

AMENDED – July 11, 2016

SEWER / WASTEWATER ORDINANCE 2014/03-01.2

AN ORDINANCE OF THE CITY OF HARDIN, TEXAS, PROVIDING RULES AND REGULATIONS FOR WASTEWATER; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City Council of the City of Hardin, Texas, (“City”) has studied the present provisions of the Code of Ordinances of the City relating to the rules and regulations for wastewater; and

WHEREAS, the City Council finds and determines that it is necessary, proper, and in the best interest of the citizens of the City and the public to amend the rules and regulations for wastewater; and

WHEREAS, the City is responsible for ensuring that wastewater facilities are safe and reliable to protect the health, safety, and welfare of the public;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARDIN, TEXAS:

Section 1. That the facts and recitations found in the preamble of this Ordinance are true and correct and incorporated herein for all purposes.

Section 2. The City Council of the City of Hardin, Texas, adopts the following rules and regulations for wastewater:

Section 1.0. Definitions.

“In this ordinance, the following words and phrases have the meanings indicated:

Commercial unit means all commercial businesses, including but not limited to, stores, offices, retail spaces, restaurants, warehouses, hotels and motels, manufacturing, and any other similar business entity whether for profit or not, but does not include industrial waste.

Customer means any person or entity using the city’s wastewater service.

Discharge means to permit, allow, or cause to enter, by any means, a substance into the wastewater system.

Medical waste means treated and untreated special waste that is comprised of animal waste, bulk blood, bulk human blood, bulk human body fluids, microbiological waste, pathological waste, and sharps or waste or reusable material derived from the medical treatment of an animal or human, which includes diagnosis and immunization, or from biomedical research, which includes the production and testing of biological products. Medical waste does not include personal medical waste that is manufactured to be biodegradable and be discharged into the wastewater system so long as such discharge does not interfere with, injure, harm, or disrupt the wastewater system.

Residential unit means a single-family, including mobile homes and manufactured homes, multi-family, or condominium residential dwelling.

Slug load slug discharge means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards of this ordinance. A slug discharge is any discharge of a non-routine, episodic nature, including, but not limited to, organic solvents, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the wastewater system regulations, local limits or permit conditions.

Slurry means a watery mixture of insoluble matter.

Substance means any solid, liquid, gas, vapor, or any combination or adaptation thereof.

Surface active agents means a substance such as a detergent that, when added to a liquid, reduces its surface tension, thereby increasing its spreading and wetting properties.

Treatment plant means any facility which is designed to remove contaminants from wastewater.

Wastewater system: means all facilities, equipment, fixtures, hardware, software, infrastructure, pipes, and any materials of the cities or any other public entity's wastewater service system including any treatment plants or any appurtenances of the wastewater system.

Section 2.0. Applicability.

This ordinance shall be applicable within the territorial limits of the City of Hardin, Texas, as well as outside of the territorial limits of the City of Hardin, Texas if the City allows connection to the wastewater system.

Section 3.0. City wastewater service required, exception.

- (a) Each residential and commercial unit in the city shall use the city's wastewater service if the property of the residential and commercial unit abuts a street, road, highway, or other right-of-way which contains wastewater lines.
- (b) Notwithstanding subsection (a), residential and commercial units with septic systems may continue to use such system, as long as such system is approved and functioning properly, no longer than 180 days after wastewater lines are installed as provided in subsection (a). Any septic system either not approved or functioning properly shall immediately cease use of such system and have such system repaired or connected to the city's wastewater system if required.
- (c) Each residential and commercial unit requesting city wastewater service shall submit a wastewater service application and a customer service agreement to the city.
- (d) The wastewater service application shall, at a minimum, require the applicant to produce a valid Texas driver's license, a valid identification card with photograph issued by the Texas Department of Public Safety, a social security card, or two valid verifiable forms of identification.
- (e) The city may require a security deposit for any wastewater service account. Such security deposit shall be set by city council in a schedule of fees.

Section 4.0 Denial of city wastewater service.

- (a) The city may deny wastewater service for any of the following reasons:
 - (1) Applicant provides an incomplete application;
 - (2) The wastewater service location contains materials, fixtures, or equipment that presents a danger to any public facilities whether owned or operated by the city or not;
 - (3) The applicant is indebted to the city;
 - (4) The wastewater service location is not in compliance with city's building codes;

- (5) The applicant or the wastewater service location violates any provision of this Ordinance; or
- (6) The interests of public health, safety, or welfare necessitate denial of wastewater service.

Section 5.0. Wastewater connections.

(a) Each residential and commercial unit shall make only one (1) connection to the wastewater line, which such connection shall be made only by a licensed plumber. All connections shall be inspected by the City of Hardin at time of installation. Each residential and commercial unit property owner shall pay a permit inspection fee as set forth by city council in a schedule of fees.

(b) No more than two (2) units, shall connect to one main sewer line. Each line/unit will have its own sewer tap that will be put in place by the city of Hardin. The sewer tap extension may not exceed more than 75 feet from the City's main line.

(c) Customers shall be responsible for construction, installation, maintenance, and repair of any wastewater service line from the point of connection to the wastewater system, from the city sewer tap and to their last clean out on their property.

(d) Customer shall be responsible for paying all cost of construction and installation of installing or extending a sewer line from the City of Hardin's wastewater service line to their unit. The City of Hardin shall provide a sewer tap on the appropriate side of the road, if applicable, in order to prevent damages to our main sewer line. All sewer taps shall must be constructed by the City of Hardin or a city approved contractor.

(e) The city may require relocation of a wastewater service line if such relocation serves a public purpose.

Section 6.0. General prohibited acts. It shall be unlawful to:

- (a) connect to or use the wastewater system without first having submitted an application for wastewater service as set forth by this ordinance and having the city approve such application.
- (b) interfere with, tamper with, deface, injure, block, remove, or harm the wastewater system or any parts thereof.

- (c) connect to the wastewater system with a potential source of contamination.
- (d) connect a private septic system to the wastewater system.
- (e) discharge any substance into the wastewater system that may interfere with, injure, impair, or disrupt the system.
- (f) discharge any substance into the wastewater system that may injure or constitute a hazard to humans, animals, or property.
- (g) discharge any hazardous or radioactive substance into the wastewater system.
- (h) enter upon any wastewater property or facility without written permission from the city.

Section 7.0. Specific prohibited acts.

- (a) No substance shall be discharged into the wastewater system which may inhibit biological activity in the treatment plant, but in no case shall any substance be discharged into the wastewater system having a temperature greater than one hundred fifty degrees (150) Fahrenheit (sixty-five degrees (65) Centigrade) when discharged or having a temperature greater than one hundred four degrees (104) Fahrenheit (forty degrees (40) Centigrade) at the point such substance enters the treatment plant.
- (b) No wax, grease, oil, plastic, or other substance shall be discharged into the wastewater system that may solidify or become discernibly viscous which may clog, plug, or otherwise restrict the flow of the wastewater system.
- (c) No concentration sums of Benzene, Toluene, Ethyl Benzene or Xylene (BTEX) shall be discharged into the wastewater system with a concentration greater than 1.0 mg/L.
- (d) No slug load shall be discharged into the wastewater system.
- (e) No medical waste shall be discharged into the wastewater system.
- (f) No detergents, surface-active agents, or other substances which may cause excessive foaming in the wastewater system shall be discharged into the wastewater system.

- (g) No substance with dyes or color shall be discharged into the wastewater system.
- (h) No substance shall be discharged into the wastewater system that may cause any wastewater system permit to be revoked.
- (i) No substance shall be discharged into the wastewater system that may prohibit or interfere with the reclamation process.
- (j) No substance shall be discharged into the wastewater system which may cause either singularly or in combination with another substance or substances a noxious or hazardous reaction.
- (k) No substance shall be discharged into the wastewater system that may require special or unusual treatment, handling, or expense.
- (l) No substance shall be discharged into the wastewater system that is greater than one-half inch in any dimension, but in no event shall any substance, even if less than one-half inch in any dimension, restrict the flow of the wastewater system.
- (m) No ashes, cinders, sand, mud, straw, shavings, metal, wood, glass, cloth, feathers, tar, plastics, blood, animal manure, entrails, slurry or slurry residue, slopes, chemical residue, paints or paint residue, solvents, bulk solids, hair or flesh shall be discharged into the wastewater system if any such discharge may interfere with, injure, harm, or disrupt the wastewater system.
- (n) No substance shall be discharged into the wastewater system that may cause a fire, ignition, or explosion.
- (o) No substance with a pH which will disrupt, damage, or interfere with the operation of the wastewater system shall be discharged into the system.
- (p) No pollutants, including oxygen-demanding pollutants (BOD or biochemical oxygen demand) shall be discharged which interferes with, injures, harms, or disrupts the wastewater system.
- (q) No storm water, groundwater, roof runoff, subsurface drainage, downspouts, yard drains, yard fountains, ponds, lawn sprays, or other similar water sources that would typically drain into the storm sewer system shall be discharged into the wastewater system.

- (r) No wastewater shall be discharged into the wastewater system in which the average concentration of total suspended solids is more than 250 mg/l or the biochemical oxygen demand (BOD) is more than 250 mg/l.
- (s) Only dechlorinated water from swimming pools, hot tubs, and spas shall be discharged into the wastewater system.
- (t) No swimming pool, hot tub, or spa filter backwash shall be discharged into the wastewater system.

Section 8.0. Inspections.

- (a) The city and a representative of the City of Liberty, Texas, may inspect each connection to the wastewater system at time of application.
- (b) The city and a representative of the City of Liberty, Texas, may inspect a connection to the wastewater system at any time a suspected violation of local, state, or federal law occurs.

Section 9.0. City's authority to mitigate.

If the city determines that any provisions of this Ordinance are being violated, the city may order any practice to cease and be corrected and may in the interest of public safety terminate wastewater service without notice.

Section 10.0. Payment for wastewater service.

- (a) Each residential and commercial unit shall pay for wastewater service as set forth by city council in a schedule of fees.
- (b) If the city does not receive full payment for wastewater service by the fifteenth (15th) day of the month, the residential or commercial unit shall pay a late fee in the amount as set forth by the city council in a schedule of fees.
- (c) If the city does not receive full payment, including any late fee, for wastewater service from a residential or commercial unit, the city may terminate water service to the residential unit or commercial unit. Before termination of water service the city shall send a Notice of Disconnect for any past due amounts sixty (60) days or more past due and allow the customer ten (10) days, after the Notice of Disconnect is sent, to pay all past due amounts.

Section 11.0. Disconnection and transfer of wastewater service.

- (a) Customers shall provide the city with notice of disconnect for wastewater service upon vacating from a wastewater service location. Customers are responsible for any payments and fees associated with the wastewater service location until such customer provides the city with the disconnect notice or until such time as a new owner or occupant established right to change service at such location.
- (b) Customers moving to a new wastewater service location within in the city shall set up new service at such location and comply with the ordinance.
- (c) Any change of ownership or occupancy at a wastewater service location shall require new wastewater service be established.

Section 12.0. Superior regulations.

(a) If any provisions of this ordinance conflict with the city's adopted plumbing code, residential code, or any other adopted code or any other ordinance of the city, the more stringent regulation shall govern.

(b) If there is a conflict between this Ordinance and a sanitary sewer ordinance of the City of Liberty, Texas, the City of Liberty ordinance shall govern if required by the contract entitled "Liberty-Hardin Wastewater Disposal Contract (Amended)," as amended."

Section 3. *Penalty.* Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance regarding public health shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 4. *Severability.* In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part

or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Hardin, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. *Repeal Clause.* Ordinance No. 2011/09 #1 Amendment to Ordinance No. 2003/11 #15 inconsistent or in conflict herewith is hereby repealed; otherwise the provisions of such Ordinance remain in effect.

Section 6. *Effective Date.* This Ordinance shall become effective when published as required by law.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2014.

CITY OF HARDIN, TEXAS

Original Signed.
Julie Terry, Mayor

ATTEST:

Original Signed.
Dianne Rombs, City Secretary

AMENDED ORDINANCE PASSED, APPROVED AND ADOPTED
This 11th day of July2016.

Original Signed
Stephanie Blume, Mayor

ATTEST:

Original Signed
City Secretary