

TITLE V: PUBLIC WORKS

Chapter

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CHAPTER 50: GARBAGE AND TRASH

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Burning of garbage, see §§ 91.45, 91.46

Water and sewer rates, see Chapter 52 of this code of ordinances

COLLECTION**§ 50.01 DEFINITIONS; RULES OF INTERPRETATION.**

(A) *Definitions.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Quitman, Wood County, Texas.

GARBAGE. All animal and vegetable matter, such as waste material and refuse from kitchens, residence, grocery stores, butcher shops, cafes, restaurants, drugstores, hotels, rooming boarding, and apartment houses, and other deleterious substances, tin cans, paper bags, boxes, glass, newspapers, magazines, and other such paper products, including handbills except when the handbills are distributed in a manner prescribed by the City Council and with written permission from the city certifying conformity with the outlined requirements of the Council.

PERSON. Includes both singular and plural and shall mean and embrace any person, firm or corporation, their agents, servants, tenants and employees.

TRASH. Rubbish, such as feathers, coffee grounds, ashes, grass, shrubs, flowers, yard cleanings, grass clippings, leaves and tree trimmings, not to include dirt, concrete, tile, plaster, rocks and other such substances.

(B) *Rules of interpretation.* Pronouns in the masculine gender shall include the corresponding word in the feminine or neuter gender.

(Ord. 840911, passed 9-11-1984)

§ 50.02 DEPOSITING GARBAGE, TRASH AND THE LIKE ON STREETS, VACANT LOTS AND THE LIKE.

(A) It shall be unlawful for any person to sweep, haul, throw or deposit any garbage, handbills, trash, dirt, concrete, rocks, brick, plaster, tile, stagnant water or dead animals into, upon or along any drain, gutter, alley, sidewalk, parkway, street, in the window, door handle or under the windshield wiper of any automobile, or vacant lot, or upon any public or private premises within the corporate limits of the city.

(B) In the event handbills are distributed, they must be distributed in a manner prescribed by the City Council and with written permission from the City Secretary/Administrator certifying conformity with the outlined requirements of the City Council.

(Ord. 840911, passed 9-11-1984) Penalty, see § 10.99

§ 50.03 DUTY OF OWNER/OCCUPANT TO PROVIDE PLASTIC BAGS.

Every owner, occupant, tenant or lessee using or occupying any building, house or structure within the corporate limits of the city for residences, churches, schools, colleges, universities, lodges, commercial, industrial, business or other purposes, shall provide and maintain plastic bags of sufficient number and type as hereinafter specified, to hold the garbage and trash that will normally accumulate on the premises.

(Ord. 840911, passed 9-11-1984)

§ 50.04 REQUIREMENTS AS TO CONTAINERS USED.

Each of the owners, occupants, tenants or lessees described in the preceding section of this subchapter shall provide an adequate number of plastic bags with a thickness of not less than 2.0 mls., and the combined weight of the bag and contents shall not exceed 30 pounds. The bag will be securely tied to prevent spilling. Garbage and trash placed in containers other than plastic bags will not be collected and the owners, occupants, tenants or lessees shall be notified by the city, acting through its Health Officer or his or her duly authorized representatives, and if the containers are not replaced with plastic bags with a thickness of not less than 2.0 mls., after notice to the owner or user of containers, shall be subject to the penalties as set forth in § 50.99; provided, however, that this section shall become effective 2 months on and after the effective date of this subchapter.

(Ord. 840911, passed 9-11-1984)

§ 50.05 CITY TO STOCK BAGS FOR RESALE.

Plastic bags with a thickness of not less than 2.0 mls. will be stocked at the City Hall for resale to garbage collection customers only, at a cost that will allow the city to recover its cost. No plastic bag sale will be made to any person, firm, organization or company and the like that is not a garbage collection customer of the city.

(Ord. 840911, passed 9-11-1984)

§ 50.06 PLACING GARBAGE AND TRASH BAGS FOR COLLECTION.

If the house, building or premises from which the garbage and trash is to be collected and removed is adjacent to an alley, the owner, occupant or lessee of the premises shall be required to place the containers adjacent to the alley for collection, in order that they may be easily accessible to the collector from the outside of any fence that may surround the premises. In the event it is not practical to collect and remove garbage and trash from an alley, or if there is no alley adjacent to the premises, the owner, occupant, tenant or lessee of the premises shall place the container for collection at the property line at the street side of the premises. The collector shall not be required to service containers situated within a fence unless the containers can be easily removed by the collector without going inside of the fenced area. In no event shall the collector be required to enter buildings, garages, breezeways, carports or other structures to make collections. In the event it is not practical to place the containers for collection as above specified, the City Secretary/Administrator shall determine the location of the containers. (Ord. 840911, passed 9-11-1984)

§ 50.07 COLLECTION OF TRASH NOT IN CONTAINERS.

(A) In the event trash is of such a nature that it cannot be put in the regulation containers, it shall be placed in disposable containers or in neat and orderly piles, and placed adjacent to the alley or on the edge of the alley, in order that it may be removed conveniently. Tree limbs and hedge clippings shall not exceed 10 feet in length and no single tree limb, stump or cutting shall exceed 100 pounds each.

(B) Trash collected under this section shall not exceed 2 cubic yards by volume or a single truck load, whichever is the greater, on any 1 collection day; provided, however, that it shall be unlawful for any person to place trash in an alley or street so as to obstruct or hamper vehicular or pedestrian traffic. (Ord. 840911, passed 9-11-1984) Penalty, see § 10.99

§ 50.08 DISPOSAL OF DEAD ANIMALS.

Dogs, cats or any other dead animals shall not be placed in garbage or trash containers. The dead animal pick-up service of the city will, upon notice to do so, remove the small dead animal. (Ord. 840911, passed 9-11-1984)

§ 50.09 CONSTRUCTION REFUSE.

Rock, dirt, concrete, brick, tile, plaster, waste, scrap building materials, or other trash resulting from construction or major remodeling; resulting from a general cleanup of vacant or improved property just prior to its occupancy; or resulting from sizable amounts of trees, brush and debris, cleared from property in preparation for construction, will not be removed by the city as regular service. The owner will have this debris removed at his or her expense. (Ord. 840911, passed 9-11-1984)

§ 50.10 WASTES FROM TREE TRIMMING OPERATIONS.

It shall be the duty of any person employing, engaging or otherwise paying a contractor, student, professional tree trimmer or any other person, to trim and prune his or her trees or shrubs to have the trimmings and other debris removed at the owner's expense. The city will not remove trimmings and debris created by such persons as regular service.

(Ord. 840911, passed 9-11-1984)

§ 50.11 COLLECTION TO BE CARRIED ON IN SYSTEMATIC AND EFFICIENT MANNER.

(A) The collection, removal and disposal of all garbage and trash shall be made at least twice each week from houses, buildings and premises used for residential purposes and certain types of places of business as weather conditions and other uncontrollable factors will permit.

(B) The collection, removal and disposal of all garbage and trash shall be made daily Monday through Friday from certain types of places of business as weather conditions and other uncontrollable factors will permit.

(C) The collection, removal and disposal of garbage and trash shall be carried on in a systematic and efficient manner, keeping the city in a clean and sanitary condition.

(Ord. 840911, passed 9-11-1984)

§ 50.12 DUTY OF OWNER/OCCUPANT TO SEE THAT BAGS ARE REMOVED; REPORT AFTER 7 DAYS.

Every owner, occupant, tenant or lessee of a house or building used for residential, business or commercial purposes is required to maintain constant supervision and surveillance over the garbage and trash bags servicing his or her premises. If the bags are not removed by an agent or representative of the city or other duly authorized personnel for a period of 7 days, he or she must notify the City Secretary/Administrator of the city of this fact within 3 days.

(Ord. 840911, passed 9-11-1984)

§ 50.13 GARBAGE AND TRASH TO BE DRAINED BEFORE PLACING IN BAGS; ANIMAL MATTER TO BE WRAPPED IN PAPER.

(A) All garbage and trash that is mixed with water or other liquid shall be thoroughly drained before being placed in garbage and trash bags for collection.

(B) All animal matter that is subject to decomposition shall be well wrapped in paper or other combustible material before being deposited in the container.

(Ord. 840911, passed 9-11-1984)

§ 50.14 DUTY OF HEALTH OFFICER AS TO INSPECTION AND ENFORCEMENT.

In addition to the usual enforcement agencies of the city, it is hereby the duty of the City Health Officer or his or her authorized representatives to make inspection trips at regular intervals to determine whether or not garbage and trash is being properly collected, removed and disposed of as required by the provisions of this subchapter or any other applicable ordinance. In the event it is found that this subchapter or any other applicable ordinance is being violated, appropriate and timely action shall be taken to ensure full compliance with its provisions.

(Ord. 840911, passed 9-11-1984)

§ 50.15 EFFECTIVE DATE.

Effective date of this subchapter is October 1, 1984.

(Ord. 840911, passed 9-11-1984)

RATES AND CHARGES

§ 50.30 GARBAGE RATES.

(A) Effective with the first water bill rendered in October 2007, the rates and charges for the disposal of garbage and trash service rendered to residential consumers of water within the city limits by the City of Quitman, Texas, its successors and assigns are hereby fixed and determined as follows:

<i>Residential Rates</i>	<i>Charges per month</i>
Single unit, 2 pickups per week at street	\$10.44

(B) The rates and charges set forth in division (A) above will be included as part of the monthly water bill and are subject to the same penalty and conditions of service as other parts of the net water bill.

(C) All residential customers will comply with all federal, state and local and environmental laws in effect now and in the future.

(Ord. 09-15-05-02, passed 9-15-2005; Am. Ord. 09-25-06-02, passed 9-25-2006; Am. Ord. 09-20-07-06, passed 9-20-2007)

Cross-reference:

Water bills, see Chapter 52 of this code of ordinances

CHAPTER 51: LIQUEFIED PETROLEUM GASES

Section

- 51.01 Standard grade and equipment
- 51.02 Definitions
- 51.03 Compliance with laws and regulations
- 51.04 Approval by Plumbing Inspector
- 51.05 Inspection fee
- 51.06 Tank trucks requirements
- 51.07 Treatment with malodorant

- 51.99 Penalty

§ 51.01 STANDARD GRADE AND EQUIPMENT.

(A) All persons, firms or corporations who may install or equip any residence, business house or apartment house, or any other building located and situated within the corporate limits of the city with any installation of equipment designed to use as a fuel any form of manufactured or liquefied petroleum gases, shall use in any such installation, whether for domestic or industrial use, only a standard grade of pipe or piping, and all appliances used in connection with the installation shall be a standard grade and type of equipment.

(B) Any system which uses any form of manufactured or liquefied petroleum gases must bear the label of approval or listing of the Underwriters Laboratories. The storage of any liquefied petroleum gases in any individual customer size of container, either above-ground or underground, is prohibited inside of or underneath any building in the corporate limits; and no equipment used for the purpose for storing wholesale or retail quantities of such gases shall be permitted within the corporate limits. Any equipment or tanks now used for the wholesale or retail storage of such gases within the city limits shall be removed; and containers larger than 1,000 water gallons capacity shall not be erected, installed or used or be permitted to remain in use within the city limits unless a special permit authorized by resolution of the City Council has been issued with the approval of the Fire Marshal, after careful investigation considering possible hazards to life and contiguous property.
(1980 Code, § 15.80) (Ord. passed 8-4-1949)

§ 51.02 DEFINITIONS.

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

STANDARD GRADE. That grade of article which is accepted by dealers in such equipment and recognized as complying with all fire law regulations.
(1980 Code, § 15.81) (Ord. passed 8-4-1949)

§ 51.03 COMPLIANCE WITH LAWS AND REGULATIONS.

Any such equipment as provided for shall be installed, or repaired, in a workmanlike manner which shall comply with all laws and the regulations of the city, the regulations of the National Board of Fire Underwriters and the regulations recommended by the National Fire Protection Association.
(1980 Code, § 15.82) (Ord. passed 8-4-1949)

§ 51.04 APPROVAL BY PLUMBING INSPECTOR.

When any such equipment is installed as herein provided, same shall not be placed in operation or used unless and until the installation has been approved as complying with this chapter by the City Plumbing Inspector.
(1980 Code, § 15.83) (Ord. passed 8-4-1949)

§ 51.05 INSPECTION FEE.

Any person, firm or corporation installing any such equipment as herein provided shall secure the approval of same as complying with the requirements of this chapter by the City Plumbing Inspector as herein provided for, and shall, upon requesting such inspection for approval, pay an inspection fee in an amount to be determined by Council for each piece of equipment, to cover cost of inspection.
(1980 Code, § 15.84) (Ord. passed 8-4-1949)

§ 51.06 TANK TRUCKS REQUIREMENTS.

(A) All tank trucks and tank trailers used for the transportation of liquefied petroleum gases within the city shall be so constructed and operated as to comply with the regulations for the design, construction and operation of automobile tank trucks and tank trailers for the transportation of liquefied petroleum gases as approved by the National Board of Fire Underwriters and the National Fire Protection Association.

(B) Any person, firm or corporation who shall operate or cause to be operated any tank truck or

tank trailer used for the purpose of transporting liquefied petroleum gas within the corporate limits of the city shall keep any such equipment in good condition at all times, and upon the development of any defect that would create a hazard to persons or property, the tank truck or tank trailer shall be removed from the streets of the city until the defects have been repaired, or faulty equipment replaced; and any such tank trucks and tank trailers shall be subject to inspection by the proper authorities at any time. (1980 Code, § 15.85) (Ord. passed 8-4-1949)

§ 51.07 TREATMENT WITH MALODORANT.

All liquefied petroleum gas sold within the city shall be treated with a malodorant in such quantities as required by state law to create an odor easily detected in case of leaks in piping or equipment. (1980 Code, § 15.86) (Ord. passed 8-4-1949)

§ 51.99 PENALTY.

Any person, firm or corporation violating any provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction for violation thereof, shall be fined in any sum not to exceed \$200; and each day of use or operation of any such equipment shall constitute a separate offense. (1980 Code, § 15.87) (Ord. passed 8-4-1949)

CHAPTER 52: UTILITY CHARGES

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General Provisions

- 52.01 Contract for service
- 52.02 Application and fee for water and sewer taps
- 52.03 Unmetered water service
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- 52.05 Applicability

Service Charges

- 52.15 User cost recovery system
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- 52.26 Failure to pay

Cross-reference:

Garbage rates, see § 50.30

GENERAL PROVISIONS

§ 52.01 CONTRACT FOR SERVICE.

City water and/or sewer service shall be delivered pursuant to and only upon a written contract signed by the consumer or purchaser, providing for a term of not less than 1 month.

(Ord. passed 8-13-1985)

§ 52.02 APPLICATION AND FEE FOR WATER AND SEWER TAPS.

(A) *Standard tap fee.*

<i>Water</i>		<i>Sewer</i>	
3/4 in.	\$900	4 in.	\$875
1 in.	\$950	6 in.	\$1000
1-1/2 in.	\$1150	8 in.	\$1300
2 in.	\$1350	Add \$1500 to each sewer tap if a man placed	
NOTE: All bores to be contract priced			

(B) *Applicability.* The fees prescribed by division (A) above shall apply to a water and/or sewer tap within the right-of-way and streets of which the city is responsible for maintenance.

(Ord. passed 8-13-1985; Am. Ord. 09-25-06-03, passed 9-25-2006; Am. Ord. 09-20-07-07, passed 9-20-2007)

Cross-reference:

Applicability, see § 52.05

§ 52.03 UNMETERED WATER SERVICE.

The city shall not provide water service to any user or sell any water to anyone without the volume of water used by the user being properly measured by an approved type device which registers the quantity of water used.

(Ord. passed 8-13-1985)

§ 52.04 MISCELLANEOUS FEES.

Miscellaneous fees are as follows:

(A) Temporary turnon for cleaning and inspection: \$25.

(B) Temporary disconnect: \$10.

(C) Transfer of service: \$20.

(D) Reconnect: \$50.

(E) Emergency turnoffs: No charge.

(Ord. 09-25-06-03, passed 9-25-2006 ; Am. Ord. 09-20-07-07, passed 9-20-2007)

Cross-reference:

Applicability, see § 52.05

§ 52.05 APPLICABILITY.

The following provisions are applicable to §§ 52.02, 52.04, 52.16 and 52.17.

(A) Net rates apply to all bills paid within 20 days from monthly billing date.

(B) The rates and charges in the above listed sections are applicable to each residential and commercial consumer per month or for any part for which water is used or available at the same location.

(Ord. 09-25-06-03, passed 9-25-2006)

SERVICE CHARGES

§ 52.15 USER COST RECOVERY SYSTEM.

(A) The cost of supplying, treating and distributing all potable water and collecting and treating all wastewater received by the city shall be defrayed by the following user cost recovery system:

(1) User's charge, to be paid monthly by all users; and

(2) An excessive strength sewer surcharge will be paid monthly by users whose average wastewater discharge exceeds 300 mg/l. This charge is in addition to the user charge.

(B) User's sewer charge. This charge shall recover all annual costs incurred by the city in the operation and maintainance of its water and sewerage system. These costs shall include but are not limited to all operational cost, maintenance cost, replacement cost of existing facilities, and annual revenue bond debt service requirements.

(1) The sewer charge will be based on per unit of wastewater discharged by the user at a strength not to exceed 300 mg/l BOD₅ and 300 mg/l SS.

(2) The charge will be composed of a minimum monthly bill with an allowable usage to be paid by all users, and a rate per unit of volume in excess of the minimum allowable. If a sewer user can furnish satisfactory evidence that on an annual basis, in excess of 20% of the volume of water delivered to him or her is not returned to the city sewer, his or her unit volume of wastewater discharged shall be

adjusted by the amount of the nonreturned water. The burden of proof shall lie with the user.

(3) 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.

(Ord. passed 8-13-1985)

§ 52.16 WATER RATES.

(A) The minimum monthly charge for water furnished by the city is \$12.00 for residential and \$20.00 for commercial for which no water is allowed.

(B) (1) Charges for water furnished by the city are hereby fixed at the following rates as registered by the user’s water meter:

<i>Charge</i>	<i>Quantity</i>
\$3.49/1,000	for the first 6,000 gallons
\$3.66/1,000	next 14,000 gallons
\$3.84/1,000	all over 20,000 gallons

(2) For consumers outside the city limits, the above rates are 150%.

(Am. Ord. 09-25-06-03, passed 9-25-2006; Am. Ord. 09-20-07-07, passed 9-20-2007)

(C) Where a water tap is used solely for standby fire protection from an approved water sprinkler system having an audible alarm, and where no water is used or consumed from the tap for a purpose other than fire protection, no minimum fee shall be charged under division (A) above, nor shall water used for firefighting be charged for.

(Ord. passed 8-13-1985)

Cross-reference:

Applicability, see § 52.05

§ 52.17 SEWER RATES.

Charges for sewer services furnished by the city are hereby fixed at the following rates:

(A) The minimum monthly charge for sewer service by the city is \$10.00 residential, \$15.00 commercial for which no wastewater is treated, plus \$1.72 per gallon.

(B) The residential maximum is \$15.00.

(Ord. passed 8-13-1985; Am. Ord. 09-25-06-03, passed 9-25-2006; Am. Ord. 09-20-07-07, passed 9-20-2007)

Cross-reference:

Applicability, see § 52.05

§ 52.18 EXCESSIVE STRENGTH SURCHARGE.

(A) Users desiring to discharge sewage into the city's sewerage system, the strength of which sewage exceeds 300 mg/l BOD and/or 300 mg/l suspended solids, and which is acceptable under the city's sewer use ordinance, may do so upon written permission of the city and by paying the monthly users charge and the excessive strength surcharge.

(1) (a) The user's surcharge shall recover the pro rata share of all of the annual cost incurred by the city in the operation and maintenance of its sewage treatment facility. These costs shall include but are not limited to all operational cost, maintenance cost, replacement cost of existing facilities, and annual revenue bond debt service requirements.

(b) Should the city not separate its sewage collection and sewage treatment cost, then the cost of the sewage treatment is set at 50% of the total cost of operating all city sewerage facilities.

(2) (a) The charge shall be based on the unit volume discharge of the user at the user's discharge strength and suspended solid content of the user's wastewater, but not less than "normal." The surcharge shall be a factor, never less than 1.0, which is to be multiplied times the operating and maintenance unit volume cost (user's charge), times the user's volume of discharge based on the following formula:

$$\text{Surcharge} = (\text{user's charge} \times 50\% \frac{\text{BOD} - 300 + \text{TSS} - 300}{300 \quad 300})$$

(b) Where BOD is the discharge strength (not less than 300 in mg/l), TSS is the discharge concentration (not less than 300 in mg/l).

(B) Costs of O&M for all flow not directly attributable to users (infiltration/inflow) will be distributed among all users of the treatment works system.

(Ord. passed 8-13-1985)

§ 52.19 MANDATORY CONNECTION.

Any occupied structure within the city limits which has city water and/or sewerage service available to it and which service abuts upon or adjacent to the property on which the structure is located, shall pay the minimum charges set forth in §§ 52.16 and 52.17 regardless of whether is connected to the service or not.

(Ord. passed 8-13-1985)

§ 52.20 COMPUTATION WHEN METER FAILS TO REGISTER.

In cases where a water meter shall fail, from any cause, to register water usage and consumption for any month or portion thereof, the city, in its discretion, shall compute the estimated actual usage and make charges for water and sewer service on the basis of an average of the metered or registered usage during the 3 months immediately preceding.

(Ord. passed 8-13-1985)

§ 52.21 ADJUSTMENT FOR WATER LOST OR WASTED.

No deduction or adjustment of the charges made for water and sewer service shall ever be made on account of any water lost or wasted, as a result of leaks in fixtures, frozen pipes or other causes, unless the deduction or adjustment shall be directed by the City Council following a thorough and complete investigation of the circumstances surrounding the loss or waste.

(Ord. passed 8-13-1985)

§ 52.22 DEPOSIT TO ASSURE PAYMENT.

(A) Each purchaser or consumer of city water and/or sewer service, at the time of making application for the service, shall make a deposit with the city in the amount of \$100.

(B) The charges for water service and sewer service established by this chapter shall be chargeable as a lien and legal charge against the deposit made pursuant to this section.

(C) User deposits shall not bear interest.

(Ord. passed 8-13-1985)

§ 52.23 WHEN AND WHERE BILLS PAYABLE.

(A) The city shall render bills for water and sewer charges prescribed by this chapter in monthly cycles, as may be convenient, and the monthly bills shall be due and payable at City Hall as follows:

(1) All bills and accounts shall be billed on the next succeeding first day of the month following the period for which the services are rendered, and the bills and accounts shall be due and payable on the

15th day of the same month.

(2) Accounts not paid in full when due shall be subject to a 10% late charge.

(B) In all cases where the contract for the sale and delivery of city water and sewer service covers and includes the furnishing of such service to more than 1 consuming unit, whether family, residential or business, the charges and bill for the whole supply thereof shall be made only to the contracting applicant and purchaser and shall include a minimum bill charge for each consuming unit.

(Ord. passed 8-13-1985)

§ 52.24 DISCONTINUANCE OF SERVICE FOR FAILURE TO PAY.

(A) If any person shall fail to pay the bill for water service or for sewer service rendered to that person by the city on date bill is due and payable, the city has the authority to discontinue water/sewer service in accordance with the provisions of § 51.25, and the services shall not again be resumed until the person shall have paid the delinquent water and sewer bill in full, including any late charges the city levies.

(B) It shall be unlawful for any person, other than a duly authorized employee of the city, to reconnect the service.

(Ord. passed 8-13-1985) Penalty, see § 10.99

§ 52.25 DISCONNECTION FOR LATE PAYMENT

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within 10 days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and

correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum of \$50.

§ 52.26 FAILURE TO PAY.

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

(Ord. passed 8-13-1985)

CHAPTER 53: WATER REGULATIONS

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53.99 Penalty

Cross-reference:

Examination and inspection, see § 31.03 of this code of ordinances

Water rates, see Chapter 52 of this code of ordinances

WATER WORKS SYSTEM

§ 53.01 SUPERINTENDENT OF WATER WORKS.

(A) There shall be appointed by the City Council a Superintendent of the Water Works, who shall be the administrative officer of the water works system, including all engine houses, engines, pumps, reservoirs, standpipes, elevated tanks, pipe lines, hydrants, meters, wrenches, stopcocks, gate valves, fire plugs testing equipment, and all other property and machinery used in or connected with the water works system. He or she shall make frequent trips of inspection over all pipe lines and all other property used in or connected with the water works system, and shall make all repairs deemed necessary and consistent with his or her duties.

(B) He or she shall also report all violations of this subchapter to the City Council and shall forthwith proceed to have prosecuted offenders as set forth in this subchapter or any amendment thereof.

(C) He or she shall also attend to and control the water supply at all times to the sufficiency thereof, and shall notify the community, unless emergency requires otherwise, of the necessity of shutting off any pipe line for the purpose of making repairs, extensions, connections and the like, should he or she know beforehand the necessity to shut off the water from any line or lines of the system.

(D) In the performance of his or her duties as required by this section, the Superintendent shall be subject at all times to the city code, rules and regulations.
(1980 Code, § 15.40) (Ord. passed 8-10-1954)

§ 53.02 PROHIBITED ACTS.

It shall hereafter be unlawful for any person or persons to do, commit or assist in committing any of the following things or acts in the city:

(A) To open or close any fire hydrant or stopcock connected with the water works system of the city, or lift or remove the covers of any gate valves or shutoffs thereof, without the permission of the Superintendent of the Water Works, except in case of fire, and then under the direction of officers of the Fire Department;

(B) To interfere with, destroy, deface, impair, injure or wantonly force open any gate or door, or in any way whatsoever destroy, injure or deface any part of any engine house, reservoir, standpipe, elevated tank, building or buildings, or appurtenances, fences, trees, shrubs or fixtures or property

pertaining to the water works system;

(C) To go upon or ascend the stairway or steps, on any elevated water storage tank or standpipe of the water works system, except by permission of the Water Works Superintendent;

(D) To place any telegraph, telephone, electric light pole or any obstruction whatsoever within 3 feet of any fire hydrant;

(E) To resort to any fraudulent device or arrangement for the purposes of procuring water for himself, herself or others from private connections on premises contrary to the city regulations or ordinances;

(F) To interfere with or injure any reservoir, tank, fountain, hydrant, pipe, cock, valve or other apparatus pertaining to the water works system, or to turn on or off without authority the water in any street hydrant or other water fixture, or to hitch or tie any animal thereto;

(G) To make or permit to be made any connections with the main or service pipes of the water works system or to turn on or use the water of that system without first obtaining a permit therefor;

(H) To cover over or conceal from view any water valve box service or meter box;

(I) To remove any water meter that has been placed by the city or in any manner to change, interfere with or tamper with any water meter; provided that the provisions of this section shall not apply to the employees of the city when acting in their official capacity; or

(J) To turn on the water supply to any building or to any supply pipe where the supply has been turned off for the nonpayment of the monthly water charge or for violation of any rule or ordinance governing the water works system.

(1980 Code, § 15.41) (Ord. passed 8-10-1954) Penalty, see § 10.99

§ 53.03 APPLICATION FOR CONNECTION.

It shall be unlawful for any person, firm or corporation to make any connection to the mains or pipes of the water works system of the city, without first making application to the city, stating fully the several and various uses for which water is wanted, giving the name of owner of the property, the number of the lot and block, name of the street and house number. Upon the payment of the tapping fee, the Superintendent shall make, or have made, the necessary connections and furnish a cast iron curb stop box and curb cock, the cost of which is included in the tapping fee, and every premises connected with any water main or being supplied with any water from the city water works shall have a separate service connection, curb stop box and curb cock. If the application is approved by the City Secretary/Administrator a permit will be issued. All fees and charges shall be paid for at amounts and rates fixed by ordinances or by resolutions of the governing body.

(1980 Code, § 15.42) (Ord. passed 8-10-1954) Penalty, see § 10.99

§ 53.04 DUTY OF CITY EMPLOYEES.

It shall be the duty of all employees of the city, including officers and members of the police force, to report to the Superintendent of the water works system, upon blanks furnished for that purpose, any leaks or unnecessary waste of water that may come to their attention, also any violations of this subchapter.

(1980 Code, § 15.43) (Ord. passed 8-10-1954)

§ 53.05 WATER METERS.

All meters, whether private or belonging to the water works system shall be set by the employees of the city. If the meter gets out of order and fails to register, the consumer will be charged at the average daily consumption, as shown by the meter when in order. All water that passes through the meter shall be charged for, whether used or not.

(1980 Code, § 15.44) (Ord. passed 8-10-1954)

§ 53.06 SEPARATE CONNECTIONS AND METERS.

Each consumer of water, living in a separate house, must have a separate connection and meter for each house.

(1980 Code, § 15.45)

§ 53.07 CUSTOMER DEPOSITS.

Each user of water or customer who is connected to or with the city water works distribution system shall deposit with the city a \$100 water deposit which may be applied to the payment of any unpaid bills.

Any unused portion of the deposit shall be refunded at any time the account or service is discontinued.

(1980 Code, § 15.46) (Ord. passed 10-4-1969; Am. Ord. 9-20-07, passed - -)

§ 53.08 DATES OF PAYMENT.

All charges for water service furnished or rendered by the City Water Works shall be due and payable on the 15th day of each month at the City Hall and if not paid within 10 days after same becomes due and payable, the city reserves the right to cut off and discontinue water service to the premises upon written notice and same shall not be reconnected and no additional water furnished until all past due accounts and charges are paid in full. Where service has been disconnected for failure to pay for services rendered, a charge of \$50 will be made for each and every meter disconnected before such service shall be restored or water turned on again. If all charges for water service are not paid within 10 days of being due and payable, the Director of Street Maintenance shall ensure that water service is cut off and

disconnected.

PRIVATE AND PUBLIC WATER WELLS

§ 53.20 PERMIT REQUIRED FOR DRILLING PRIVATE WATER WELLS.

(A) It shall be unlawful for any person, firm or corporation to drill or attempt to drill any water well within the corporate limits of the city without a permit approved by the City Council.

(B) The application for a water well permit shall include: the location of the well; name, address and telephone number of the owner; name, address and telephone number of the driller; and a statement regarding the use of and necessity for the well.

(C) The fee for a water well permit shall be ½ of water tap fee, changing as water tap fee is changed.

Ord. 92-12-10, passed 12-10-1992) Penalty, see § 10.99

§ 53.21 CONDITIONS FOR PERMIT ISSUANCE.

Prior to issuance of a permit, the City Council shall determine that a necessity and need for the well exists, that the well will be so located that there will be no danger of pollution from flooding or from insanitary surroundings, that the well will have no adverse effect on the public water system, and the well will be drilled and all materials and equipment installed in accordance with standards recommended by the Texas Water Commission (TWC) for private water wells. Failure to comply with TWC standards shall result in revocation of the permit.

(Ord. 92-12-10, passed 12-10-1992)

§ 53.22 ABANDONED WELLS.

(A) An abandoned well is any well which has been continuously out of use for a period of 2 years, or longer. Whenever any well has not been in active use for more than 2 years, the owner or operator of the well shall report the fact to the Public Works Director. Every abandoned well shall be filled and plugged with such materials and in such manner as, in the judgment of the Public Works Director, will prevent the pollution and contamination of the city's water supply or the contamination of any other well within the limits of the city; the filling and plugging shall be done under the supervision of the Public Works Director, and at the expense of the owner of the well.

(B) Whenever the Public Works Director shall receive notice from any source of the existence of an abandoned well which has not been plugged and filled in accordance with the provisions of this section, he or she shall notify the owner or agent in charge of the well or of the property upon which it is situated that the well is abandoned and shall instruct him or her to fill and plug the well in accordance with this

section, and the owner or operator of the well shall comply with the order within 60 days after its date. Should he or she fail so to comply within this period or if, after using reasonable diligence, the Director should fail to locate the owner or agent in charge of the well or of the property upon which the well is situated, the Public Works Director may go on the land or property upon which the well is situated and fill and plug the abandoned well in the manner provided, and the owner thereof shall be liable to the City of Quitman for the cost of the work and shall pay the cost upon demand.
(Ord. 92-12-10, passed 12-10-1992) Penalty, see § 10.99

§ 53.23 SANITATION AND POLLUTION CONTROL OF AREAS NEAR CITY'S PUBLIC WATER SUPPLY WELLS.

(A) Purpose.

(1) This section sets forth uniform requirements for the users and the construction of facilities in or on land within 150 feet of the wells in order to promote sanitary conditions in and around such wells, to secure all such land from pollution hazards, and to enable the city to comply with all applicable state and local regulations.

(2) The objective of this section is to prevent certain uses and the construction of facilities in or on land surrounding the wells, which might create a danger of pollution to the water produced from such wells.

(B) Definitions. Unless the context requires otherwise, the following terms and phrases, as used in this section, shall have the meanings hereinafter designated:

CITY shall mean the City of Quitman, Texas.

CITY COUNCIL shall mean the City Council of the City of Quitman, Texas.

ORDINANCE shall mean this section and Ordinance 05-15-08 Establishing Rules and Regulations Regarding Sanitary and Pollution Control of the Area in Proximity to the City's Public Water Supply Wells.

PERSON shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, successors, or assigns.

WELLS shall mean the water wells owned and operated by the city, which are more specifically identified and described in Exhibit "A" attached to Ordinance 05-15-08-01 and made a part hereof.

(C) Prohibited activities. The following activities are prohibited within the designated areas of land surrounding the wells:

(1) Construction and/or operation of any underground petroleum and/or chemical storage tank,

liquid transmission pipeline, stock pen, feedlot, dump grounds, privy, cesspool, septic tank, sewage treatment plant, sewage wet well, sewage pumping station, drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems, solid waste disposal site, land on which sewage plant or septic tank sludge is applied, land irrigated by sewage plant effluent, septic tank perforated drain field, absorption bed, evapotranspiration bed, area irrigated by low dosage, low angle spray on-site sewage facility, military facility, industrial facility, wood treatment facility, liquid petroleum and petrochemical production, storage, and/or transmission facility, Class 1,2,3, and/or 4 injection well, pesticide storage and/or mixing facility, abandoned well, inoperative well, improperly constructed water well of any depth, and all other construction or operation that could create an unsanitary condition is prohibited within, upon, or across all areas of land within a 150-foot radius of the wells. For the purposes of this section, "improperly constructed water wells" are those wells that do not meet the surface and subsurface construction standards for a public water supply well.

(2) Construction and/or operation of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically prohibited within, upon, or across any area of land within a 50-foot radius of the wells.

(3) Construction of homes or building upon any area of land within a 150-foot radius of the wells is permitted, provided the restrictions described in items (1) and (2) above are met.

(4) Normal farming and ranching operations are not prohibited by this section; provided, however, livestock shall not be allowed within a 50-foot radius of the wells.

(D) *Right of entry.* City employees, or authorized representatives of the city, bearing proper credentials and identification, shall be permitted to immediately enter upon any premises located within a 150-foot radius of any well to conduct any inspection or observation necessary to enforce this section.

(E) *Required removal.* Any person who shall violate any provision of this section shall be required to remove the prohibited construction or potential source of contamination within 30 days after notification that they are in violation of this section.

(F) *Superceding regulation or statute.* Whenever any applicable statute, regulation, or permit of any state, federal, or other agency, having jurisdiction over the subject matter of this section, is in conflict herewith, the stricter requirement shall apply, unless mandated otherwise.

(Ord. 05-15-08, passed 5-15-2008) Penalty, see § 53.99

DROUGHT CONTINGENCY PLAN FOR RETAIL PUBLIC WATER SUPPLIERS

§ 53.35 ADOPTION OF PLAN.

The City Drought Contingency Plan attached to Ord. 000817 as Exhibit A, Appendix C is hereby

adopted as the official policy of the city.
(Ord. 000817, passed 8-17-2000)

§ 53.36 DECLARATION OF POLICY, PURPOSE AND INTENT.

(A) In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation and fire protection, and to protect and preserve public health, welfare and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the city hereby adopts the following regulations and restrictions on the delivery and consumption of water.

(B) Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be nonessential, and continuation of these uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in § 53.46.
(Ord. 000817, passed 8-17-2000)

§ 53.37 PUBLIC INVOLVEMENT.

Opportunity for the public to provide input into the preparation of the Plan was provided by the city by means of public meetings.
(Ord. 000817, passed 8-17-2000)

§ 53.38 PUBLIC EDUCATION.

The city will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of press release and public meetings.
(Ord. 000817, passed 8-17-2000)

§ 53.39 COORDINATION WITH REGIONAL WATER PLANNING GROUPS.

The service area of the city is located within the North East Texas Region (D), and the city has provided a copy of this Plan to the North East Texas Region.
(Ord. 000817, passed 8-17-2000)

§ 53.40 AUTHORIZATION.

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

(Ord. 000817, passed 8-17-2000)

§ 53.41 APPLICATION.

(A) The provisions of this Plan shall apply to all persons, customers and property utilizing water provided by the city.

(B) The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations and all other legal entities.

(Ord. 000817, passed 8-17-2000)

§ 53.42 DEFINITIONS.

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

AESTHETIC WATER USE. Water use for ornamental or decorative purposes such as fountains, reflecting pools and water gardens.

COMMERCIAL AND INSTITUTIONAL WATER USE. Water use which is integral to the operations of commercial and nonprofit establishments and governmental entities, such as retail establishments, hotels and motels, restaurants and office buildings.

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

CUSTOMER. Any person, company or organization using water supplied by City of Quitman.

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

EVEN NUMBERED ADDRESS. Street addresses, box numbers or rural postal route numbers ending in 0, 2, 4, 6 or 8, and locations without addresses.

INDUSTRIAL WATER USE. The use of water in processes designed to convert materials of lower value into forms having greater usability and value.

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

NONESSENTIAL WATER USE. Water uses that are not essential nor required for the protection of public, health, safety and welfare, including:

(1) Irrigation of landscape areas, including parks, athletic fields and golf courses, except otherwise provided under this Plan;

(2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;

(3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced areas;

(4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;

(5) Flushing gutters or permitting water to run or accumulate in any gutter or street;

(6) Use of water to fill, refill or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;

(7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;

(8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of the leak(s); and

(9) Use of water from hydrants for construction purposes or any other purposes other than firefighting.

ODD NUMBERED ADDRESS. Street addresses, box numbers or rural postal route numbers ending in 1, 3, 5, 7 or 9.

(Ord. 000817, passed 8-17-2000)

§ 53.43 TRIGGERING CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES.

(A) The Water Utilities Director, or his or her designee, shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages shall be by best means available.

(B) The triggering criteria described below are based on daily water demand from 1995 to 1999, the months of May 1 through September 3.

(1) *Stage 1 - Mild Water Shortage Conditions.*

(a) *Requirements for initiation.* Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in § 53.42, when total daily water demand equals or exceeds 576,000 gallons for 3 consecutive days or 720,000 gallons on a single day.

(b) *Requirements for termination.* Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 10 consecutive days.

(2) *Stage 2 - Moderate Water Shortage Conditions.*

(a) *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses provided in this subchapter when total daily water demand equals or exceeds 612,000 gallons for 3 consecutive days or 720,000 gallons on a single day.

(b) *Requirements for termination.* Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 10 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

(3) *Stage 3 - Severe Water Shortage Conditions.*

(a) *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses for Stage 3 of this Plan when total daily water demand equals or exceeds 648,000 gallons for 3 consecutive days or 720,000 gallons on a single day.

(b) *Requirements for termination.* Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 10 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

(4) *Stage 4 - Critical Water Shortage Conditions.*

(a) *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses for Stage 4 of this Plan when total daily water demand equals or exceeds 684,000 gallons for 3 consecutive days or 720,000 gallons on a single day.

(b) *Requirements for termination.* Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 10 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

(5) *Stage 5 - Emergency Water Shortage Conditions.*

(a) *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the Mayor or his or her designee determines that a water supply emergency exists, based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
2. Natural or manmade contamination of the water supply source(s).

(b) *Requirements for termination.* Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist.

(6) *Water rationing.*

(a) *Requirements for initiation.* Customers shall be required to comply with the water allocation plan prescribed in § 53.45 and comply with the requirements and restrictions for Stage 5 of this Plan when a water supply emergency exist.

(b) *Requirements for termination.* Water rationing may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.
(Ord. 000817, passed 8-17-2000)

§ 53.44 DROUGHT RESPONSE STAGES.

The Water Utilities Director or his or her designee shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in § 53.43, shall determine that a mild, moderate, severe, critical or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation:

(A) *Stage 1 - Mild Water Shortage Conditions.*

- (1) *Goal.* Achieve a voluntary 6% reduction in total water use.
- (2) *Supply management measures.* Describe measures, if any, to be implemented directly by the city to manage limited water supplies and/or reduce water demand. Reduced or discontinued flushing of water mains.
- (3) *Voluntary water use restrictions.*
 - (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas.

(b) Water customers are requested to practice water conservation and to minimize or discontinue water use for nonessential purposes.

(B) *Stage 2 - Moderate Water Shortage Conditions.*

(1) *Goal.* Achieve a 6% reduction in total water use.

(2) *Supply management measures.* Describe measures, if any, to be implemented directly by the city to manage limited water supplies and/or reduce water demand. Reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas.

(3) *Water use restrictions.* Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

(a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays. Irrigation of landscaped areas is further limited to the hours of 12:00 a.m. midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 a.m. midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of 5 gallons or less, or drip irrigation system.

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 a.m. midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 a.m. midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(c) Use of water to fill, refill or add to any indoor or outdoor swimming pools, wading pools or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 a.m. midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 a.m. midnight.

(d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life, or where such fountains or ponds are equipped with a recirculation system.

(e) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the city.

(f) The following uses of water are defined as nonessential and are prohibited:

1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 3. Use of water for dust control;
 4. Flushing gutters or permitting water to run or accumulate in any gutter or street;
- and
5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of the leak(s).

(C) *Stage 3 - Severe Water Shortage Conditions.*

- (1) *Goal.* Achieve a 6% reduction in total water use.
- (2) *Supply management measures.* Describe measures, if any, to be implemented directly by the city to manage limited water supplies and/or reduce water demand. Reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas.
- (3) *Water use restrictions.* All requirements of Stage 2 shall remain in effect during Stage 3 except:
 - (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 a.m. midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 a.m. midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
 - (b) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(D) *Stage 4 - Critical Water Shortage Conditions.*

- (1) *Goal.* Achieve a 6% reduction in total water use.
- (2) *Supply management measures.* Describe measures, if any, to be implemented directly by the city to manage limited water supplies and/or reduce water demand. Reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas.
- (3) *Water use restrictions.* All requirements of Stages 2 and 3 shall remain in effect during Stage 4 except:

(a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 a.m. midnight and shall be by means of hand-held hoses, hand-held buckets or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems is prohibited at all times.

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 5:00 p.m.

(c) The filling, refilling or adding of water to swimming pools, wading pools and Jacuzzi-type pools is prohibited.

(d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where the fountains or ponds are equipped with a recirculation system.

(e) No applications for new, additional, expanded or increased-in-size water service connections, meters, service lines, pipeline extensions, mains or water service facilities of any kind shall be allowed or approved.

(E) *Stage 5 - Emergency Water Shortage Conditions.*

(1) *Goal.* Achieve a 6% reduction in total water use.

(2) *Supply management measures.* Describe measures, if any, to be implemented directly by the city to manage limited water supplies and/or reduce water demand. Reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source.

(3) *Water use restrictions.* All requirements of Stages 2, 3, and 4 shall remain in effect during Stage 5 except:

(a) Irrigation of landscaped areas is absolutely prohibited.

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
(Ord. 000817, passed 8-17-2000)

§ 53.45 WATER RATIONING.

In the event that water shortage conditions threaten public health, safety and welfare, the Mayor is

hereby authorized to ration water according to the following water allocation plan:

(A) *Single-family residential customers.*

(1) The allocation to residential water customers residing in a single-family dwelling shall be as follows:

<i>Persons per Household</i>	<i>Gallons per Month</i>
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

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

HOUSEHOLD. The residential premises served by the customer’s meter.

PERSONS PER HOUSEHOLD. Includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period.

(b) It shall be assumed that a particular customer’s household is comprised of 2 persons unless the customer notifies the city of a greater number of persons per household on a form prescribed by the Mayor. The Mayor shall give his or her best effort to see that such forms are mailed, otherwise provided or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer’s responsibility to go to the City of Quitman offices to complete and sign the form claiming more than 2 persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the Mayor. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the city on the form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the city in writing within 2 days.

(3) In prescribing the method for claiming more than 2 persons per household, the Mayor shall adopt methods to ensure the accuracy of the claim. Any person who knowingly, recklessly or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the city of a reduction in the number of person in a household shall be fined not less than \$100.

(4) Residential water customers shall pay the following surcharges:

<i>Rate</i>	<i>Incremental Amounts</i>
\$5	for the first 1,000 gallons over allocation
\$10	for the second 1,000 gallons over allocation
\$15	for the third 1,000 gallons over allocation
\$20	for each additional 1,000 gallons over allocation

(5) Surcharges shall be cumulative.

(B) *Master-metered multi-family residential customers.*

(1) (a) The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves 2 dwelling units unless the customer notifies the City of Quitman of a greater number on a form prescribed by the Mayor. The Mayor shall give his or her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. It however, a customer does not receive such a form, it shall be the customer's responsibility to go to the city offices to complete and sign the form claiming more than 2 dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the Mayor. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Quitman in writing within 2 days. In prescribing the method for claiming more than 2 dwelling units, the Mayor shall adopt methods to ensure the accuracy of the claim.

(b) Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Quitman of a reduction in the number of person in a household shall be fined not less than \$100.

(2) Customers billed from a master meter under this provision shall pay the following monthly surcharges:

<i>Rate</i>	<i>Incremental Amounts</i>
\$5	for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit
\$10	thereafter, for each additional 1,000 gallons over allocation up through

<i>Rate</i>	<i>Incremental Amounts</i>
	a second 1,000 gallons for each dwelling unit
\$15	thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit
\$20	thereafter for each additional 1,000 gallons over allocation

(3) Surcharges shall be cumulative.

(C) *Commercial customers.* A monthly water usage allocation shall be established by the Mayor or his or her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes.

(1) The nonresidential customer’s allocation shall be approximately 75% of the customer’s usage for corresponding month’s billing period for the previous 12 months. If the customer’s billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, a customer, 75% of whose monthly usage is less than 10,000 gallons, shall be allocated 10,000 gallons.

(a) The Mayor shall give his or her best effort to see that notice of each nonresidential customer’s allocation is mailed to the customer. If, however, a customer does not receive this notice, it shall be the customer’s responsibility to contact the city to determine the allocation.

(b) Upon request of the customer or at the initiative of the Mayor, the allocation may be reduced or increased if:

1. The designated period does not accurately reflect the customer’s normal water usage;
2. One nonresidential customer agrees to transfer part of its allocation to another nonresidential customer; or
3. Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

(c) A customer may appeal an allocation established hereunder to the City Council.

(2) Nonresidential commercial customers shall pay the following surcharges:

(a) Customers whose allocation is 10,000 gallons through 30,000 gallons per month:

<i>Rate</i>	<i>Incremental Amounts</i>
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\$5 per thousand gallons	for the first 1,000 gallons over allocation
\$10 per thousand gallons	for the second 1,000 gallons over allocation
\$15 per thousand gallons	for the third 1,000 gallons over allocation
\$20 per thousand gallons	for each additional 1,000 gallons over allocation

(b) Customers whose allocation is 30,001 gallons per month or more:

<i>Rate</i>	<i>Incremental Amounts</i>
5 times the block rate	for each 1,000 gallons in excess of the allocation up through 5% above allocation
6 times the block rate	for each 1,000 gallons from 5% through 10% above allocation
7 times the block rate	for each 1,000 gallons from 10% through 15% above allocation
8 times the block rate	for each 1,000 gallons more than 15% above allocation

(3) The surcharges shall be cumulative.

(4) As used herein, **BLOCK RATE** means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

(D) *Industrial customers.* A monthly water usage allocation shall be established by the Mayor or his or her designee for each industrial customer which uses water for processing purposes.

(1) The industrial customer's allocation shall be approximately 90% of the customer's water usage baseline. Ninety days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85% of the customer's water usage baseline.

(a) The industrial customer's water usage baseline will be computed on the average water usage for the 12-month period ending prior to the date of implementation of Stage 2 of the Plan.

(b) If the industrial water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.

(2) The Mayor shall give his or her best effort to see that notice of each industrial customer's allocation is mailed to that customer. If, however, a customer does not receive this notice, it shall be the customer's responsibility to contact the city to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice.

(3) Upon request of the customer or at the initiative of the Mayor, the allocation may be reduced or increased, if:

(a) The designated period does not accurately reflect the customer’s normal water usage because the customer had shut down a major processing unit for repair or overhaul during the period;

(b) The customer has added or is in the process of adding significant additional processing capacity;

(c) The customer has shut down or significantly reduced the production of a major processing unit;

(d) The customer has previously implemented significant permanent water conservation measures such that the ability to further reduce usage is limited;

(e) The customer agrees to transfer part of its allocation to another industrial customer; or

(f) If other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

(4) A customer may appeal an allocation established hereunder to the City Council.

(5) Industrial customers shall pay the following surcharges:

(a) Customers whose allocation is 30,001 gallons through 50,000 gallons per month:

<i>Rate</i>	<i>Incremental Amounts</i>
\$ 5 per thousand gallons	for the first 1,000 gallons over allocation
\$ 10 per thousand gallons	for the second 1,000 gallons over allocation
\$ 15 per thousand gallons	for the third 1,000 gallons over allocation
\$ 20 per thousand gallons	for each additional 1,000 gallons over allocation

(b) Customers whose allocation is 50,001 gallons per month or more:

<i>Rate</i>	<i>Incremental Amounts</i>
5 times the block rate	for each 1,000 gallons in excess of the allocation up through 5% above allocation
	for each 1,000 gallons from 5% through 10% above

<i>Rate</i>	<i>Incremental Amounts</i>
6 times the block rate	allocation
7 times the block rate	for each 1,000 gallons from 10% through 15% above allocation
8 times the block rate	for each 1,000 gallons more than 15% above allocation

(6) The surcharges shall be cumulative.

(7) As used herein, **BLOCK RATE** means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.
(Ord. 000817, passed 8-17-2000)

§ 53.46 ENFORCEMENT.

(A) No person shall knowingly or intentionally allow the use of water from the City of Quitman for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Mayor, or his or her designee, in accordance with provisions of this Plan.

(B) (1) Fines for violations are set forth in § 53.99.

(2) If a person is convicted of 3 or more distinct violations of this Plan, the Mayor shall, upon due notice to the customer, be authorized to discontinue water service to the premises where the violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at \$50, and any other costs incurred by the City of Quitman in discontinuing service. In addition, suitable assurance must be given to the Mayor that the same action shall not be repeated while the Plan is in effect.

(3) Compliance with this plan may also be sought through injunctive relief in the District Court.

(C) Any person, including a person classified as a water customer of the City of Quitman, in apparent control of the property where a violation occurs or originates, shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he or she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation; but any such parent may be excused if he or she proves that he or she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

(D) (1) Any employee of the City of Quitman, police officer or other city official designated by the Mayor may issue a citation to a person he or she reasonably believes to be in violation of this subchapter. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him or her to appear in the Municipal Court on the date shown on the citation, for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence.

(2) The alleged violator shall appear in Municipal Court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in Municipal Court, a warrant for his or her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in Municipal Court before all other cases. (Ord. 000817, passed 8-17-2000) Penalty, see § 10.99

§ 53.47 VARIANCES.

(A) The Mayor or his or her designee may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant the variance would cause an emergency condition adversely affecting the health, sanitation or fire protection for the public or the person requesting the variance, and if 1 or more of the following conditions are met:

- (1) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect; or
- (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(B) Persons requesting an exemption from the provisions of this subchapter shall file a petition for variance with the City of Quitman within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Mayor, or his or her designee, and shall include the following:

- (1) Name and address of the petitioner(s);
- (2) Purpose of water use;
- (3) Specific provision(s) of the Plan from which the petitioner is requesting relief;
- (4) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this subchapter;

(5) Description of the relief requested;

(6) Period of time for which the variance is sought;

(7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date; and

(8) Other pertinent information.

(C) Variances granted by the City of Quitman shall be subject to the following conditions, unless waived or modified by the Mayor or his or her designee:

(1) Variances granted shall include a timetable for compliance; and

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

(D) No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

(Ord. 000817, passed 8-17-2000)

§ 53.48 BACKFLOW INSPECTION

(A) Annual inspections as required by the AWWA – M14 Backflow and Cross-Connection Control Manual (adopted under Section 150.01) shall be performed by a qualified inspector and proper documentation placed on file with the Director of Street Maintenance.

(B) Required inspections may be performed by a qualified inspector privately hired by the property owner, or by a City contracted private inspector at the request of the property owner. City contracted inspection costs shall be billed on the related utility bill and an additional fee of ten dollars (\$10.00) for administration will be added separately to the utility bill. Disconnection from service shall be allowable for failure to pay the cost of the inspection or the administrative fee in accordance with Section 53.08.

(C) The penalty provision contained in Section 53.99 shall apply to this section in the event a proper inspection is not completed in a timely manner and certified notice of violation has been sent to the property owner.

(Ord. 080619-02, passed 06/19/08)

§ 53.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Any person who shall violate any provision of § 53.23 of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$200. Each day of violation shall constitute a separate offense.

(Ord. 05-15-08, passed 5-15-2008)

CHAPTER 54: SEWER REGULATIONS

Section

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Examination and inspection, see § 31.03 of this code of ordinances

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GENERAL PROVISIONS**§ 54.01 DEFINITIONS.**

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

APPROVING AUTHORITY. The Mayor or his or her duly authorized representative.

BOD (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for 5 days at a temperature of 20° Centigrade.

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

CITY. The City of Quitman, Texas or any authorized person acting in its behalf.

COD (CHEMICAL OXYGEN DEMAND). Measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater, expressed in mg/l, as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

CONTROL MANHOLE. A manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

CONTROL POINT. Point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

DIRECTOR. The Director of Water Utilities of the City of Quitman, Texas or his or her duly authorized deputy, agent or representative.

GARBAGE. Animal and vegetable wastes and residue from preparation, cooking and dispensing of

food, and from the handling, processing, storage and sale of food products and produce.

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

INDUSTRIAL WASTE CHARGE. The charge made on those persons who discharge industrial wastes into the city's sewerage system.

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

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

NORMAL DOMESTIC WASTEWATER. 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 300 mg/l and BOD is not more than 300 mg/l.

OVERLOAD. The imposition of organic or hydraulic overloading on a treatment facility in excess of its engineered design capacity.

PERSON. Any individual, and includes any corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership association, or other legal entity.

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

PUBLIC SEWER. 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 Quitman, Texas.

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

SLUG. Any discharge of water, wastewater or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration of flows during normal operation.

STANDARD METHODS. 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.

STORM SEWER. A public sewer which carries storm and surface waters and drainage and into

which domestic wastewater or industrial wastes are not intentionally passed.

STORMWATER. Rainfall or any other forms of precipitation.

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

TO DISCHARGE. Includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit or suffer any of these acts or omissions.

TRAP. A device designed to skim, settle or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.

UNPOLLUTED WASTEWATER. 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 Department of Water Resources; and
- (7) Color not exceeding 50 units as measured by Platinum-Cobalt method of determination as specified in *Standard Methods*.

WASTE. Rejected, unutilized or superfluous substances in liquid, gaseous or solid form resulting from domestic, agricultural or industrial activities.

WASTEWATER. A combination of the water carried from residences, business buildings, institutions, and industrial establishments, together with any groundwater, surface water and stormwater that may be present.

WASTEWATER FACILITIES. Includes all facilities for collection, pumping, treating and disposing of wastewater and industrial wastes.

WASTEWATER TREATMENT PLANT. Any city-owned facilities, devices and structures used for receiving processing and treating wastewater, industrial waste and sludges from the sanitary sewers.

WASTEWATER SERVICE CHARGE. The charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of the normal wastewater.

WATERCOURSE. A natural or manmade channel in which a flow of water occurs, either continuously or intermittently.
(Ord. 850813, passed 8-13-1985)

DISCHARGES

§ 54.15 PROHIBITED DISCHARGES.

(A) No persons may discharge to public sewers any waste which by itself or by interaction with other wastes may:

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

(B) All discharges shall conform to requirements of this chapter.
(Ord. 850813, passed 8-13-1985) Penalty, see § 10.99

§ 54.16 CHEMICAL DISCHARGES.

(A) No discharge to public sewers may contain:

- (1) Cyanide greater than 10 mg/l;
- (2) Fluoride other than that contained in the public water supply;
- (3) Chlorides in concentrations greater than 250 mg/l;
- (4) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

or

- (5) Substances causing an excessive chemical oxygen demand (COD).

(B) No waste or wastewater discharged to public water may contain:

(1) Strong acid, iron pickling wastes or concentrated plating solution, whether neutralized or not;

(2) Fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150° Fahrenheit (0 and 65° Centigrade);

(3) Objectionable or toxic substances, exerting an excessive chlorine requirement, to the 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 the provisions of § 54.15(A).

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

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

(Ord. 850813, passed 8-13-1985) Penalty, see § 10.99

§ 54.17 HAZARDOUS METAL AND TOXIC MATERIALS.

(A) No discharges may contain concentrations of hazardous metals other than amounts specified in division (B) 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 as follows:

		<i>Not-To-Exceed</i>		
	<i>Metal</i>	<i>Average</i>	<i>Daily Composite</i>	<i>Grab Sample</i>
(1)	Arsenic	0.1	0.2	0.3
(2)	Barium	1.0	2.0	4.0

		<i>Not-To-Exceed</i>		
	<i>Metal</i>	<i>Average</i>	<i>Daily Composite</i>	<i>Grab Sample</i>
(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

(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. Toxic materials and metals may not be diluted to achieve acceptable levels in lieu of treatment or removal.

(D) Prohibited hazardous materials include but are not limited to:

- (1) Antimony;
- (2) Beryllium;
- (3) Bismuth;
- (4) Cobalt;
- (5) Molybdenum;
- (6) Uranyl ion;
- (7) Rhenium;
- (8) Strontium;

(9) Terrerium;

(10) Herbicides;

(11) Fungicides; and

(12) Pesticides.

(Ord. 850813, passed 8-13-1985) Penalty, see § 10.99

§ 54.18 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 ½ inch in any dimensions 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 ¾ horsepower (0.76 hp metric) or greater.

(Ord. 850813, passed 8-13-1985) Penalty, see § 10.99

§ 54.19 STORMWATER AND OTHER UNPOLLUTED DRAINAGE.

(A) No person may discharge the following divisions (1) through (4) to public sanitary sewers or make any new connections from inflow sources:

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

(2) Unpolluted cooling water;

(3) Unpolluted industrial process waters; or

(4) Other unpolluted drainage.

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

(Ord. 850813, passed 8-13-1985) Penalty, see § 10.99

§ 54.20 TEMPERATURE.

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

influent to 110° Fahrenheit.

(Ord. 850813, passed 8-13-1985) Penalty, see § 10.99

§ 54.21 RADIOACTIVE WASTES.

(A) No person may discharge radioactive wastes or isotopes into public sewers without the permission of the Approving Authority.

(B) The Approving Authority may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers.

(Ord. 850813, passed 8-13-1985) Penalty, see § 10.99

FACILITIES

§ 54.35 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 treating processes of facilities; or
- (3) Excessive loading of treatment facilities.

(B) Discharges prohibited by division (A) above include but are not limited to materials which exert or cause concentrations of:

- (1) Inert suspended solids greater than 300 mg/l, including but not limited to:
 - (a) Fuller's earth;
 - (b) Lime slurries; and
 - (c) Lime residues.
- (2) Dissolved solids greater than 500 mg/l, including but not limited to:
 - (a) Sodium chloride; and
 - (b) Sodium sulfate.

- (3) Excessive discoloration, including but not limited to:
 - (a) Dye wastes; and
 - (b) Vegetable tanning solutions.
 - (4) BOD, COD or chlorine demand in excess of normal plant capacity.
- (C) No person may discharge into public sewers any substance that may:
- (1) Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
 - (2) Overload skimming and grease handling equipment;
 - (3) Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the nonamenability of the substance to bacterial action; or
 - (4) Deleteriously affect the treatment process due to excessive quantities.
- (D) No person may discharge any substance into public sewers which:
- (1) Is not amenable to treatment or reduction by the processes and facilities employed; or
 - (2) Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (E) The Approving Authority shall regulate the flow and concentration of slugs when they may:
- (1) Impair the treatment process;
 - (2) Cause damage to collection facilities;
 - (3) Incur treatment costs exceeding those for normal wastewater; or
 - (4) Render the effluent unfit for stream disposal or industrial use.
- (F) No person may discharge into public sewers solid or viscous substances which may violate division (B) of this section, if present in sufficient quantity or size, including but not limited to:
- (1) Ashes;
 - (2) Cinders;

- (3) Sand;
- (4) Mud;
- (5) Straw;
- (6) Shavings;
- (7) Metal;
- (8) Glass;
- (9) Rags;
- (10) Feathers;
- (11) Tar;
- (12) Plastics;
- (13) Wood;
- (14) Unground garbage;
- (15) Whole blood;
- (16) Paunch manure;
- (17) Hair and fleshings;
- (18) Entrails;
- (19) Paper products, either whole or ground by garbage grinders;
- (20) Slops;
- (21) Chemical residues;
- (22) Paint residues; or
- (23) Bulk solids.

(Ord. 850813, passed 8-13-1985) Penalty, see § 10.99

§ 54.36 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; and
- (3) Polluted liquids.

(B) Unless authorized by the Texas Department of Water Resources, no person may deposit or discharge any waste included in division (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, ordinances, rules and orders of federal, state and local governments.

(Ord. 850813, passed 8-13-1985) Penalty, see § 10.99

§ 54.37 APPROVING AUTHORITY REQUIREMENTS.

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

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

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

(C) The Approving Authority shall reject wastes when it determines that a discharge or proposed discharge does not meet the requirements of division (A) of this section.
(Ord. 850813, passed 8-13-1985)

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

(C) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.
(Ord. 850813, passed 8-13-1985)

§ 54.39 REQUIREMENTS FOR TRAPS; HOLDING TANKS AND TRANSPORTED WASTE.

(A) Discharges requiring a trap include:

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

(2) Oil;

(3) Sand;

(4) Flammable wastes; and

(5) Other harmful ingredients.

(B) Any person responsible for discharges requiring a trap shall, at his or her own expense, and as required by the Approving Authority:

(1) Provide equipment and facilities of a type and capacity approved by the Approving Authority;

(2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and

(3) Maintain the trap in effective operating condition.

(Ord. 850813, passed 8-13-1985)

(C) Provisions for installation and operation of grease traps, interceptors, separators, holding tanks and transported waste as attached to Ord. 040510 are hereby adopted by reference as if set out in full herein. Copies are available through city offices.

(Ord. 040510, passed 5-10-2004)

§ 54.40 REQUIREMENTS FOR BUILDING SEWERS.

Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his or her own expenses and as required by the Approving Authority:

(A) Install an accessible control manhole;

(B) Install meters and other appurtenances to facilitate observation, sampling and measurements of the waste;

(C) Install safety equipment and facilities (ventilation, steps and the like) where needed; and

(D) Maintain the equipment and facilities.

(Ord. 850813, passed 8-13-1985)

§ 54.41 SAMPLING AND TESTING.

(A) (1) Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works, and considering the existence of hazards to health, life, limb and property.

(2) The particular analysis involved will determine whether a 24-hour composite sample from all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls. Where applicable, 16-hour, 8-hour or some other period may be required. Periodic grab samples are used to determine pH and oil and grease.

(B) Examination and analyses of the characteristics of water and wastes required by the ordinances shall be:

(1) Conducted in accordance with the latest edition of *Standard Methods*; and

(2) Determine 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 determine 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) The 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.

(Ord. 850813, passed 8-13-1985)

USER REGULATIONS

§ 54.55 USER CHARGE SYSTEM.

(A) Persons making discharges of waste into the city sewerage system shall pay a charge to cover all costs of collection and treatment.

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

(1) Terms of acceptance by the city;

(2) Payment by the person making the discharge;

(3) All sewer connection procedures and requirements shall be in accordance with the Southern Standard Plumbing Code;

(4) 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.

(E) The user charge system is set forth in Chapter 52 of this code of ordinances.

(Ord. 850813, passed 8-13-1985)

§ 54.56 CONTINUATION OF PRIOR PRACTICE; SAVINGS CLAUSE.

A person discharging wastes into public sewers prior to the effective date of this chapter may continue without penalty so long as he or she:

(A) Does not increase the quantity or decrease the quality of discharge without permission of the Approving Authority;

(B) Has discharged the waste at least 12 months prior to the effective date of this chapter; and

(C) Applies for and is granted a permit no later than 90 days after the effective date of this chapter. (Ord. 850813, passed 8-13-1985)

§ 54.57 CONDITIONS OR PERMITS.

(A) The city may grant a permit to discharge to persons meeting all requirements of § 54.56, provided that the person:

(1) Submit an application within 90 days after the effective date of this chapter on forms supplied by the Approving Authority;

(2) Secure approval by the Approving 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 provisions for:

(a) Payment of charges;

(b) Installation and operation of the facilities and of pretreatment facilities, if required; and

(c) Sampling and analysis to determine quantity and strength when directed by the city.

(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 division (A) of this section; and

(2) Secure a permit prior to discharging any waste.

(Ord. 850813, passed 8-13-1985)

§ 54.58 POWER TO ENTER PROPERTY.

(A) The Director 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 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 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.

(Ord. 850813, passed 8-13-1985)

§ 54.59 AUTHORITY TO DISCONNECT SERVICE.

(A) The city may terminate water-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:

(a) Discharges waste or wastewater that is in violation of the permit issued by the Approving Authority;

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

(c) Repeats a discharge of prohibited wastes to public sewers in violation of §§ 54.15 through 54.21 and 54.35, as stated above; and

(d) Fails to pay monthly bills for water and sanitary sewer services when due.

(B) If service is discontinued pursuant to division (A)(2) of this section, the city shall;

(1) Disconnect the customer;

(2) Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and

(3) Continue disconnection until such time as the customer provides pretreatment/additional pretreatment or other facilities designed to remove the objectionable characteristics from his or her wastes.

(Ord. 850813, passed 8-13-1985)

§ 54.60 NOTICE.

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

(Ord. 850813, passed 8-13-1985)

§ 54.61 CONTINUING PROHIBITED DISCHARGES.

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

(Ord. 850813, passed 8-13-1985) Penalty, see § 54.99

ENFORCEMENT

§ 54.75 FAILURE TO PAY.

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

(Ord. 850813, passed 8-13-1985) Penalty, see § 10.99

§ 54.76 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.

(Ord. 850813, passed 8-13-1985) Penalty, see § 10.99

