

**TITLE V: WATER AND SEWER REGULATIONS**

**Chapter**

**50: WATER AND SEWER**

## CHAPTER 50: WATER AND SEWER

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## **General Regulations<sup>1</sup>**

### **§ 50.01 Provisions Applicable To All Users**

The provisions of this chapter shall apply to all persons provided water, sanitary sewer, and/or sanitation collection services by the City.

### **§ 50.02 Enforcement**

Except where other arrangements are specifically provided, it shall be the duty of the City Manager or his authorized agent to enforce the provisions of this chapter.

### **§ 50.03 Application Required**

(a) Any person who moves into any premises shall file an application for water and/or sewer service in accordance with the rules and requirements of the City before using the water or sewer service connections for such premises.

(b) If any customer shall change his place of residence or business, he shall, within forty-eight (48) hours after such change, give notice of such change to the City.

(c) Customers moving from one residence on the City of Overton's water and/or sewer system to another will be required to pay the initial connection fee again, but not the deposit. Customers moving from one residence on the City's water and/or sewer system to another will be responsible for their final account balance at the original residence and can be disconnected from service at their new residence for nonpayment of the final balance of their original account.

(d) Where an application is accepted for water and/or sewer service it shall be considered the bona fide residence or place of business of the applicant. Should water or sewer be disconnected for the nonpayment of bills or for other violations of this chapter, no new application will be accepted from the owner, agent, or any other person to continue service in such place or any other place under any other name, so long as such place or any other place is occupied by the original applicant as the bona fide resident or place of business of same, until after all bills and penalties, damages to water works equipment, or other service charges have been paid in full or some form of agreement has been reached.

(e) Should any person move into any premises supplied with water from the City mains, without making an application in the manner provided for by the City, such person shall become responsible for all water used from the date of the last payment made on such account previous to his occupying said premises, and the failure to pay same shall be cause for disconnecting such service until the amount due is paid.

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<sup>1</sup> **State law reference** - City has exclusive jurisdiction over all water and sewer utility rates, operations and services provided by a water and sewer utility, V.T.C.A., Water Code, § 13.042; authority to operate water and sewer utility systems and prescribe rates, V.T.C.A., Local Government Code, Chapter 402, Subchapters A and B.

(f) The name to which an account is billed cannot be changed except at the request of the person currently being billed.

#### **§ 50.04 False Statements in Application**

(a) If any person shall make false statements in the application for water or sewer service, he shall be deemed guilty of a misdemeanor.

(b) Any consumer who discontinues his place of business or moves from his residence and leaves a bill for water service or any other services due the City and makes application for service at some other address, either under his own name or under a different name, without stating to the City the old address and name under which water or sewer services were used at the address where there is a bill due, shall be guilty of a misdemeanor.

#### **§ 50.05 Users Liable For Bills**

(a) Where there are different consumers liable for water or sewer charges, and where one or more consumers so liable leave such premises, such consumers so leaving shall not be supplied with water at the new premises occupied by them until all accounts due by such persons shall have been paid. Where any consumer is liable to the City for such charges at one place and is thereafter located using water at some other place, the water shall be turned off at the new location until all valid accounts past due are paid.

(b) Where two or more families or unrelated individuals occupy the same house or apartment, and the water or sewer account is in the name of one family or unrelated individual, if the one in whose name the account stands moves away, the remaining family or unrelated individual is also responsible for the unpaid water or sewer bills.

#### **§ 50.06 No Service to Other Premises When Account Is Delinquent**

No service shall be furnished to any person who is delinquent in the payment of any bill for water or sewer furnished on the premises to which water or sewer service is desired or to any other premises in the City.

#### **§ 50.07 Right of Entry**

A duly authorized representative and/or agent of the City, bearing proper credential and identification, shall have the right at all reasonable times to go upon privately owned property for the purpose of inspection of water service lines or mains and sewer connections and drains and all other related lines or equipment. Upon refusal of the right to make such inspections, any duly authorized representative and/or agent of the City shall have the right to disconnect from such privately owned property all City sewer and water connections.

#### **§ 50.08 Tampering With Lines**

Any person who shall tamper with, alter, change, bypass, divert, or connect to any water or sewer mains or service lines owned by the City without first obtaining permission or consent of said City shall be guilty of a misdemeanor.

#### **§ 50.09 Taps to Be Made By City Personnel**

All sewer and water taps to existing lines will be made by City personnel, after all permits and application forms have been completed and required fees paid, except as detailed in § 50.10.

#### **§ 50.10 Lines Installed By Developers/Property Owners**

Provision for water and sewer taps may be made by developers/property owners during the installation of new water and/or sewer lines. In such case no connection to the tapping "Y" by the customer shall be made except by City personnel or in the presence of City personnel, after all permits and application forms have been completed and required fee paid.

#### **§ 50.11 Service to Out-Of-City Consumers Not Required**

The City is not required to furnish water or sewer services to consumers beyond the corporate limits, or to continue to supply, once begun, such services. The City reserves the right to provide services to such consumer(s) it deems advisable and to, at any time, wholly or partially, discontinue such water and sewer services to any consumers located outside the corporate limits of the City.

#### **§ 50.12 Customer Presence May Be Required When Water Turned On**

The City Manager or the Utility Director may require that a customer or his representative be at the residence when the water is turned on for new service or when the water is turned back on after being disconnected for non-payment. This requirement may be involved for both residential and commercial customers.

### **Tap Fees; Motor Deposits; Utility Service Deposits**

#### **§ 50.20 Water And Sewer Tap Fees Required**

The City shall install and maintain water and sewer service connections in the streets, alleys, and easements, and shall charge for the installation of all such connections. Water and sanitary sewer tap fees shall be paid to the City at the time application is made for each service installation as provided for in the Schedule of Fees (Appendix A of this Code).

#### **§ 50.21 Connection Fee Payment Required**

At the time of application for utility service the applicant shall make a connection fee payment in the amount as provided for in the Schedule of Fees (Appendix A of this Code).  
*(Ordinance adopting Revised Code of Ordinances, passed July 29, 2014)*

## **Water and Sewer Rates; Billing Procedures**

### **§ 50.30 Water And Sewer Rate Schedule**

Monthly rates and charges for water and sewer services furnished by the City shall be determined in the Schedule of Fees (Appendix A of this Code).

### **§ 50.31 Billing Regulations**

All monthly water, sewer, and garbage charges shall be billed and considered in all things as one charge; the payment shall not be divided at any time for any reason and the payment shall apply to said bill as a whole. Said monthly charges shall become due and payable on the fifteenth (15<sup>th</sup>) day of each month. If the fifteenth (15<sup>th</sup>) day of the month falls on a Saturday, Sunday, or holiday observed by the City, any payment received through the City Hall night depository prior to 8:00 a.m. on the following work day will be considered a timely payment.

### **§ 50.32 Penalty for Late Payment**

A late payment (delinquency) penalty as prescribed in the Schedule of Fees (Appendix A of this Code) shall be imposed on any service accounts that are not paid by the fifteenth of the month.

### **§ 50.33 Discontinuation of Service; Notice**

Water, sewer, and/or garbage accounts that are ten (10) days past due will be sent a "notice" on the twenty-fifth (25<sup>th</sup>) day of the month giving the account holder until the last day of that month to pay account. If account is not paid by the 25<sup>th</sup>, service will be disconnected the following business day.

The following policies will be followed by the City regarding discontinuation of service:

- (1) When it becomes necessary for the City to discontinue utility service to a customer for nonpayment of bill, service will be reinstated only after all bills for service then due have been paid and any required deposit, disconnect and/or reconnect charges have been paid.

### **§ 50.34 Discontinuation and Reconnect Charges**

If utility service is discontinued for failure to timely pay a bill or for violation of any other provision of this chapter, a fee shall be required as prescribed in the Schedule of Fees (Appendix A of this Code) for each time a City employee reconnects service.

If the meter is pulled to prevent unauthorized use of water, an additional charge shall be made in the amount prescribed in the Schedule of Fees (Appendix A of this Code).



### **§ 50.35 Charges to Accrue**

All rates and charges for services to consumer's premises shall accrue and be charged against the consumer until such time as notice is given to the office of the Utility Director by the consumer or consumer's authorized agent to discontinue services to the consumers premises.

### **§ 50.36 Multiple Units Served By One Meter**

In all cases where two or more units are served by one meter, separate minimum charges shall be made for each unit. No provision shall be made for a vacancy in any unit unless the owner shall furnish satisfactory proof to the City Council that water service to such unit has been discontinued and at the same time by a written statement agree that the unit shall be equipped with a separate meter and a separate charge paid therefor.

### **§ 50.37 No Free Service**

No free service from the City's water and/or sewer system shall be allowed to any person, firm, corporation, or association whatsoever.

### **§ 50.38 Service Charge for Insufficient Funds Check**

There is hereby established a service charge as prescribed in the Schedule of Fees (Appendix A of this Code) which shall be levied and assessed by the City when an account for any water, sewer, or garbage service provided by the City or an account rendered or collected for said City is paid by a check, draft, or money order which is returned unpaid for lack of sufficient funds or closed or non-existent account. The customer giving such check, draft, or money order shall be mailed a notice requiring payment of the check and a returned check charge within five (5) business days from the date of the sending of the notice. If such payment is not made in cash or with certified funds within such time, water service shall be discontinued and not be reconnected until payment of the reconnection fee. If any customer's checks are returned twice within any six (6) calendar months, all future payments must be in cash or certified funds. The City Secretary or City Manager may waive this provision and the returned check charge upon presentation of a letter from the financial institution upon which the check or other instrument was drawn acknowledging an error in return of such check.

## **Drought Contingency Plan**

### **§ 50.40 Drought Contingency Plan Adopted**

A Drought Contingency Plan is hereby adopted and a copy is attached to this Code as Appendix 4. The City shall implement and enforce the plan and will submit all necessary reports to the Regional Water Planning Group. The Drought Contingency Plan shall be made available for public inspection in City Hall on a permanent basis and shall be plainly labeled as the plan adopted by the City.

### **§ 50.41 Implementation**

The Operator of Public Utilities or City Manager shall be responsible for the implementation of the plan, particularly including drought contingency measures. In the event that measures requiring separate action by the City Council are found necessary, the City Manager shall be responsible for requesting a special or emergency meeting of the City Council if necessary, and for presenting the matter to the City Council for action.

### **§ 50.42 Penalties for Violation**

Persons in violation of provisions of the Drought Contingency Plan shall be subject to one or more of the following penalties:

- (1) Having a flow restricter placed on the violator's water service line at that person's expense;
- (2) Disconnection of any or all water and/or sanitary sewer services provided to the violator by the City;
- (3) Withholding of water and/or sanitary sewer service to newly constructed facilities; and/or
- (4) A fine not to exceed two hundred dollars (\$200.00) per day per violation.

### **Controlling Water Use during Emergencies**

#### **§ 50.50 Definition of User**

Except as provided in § 50.68, users shall include only retail customers serviced directly by the City water system, whether located within or outside the City, and not customers of wholesale users such as water districts.

Where more than one residential or commercial unit is served by the same water meter the following definitions shall apply:

- (1) For surcharging or rationing purposes, each unit shall constitute a separate user.
- (2) For disconnection purposes, the person, firm, or corporation responsible for the master meter shall be considered the user.

## **§ 50.51 Declaration of Emergency**

The City Council may, at any properly posted, convened, and conducted meeting declares the City to be in a water usage emergency requiring one or more of the following actions:

- (1) Water Waste - Prohibition of all water waste as defined in § 50.62.
- (2) Outdoor Water Usage
  - a. Voluntary water restrictions
  - b. Alternate days for usage
  - c. Prohibition of usage
  - d. Other restrictions
- (3) Control Measures for Indoor Usage
  - a. Surcharge system
  - b. Rationing
  - c. Flow restricters (for violators only)
- (4) Variances
  - a. Variances for certain commercial users as prescribed in § 50.67.
  - b. Overriding of any standing variances that may have been previously granted.

## **§ 50.52 Water Waste And Outdoor Water Usage**

(a) The City Council may, after declaring a water usage emergency, prohibit all water waste defined as follows:

- (1) Washing vehicles, building, and other similar items unless a bucket or a hose with a cutoff device at the downstream end of the hose is used.
- (2) Allowing water from vehicle washing, building washing, or plant watering to run excessively on to streets or sidewalks.
- (3) Recreational use of sprinklers or hoses.
- (4) Using water for ornamental fountains.
- (5) Any other water use, indoor or outdoor, which is obviously wasteful.

(b) The City may, after declaring a water usage emergency, prohibit any or all of the following outdoor water usages:

- (1) Watering of grass, lawns, flowers, trees, gardens, or shrubbery
- (2) Washing of vehicles, buildings, or swimming pools

(3) Recreational purposes (including filling swimming pools)

(4) Ornamental fountains.

(c) The City Council may, after declaring a water usage emergency, restrict any or all of the outdoor water usages listed in Subsection 2 of this section to alternate days as follows:

(1) Even numbered houses, businesses, lots or premises may be watered on Tuesdays, Thursdays, and Saturdays only.

(2) Odd numbered houses, businesses, lots, or premises may be watered on Mondays, Wednesdays, and Fridays only.

(3) Houses, businesses, lots, or premises with no visible number or no number known to the City shall follow the same restrictions as the odd numbered premises.

(d) On or after the date that the City Council shall meet and declare a water usage emergency requiring any or all of the restrictions described in Subsections 1, 2, and 3 of this section, it shall be unlawful for any person, firm, or corporation to violate any of these restrictions, unless the City Council grants a variance and has not overridden such variance for the specific emergency.

### **§ 50.53 Surcharge System**

The City Council may, after declaring a water usage emergency, impose surcharges not to exceed the following amounts on all water usage by any user:

0 - 3,000 gallons	\$10.00 per 1000 gallons
3,000 - 5,000 gallons	\$15.00 per 1000 gallons
5,000- 10,000 gallons	\$20.00 per 1000 gallons
Over 10,000 gallons	\$25.00 per 1000 gallons

No surcharge for any bracket may be less than the surcharge for the next lower bracket.

These surcharges shall become effective for each user as soon as the City can read the meter serving that user and notify that user.

### **§ 50.54 Rationing**

The City Council may, after declaring a water usage emergency, impose rationing on any or all user classes. The daily amount which each user may be permitted to use shall be set equal to or greater than the following amounts:

- |                                    |   |
|------------------------------------|---|
| 1. Residential                     | 50 gallons  |
| 2. Commercial                      | 100 gallons   |
| 3. Recreational Facility           | 300 gallons   |
| 4. Medical Provider<br>Institution | 100 gallons (plus 5 gallons/resident on days classes<br>are held) |
| 5. School                          | 100 gallons (plus 5 gallons/student on days classes<br>are held)  |
| 6. Industrial                      | 300 gallons   |

Rationing shall become effective for each user as soon as the City can read the meter serving that user and notify that user.

### **§ 50.55 Commercial Use**

The Operator of Public Utilities or City Manager may, in a water shortage emergency, direct any or all commercial, industrial, and recreational users to suspend use of City water for purposes other than domestic use. He may take this action regardless of whether the City Council has declared a water usage emergency.

### **§ 50.56 Appeal Procedure**

The City shall notify all nonresidential users of the following facts:

- (1) Businesses that use outdoor water as their primary functions (such as commercial car washes) may be considered for a variance from emergency restrictions or prohibitions of outdoor water usage.
- (2) The City may restrict or prohibit such outdoor usage, even if a business qualifies for a variance, if the water shortage emergency is severe enough to impose such restriction or prohibition.
- (3) Any business that may qualify for a variance is encouraged to request one when there is no emergency.
- (4) Such business shall show the City sufficient cause for granting such a variance.
- (5) The City may grant a specific variance during a water shortage emergency or may override a standing variance.
- (6) The City shall notify all new nonresidential customers of the above facts at the time they apply for or receive service.

### **§ 50.57 Notification of Restrictions**

The City shall notify all users promptly when a water supply emergency is declared. For prohibition of outdoor water usage, such notice shall be given through local news media. For surcharges or rationing, such notice shall be made in writing to each user and delivered with the meter reading. The individual notice shall show the date and amount of the meter reading.

### **§ 50.58 Application of Restrictions**

Water use restrictions and surcharges contained in this chapter shall apply to all water supplied by the City water system to its retail customers, whether located inside or outside the city limits.

The following rules shall govern wholesale users and their customers:

- (1) Restrictions on outdoor usage shall not apply to customers of wholesale users unless provided in the contract between the City and the wholesale user.
- (2) Surcharges shall not apply to wholesale users or their customers unless provided in the contract between the City and the wholesale user. If the surcharges are to be applied, they shall become effective for each customer of the wholesale user as soon as the wholesale user can read that customer's meter. The surcharges prescribed by emergency resolution shall be collected by the wholesale user in its billing cycle and passed directly on to the City. Nothing in this chapter shall prevent the wholesale user from assessing an additional surcharge to defray its own expenses.
- (3) Rationing shall not apply directly to customers of wholesale users unless provided in the contract between the City and the wholesale user. Otherwise, each wholesale user shall be rationed the total amount of water to which its individual customers would be entitled under the emergency resolution.
- (4) Any restrictions, surcharges, or rationing adopted under authority of this chapter shall be applied uniformly to the City's retail customers and to such wholesale users and/or their customers as may be applicable.

### **§ 50.59 Duration of Restrictions**

All restrictions contained in this chapter shall remain in effect until terminated by the City Council unless:

- (1) The City Council sets a specific time limit; or
- (2) The City Council hereby delegates authority to the City Manager or Public Utility Director to terminate the restrictions at his discretion.

## **§ 50.60 Procedural Requirements**

The City Council may initiate and terminate water usage emergencies and accompanying restrictions by means of simple motions recorded in the minutes, as long as the intent of the action is made clear. Any rules requiring reading at two or more meetings are automatically suspended for all actions authorized by this chapter.

## **§ 50.61 Penalties**

Any person, firm, or corporation violating any provisions of this chapter shall be fined in accordance with the provisions of § 10.10 and a separate offense shall be deemed committed on each and every day during or on which a violation occurs or is permitted to continue.

In addition to the fines, the City may terminate water service to any user for repeated or flagrant violations of this chapter. Reconnection may be made after the user pays all outstanding bills and fines, plus a \$10.00 service charge. Reconnection of a commercial or recreational user may be postponed by the City if, in the opinion of the City, such postponement is necessary to conserve water in an acute emergency.

The City may also, at its option, install a flow restricter on the service line of any user for repeated or flagrant violations of this Chapter. Such restricter may be set at any amount of flow equal to or larger than the amounts listed in § 50.63. The City may charge the user for the cost of the flow restricter, including installation, and may disconnect service for failure to pay this cost.

## **Waterworks Regulations**

### **§ 50.70 General Regulations**

(a) The City is not required to furnish water of any special or specific analysis or in any special or specified amount but only undertakes to furnish such water and amount of water that may be supplied from such sources as the City may select and in an amount within the capacity of the City's pumping plants and storage facilities.

(b) If an accident impedes the City's ability to supply water to its patrons or to the municipality for the prevention or suppression of fire, the City will not be liable for damages by reason of any such failure to any patron of the water system or to any person or persons whose property may have been destroyed by fire or otherwise damaged.

### **§ 50.71 Indemnity**

As prerequisite to furnishing water service to customers, the City is not liable for any damage on account of leakage or breakage of pipes on any premises.

### **§ 50.72 Waste of Water**

In case of willful or unreasonable waste of water by any patron, the City shall have the right to cut off the water supply and recover all damages. Such action of cutting off the water supply may be taken by the Director of Public Works at any time after he shall learn of said waste.

### **§ 50.83 Regulations Affecting Connections to System**

All connections to the City waterworks system within the corporate limits shall be made in the following manner:

1. It shall be the policy of the City to supply water to its patrons through mains owned or controlled by the City and which shall be located in the streets, between the curb and sidewalk lines, or in alleys adjacent to property being served, or on easements controlled or owned by the City.
2. The City may assess the estimated cost of breaking and replacing pavement necessary to make such connection, in addition to the regular service connection charge, such assessment to be paid with such service charge, and the difference between assessment and actual cost of such breaking and replacing shall be refunded to the patron when such work has been completed.
3. In addition to the above charges, the City may assess the estimated cost of boring under or crossing over any street or highway in furnishing water services.
4. All lines constructed and meters installed under the provisions of this section shall be the property of the City and the City shall have full control and jurisdiction over such lines and meters.
5. All connections made pursuant to the terms and conditions of this chapter shall be inspected by a duly authorized agent of the City.

### **§ 50.74 Turning On or Off At Meter**

No person except authorized employees of the utility department shall turn water on or off at the stopcock in the meter box without a written permit first being obtained from the utility department. A charge as prescribed in the Schedule of Fees (Appendix A of this Code) shall be made for turning water off or on at the customers request.

### **§ 50.75 Bypassing Meter**

No person shall interfere with or bypass the City's meter in such a manner as to obtain water without the full amount thereof being registered on such meter. Service shall be permanently disconnected from any account where a bypass or other such device is discovered. Such account shall be reconnected only at the discretion of the City and only after payment for water used, as



estimated by the City, at twice the rate otherwise applicable plus the cost of rerouting and repairing the service to register water use properly on the meter.

#### **§ 50.76 Breaking Lock on City Stopcock**

No person except authorized employees of the City shall break any lock on the stopcock in the water meter box. Service to any account where a broken lock is found will not be restored until all charges, including charges for water received, have been paid, together with a charge for damage to the lock and for service calls as prescribed in the Schedule of Fees (Appendix A of this Code).

#### **§ 50.77 Damage to Waterworks**

Service will be discontinued to any account where any meter or other City water equipment is damaged. Service will not be reconnected until all damage is paid for and all outstanding bills are paid. It shall be unlawful for any person to damage any property of the City water and/or sewer systems

#### **§ 50.78 Secondary Taps Prohibited**

No patron of the waterworks system shall permit any person to tap any water pipe leading into his premises without the consent of the City Manager. Owners or occupants of premises having service pipes and connections will be held strictly responsible for all uses of water from such service by other parties.

#### **§ 50.79 Dual Connections Prohibited**

Dual connections (more than one user on a single meter) shall be prohibited.

#### **§ 50.80 Patron Responsible For Service Line Condition and Water Usage**

Water consumers shall keep their own service pipe lines and apparatus in good repair and condition and shall prevent all unnecessary waste of water. No claim shall be made against the City by reason of breakage of any service pipe or service cock, or from any damage by reason of shutting off the water to repair mains, or for other purposes, and in case of neglect or refusal to promptly repair any imperfection in the service pipes, lines, stops, or other fixtures, the Director of Public Works may cause the same to be done at the expense of the owner, which expense shall be paid to the City before water service is returned to the patron.

#### **§ 50.81 Fire Hydrant Use Restricted**

Every hydrant placed for the purpose of extinguishing fires is hereby declared to be a public hydrant and no person, other than members of the fire department, the State Department of Health, and those authorized by the Director of Public Works shall open any such hydrant or draw or attempt to draw water from same or in any manner interfere with said hydrants.

### **§ 50.82 Access to Meter**

If easy access to a meter is obstructed by a patron or if entrance to the premises is made dangerous for whatever reason, thereby preventing a meter reader from obtaining a meter reading, the charges may be estimated for the amount not to exceed double the normal charge. If the patron does not remedy the condition or should he refuse to pay the estimated bill, the City shall have the right to discontinue water service without further notice and service shall not be resumed until the obstructive and/or dangerous conditions have been remedied and all charges for water service paid.

### **§ 50.83 Estimating Usage**

If a meter fails to register the water actually consumed by reason of the meter being out of order, the City may estimate the charge by the customary consumption of the patron, taking into consideration the season of the year.

### **§ 50.84 Temporary Service Interruptions**

The City reserves the right to temporarily discontinue and to reconnect water supply to all consumers, without notice, for the purpose of making repairs, connections, extensions, and cleaning of mains, machinery, reservoir, or any part of the City water and sewer systems.

### **§ 50.85 Restrictions on One Inch Meters**

One inch (1") meters shall not be allowed on lines smaller than six inches (6") in diameter.

### **§ 50.86 Cross-Connection Control Program**

#### **(a) Backflow prevention assembly testing**

(1) All backflow prevention assemblies shall be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester. A test report must be completed by a recognized backflow prevention assembly tester for each assembly tested. The signed and dated original form must be submitted to the City of Overton within five (5) working days of the test.

(2) Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Original forms of such tests, repairs, and overhauls shall be kept and submitted to the City of Overton within five (5) working days of the test, repair or overhaul of each backflow prevention assembly.

(3) No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the City of Overton. Whenever the existing assembly is moved from the present location or cannot be repaired, the backflow prevention assembly shall be replaced with a backflow prevention assembly device that complies with the American Water Works Association Manual M14, current addition, the University of Southern California Manual of Cross-Connection Control, current addition, or the current the Plumbing Code of the City of Overton, whichever is more stringent.

(4) All backflow prevention assemblies shall be installed in accordance with the manufacturer's instruction, the American Water Works Association Manual M14, or the University Of Southern California Manual Of Cross- Connection Control.

(5) Test gauges used for backflow prevention assemblies testing shall be calibrated at least annually in accordance with the University of Southern California's Manual of Cross-Connection Control or the American Water Works Association's (Manual M14). The original calibration form must be submitted to the City of Overton within five (5) working days after calibration.

(6) A recognized backflow prevention assembly tester must hold a current endorsement from the Texas Natural Resource Conservation Commission.

(b) Customer service inspections

An inspection must occur:

- For new construction;
- For material improvement,
- For correction or addition of private plumbing.

An inspection is not required by TNRCC if a lawn system is installed by irrigators certified by the TNRCC and if the irrigator installs a back flow preventer recommended by the TNRCC Board of Irrigators.

(1) "Material improvement, correction, or addition" would include plumbing work that requires a permit or that involves a major modification to private plumbing; and/or when the water supplier believes that a cross-connection or other unacceptable plumbing exists. The public water supplier should provide written justification to the custom for requiring an inspection by specifically identifying the threat that believed to exist.

(2) An inspection is not required on: existing connections (unless one of the above applies); temporary/construction connections; and/or transfers of service.

(3) Customer service inspection must be performed by customer service inspectors who have completed a Commission approved course, passed an examination administered by the Commission or its designated agent and hold current certification or endorsement as a customer service inspector.

(4) The customer service inspection must certify that no direct connection between the public drinking water supply and a potential source contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention device. No cross-connection between the public drinking water supply and a private water system is permitted. A cross connection is a connection between a drinking water supply and a possible source of contamination or pollution. These can include direct connections, connections allowing the return of water used for industrial processes; and/or plumbing fixtures that are not in compliance with the state approved building code. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.

(5) No connection which allows water to be returned to the public drinking water supply is permitted.

(6) No pipe or pipe fitting which contains more than 8.0% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.

(7) No solder or flux which contains more than 0.2 percent lead can be used for the installation or repair of plumbing at any connection which provides water for human use. A minimum of one lead test shall be performed for each inspection.

(8) It is the intent of this order to insure compliance with Texas Natural Resource Conservation Commission minimum regulatory requirements.

#### **§ 50.87 Consent of City Required**

No person, except an employee or agent of the City, is allowed to turn on or off any water from the street stop cocks or to tap any street main or pipes belonging to the City or to do any work in the street or alleys and public grounds in connection with the laying of street service connections and in connection with their mains without the consent of the Public Utility Director or City Manager.

#### **§ 50.88 Permits Required To Work on Water System**

The City will refuse to turn on the water for any person who makes or employs a person to make any alteration or extension of the water pipes on his premises who shall not have first secured the necessary permit(s) to make such alterations or extensions.

## Meter Rereads

### § 50.90 Meter Reread Procedures and Fees; Testing Of Meter

(a) A water system customer believing a water meter reading to be inaccurate may request a rereading. If the person requesting a water meter to be re-read makes such request more than one (1) time within a twelve month period, the person shall be charged a fee as provided for in the Schedule of Fees (Appendix A of this Code). If the City is in error in the original reading or if the meter is tested and found to register more than the warranty of the meter manufacturer, any fee paid by the customer shall be refunded to the customer and appropriate adjustment in the water service charge(s) shall be made. Adjustments shall be limited to the previous three (3) billing periods.

(b) Should a customer demand that a meter be tested for accuracy, he shall make a deposit equal to the amount the City must pay to have the meter tested. If the test shows that the meter is registering within the warranty of the meter manufacturer or registering less water than is actually used, the deposit shall become the property of the City; otherwise, the deposit shall be refunded to the user.

## Sanitary Sewer System Regulations<sup>2</sup>

### § 50.100 Definitions

As used in this subdivision:

(a) "APPROVING AUTHORITY" means the City Council or duly authorized representative.

(b) "B.O.D." (Biochemical Oxygen Demand) means the quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade.

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

(d) "CITY" means the City Council of Overton, Texas, or any authorized person acting in its behalf.

(e) "C.O.D." (Chemical Oxygen Demand) means measure of the oxygen consuming capacity of inorganic 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.

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<sup>2</sup> **State law reference** - Authority to control and regulate waste discharges and require pretreatment, V.T.C.A., Water Code, § 26.176, § 26.177.

(f) "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.

(g) "CONTROL POINT" means point of access to a course of discharge before the discharge mixes with other discharges in the public sewer;

(h) "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;

(i) "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;

(j) "INDUSTRIAL WASTE CHARGE" means the charge made on those persons who discharge industrial wastes into the City's sewerage system and shall be estimated as per the formula provided by the City;

(k) "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;

(l) "NATURAL OUTLET" means any outlet into a watercourse, ditch, lake, or other body of surface water or ground water;

(m) "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 220 mg/l and BOD is not more than 220 mg/l;

(n) "OVERLOAD" means the imposition of organic or hydraulic loading on a treatment facility excess of its engineered design capacity;

(o) "PERSON" means any individual and includes any corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership association, or other legal entity;

(p) "PH" means the logarithm (Base 10) of the reciprocal of the hydrogen ion concentration;

(q) "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 of Chandler, Texas;

(r) "SANITARY SEWER" means a public sewer that Conveys domestic wastewater or industrial wastes or a combination of both, and into which storm water, surface water, ground water, and other unpolluted wastes are not intentionally passed. The sewers in the alleys or streets adjacent

to the various lots are called main or lateral sewers. The sewers leading from the main or lateral sewers to the property on either side are called house sewers.

(s) "SLUG" means any discharge of water, wastewater or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four hour concentration of flows during normal operation;

(t) "STANDARD METHODS" means the examination and analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation;

(u) "STORM SEWER" means a public sewer which carries storm and surface waters and drainage and into which domestic wastewater or industrial wastes are not intentionally passed;

(v) "STORM WATER" means rainfall or any other forms of precipitation;

(w) "SUPERINTENDENT" means the Water and Wastewater Superintendent of the City of Overton, Texas or his duly authorized deputy, agent or representative;

(x) "SUSPENDED SOLIDS" (SS) means solids measured in mg/l that either float on the surface of, or are in suspension in, wastewater, water, or other liquids, and which are largely, removable by a laboratory filtration device;

(y) "TO DISCHARGE" includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions;

(z) "TRAP" means a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances;

(aa) "UNPOLLUTED WASTEWATER" means water containing

(1) No free or emulsified grease or oil;

(2) No acids or alkalis;

(3) No phenols or other substances producing taste or odor in receiving water;

(4) No toxic or poisonous substances in suspension, colloidal state, or solution;

(5) No noxious or otherwise obnoxious or odorous gases;

(6) Not more than an insignificant amount in mg/l each of suspended solids and BOD, as determined by the Texas Water Commission, and

(7) Color not exceeding fifty (50) units as measured by the Platinum-Cobalt method of determination as specified in Standard Methods;

(bb) "WASTE" means rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, or industrial activities;

(cc) "WASTEWATER" means a combination of the water carried waste from residences, business buildings, institutions, and industrial establishments, together with any ground, surface, and storm water that may be present;

(dd) "WASTEWATER FACILITIES" includes all facilities for collection, pumping, treating, and disposing of wastewater and industrial wastes;

(ee) "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;

(ff) "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; and

(gg) "WATERCOURSE" means a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

#### **§ 50.101 Use of Public Sewers Required**

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Overton, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of said City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(d) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City is hereby required at his expense to install suitable toilet facilities directly with the



proper public sewer in accordance with the provisions of the chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

### **§ 50.102 Building Sewers and Connections**

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first paying a tap fee to the City, as prescribed in the Schedule of Fees (Appendix A of this Code).

(b) There shall be three (3) classes of building sewer permits: (a) for residential service, (b) for commercial service and (c) for service to establishments producing industrial wastes. In any case, the owner, or his agent, shall make application that shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City.

(c) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(e) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testings, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(f) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means discharged to the building sewer.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(h) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of

Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.

(i) The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City.

(j) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a satisfactory manner.

(k) 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 control manhole,

(2) Install meters and other appurtenances to facilitate observation sampling and measurement of the waste;

(3) Install safety equipment and facilities, where needed, and

(4) Maintain the equipment and facilities.

#### **§ 50.103 Prohibited Discharges**

(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 process 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.

#### **§ 50.104 Chemical Discharges**

(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 (C.O.D.);
- (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 one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0 and 65 degrees Centigrade).
  - (3) Objectionable or toxic substances, exerting and excessive chlorine equipment, to such degree that any such material received in the composite 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 any of the provisions of this chapter, including Section 50.95.
- (c) No waste, wastewater or other substance may be discharged into public sewers which have 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/or 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.

#### **§ 50.105 Hazardous Materials and Toxic Materials**

- (a) No discharges may contain concentrations of hazardous metals other than amounts specified in subsection (2) of this section.
- (b) The allowable concentrations of hazardous metals, in terms of milligrams per liter (mg/l), for discharge to inland waters, and determined on the basis of individual sampling in accordance with "Standard Methods" are:

**NOT TO EXCEED**

Metal	Average	Composite	Grab Sample
1. Arsenic	0.1	0.2	0.3
2. Barium	1.0	2.0	4.0
3. Cadmium	0.05	0.1	0.2
4. Chromium	0.5	1.0	5.0
5. Copper	0.5	1.0	2.0
6. Lead	0.5	1.0	1.5
7. Manganese	1.0	2.0	3.0
8. Mercury	0.005	0.005	0.01
9. Nickel	1.0	2.0	3.0
10. Selenium	0.05	0.1	0.2
11. Silver	0.05	0.1	0.2
12. Zinc	1.0	2.0	6.0

(Note: These concentration parameters and rules governing same are promulgated Under authority of Sections 5.131 and 5.132, Texas Water Code- HAZARDOUS METALS and in accordance with Texas Water Commission Rule 156.19).

(c) No other hazardous 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 hazardous materials include but are not limited to:

- (1) Antimony,
- (2) Beryllium,
- (3) Bismuth,
- (4) Cobalt,
- (5) Molybdenum,
- (6) Uranylion,
- (7) Rhenium,
- (8) Strontium,
- (9) Tellurium,
- (10) Herbicides,

(11) Fungicides and

(12) Pesticides.

### **§ 50.106 Particulate Size**

(a) No person may discharge garbage or other solids 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 (1/2) 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 (3/4) horsepower (0.76 hp metric) or greater.

### **§ 50.107 Storm Water And Other Unpolluted Drainage**

(a) No person may discharge to public sanitary sewers

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

(2) Unpolluted cooling water;

(3) Unpolluted industrial process waters;

(4) Other unpolluted drainage.

(b) In compliance with the Texas Water Quality Act and other statutes, the Approving Authority may designate storm sewers and other watercourses into which unpolluted drainage described in subsection 1 of this section may be discharged.

### **§ 50.108 Temperature**

No person may discharge liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65 degrees Centigrade), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten (10) degrees Fahrenheit or more per hour, or a combined total increase of plant influent to one hundred ten (110) degrees Fahrenheit.

### **§ 50.109 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.

**§ 50.110 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 Subsection 50.100(a) 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
  - (i) Fuller's earth;
  - (ii) Lime slurries; and
  - (iii) Lime residues;
- (2) Dissolved solids greater than 200 mg/l including but not limited to
  - (i) Sodium chloride; and
  - (ii) Sodium sulfate;
- (3) Excessive discoloration including but not limited to
  - (i) Dye wastes; and
  - (ii) 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 non-amenability 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 process 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 discharges to the receiving water.
- (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 effluent unfit for stream disposal or industrial use.
- (f) No person may discharge into public sewers solid or viscous substances which may violate subsection 1 of this section if present in sufficient quantity or size including but not limited to
- (1) Ashes;
  - (2) Ciders;
  - (3) Sand;
  - (4) Mud;
  - (5) Straw;
  - (6) Shavings;
  - (7) Metal;
  - (8) Glass;
  - (9) Rags;
  - (10) Feathers;

- (11) Tar;
- (12) Plastics;
- (13) Wood; unground garbage;
- (14) Whole blood;
- (15) Paunch manure; hair and fleshings;
- (16) Entrails;
- (17) Paper products, either whole or ground by garbage grinders;
- (18) Slops;
- (19) Chemical residues;
- (20) Paint residues; or
- (21) Bulk solids.

**§ 50.111 Compliance with Existing Authority**

(a) Unless exception is granted by the Approving Authority, the public sanitary sewer system shall be used by all persons discharging:

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

(b) Unless authorized by the Texas Natural Resource Conservation Commission, no person may deposit or discharge any waste included in subsection (a) of this section on public or private property or into or adjacent to any:

- (1) Natural outlet;
- (2) Watercourse;
- (3) Storm sewer; or
- (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, chapters, rules and orders of federal, state and local governments.

**§ 50.112 Approving Authority Requirements**

(a) If discharge or proposed discharges to public sewers may

- (1) Deleteriously affect wastewater facilities, processes, equipment, or receiving waters;
- (2) Create a hazard to life or health; or
- (3) Create a public nuisance.

(b) The Approving Authority shall require

- (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.

(c) The Approving Authority is entitled to determine whether a discharge or proposed discharge is included under subsection (a) of this section.

(d) The Approving Authority shall reject wastes when it determines that a discharge or proposed discharge does not meet the requirements of subsection 1 of this section.

**§ 50.113 Approving Authority Review and Approval**

(a) If pretreatment or control is required, 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, chapters 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.

**§ 50.114 Liquid Waste And Grease Disposal**

(a) Definitions

- (1) "Grease trap" means a watertight receptacle and constructed to intercept and prevent the passage of grease, fatty liquid, semi-liquid and/or solid wastes generated from operations into the sanitary sewer system to which the receptacle is directly or indirectly connected.
  - (2) "Grease trap waste" means waste intercepted and held by grease traps.
  - (3) "Grit trap" means a water tight receptacle designed and constructed to intercept and prevent the passage of petroleum based oil, grease waste and solids into the sanitary sewer system to which the receptacle is directly or indirectly connected.
  - (4) "Grit trap waste" means petroleum based oil, grease waste and solids from commercial automotive or heavy machinery repair and/or washing facilities.
  - (5) "Liquid waste" means discarded mixtures of water, water born solids, liquids or gaseous substances including grease trap waste, grit trap waste, septige, chemical toilet waste, hazardous waste and industrial liquid waste.
- (b) Traps or separators shall be provided where, in the opinion of the water and sewer superintendent, they are necessary for the proper handling of waste containing ingredients harmful to the building drainage system, the public sewer, or sewer treatment plant or processes, which such waste to include, but not be limited to grease trap waste, grit trap waste, and liquid waste.
- (c) Size and type
- (1) An establishment having a water flow of 50 gallons per minute or greater shall install a 1,000 gallon, 750 pound trap or separator.
  - (2) An establishment may request a variance and apply for permission to install a smaller trap or separator. Any request for a variance must be accompanied with an engineer's report showing a water flow of less than 50 gallons per minute. Such a variance request shall be made to the Board of Adjustments.
- (d) A grease trap shall be installed in the drainage system section of the system where, in the opinion of the water and sewer superintendent, a hazard exists: restaurants, hotel kitchens or bars, factory cafeterias or restaurants, clubs, or uses where grease can be introduced into the drainage system in quantities that can cause line stoppage or hinder sewerage disposal.
- (e) A separator shall be installed in the drainage system section of the system where, an opinion of a water and sewer superintendent a hazard exist or where oils other flammables can be introduced or admitted into the drainage system by accident or otherwise.
- (f) Each trap and separator shall be so installed as to provide ready accessibility to the cover and means for servicing and maintaining the trap and separator in working and operating condition.

The use of ladders or the removal of bulky equipment in order to service traps and separators shall constitute a violation of accessibility.

(g) A water connection for cooling or operating a trap and separator shall be such that back flow cannot occur.

(h) Notification and installation

(1) The water and sewer superintendent shall notify all establishments which require a trap or separator of the passing of this ordinance by the City Council. All establishments requiring such a trap or separator must have the trap or separator installed within 90 days of the water and sewer superintendent's notification.

(2) The trap or separator shall be installed by a licensed plumber. A plumber installing a trap or separator must obtain an installation permit from the City.

(3) Following the installation of the trap or separator, the City shall have the right to inspect the trap or separator so as to ensure that the trap or separator complies with this section.

(i) Cleaning of traps or separators

(1) Frequency

(i) An establishment having a trap or separator smaller than a 1,000 gallon, 750 pound trap or separator every 90 days, with the beginning date being the date of installment of the trap or separator.

(ii) An establishment having a trap or separator smaller than a 1,000 gallon, 750 pound trap or separator, shall clean said trap or separator every 30 days, with the beginning date being the date of installment of the trap or separator.

(2) Proof of cleaning

(i) All establishments having a trap or separator shall provide written verification to the City from a state-certified trap or separator cleaner that the trap or separator has been cleaned. Such written verification must be provided to the City within three (3) business days of the cleaning.

(ii) Should the written notification noted in subsection (2)(i) above evidence a trap or separator that was over 75% full upon cleaning, the establishment in question shall be required to install a larger trap or separator.

(3) All traps or separators shall have a test tee installed on the "sewer side" of the trap or separator so as to allow the water and sewer superintendent the ability to perform a suave of the line in question.

(j) Commercial laundries shall be equipped with trap having a removable wire basket or similar device that will prevent strings, rags, button, or other materials detrimental to the public sewer system when passing into the drainage system.

(k) Interceptors shall be maintained in efficient operating conditions by periodic removal of accumulated grease.

### **§ 50.115 Private Sewage Disposal**

(a) Where a public sanitary sewer is not available under the provisions of § 50.111(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit issued by the Rusk County Health Department. The application for such permit shall be made on a form furnished by the County, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the County Health Department.

(c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Director of Public Works. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Director of Public Works when the work is ready for final inspection, and the inspection shall be made before any underground portions are covered.

(d) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Rusk or Smith County Health Department of the sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) At such time as public sewer becomes available to a property served by a private sewage disposal system, as provided in § 50.111(d) above, a direct connection shall be made to the public sewer within ninety (90) days of the availability of public sewer, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

(g) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the City.

(h) Any on-site sewer system shall be installed in compliance with the provisions of the most recent edition of the "Construction Standards for On-Site Sewage Facilities" as published by the Texas Natural Resource Conservation Commission.

#### **§ 50.116 Protection from Damage**

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

#### **§ 50.117 Sampling and Testing**

(a) Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works and determining the existence of hazards to health, life, limb, and property.

(b) Examination and analyses of the characteristics of water and wastes required by this chapter 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, except to detect unauthorized discharges.

(d) The Approving Authority shall determine which users or classes of users may contribute wastewater which is of greater strength than normal domestic wastewater. All users or classes of users so identified shall be sampled for flow, BOD, TSS, and pH at least annually.

(e) City may select an independent firm or laboratory to determine flow, BOD, and suspended solids, if necessary. Flow may alternately be determined by water meter measurements if no other flow device is available and no other source of raw water is used.

#### **§ 50.118 User Charge System**

(a) Persons making discharges of waste into the City's system shall pay a charge to cover all costs of collection and treatment as described in the City's User Charge Ordinance.

(b) When discharges of any waste into the City's system 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;
  - (2) Payment by the person making the discharge, in accordance with the User Charge System;
  - (3) Sewer connection procedures and requirements shall be in accordance with the "Uniform Plumbing Code" as promulgated by the International Association of Plumbing and Mechanical Officials;
  - (4) A sewer application approved with connection fee paid; and
  - (5) Construction of sewer connections shall be approved by City inspectors prior to sewer use.
- (c) Each user of the wastewater treatment system will be notified, at least annually, in conjunction with a regular sewer bill, of the rate and that portion of user charges or ad valorem taxes which are attributable to the operation and maintenance of the wastewater treatment system.
- (d) The City will apply excess revenues collected from a class of users to the cost of operation and maintenance attributable to that class for the next year and adjust the rates accordingly.

#### **§ 50.119 Savings Clause**

A person discharging wastes into public sewers prior to March 13, 2001, may continue without penalty so long as he

- (1) Does not increase the quantity or decrease the quality of discharge without permission of the Approving Authority;
- (2) Has discharged the waste at least 12 months prior to March 13, 2001; and
- (3) Applies for and is granted a permit no later than 60 days after March 13, 2001.

#### **§ 50.120 Conditions or Permits**

(a) The City may grant a permit to discharge to persons meeting all requirements of the savings clause provided that the person:

- (1) Submit an application within sixty (60) days after March 13, 2001 on forms supplied by the Approving Authority;
- (2) Secure approval by the Approval Authority of plans and specifications for the facilities when required; and
- (3) Has complied with all requirements for agreements or arrangements including but not limited to, providing for

- (i) payment of charges;
  - (ii) installation and operation of the facilities and of pretreatment facilities, if required, and
  - (iii) sampling and analysis to determine quantity and strength when directed by the City; and
- (4) Provides a sampling point, when requested by the City, subject to the provisions of this chapter and approval of the Approving Authority.
- (b) A person applying for a new discharge shall
- (1) Meet all conditions of subsection (a) of this section; and
  - (2) Secure a permit prior to discharging any waste.

#### **§ 50.121 Power to Enter Property**

- (a) The Director of Public Works and other duly authorized employees of the City bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing the provisions of this chapter.
- (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 person(s) to maintain safe conditions, the City shall indemnify the person(s) against loss or damage to their property by City employees and against liability claims and demands for personal injury or property damage asserted against the person(s) and growing out of the sampling operation.
- (d) The Director of Public Works and other duly authorized employees of the City bearing proper credentials and identification are entitled to enter all private properties through which the City holds a negotiated easement for the purposes of
- (1) Inspection, observation, measurement, sampling or repair;
  - (2) Maintenance of any portion of the sewerage system lying within the easements; and
  - (3) Conducting any other authorized activity. All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.
- (e) No person acting under authority of this provision may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

### **§ 50.122 Authority to Disconnect Service**

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

(1) Acids or chemicals which may damage the sewer lines or treatment process are released to the sewer potentially causing accelerated 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 customer:

(i) Discharges waste or wastewater that is in violation of the provisions of this chapter;

(ii) Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;

(iii) Fails to pay monthly bills for water and sanitary sewer services when due; or

(iv) Repeats a discharge of prohibited wastes to public sewers in violation of the provisions of this chapter.

(b) If service is discontinued pursuant to subsection (1)(b) 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 customer provides pretreatment, additional pretreatment or other facilities designed to remove the objectionable characteristics from his wastes.

### **§ 50.123 Notice**

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



### **§ 50.124 Continuing Prohibited Discharges**

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

### **§ 50.125 Penalty**

(a) A person who continues prohibited discharges is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500 for each act of violation and for each day of violation.

(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.

### **§ 50.126 Failure to Pay**

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

### **§ 50.127 Penalty for Criminal Mischief**

The City may pursue all criminal and civil remedies to which it is entitled under authority of statutes and ordinances against a person negligently, willfully or maliciously causing loss by tampering with or destroying public sewers or treatment facilities.

### **§ 50.128 Service Connections**

The property owner shall install a sanitary sewer service line at his expense to the City's lateral, in accordance with regulations and subject to the inspection of the City; he shall thereafter maintain the service line to and including the "y".

### **§ 50.129 Stoppage Or Obstruction of Sewer System**

(a) It shall be unlawful for any person to deposit into the building drainage system or sewer any ashes, cinders, rags, poisonous or explosive liquids, gases, oils, grease, or any other material which would or could obstruct, damage, or overload such system or sewer.

(b) It shall be unlawful for the owner or occupant of any building or premises to use, or permit anyone else to use, said building or premises unless said building or premises shall be connected to a water supply sufficient to insure that sewer pipes will be kept free from accumulation of select materials and obstructions.

## System Extensions

### § 50.140 Water And Sewer System Extensions

The following guidelines, standards and regulations are hereby adopted and shall hereafter govern and control all future water and sanitary sewer system extensions made by the City:

- (1) The City will, at its expense, and at its option, construct or extend water or sanitary sewer mains to serve any property in the city when such construction or extension will require one hundred (100) feet or less of water or sanitary sewer line.
- (2) Where more than one hundred (100) feet of water or sanitary sewer lines is required, the owner of the property to be served shall pay the cost of construction or extension for that portion which is in excess of one hundred (100) feet.
- (3) All owners or occupants of buildings, or agents for the owners, situated in any section of the city where a sanitary sewer now exists, or where it may hereafter exist, and where the property line or the land on which any such building situated approaches or extends to within one hundred (100) feet of any sewer, are required to construct, or cause to be constructed, suitable water closets on the property and connect the same with the City sewer under the supervision of the City Manager or some person designated by the City Manager. Lift pumps, if necessary, shall be installed and maintained by the property owner, agent, or occupant of such property. It shall be the duty of any such property owner, agent, or occupant of such property to keep and maintain the water closet and connection thereof in good working condition and free from any obstructions.
- (4) If boring of any type (roadway, driveway, under trees, etc.) is required to make the connection to the property, the property owner shall be responsible for payment of all costs associated with the bore. The City shall estimate the boring cost and said estimated amount shall be paid prior to the work being done. Any overpayment of actual costs shall be reimbursed to the property owner. Any underpayment of actual costs shall be paid to the City prior to any water and/or sewer connection or issuance of any permits, including certificate(s) of occupancy for building(s) being served by the sewer and/or water extension.