is intended to implement the requirements of the Home rule Charter of the City of Balch Springs, and nothing in this division is intended to conflict with State law or the rules and regulations of the Public Utility Commission, Railroad Commission, TCEQ or such other state agency having jurisdiction regarding the requirements and procedures for utility rates and rate changes. In the event that irreconcilable conflict is found to exist between state law or applicable agency rules and this Division 3, the former shall control.

(Secs. 82-218 through 82-220. Reserved)

SECTION 3. All other provisions of City of Balch Springs Code of Ordinances not amended herein shall remain in full force and effect.

SECTION 4. All provisions of the ordinances of the City of Balch Springs in conflict with the provisions of this ordinance be and the same are hereby repealed to the extent of such conflict, and all other provisions of the ordinances of the City of Balch Springs not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 6. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

SECTION 7. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and

purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

DULY PASSED AND ADOPTED by the City Council of the City of Balch Springs, Texas, on the 10th day of December, 2013.

CITY OF BALCH SPRINGS

Carrie F. Gordon, Ph.D, Mayor

ATTEST:

Cindy Gross, City Secretary