

## Chapter 20

### **WATER, SEWERS AND SEWAGE DISPOSAL\***

#### **Article I. In General**

- Sec. 20-1. Discharge into ditches prohibited.
- Sec. 20-2. Extension of water lines outside of city limits.
- Sec. 20-3. Water, sewer connection compulsory.
- Sec. 20-4. Penalty.
- Sec. 20-5. Termination of service.
- Secs. 20-6—20-25. Reserved.

#### **Article II. Industrial Wastes**

- Sec. 20-26. Definitions.
- Sec. 20-27. Prohibited discharges—Generally.
- Sec. 20-28. Same—Chemicals.
- Sec. 20-29. Same—Heavy metals and toxic materials.
- Sec. 20-30. Particulate size.
- Sec. 20-31. Stormwater and other unpolluted drainage.
- Sec. 20-32. Temperature.
- Sec. 20-33. Radioactive wastes.
- Sec. 20-34. Impairment of facilities.
- Sec. 20-35. Compliance with existing authority.
- Sec. 20-36. Approving authority requirements.
- Sec. 20-37. Approving authority review and approval.
- Sec. 20-38. Requirements for traps.
- Sec. 20-39. Requirements for building sewers.
- Sec. 20-40. Sampling and testing.
- Sec. 20-41. Payment and agreement required.
- Sec. 20-42. Industrial waste charge and added costs.
- Sec. 20-43. Power to enter property.
- Sec. 20-44. Authority to disconnect service.
- Sec. 20-45. Notice.
- Sec. 20-46. Continuing prohibited discharges.
- Sec. 20-47. Penalty.
- Sec. 20-48. Failure to pay bills.
- Secs. 20-49—20-65. Reserved.

#### **Article III. Rates and Charges**

- Sec. 20-66. Industrial waste—Formula to calculate charges.
- Sec. 20-67. Same—Adjustment of charges.

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\*Cross references—Buildings and building regulations, ch. 4; health and sanitation, ch. 8; subdivision regulations, ch. 16; trailer parks, ch. 18.

## SHEPHERD CODE

- Sec. 20-68. Water and sewer rates.
- Sec. 20-69. Other charges.
- Secs. 20-70—20-79. Reserved.

### **Article IV. Private Sewer Facilities**

- Sec. 20-80. International Private Sewage Disposal Code adopted.
- Sec. 20-81. Definitions.
- Sec. 20-82. Purpose; jurisdiction; effective date; adoption of standards; interpretation.
- Sec. 20-83. Exceptions to article; appeals; notices; fees.
- Sec. 20-84. Duties and powers of licensing authority.
- Sec. 20-85. Lawful discharges and general requirements.
- Sec. 20-86. Development of organized disposal systems.
- Sec. 20-87. Construction and operation requirements.
- Sec. 20-88. Enforcement.
- Secs. 20-89—20-110. Reserved.

### **Article V. Regulating Grease Traps for Discharges From Food Service Establishments**

- Sec. 20-111. Food establishments; exempt.
- Sec. 20-112. Definitions.
- Sec. 20-113. Trap size.
- Sec. 20-114. Other trap specifications.
- Sec. 20-115. Trap cleaning requirements.
- Sec. 20-116. Testing.
- Sec. 20-117. Enzyme treatments.
- Sec. 20-118. Procedures in event of violation.
- Sec. 20-119. Emergency provisions.
- Sec. 20-120. Penalties.
- Sec. 20-121. Compliance/appeals.

**ARTICLE I. IN GENERAL**

**Sec. 20-1. Discharge into ditches prohibited.**

It shall be unlawful for any person to discharge any sewage into open ditch at any location within the corporate limits of the city.

(Ord. No. 54, §§ 1, 2, 2-21-1973)

**Sec. 20-2. Extension of water lines outside of city limits.**

No water line extensions will be made outside the city limits.  
(Ord. No. 117, 11-12-1984)

**Sec. 20-3. Water, sewer connection compulsory.**

(a) The use of any premises in the city in such a manner as to create sewage thereon not discharged into the city sewer system is declared to be a nuisance. Every water closet or privy connected and used in any building, not connected with the sewer system, is declared to be a nuisance. This section shall be inapplicable to premises where connection with the city sewer system is not feasible. Such connection with the city sewer system is declared to be feasible as to any premises abutting any street, alley or other public way or sewer right-of-way in which any line of the city sewer system sufficient to handle the sewage exists.

(b) It shall be the duty of any person owning or occupying improved property within the city limits which can be feasibly connected to the city sewer system to also connect such property and the improvements thereon with the city water services if the services exist in the street, alley or other public way or water right-of-way abutting the premises.

(c) Where these city services are not available in the abutting streets, alleys, other public ways or other utility rights-of-way but subsequently are laid therein, it shall be the duty of the owner or occupant of such property, within 60 days after the services become available, to connect therewith. These connections must be made subject to the then-current applicable charges of the city.  
(Ord. No. 48, § 1, 7-5-1971)

**Sec. 20-4. Penalty.**

Any person violating any of the sections of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-5 of this Code.  
(Ord. No. 48, § 2, 7-5-1971)

**Sec. 20-5. Termination of service.**

Any person whose water or sewer charges are in arrears shall be subject to termination of such service.  
(Ord. No. 48, § 3, 7-5-1971)

**Secs. 20-6—20-25. Reserved.**

**ARTICLE II. INDUSTRIAL WASTES**

**Sec. 20-26. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Approving authority* means the mayor or his duly authorized representative.

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

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

*City* means the City of Shepherd, Texas, or any authorized person acting in its behalf.

*COD (chemical oxygen demand)* means a measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of oxygen consumed from a chemical oxidant in a specific

test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

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

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

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

*Industrial waste* means 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.

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

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

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

*Normal domestic wastewater* means wastewater, excluding industrial wastewater, discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than 250 mg/l and BOD is not more than 250 mg/l.

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

*Person* means and includes a corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership association, and any other legal entity.

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

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

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

*Slug* means any discharge of water, wastewater, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flow during normal operation.

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

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

*Stormwater* means rainfall or any other forms of precipitation.

*Superintendent* means the city water and wastewater superintendent or his duly authorized deputy, agent, or representative.

*Suspended solids* means solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

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

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

*Unpolluted wastewater* means water containing no free or emulsified grease or oil; no acids or alkalis; no phenols or other substances producing taste or odor in receiving water; no toxic or poisonous substances in suspension, colloidal state, or solution; no noxious or otherwise obnoxious or odorous gases; not more than ten mg/l each of suspended solids and BOD; and color not exceeding 50 units as measured by the platinum-cobalt method of determination as specified in Standard Methods.

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

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

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

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

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

*Watercourse* means a natural or manmade channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 74, § 1, 1-15-1974)

**Cross reference**—Definitions and rules of construction generally, § 1-3.

### **Sec. 20-27. Prohibited discharges—Generally.**

(a) No person may discharge to public sewers any waste which, by itself or by interaction with other wastes, may:

- (1) Injure or interfere with wastewater treatment processes or facilities;

- (2) Constitute a hazard to humans or animals; or
- (3) Create a hazard in receiving waters of the wastewater treatment plant effluent.

(b) All discharges shall conform to requirements of this chapter.

(Ord. No. 74, § 2, 1-15-1974)

**Sec. 20-28. Same—Chemicals.**

(a) No discharge to public sewers may contain:

- (1) Cyanide greater than 1.0 mg/l;
- (2) Fluoride other than that contained in the public water supply;
- (3) Chlorides in concentrations greater than 250 mg/l;
- (4) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas; or
- (5) Substances causing an excessive chemical oxygen demand (COD).

(b) No waste or wastewater discharged to public waters may contain:

- (1) Strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not;
- (2) Fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65 degrees Celsius);
- (3) Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority for such materials; or
- (4) Obnoxious, toxic, or poisonous solids, liquids, or gases in quantities sufficient to violate section 20-27.

(c) No waste, wastewater, or other substance may be discharged into public sewers which has a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel at the wastewater facilities.



(d) All waste, wastewater, or other substance containing phenols, hydrogen sulfide, or other taste- and odor-producing substances shall conform to concentration limits established by the approving authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal, or other agencies with jurisdiction over discharges to receiving waters.

(Ord. No. 74, § 3, 1-15-1974)

**Sec. 20-29. Same—Heavy metals and toxic materials.**

(a) No discharge under this article may contain concentrations of heavy metals greater than amounts specified in subsection (b) of this section.

(b) The maximum allowable concentrations of heavy metals stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with Standard Methods are as follows:

<i>Chemical</i>	<i>Amount (mg/l)</i>
(1) Arsenic	0.05
(2) Barium	5.0
(3) Boron	1.0
(4) Cadmium	0.02
(5) Chromium (total)	5.0
(6) Copper	1.0
(7) Lead	0.1
(8) Manganese	1.0
(9) Mercury	0.005
(10) Nickel	1.0
(11) Selenium	0.02
(12) Silver	0.1
(13) Zinc	5.0

(c) No other heavy metals or toxic materials may be discharged into public sewers without a permit from the approving authority specifying conditions of pretreatment, concentrations, volumes, and other applicable provisions.

(d) Prohibited heavy metals and toxic materials include but are not limited to the following:

- (1) Antimony;
- (2) Beryllium;
- (3) Bismuth;
- (4) Cobalt;
- (5) Molybdenum;
- (6) Tin;
- (7) Uranyl ion;
- (8) Rhenium;
- (9) Strontium;
- (10) Tellurium;
- (11) Herbicides;
- (12) Fungicides; and
- (13) Pesticides.

(Ord. No. 74, § 4, 1-15-1974)

**Sec. 20-30. Particulate size.**

(a) No person may discharge garbage into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half inch in any dimension are prohibited.

(b) The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater.

(Ord. No. 74, § 5, 1-15-1974)

**Sec. 20-31. Stormwater and other unpolluted drainage.**

(a) No person may discharge the following to public sanitary sewers:

- (1) Unpolluted stormwater, surface water, groundwater, roof runoff or subsurface drainage;

- (2) Unpolluted cooling water;
- (3) Unpolluted industrial process waters; or
- (4) Other unpolluted drainage.

(b) In compliance with the Texas Water Quality Act (V.T.C.A., Water Code ch. 26 et seq.) and other statutes, the approving authority may designate storm sewers and other watercourses into which unpolluted drainage described in subsection (a) of this section may be discharged.

(Ord. No. 74, § 6, 1-15-1974)

#### **Sec. 20-32. Temperature.**

No person may discharge liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius), or any substance that causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten degrees Fahrenheit or more per hour, or a combined total increase of plant influent temperature to 110 degrees Fahrenheit.

(Ord. No. 74, § 7, 1-15-1974)

#### **Sec. 20-33. Radioactive wastes.**

(a) No person may discharge radioactive wastes or isotopes into public sewers without the permission of the approving authority.

(b) The approving authority may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers.

(Ord. No. 74, § 8, 1-15-1974)

#### **Sec. 20-34. Impairment of facilities.**

(a) No person may discharge into public sewers any substance capable of causing:

- (1) Obstruction to the flow in sewers;
- (2) Interference with the operation of treatment processes of facilities; or
- (3) Excessive loading of treatment facilities.

(b) Discharges prohibited by this section include but are not limited to materials which exert or cause concentrations of:

- (1) Inert suspended solids greater than 250 mg/l, including but not limited to:
  - a. Fuller's earth;
  - b. Lime slurries; and
  - c. Lime residues.
- (2) Dissolved solids greater than 800 mg/l, including but not limited to:
  - a. Sodium chloride; and
  - b. Sodium sulfate.
- (3) Excessive discoloration, including but not limited to:
  - a. Dye wastes; and
  - b. Vegetable tanning solutions; or
- (4) BOD, COD, or chlorine demand in excess of normal plant capacity.

(c) No person may discharge into public sewers any substance that may:

- (1) Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
- (2) Overload skimming and grease handling equipment;
- (3) Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the nonamenability of the substance to bacterial action; or
- (4) Deleteriously affect the treatment process due to excessive quantities.

(d) No person may discharge any substance into public sewers which:

- (1) Is not amenable to treatment or reduction by the processes and facilities employed; or
- (2) Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(e) The approving authority shall regulate the flow and concentration of slugs when they may:

- (1) Impair the treatment process;
- (2) Cause damage to collection facilities;
- (3) Incur treatment costs exceeding those for normal wastewater; or
- (4) Render the waste unfit for stream disposal or industrial use.

(f) No person may discharge into public sewers solid or viscous substances which may violate subsection (a) of this section if present in sufficient quantity or size, including but not limited to the following:

- (1) Ashes;
- (2) Cinders;
- (3) Sand;
- (4) Mud;
- (5) Straw;
- (6) Shavings;
- (7) Metal;
- (8) Glass;
- (9) Rags;
- (10) Feathers;
- (11) Tar;
- (12) Plastics;
- (13) Wood;
- (14) Underground garbage;
- (15) Whole blood;
- (16) Paunch manure;
- (17) Hair and fleshings;
- (18) Entrails;

- (19) Paper products, either whole or ground by garbage grinders;
  - (20) Slops;
  - (21) Chemical residues;
  - (22) Paint residues; or
  - (23) Bulk solids.
- (Ord. No. 74, § 9, 1-15-1974)

**Sec. 20-35. Compliance with existing authority.**

(a) Unless an exception is granted by the approving authority, the public sewer system shall be used by all persons discharging the following:

- (1) Wastewater;
- (2) Industrial waste;
- (3) Polluted liquids; or
- (4) Unpolluted waters or liquids.

(b) Unless authorized by the state's natural resource conservation commission, no person may deposit or discharge any waste included in subsection (a) of this section on public or private property in or adjacent to any of the following:

- (1) Natural outlet.
- (2) Watercourse.
- (3) Storm sewer.
- (4) Other area within the jurisdiction of the city.

(c) The approving authority shall verify prior to discharge that wastes authorized to be discharged will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments.

(Ord. No. 74, § 10, 1-15-1974)

**Sec. 20-36. Approving authority requirements.**

(a) If discharges or proposed discharges to public sewers may deleteriously affect wastewater facilities, processes, equipment, or receiving waters; create a hazard to life or health; or create a public nuisance; the approving authority shall require the following:

- (1) Pretreatment to an acceptable condition for discharge to the public sewers;
- (2) Control over the quantities and rates of discharge; and
- (3) Payment to cover the cost of handling and treating the wastes.

(b) The approving authority is entitled to determine whether a discharge or proposed discharge is included under subsection (a) of this section.

(c) The approving authority shall reject wastes when it determines that a discharge or proposed discharge does not meet the requirements of subsection (a) of this section.

(Ord. No. 74, § 11, 1-15-1974)

**Sec. 20-37. Approving authority review and approval.**

(a) If pretreatment or control is required under this article, the approving authority shall review and approve design and installation of equipment and processes.

(b) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.

(c) Any person responsible for discharges requiring pretreatment, flow equalizing, or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.

(Ord. No. 74, § 12, 1-15-1974)

**Sec. 20-38. Requirements for traps.**

(a) Under this article, discharges requiring a trap include the following:

- (1) Grease or waste containing grease in amounts that will impede or stop the flow in the public sewers;

- (2) Oil;
- (3) Sand;
- (4) Flammable wastes; and
- (5) Other harmful ingredients.

(b) Any person responsible for discharges requiring a trap shall at his own expense and as required by the approving authority:

- (1) Provide equipment and facilities of a type and capacity approved by the approving authority;
  - (2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and
  - (3) Maintain the trap in effective operating condition.
- (Ord. No. 74, § 13, 1-15-1974)

**Sec. 20-39. Requirements for building sewers.**

Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his own expense and as required by the approving authority:

- (1) Install an accessible and safely located control manhole;
  - (2) Install meters and other appurtenances to facilitate observation sampling and measurement of the waste; and
  - (3) Maintain the equipment and facilities.
- (Ord. No. 74, § 14, 1-15-1974)

**Sec. 20-40. Sampling and testing.**

(a) Under this article, sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewer works and determining the existence of hazards to health, life, limb, and property. (NOTE: The particular analyses involved will determine whether a 24-hour composite sample from all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from



24-hour composites of all outfalls. Where applicable, sixteen-hour, eight-hour or some other period may be required. Periodic grab samples are used to determine pH.)

(b) Examination and analyses of the characteristics of waters and wastes required by this article shall be:

- (1) Conducted in accordance with the latest edition of Standard Methods; and
- (2) Determined from suitable samples taken at the control manhole provided or other control point authorized by the approving authority.

(c) BOD and suspended solids shall be determined from composite sampling.

(d) The city may select an independent firm or laboratory to determine flow, BOD, and suspended solids.

(e) The city is entitled to select the time of sampling at its sole discretion so long as at least annual samples are taken.

(Ord. No. 74, § 15, 1-15-1974)

#### **Sec. 20-41. Payment and agreement required.**

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

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

(1) Terms of acceptance by the city; and

(2) Payment by the person making the discharge.

(Ord. No. 74, § 16, 1-15-1974)

#### **Sec. 20-42. Industrial waste charge and added costs.**

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

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

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

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

(d) Amortization shall be completed in a 40-year period, and payment shall include all debt service costs.

(Ord. No. 74, § 17, 1-15-1974)

**Sec. 20-43. Power to enter property.**

(a) The superintendent and other duly authorized city employees bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this article.

(b) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection.

(c) Except when caused by negligence or failure of the company to maintain safe conditions, the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the sampling operation.

(d) The superintendent and other duly authorized city employees bearing proper credentials and identification are entitled at any reasonable time to enter all private properties through which the city holds a negotiated easement for the purposes of:

- (1) Inspection, observation, measurement, sampling, or repair;
- (2) Maintenance of any portion of the sewer system lying within the easements; and
- (3) Conducting any other authorized activity. All such activities must be within the negotiated easement pertaining to the private property involved.

(e) No person acting under authority of this section may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

(Ord. No. 74, § 22, 1-15-1974)

#### **Sec. 20-44. Authority to disconnect service.**

(a) The city may terminate water and wastewater disposal service and disconnect an industrial customer from the system when:

- (1) Acids or chemicals damaging to sewer lines or treatment process are released to the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
- (2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment; or
- (3) The industrial customer:
  - a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;

- b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;
- c. Fails to pay monthly bills for water and sanitary sewer services when due; or
- d. Repeats a discharge of prohibited wastes to public sewers.

(b) If service is disconnected pursuant to subsection (a)(2) of this section, the city shall:

- (1) Disconnect the customer;
- (2) Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and
- (3) Continue disconnection until such time as the industrial customer provides additional pretreatment or other facilities designed to remove the objectionable characteristics from his industrial wastes.

(Ord. No. 74, § 23, 1-15-1974)

**Sec. 20-45. Notice.**

The city shall serve persons discharging in violation of this article with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.

(Ord. No. 74, § 24, 1-15-1974)

**Sec. 20-46. Continuing prohibited discharges.**

No person may continue discharging in violation of this article beyond the time limit provided in the notice.

(Ord. No. 74, § 25, 1-15-1974)

**Sec. 20-47. Penalty.**

(a) A person who continues prohibited discharges is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-5 of this Code.

(b) In addition to proceeding under authority of subsection (a) of this section, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges.

(Ord. No. 74, § 26, 1-15-1974)

**Sec. 20-48. Failure to pay bills.**

In addition to sanctions provided for by this article, the city is entitled to exercise sanctions provided for by the other city ordinances for failure to pay the bill for water and sanitary sewer service when due.

(Ord. No. 74, § 27, 1-15-1974)

**Secs. 20-49—20-65. Reserved.**

**ARTICLE III. RATES AND CHARGES**

**Sec. 20-66. Industrial waste—Formula to calculate charges.**

The following method will be used to determine the equitable industrial waste charge for the transportation and treatment of industrial waste by the city. The costs associated with transportation and treatment include the unamortized capital costs of existing facilities (as represented by the outstanding debt on improvements completed prior to the passage of this ordinance), facility construction costs (total cost including EPA grant), operation and maintenance costs (including repair and replacement costs), and any other costs (i.e., site acquisition, easement costs, administrative costs, etc.):

**GENERALIZED FORMULA FOR COMPUTING INDUSTRIAL WASTE CHARGES:**

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

Where:

$C_i$  = Charge to industrial user per year in dollars

$v_o$  = Unit cost of transport and treatment chargeable to volume \$/1,000 gal.

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

$s_o$  = Unit cost of treatment (including sludge treatment) chargeable to SS, \$/lb.

$V_i$  = Volume of wastewater from industrial users, lb./yr.

$B_i$  = Amount of BOD from industrial users, lb./yr.

$S_i$  = Amount of SS from industrial users, lb./yr.

(Ord. No. 74, § 18, 1-15-1974)

**Sec. 20-67. Same—Adjustment of charges.**

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

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

(c) The city shall review at least semiannually, but not less than annually, the basis for determining charges and shall adjust the unit treatment cost in the formula to reflect increases or decreases in wastewater treatment costs based on the previous year's experience.

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

(Ord. No. 74, § 19, 1-15-1974)

**Sec. 20-68. Water and sewer rates.**

Water rates for residential and commercial customers to be effective October 1, 2006, with the exception of current commercial customers being grandfathered to remain coded as residential and new commercial customers as of October 1, 2006, at new rates. The schedule of monthly rates or charges for service furnished by the city's water and sewer system shall be established as follows:

(1) *Residential water rates inside the city limits:*

1st 2,000 gallons, minimum rate .....	\$12.84
Per thousand .....	2.14

*Residential water rates outside the city limits:*

1st 2,000 gallons, minimum rate .....	17.12
Per thousand .....	2.24

(2) *Commercial water rates by size of meter inside the city limits:*

1½" meter	1st 2,000 gallons	\$12.84
	per thousand	2.14
1" meter	1st 2,000 gallons	12.84
	per thousand	2.14
1½" meter	1st 2,000 gallons	13.91
	per thousand	2.14
2" meter	1st 2,000 gallons	16.05
	per thousand	2.14
3" meter	1st 2,000 gallons	18.19
	per thousand	2.14
4" meter	1st 2,000 gallons	20.53
	per thousand	2.14

The monthly charge for sewer service in the city limits will be based on water usage as described hereinafter and shall be as follows:

(3) *Sewer rates inside the city limits:*

1st 2,000 gallons, minimum rate .....	\$8.00
Per thousand .....	2.24

*Sewer rates outside the city limits:*

1st 2,000 gallons, minimum rate .....	12.28
Per thousand .....	2.24

- (4) For apartment complexes and other multifamily user, the sewer rates are based on water usage.
- (5) Sewer bills shall be based accordingly as stated in the city residential, commercial, and industrial water and sewer policy, section 5, Calculation of Sewer Rates, effective October 1, 2006, as amended on September 11, 2006.
- (6) For sewer only accounts where city does not provide water service and therefore cannot determine the actual usage, the monthly flat service fee shall be \$13.35 per month.

(Ord. No. 115, § 4, 10-13-1984; Ord. of 7-14-1997; Ord. No. 176, 8-10-1998; Ord. No. 202, 9-10-2001; Ord. No. 213, § 1, 9-8-2003; Ord. No 225, 7-23-2006; Ord. No. 229, § 1, 9-11-2006)

**Sec. 20-69. Other charges.**

Under this chapter, the following additional charges shall apply:

(1) Installation of water meter inside city limits	\$250.00
(2) Installation of water meter outside city limits .....	300.00
(3) a. Sewer connection fee inside city limits	250.00
b. Sewer connection fee outside city limits	300.00
(4) a. Residential water deposit .....	\$100.00
b. Commercial water deposit by size of meter:	
3/4" by 5/8" meter	\$ 150.00
1" meter	250.00
1 1/2" meter	500.00
2" meter	800.00
3" meter	1,600.00
4" meter	2,500.00
c. Sewer only deposit for under age 55 ..	\$50.00



- d. Sewer only deposit for age 55 and over 25.00
  - (5) Connect fee . . . . . 20.00
  - (6) Reconnect for nonpayment of bill . . . . . 40.00
  - (7) Penalty for late payment, ten percent of total bill.
  - (8) Disconnection of nonpayment of bill after the 25th day of the month billed.
  - (9) Return check fee . . . . . 25.00
- (Ord. No. 115-A, 5-11-1987; Ord. of 7-14-1997; Ord. No. 179, 10-12-1998; Ord. No. 202, 9-10-2001; Ord. No. 221, § 1, 12-13-2004; Ord. No. 225, 7-23-2006)

**Secs. 20-70—20-79. Reserved.**

**ARTICLE IV. PRIVATE SEWER FACILITIES\***

**Sec. 20-80. International Private Sewage Disposal Code adopted.**

There is hereby adopted by reference, as though it was copied fully in this section, the International Private Sewage Disposal Code, 2006 edition.  
(Ord. No. 235, § 1, 12-10-2007)

**Sec. 20-81. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Absorption unit* means any subsurface system that primarily relies on a soil absorption trench or absorption bed to dispose of the effluent from a wastewater treatment unit.

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\***Cross references**—City council, § 2-26 et seq.; buildings and building regulations, ch. 4; health and sanitation, ch. 8; licenses and miscellaneous business regulations, ch. 10; subdivision regulations, ch. 16; trailer parks, ch. 18; approving authority requirements, § 20-36.

*Aerobic digestion* means the bacterial decomposition and stabilization of sewage in the presence of free oxygen.

*Anaerobic digestion* means the bacterial decomposition and stabilization of sewage in the absence of free oxygen.

*Bore hole* means a drilled hole four feet or greater in depth and one to three feet in diameter.

*Cesspool* means a nonwatertight, covered receptacle intended for the receipt and partial treatment of domestic sewage. This device is constructed such that its sidewalls and bottom are open jointed to allow the gradual discharge of liquids while retaining the solids for anaerobic decomposition (see appendix A, section 301.16, of this title relating to unsatisfactory on-site disposal systems on file in the office of the city secretary).

*Designated representative* means a registered professional engineer or a registered professional sanitarian; one who is subcontracted by the licensing authority to perform the actual inspections, testing and related administrative duties.

*Evapotranspiration system* means a subsurface sewage disposal system that relies on soil capillarity and plant uptake to dispose of treated effluent through surface evaporation and plant transpiration.

*Existing private sewer facility* means any private sewer facility that was in use on the effective date of the ordinance from which this article derives. Such a facility shall be an existing private sewer facility as long as that facility is not causing pollution, is not a threat to the public or creates nuisance conditions or is not substantially modified after such effective date. Any private sewer facility that has been actually used at any time during the 12-month period immediately preceding the effective date of the ordinance from which this section derives shall be conclusively presumed to have been in use on such effective date.

*Injection well* means a hole drilled into permeable soil which is intended to receive either raw sewage or the effluent from some form of treatment process (see appendix A, section 301.16, of this title relating to unsatisfactory on-site disposal systems on file in the office of the city secretary).

*Institution* means any establishment other than a single-family residence.

*License* means a license to operate as required by section 20-87.

*Licensing authority* means the city.

*Mobile home park* means any facility or area developed for the lease or rental of space for the placement of two or more mobile homes.

*New private sewer facility* means any private sewer facility that does not qualify as an existing private sewer facility.

*Nuisance* means any activity or condition that is or tends to be injurious to or that adversely affects human health or welfare, animal life, vegetation or property.

*Organized disposal system* means any publicly or privately owned system for the collection, treatment and disposal of sewage that is operated in accordance with the terms and conditions of a valid discharge permit issued by the state natural resource conservation commission.

*Permit* means a permit to construct as required by section 20-87 of this article.

*Person* means any individual, corporation, organization, government or governmental subdivision or agency, business, trust, estate, partnership and any other legal entity or association, including but not limited to owners, developers, installers, operators or any other person responsible for the construction, installation or operation of a private sewer facility.

*Pit privy* means a vented, waterproof vault intended to store human wastes and allow its decomposition through natural processes. In this type of treatment, no external water source is provided, and there is no direct discharge to the surface. It is recommended for use only in primitive and remote areas.

*Pollution* means the alteration of the physical, thermal, chemical or biological quality of or the contamination of any water in the state that renders the water harmful, detrimental or injuri-

ous to humans, animal life, vegetation or property or the public health, safety or welfare or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

*Private sewer facility* means all systems and methods used for the disposal of sewage other than organized disposal systems. Private sewer facilities are usually composed of three units: the generating unit (the residence, the institution, etc.), the treatment unit (septic tank, etc.) and the disposal unit (the drainfield that may be an absorption trench or bed or an evapotranspiration bed).

*Proposed individual or public water supply wells or systems or proposed organized disposal systems* means any such well or system for which the owner or operator has entered into contractual obligations that cannot be cancelled or modified without substantial loss for the construction of such well or system that will be completed within a reasonable time.

*Sewage* means water that contains or that has been in contact with organic and inorganic contaminants, such as human or animal wastes, vegetable matter, cooking fats and greases, laundry and dishwashing detergents and other chemical compounds and waste products.

*Single-family dwelling* means a single-family residence or mobile home.

*Special hearing examiner* means an officer appointed by the city council to hear appeals of decisions or actions by the licensing authority (required if the option substitute for subsection 20-83(b) is used).

*Standards* means the standards set forth in the pamphlet entitled "Construction Standards for On-Site Sewer Facilities" and all future amendments thereto, which were adopted by the state board of health, pursuant to V.T.C.A., Health and Safety Code § 341.002 as state department of health rules 301.79.03.001-003 and which were originally published in Texas Regulations 4978.

*Subdivision* means a subdivision that has been platted and recorded with the county clerk or that is required by statute to be

so platted and recorded; or any four or more adjoining lots or tracts, any one of which is less than two acres in size; or a mobile home park.

*Substantial modification* means an increase in the size or use of a private sewer facility's generating unit (residence or institution) that, based on the considerations in the standards, could be expected to result in an increase of 25 percent or more in the average daily volume of sewage generated by that unit; or an action that, based on the considerations in the standards, could be expected to result in an increase or decrease in the capacity of a private sewer facility's treatment unit (septic tank) or disposal unit (drainfield) by 25 percent or more.

*TRA* means Trinity River Authority.

*Water or water in the state* means groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

(Ord. No. 144, ch. 1, 9-11-1989)

**Cross reference**—Definitions and rules of construction generally, § 1-3.

**Sec. 20-82. Purpose; jurisdiction; effective date; adoption of standards; interpretation.**

(a) *[Reserved.]*

(b) *Purpose.* The purpose of this article is to abate or prevent pollution or injury to the public health in the city.

(c) *Area of jurisdiction.* This article shall apply to all areas within the incorporated city limits of the city.

(d) *Effective date.* This article shall become effective upon its approval by the state department of health.

(e) *Incorporation by reference.* The standards and all future amendments thereto are incorporated by reference and are thus made a part of this article. A copy of the standards, appendix A, are on file in the office of the city secretary.

(f) *Construction, precedence and interpretation.*

- (1) This article shall be construed liberally to accomplish its purpose. In construing the standards, precatory words contained therein shall be deemed mandatory.
  - (2) If any conflict occurs between this article and an order, resolution or rule adopted by the state department of health, the order, resolution or rule adopted by the state department of health shall take precedence. If any conflict occurs between this article and the standards, this article shall take precedence, providing that the conflicting statement or requirement of this article is more stringent than the corresponding statement or requirement in the standards.
  - (3) The licensing authority shall, within the purpose of this article, resolve any question regarding any interpretation of this article or the standards.
- (Ord. No. 144, ch. 2, 9-11-1989)

**Sec. 20-83. Exceptions to article; appeals; notices; fees.**

(a) *Exceptions.* Procedures for a request for an exception to this article are as follows:

- (1) A person desiring an exception to any requirement of this article shall file a written request with the licensing authority stating the following:
  - a. The nature of the exception requested;
  - b. The reason that justifies the granting of the exception; and
  - c. Any information that the licensing authority reasonably requests.
- (2) Within 30 days after the receipt of the request, the licensing authority shall review the request and reply to

the applicant in writing either granting or denying the request. If the request is denied, the licensing authority shall include the reasons for denial in the reply.

- (b) *Appeal.* Procedures for appeals are as follows:
- (1) Any person aggrieved by an action or decision of the licensing authority made under this article may, within 30 days of the date of the document giving notice of the action or decision or within 30 days of the action if no document is given, appeal to the special hearing examiner appointed by the city council.
  - (2) The appeal shall be initiated by filing a written objection with the special hearing examiner. The written objection shall state what the complainant believes the action or decision of the licensing authority should have been and the reasons therefor. A copy of the document containing the notice of the complained of action or decision, if no document was given, shall be attached to the written objection.
  - (3) Upon receipt of the written objection and attachment, the special hearing examiner shall set the appeal down for a hearing to be held within the next 30 days and shall advise all parties of the date, time and place of the hearing.
  - (4) At hearings before the special hearing examiner, all witnesses shall be sworn. The special hearing examiner shall hear all the testimony of the licensing authority and any witnesses the licensing authority may call. The special hearing examiner shall hear the testimony of the complainant and any witnesses the complainant may call. The special hearing examiner shall review all documents and exhibits submitted to him by the parties. The special hearing examiner shall not be bound by formal rules of evidence and shall control the evidence, reserving to himself the power to exclude testimony or exhibits he does not consider relevant.
  - (5) The special hearing examiner shall maintain an accurate record of the evidence adduced at the hearing.

- (6) Within ten days of the close of the hearing, the special hearing examiner shall reduce to writing his report, which shall consist of a finding of facts and his decision. The special hearing examiner shall file the original of his report with the secretary of the city council, shall keep one for himself and shall send one copy to the licensing authority.
  - (7) If the licensing authority or the complainant is dissatisfied with the special hearing examiner's decision, he may, within 30 days from the date the special hearing examiner files his report, file a written objection with the secretary of the city council. When such an objection is filed, the secretary shall notify the city council who shall place the matter on the agenda of the city council for review at the next meeting of the city council that is at least ten days after the date of the filing of the objection. The secretary of the city council shall notify the licensing authority and the complainant that the matter is on the agenda.
  - (8) When the matter comes before the city council, the city council shall review the matter considering such information as is in the special hearing examiner's file and report along with such other evidence as the city council may deem relevant and as may be offered by the licensing authority or the complainant. The city council shall either affirm, reverse or modify the decision of the special hearing examiner.
  - (9) This subsection pertaining to appeals is not exclusive but is cumulative of any other remedies at law of inequity.
    - (c) *Notice.* Any notice required to be given pursuant to this article shall be considered given by depositing the notice in the U.S. mail, postage prepaid, and addressed in accordance with the information given by an applicant or complainant.
    - (d) *Fees.* To defray the reasonable cost of administering this article, the licensing authority shall require fees to be paid in accordance with the schedule established from time to time by the city council. Such fees shall be paid with the filing of an application for a permit, license or authorization; a written request for an inspection or exemption; or an appeal.
- (Ord. No. 144, ch. 3, 9-11-1989)



**Sec. 20-84. Duties and powers of licensing authority.**

The mayor is designated by the city council to be the licensing authority for this article and thus have the duty and necessary powers to administer and enforce this article. The mayor as the licensing authority shall have the duty and necessary concomitant powers to:

- (1) Enforce this article and make appropriate recommendations to proper authorities when instances of noncompliance with this article have been determined.
  - (2) Make inspections of any existing private sewer facilities when requested or required and all new private sewer facilities.
  - (3) Collect all fees set by the city council as necessary to recover the reasonable costs incurred in meeting the requirements of this article.
  - (4) Make semiannual reports to the city council on all actions, including legal actions taken, concerning this article.
  - (5) Perform all other duties necessary to meet the requirements of this article.
  - (6) Contract out any or all of the duties to a designated representative.
- (Ord. No. 144, ch. 4, 9-11-1989)

**Sec. 20-85. Lawful discharges and general requirements.**

(a) *Lawful discharges.* Under this article, the only sewage discharges that shall be lawful are sewage discharged into:

- (1) An organized disposal system operating under a valid permit issued by the state natural resource conservation commission.
- (2) A private sewer facility designed, installed, licensed, operated and maintained in accordance with this article.
- (3) An existing private sewer facility that is in use on the effective date of the ordinance from which this article derives that has not been substantially modified since

such effective date and that is operated and maintained in such a manner as not to cause pollution, a threat to the public health or nuisance conditions.

(b) *Requirements.*

- (1) No person, except the person owning or having the right of possession and use of the parcel of land upon which a private sewer facility is to be located, may apply for a private sewer facility permit or license.
- (2) The design, construction and installation of any new private sewer facility and the maintenance of any private sewer facility shall at a minimum meet the requirements set forth in the standards.
- (3) No person may cause, suffer, allow, permit the construction or installation of or a substantial modification to a private sewer facility unless a permit therefor has first been issued.
- (4) The construction, installation or substantial modification of a private sewer facility shall be made in accordance with the approved design and requirements of the permit issued therefor.
- (5) No component of a private sewer facility shall be covered until an inspection by the licensing authority has been made. However, absorption trenches or beds or evapotranspiration beds may be partially backfilled, but ends and other critical areas shall not be covered until the licensing authority has determined, as evidenced by the issuance of a license, that the installation, construction or substantial modification complies with this article, the standards or other special conditions specified in the permit.
- (6) No person may cause, suffer, allow or permit the operation or use of a new private sewer facility unless a license or necessary license amendment therefor has been issued.
- (7) No person may cause, suffer, allow or permit the construction or installation of a private sewer facility on a lot or tract that is smaller than that required to meet the requirements set forth in the standards. However, on lots

existing prior to the effective date of the ordinance from which this article derives, a private sewer facility may be permitted to be constructed and licensed to operate on a lot smaller than required by the standards if it is demonstrated by a thorough investigation by a registered professional engineer or registered sanitarian that a private sewer facility can be operated without causing a threat or harm to an existing or proposed water supply system or to the public health or the threat of pollution or nuisance conditions. In calculating lot or tract sizes, easements or rights-of-way adjacent or through such lots or tracts shall be excluded.

- (8) The effluent from a private sewer facility, whether using an aerobic or anaerobic treatment unit, must be discharged into a properly designed and constructed absorption or evapotranspiration unit and shall not be discharged to the ground surface or into or adjacent to any water in the state.
  - (9) Injection wells, pit privies and cesspools used to dispose of sewage and any system utilizing naturally or artificially produced holes, bore holes, cavities or drilled wells to ease the disposal of sewage are specifically prohibited from being installed and licensed.
  - (10) No person may cause, suffer, allow or permit the maintenance of a private sewer facility in such a manner as to cause or as may tend to cause pollution, injury to the public health or nuisance conditions.
- (Ord. No. 144, ch. 5, 9-11-1989)

**Sec. 20-86. Development of organized disposal systems.**

In order to implement the stated policy of the legislature (V.T.C.A., Health and Safety Code ch. 366) and the state department of health to encourage the development and use of organized disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution, protect the public health, and maintain and enhance the quality of water in the state, the following requirements are made:

- (1) No person may cause or allow the installation of a private sewer facility when any part of the facility is to be within

300 feet in horizontal distance (measured on the closest practicable access route) of an existing city wastewater collection system.

- (2) Whenever an organized disposal system is developed within 300 feet in horizontal distance (measured on the closest practical route) from any part of a private sewer facility, that facility shall be connected to the organized system.

(Ord. No. 144, ch. 6, 9-11-1989)

### **Sec. 20-87. Construction and operation requirements.**

(a) *New facilities.* Requirements for new private sewer facilities shall be as follows:

- (1) A permit to construct must be obtained from the licensing authority or the designated representative prior to commencing the construction or installation of or a substantial modification to a private sewer facility and will be issued upon a finding that construction can commence.
- (2) A license to operate must be obtained from the licensing authority or the designated representative prior to operating a new private sewer facility and will be issued after satisfactory completion and approval of construction.

(b) *Permit to construct.* The requirements for a permit to construct shall be as follows:

- (1) To make an application for a permit to construct, the applicant shall submit to the licensing authority or designated representative the following:
  - a. A properly completed application form.
  - b. The required fee as established by the city council.
  - c. The results of the percolation tests performed by a designated representative or similarly qualified person approved by the licensing authority.
  - d. A drawing reflecting that the proposed private sewer facility will comply with this article and demonstrating that the lot or tract is large enough for the private sewer facility to be constructed thereon.

- e. A statement or other evidence that demonstrates that the requirements set forth in section 20-86 of this article have been met.
  - f. Any additional information that the licensing authority may require.
  - g. All installation is to be performed by a person registered with the state department of health or by the owner of the property where the installation will occur.
- (2) The completed application and all additional information submitted shall not contain any false information or conceal any material facts and shall be sworn to and notarized.
- (3) Within 30 days after proper and complete application has been made, the licensing authority or designated representative shall make a finding on the issuance of a permit based upon the information contained in the completed application and any other information available to the licensing authority:
- a. Upon the finding that construction can commence, a permit to construct shall be issued to the applicant.
  - b. Upon a finding that a permit to construct cannot be issued, the licensing authority or designated representative shall so notify the applicant in writing within ten days of that finding and shall include the reasons for denying the issuance of a permit.
- (c) *License to operate.* A license to operate shall be issued in accordance with the following:
- (1) Each new private sewer facility shall be inspected and approved by the licensing authority or designated representative prior to the final covering of the facility. The applicant or installer shall:
- a. Notify the licensing authority or designated representative that an inspection is desired at least 48 hours, excluding weekends and legal holidays, prior to the need for inspection.

- b. The applicant or installer shall provide whatever reasonable assistance the licensing authority or designated representative requests in order to make the inspection.
- (2) Within five days after an inspection, the licensing authority or designated representative shall make a finding on the issuance of a license based upon the information obtained from the inspection and any other information available to the licensing authority or designated representative:
    - a. Upon a finding that the use of the new private sewer facility will not cause pollution, injury to the public health or nuisance conditions and is not in conflict with this article and upon payment of appropriate fees, a license to operate the facility shall be issued to the applicant.
    - b. Upon a finding that a license to operate cannot be issued, the licensing authority or designated representative shall so notify the applicant in writing within five days of that finding and shall include the reasons for denying the issuance of a license.
  - (3) Licenses to operate issued under the authority of this article shall be for a term of two years. At the end of every two years, the private sewer facility shall be reinspected by the licensing authority or designated representative for compliance with this article. The license shall be transferred to a succeeding owner. Such transfer shall be upon the request of the new owner, provided that the private sewer facility has not been substantially modified.
- (d) *Existing private sewer facilities.*
    - (1) Existing private sewer facilities are not required to be licensed, provided that the facility is not causing pollution, is not a threat to the public health or nuisance conditions or has not been substantially modified.
    - (2) If an existing private sewer facility is causing pollution, is a threat to the public health or nuisance conditions or has been substantially modified, the licensing authority or

designated representative shall require that the facility be licensed in accordance with subsections (a) through (c) of this section as appropriate and shall undertake actions pursuant to section 20-88 of this article.

(e) *Special requirements for institutions.* A registered professional sanitarian or similarly qualified person approved by the licensing authority, at its discretion, shall design all private sewer facilities serving institutions. The design shall be made in accordance with this article, including the standards, except that single compartment treatment units with two or more compartments or two or more treatment units connected in a series shall be utilized.

(Ord. No. 144, ch. 7, 9-11-1989)

#### **Sec. 20-88. Enforcement.**

(a) *Informal.* Informal enforcement of this article may be made as follows:

- (1) The licensing authority or designated representative may routinely inspect sewer facilities to ensure continued compliance with this article.
- (2) The licensing authority or designated representative shall inspect any private sewer facility that is reasonably believed to be causing pollution, that is a threat to the public health or that creates nuisance conditions or that is to have been substantially modified without complying with this article based on a credible complaint or other information available to the licensing authority or designated representative and may inspect any new private sewer facility if the conditions existing at the time of licensing are found to be changed. If, upon such inspection, it is found that pollution, a threat to public health or a nuisance condition is occurring or an unpermitted substantial modification was performed, the licensing authority or designated representative shall so notify the owner of the private sewer facility in writing and include what problems must be remedied in order to achieve compliance. The private sewer facility shall be reinspected at the expiration of the allotted time:
  - a. If the facility is found to be compliant, a license therefor may be issued or the existing license may be modified.

- b. If the facility is found to be noncompliant, appropriate enforcement shall be taken.

(b) *Criminal*. Criminal enforcement (V.T.C.A., Water Code § 26.214) of this article is as follows:

- (1) A person who violates any section of this article is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10.00 or more than \$200.00. Each day that a violation occurs constitutes a separate offense.
- (2) [Reserved.]
- (3) Venue for prosecution of a suit under this section is in the jurisdiction of the city limits in which the violation is alleged to have occurred.

(Ord. No. 144, ch. 8, 9-11-1989)

**Cross reference**—Municipal court, ch. 12.

**Secs. 20-89—20-110. Reserved.**

## **ARTICLE V. REGULATING GREASE TRAPS FOR DISCHARGES FROM FOOD SERVICE ESTABLISHMENTS\***

### **Sec. 20-111. Food establishments; exempt.**

Traps shall be required for all food service establishments not specifically exempted. The following food service establishments are exempt:

- Grocery stores, Type A.
- Clubs.
- Day care centers, Type A.
- Snowcone stands.
- Confectionary stores.
- Mobile units.

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\***Editor's note**—Ord. No. 222, §§ I—VII, IX—XII, adopted Jun. 13, 2005, did not specifically amend the Code, hence, inclusion herein as Art. V, §§ 20-111—20-121, was at the discretion of the editor.



Produce markets.  
(Ord. No. 222, § I, 6-13-2005)

**Sec. 20-112. Definitions.**

*Food service establishments* means any commercial establishment which conducts preparation and handling of non-packaged food. The term includes every place regardless of whether consumption is on- or off-premises.

*Grocery store, Type A* means any commercial establishment which sells pre-packaged potentially hazardous and non-potentially hazardous foods. It may also sell any or all of the following: coffee, slush's, carbonated beverages, ice cream and popcorn.

*Club* means any commercial establishment licensed by the Texas Alcoholic Beverage Commission which serves drinks only.

*Day care centers, Type A* means a food service establishment, including those operated by a church, licensed by the State of Texas as a day care which has a license capacity of 60 or less children.

*Confectionary store* means any commercial establishment which sells exclusively non-packaged sweets, confections, nuts, ice cream, yogurt and variety food items.

*Mobile unit* means any food service establishment in a vehicle or trailer designed to be easily movable.

*Produce market* means any commercial establishment which sells fresh fruits and vegetables.  
(Ord. No. 222, § II, 6-13-2005)

**Sec. 20-113. Trap size.**

All new and existing food service establishments either requesting or currently having connection to the city sanitary sewer collection system, and not specifically exempted by this article, shall construct an oil and grease trap of sufficient size to prevent excessive discharges (as determined by this article) of oil and grease into the collection system. Such grease trap devices shall be based on the criteria outlined in this section of the ordinance

and the additional specifications required in section 20-114. The traps must be designed by either a registered professional engineer or any non-engineer approved by the city council.

Trap size will be determined as follows:

- (1) *Grease trap small.* Food service establishments where food is prepared and served to customers on premises or carry out and the occupancy rating is for 50 or fewer persons shall have a grease trap with dimensions sized per Exhibit "A" (Grease Trap Small)\* or equivalent.
- (2) *Grease trap intermediate.* Food service establishments where food is prepared and served to customers on-premises or carry out and the occupancy rating is for 51—100 persons shall have a grease trap with layout and dimensions sized per Exhibit "B" (Grease Trap Intermediate)\* or equivalent.
- (3) *Grease trap large.* Food service establishments where food is prepared and served to customers on-premises or carry out and the occupancy rating is for 101—300 persons shall have a grease trap with layout and dimensions sized per Exhibit "C" (Grease Trap Large)\* or equivalent.
- (4) *Larger traps.* Food service establishments where food is prepared and served to customers on premises or carry out and the occupancy rating is over 300 persons shall have a grease trap with layout and dimensions sized and approved the city council.
- (5) *Sampling station.* Any food service establishment which only uses microwave ovens on the premises in the preparation of food may elect to install a sampling station in the waste line leading from the sinks, drains or other plumbing fixtures in lieu of a grease trap.

The sampling station shall be installed at the owner's cost to provide accessibility to the cover for sampling purposes and means for servicing and maintaining the station in good working condition.

(Ord. No. 222, § III, 6-13-2005)

**\*Editor's note**—Exhibits "A"—"C", referred to herein, are attached to Ord. No. 222 and are in file in the office of the city secretary.

**Sec. 20-114. Other trap specifications.**

(a) All liquid waste lines, except for sewerage lines carrying house waste and lines from disposals shall empty into a grease trap.

(b) All traps described in this article shall be constructed to provide a two-way cleanout on the discharge side.

(c) All traps described in this article shall be constructed to have a sampling station as shown on Exhibit "D"\* or equivalent. (Ord. No. 222, § IV, 6-13-2005)

\***Editor's note**—Exhibit "D", referred to herein, is attached to Ord. No. 222 and is in file in the office of the city secretary.

**Sec. 20-115. Trap cleaning requirements.**

(a) Due to variations of the types of discharges in the city and the variation of oil and grease management procedures of the establishments, this article does not mandate a set frequency of grease trap cleaning (pumping). Each discharger will be allowed to establish a cleaning frequency based on its own need to insure that it is in compliance with the city's maximum oil and grease discharge concentrations of 100 mg/l oil and grease (See testing requirements, section 20-116). The frequency of cleaning schedules (i.e. pumping of grease traps) will vary from establishment to establishment depending on the volume of discharge and the management procedures of the entity. Discharge concentrations from each entity will be based upon laboratory results, determined by the City of Shepherd contract laboratory which will collect, at a minimum, of three samples per year. The cost of collection and analysis will be billed to the entity by the city.

(b) All samples taken and analysis performed will be in accordance with Standard Method 5520 B (most current edition) or EPA Method 413.1. All laboratory results will be accompanied by QA/QC results and a chain of custody. All results are subject to verification by the city.

(c) All establishments covered by the ordinance are required to comply with the Texas Department of Health's "Municipal Solid Waste Management Regulations" providing for handling, processing or disposal of waste from grease traps. Owners or managers or

responsible company designee shall maintain, on the premises, verification of the location and identity of the trap. Unless otherwise allowed by the city, such verification shall be provided by the commercial firm performing the cleaning. Verification records shall be kept for the city's inspection for a minimum of three years.

(Ord. No. 222, § V, 6-13-2005)

### **Sec. 20-116. Testing.**

(a) At the discretion of the city, a discharge sample may be taken anytime there is a reasonable cause to indicate that an entity may be discharging substances in to the city collection system which may cause danger or damage to the collection system, lift stations or wastewater treatment plant.

(b) As part of the city's oil and grease monitoring and control of those entities subject to the oil and grease ordinance, the city's contract laboratory will routinely collect three samples per year from each business subject to the oil and grease ordinance. These samples will be collected during normal business hours of operation for analysis at the expense of the food service establishment. The test shall consist of a single grab sample taken from the effluent sampling station. A test result of over 100 mg/l shall be evidence that an unsatisfactory amount of grease is entering the sewer system. Any entity discharging in excess of 100 mg/l must take immediate corrective action within a seven-day period of receiving a formal notice of the violation from the city. Failure to comply by not taking corrective action will result in the entity being subject to penalties as outlined in section 20-120 (penalties), section 20-118, of this article. Compliance with corrective action can be demonstrated by the methods listed below:

- (1) Proof of cleaning (i.e. pumping of tanks) by a licensed commercial firm by invoice or written testament from that firm.
- (2) If it is determined by the city or the city's appointed representative, that the grease trap for an entity is inadequate for that establishment, the city's may require that establishment to obtain the services of a registered professional engineer, or any other individual approved

by the city to design and install a grease trap system specific for that entity to meet the discharge quality established by the ordinance. A written contract for such services will demonstrate compliance.

(c) As it has been demonstrated by past experience within the city's that the type of entity, size of entity, use of enzymes, in-house management of oil and grease disposal and other factors have a direct effect on the frequency of grease trap cleaning, the city will not dictate the frequency of cleaning (i.e. pumping) grease trap tanks for the entity. The frequency of necessary pumpage will be determined by each entity based on laboratory results so long as oil and grease concentrations remain below 100 mg/l for that entity. Provided the analytical results remain below 75 mg/l, all entities subject to this article will remain on a three times per year sample monitoring schedule. Should analytical results indicate that an entity has a discharge concentration of between 75 mg/l and 100 mg/l, the city may test that entity on a more frequent schedule to insure concentrations do not exceed 100 mg/l during the routine sampling schedule (three times per year). All sampling and analytical cost will be billed to the entity by the city.

(d) Temperature of discharges. No person may discharge liquid or vapor having a temperature higher than 150 degrees Fahrenheit, 65 degrees Celsius or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate ten degrees Fahrenheit or more per hour, or a combined total increase of plant influent to 110 degrees Fahrenheit.

(e) The City of Shepherd, or its agent, may monitor the temperature of the discharge, taken in situ at the sampling station, at a frequency determined to insure continuous compliance with the ordinance.

(Ord. No. 222, § VI, 6-13-2005)

### **Sec. 20-117. Enzyme treatments.**

Dilution of unacceptable wastes by increased use of process water or the introduction of biodegradable parasites, or by other methods, will not be acceptable as a partial or complete substitute

for adequate treatment, unless such dilution process has been approved through the designated city representative. Prior to the introduction of any treatment process, the owner or managers or responsible company designee shall notify the designated city representative of their intent to use such process or chemicals and shall provide the results of tests required by federal, state and local agencies governing the use of such chemicals. The provision of all testing apparatus or required treatment system modification at the establishment site shall be the sole responsibility of the owners or managers or company designee. Upon completion and successful resolution of all testing, the city representative shall issue written approval of the dilution process to be used as requested by the owners or managers or responsible company designee.

(Ord. No. 222, § VII, 6-13-2005)

**Sec. 20-118. Procedures in event of violation.**

(a) Any person discovered to be in violation of this article shall be served by the city with a written notice of violation. In an emergency, as defined in section 20-119, (Emergency provisions), the city shall terminate water and/or sewer service without due process of law.

(b) The required notice of violation shall describe the nature of the violation and a reasonable time limit for its correction. The city may also require the person to report the cause of the violation and to submit a schedule for its correction.

(c) The city shall have the right to seek injunctive relief against violators of this article in such city, county, state or federal courts as may be deemed appropriate where such action is necessary to achieve compliance. Injunctive relief may include:

- (1) Specific performance of the ordinance with respect to discharge standards, reporting requirements, payment of use charges, access to industrial properties, repair of private sewer leaks or other provisions.
- (2) Termination of service where necessary for compliance; and/or

(3) Liquidated damages for any illegal discharge which results in:

- a. Damage to sewage works;
- b. Excessive treatment costs; or
- c. Fines for stream pollution.

(d) Such injunctive relief may be taken against persons falling in the following categories:

- (1) Willful violators of any provision of this article;
- (2) Persons refusing access or placement of equipment under this article;
- (3) Persons not complying promptly with duly issued notices to correct violations;

(4) Persons discharging pollutants which can:

- a. Cause structural damage to the sewage works;
- b. Obstruct the collection lines;
- c. Interfere with the treatment process;
- d. Create fire or explosion hazards, or
- e. Cause a violation of stream standards.

(5) Persons not complying with the emergency notices issued by the city under section 20-119, (Emergency Provisions).  
(Ord. No. 222, § IX, 6-13-2005; Ord. No. 230, § I, 9-25-2006)

**Sec. 20-119. Emergency provisions.**

(a) The city shall take immediate action to stop any actual or imminent discharge of corrosive, flammable, toxic, organic or other substances which can cause:

- (1) Rapid deterioration of the sewage works;
- (2) Major fire or explosion hazards; and/or
- (3) Severe danger to health or welfare of persons.

(b) Nothing in this article shall prohibit the city from exercising any of its rights to suspend or take any corrective action against any person or persons.  
(Ord. No. 222, § X, 6-13-2005)

#### **Sec. 20-120. Penalties.**

(a) If any person violates any provision of this article, thereby violating a state or federal statute or injunction, the city may seek prosecution of that person in the appropriate state or federal court, and may seek such penalties as are prescribed by that statute or injunction.

(b) If any person violates any provision of this article, and the violation is not punishable in state or federal courts, that person shall be guilty of a Class C misdemeanor upon conviction in the justice of the peace court. Each offense shall be punished by a fine not to exceed \$1,000.00. Each day of such violation shall be deemed a separate offense.

(c) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned by the city by reasons of such violation.  
(Ord. No. 222, § XI, 6-13-2005; Ord. No. 230, § II, 9-25-2006)

#### **Sec. 20-121. Compliance/appeals.**

(a) All trap cleaning requirements shall be in effect upon passage of this article.

(b) Should any discharger wish to question the accuracy of the laboratory data, a request for resample may be made to the city secretary. The cost for resample will be billed to that entity by the city. Should the data be found to be inaccurate, no charge would be levied.

(c) Owners or managers or responsible company designee of establishments existing prior to the passage of this article shall have until \_\_\_\_\_ to bring their existing systems into compliance with this grease trap article. Request or appeals for extensions of time to comply with this article must be made before \_\_\_\_\_. Requests or appeals must be made to the city



city council. Every decision of the city city council shall be final, subject, however to such remedy as any agreement might have at law or in equity.

(d) Owners, managers, or responsible company designee of establishments existing prior to the passage of this article, who feel that this article is not applicable to their establishment or cannot physically meet the construction requirements, or feel that construction requirements are excessive or unduly onerous, may appeal to the city council.

(Ord. No. 222, § XII, 6-13-2005)