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CHAPTER 13

UTILITIES

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ARTICLE 13.01 GENERAL PROVISIONS.

(Reserved)

ARTICLE 13.02 RATES, CHARGES AND BILLING

Division 1.
Generally

Sees 13.02.001-13.02.030 Reserved

Division 2. Delinquent
Accounts

Sec. 13.02.031 Due dates

(a) Utility bills for services will mailed on the last working day of the month with payment due by close of business (COB) on the 10th day of the following month, unless the 10th occurs on a weekend or holiday, in which case, the due by date is close of business of the next regular business day.

(b) Utility bills not paid by the due date (COB 10th) will be assessed a ten-percent (10%) penalty.

(c) Utility bills not paid by COB of the 15th day of the month, unless the 15th occurs on a weekend or holiday, in which case, the final due date is close of business of the next regular business day, will have the utility services terminated.

Sec. 13.02.032 Administrative adjustments

A customer, prior to termination of services, may request an administrative adjustment to rectify any perceived billing errors; to establish a late pay date; a deferred payment plan; and failure to comply with any granted late pay date or to fulfill the terms of any granted deferred payment plan will result in termination of services.

Sec. 13.02.033 Reestablishment of services after termination

(a) Customers whose utility services have been terminated must pay the delinquent account in full before utility services will be reestablished.

(b) Customers may transfer utility deposits from one place of residence or business to another within the service area only if the previous utility account is paid in full.

* State law references-Municipal utilities, V.A.C.S., art. 1106 et seq. and V.T.C.A., Local Government Code, sec. 401.001 et seq.; Public Utility Regulatory Act, V.T.C.A., Utilities Code, ch. 11; plumbing and sewers, V.T.C.A., Local Government Code, sec. 214.011 et seq.; water, V.T.C.A., Water Code, sec. 1.001 et seq.; water quality control, V.T.C.A., Water Code, sec. 26.001 et seq.; backflow prevention, V.T.C.A., Occupations Code, sec. 1301.50 I et seq.

(c) Customers may establish a new service only if all previous services have been paid in full.

(Ordinance 1-00 adopted 1/13/00)

Sees. 13.02.034-13.02.060 Reserved

Division 3. Sewer Use Charge

Sec. 13.02.061 Rates adopted

In lieu of the previous sewer rate ordinance passed and approved on the 22nd day of June, 1950, and amended August 13, 1979, a new schedule of rates is hereby adopted, such schedule being attached to Ordinance 8-82 labeled "Exhibit A," and incorporated herein by reference as if copied verbatim.

(Ordinance 8-82 adopted 8/6/82)

ARTICLE 13.03 INDUSTRIAL WASTE

Sec. 13.03.001 Definitions

As used in this article:

Authorized representative. The city secretary/administrator 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 five (5) days at a temperature of twenty (20) degrees 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, 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. A point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

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.

Milligrams 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.

Non-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 250 mg/l and BOD is not more than 250 mg/l.

Overload. The imposition of organic or hydraulic loading 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.

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.

Sludge. Any discharge of water, wastewater or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or 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 Environment Federation.

Storm sewer. A public sewer which carries stormwaters 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.

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

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 state commission on environmental quality; and
- (7) Color not exceeding fifty (50) units as measured by the 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 waste 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 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 normal wastewater.

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.

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

Sec. 13.03.002 Prohibited discharges

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

- (1) Injure or interfere with wastewater treatment 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 article.

Sec. 13.03.003 Chemical discharges

(a) No discharge to public sewers may contain:

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

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

- (1) Strong acid" iron pickling wastes, or concentrated plating solutions whether neutralized or not;
- (2) Fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0 and 65 degrees centigrade);
- (3) Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater treatment works exceeds the limits established by the approving authority for such materials; or
- (4) Obnoxious, toxic or poisonous solids, liquids, or gases in quantities sufficient to violate the provisions of section 13.03.002(a).

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

(d) All waste, wastewater, or other substance containing phenols, hydrogen sulfide, or other taste- and odor-producing substances shall conform to concentration limits established by the

approving authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal, or other agencies with jurisdiction over discharges to receiving waters.

Sec. 13.03.004 Hazardous metals and toxic materials

(a) No discharges may contain concentrations of hazardous metals other than amounts specified in subsection (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:

	<u>Metal</u>	<u>Average</u>	<u>Not to Exceed</u>		
			<u>Daily Composite</u>	<u>Grab Sample</u>	
(1)	Arsenic	0.1	0.2	0.3	
(2)	Barium	1.0	2.0	4.0	
(3)	Cadmium	0.05	0.1	0.2	
(4)	Chromium	0.5	1.0	5.0	
(5)	Copper	0.5	1.0	2.0	
(6)	Lead	0.5	1.0	1.5	
(7)	Manganese	1.0	2.0	3.0	
(8)	Mercury	0.005	0.005	0.01	
(9)	Nickel	1.0	2.0	3.0	
(10)	Selenium	0.05	0.1	0.2	-----/
(11)	Silver	0.05	0.1	0.2	
(12)	Zinc	1.0	2.0	6.0	

(Note: These concentration parameters and rules governing same are promulgated under authority of sections 5.131 and 5.132, Texas Water Code, Hazardous Metals, and in accordance with Texas Commission on Environmental Quality (TCEQ) rule 156.19).

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

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

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

Sec. 13.03.005 Particulate size

(a) No person may discharge garbage or other solids into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half (1/2) inch in any 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 three-fourths (3/4) horsepower (0.76 hp metric) or greater.

Sec. 13.03.006 Stormwater and other unpolluted drainage

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

- (1) Unpolluted stormwater, surface water, groundwater, roof runoff or subsurface drainage;
- (2) Unpolluted cooling water;
- (3) Unpolluted industrial process waters;
- (4) Other unpolluted drainage;

or make any new connections from inflow sources.

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

Sec. 13.03.007 Temperature

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

Sec. 13.03.008 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.

Sec. 13.03.009 Impairment of facilities

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

- (1) Obstruction to the flow in sewers;

(2) Interference with the operation of treatment processes of facilities; or

(3) Excessive loading of treatment facilities.

(b) Discharges prohibited by subsection (a) include, but are not limited to, materials that exert or cause concentrations of:

(1) Inert suspended solids greater than 250 mg/l including but not limited to:

- (A) Fuller's earth;
- (B) Lime slurries;
and
- (C) Lime residues;

(2) Dissolved solids greater than 1100 mg/l including but not limited to:

- (A) Sodium chloride; and
- (B) Sodium sulfate;

(3) Excessive discoloration including but not limited to:

- (A) Dye wastes; and
- (B) Vegetable tanning solutions; or

(4) BOD, COD, or chlorine demand in excess of normal plant capacity.

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

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

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

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

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

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

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

- (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.

Sec. 13.03.010 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;
- (3) Polluted liquids.

(b) Unless authorized by the state commission on environmental quality (TCEQ), no person may deposit or discharge any waste included in subsection (a) of this section on public or private property or into or adjacent to any:

- (1) Natural outlet;

- (2) Watercourse;
- (3) Storm sewer;
- (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.

Sec.13.03.011 Approving authority requirements

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

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

the approving authority shall require:

- (A) Pretreatment to an acceptable condition for discharge to the public sewers;
- (B) Control over the quantities and rates of discharge; and
- (C) Payment to cover the cost of handling and treating the wastes,

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

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

Sec. 13.03.012 Approving authority review and approval

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

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

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

Sec. 13.03.013 Requirements for traps

(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 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.

Sec. 13.03.014 Requirements for **building** sewers

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

- (1) Install an accessible control manhole;
- (2) Install meters and other appurtenances to facilitate observation, sampling and measurement of the waste; and
- (3) Install safety equipment and facilities (ventilation, steps...) where needed.
- (4) Maintain the equipment and facilities.

Sec. 13.03.015 Sampling **and** testing

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

(NOTE: The particular analysis involved will determine whether a twenty-four-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 24hour 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 waters and wastes required by this article shall be:

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

(c) BOD and suspended solids shall be determined from composite sampling, except to detect unauthorized discharges.

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

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

Sec. 13.03.016 User charge system

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

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

- (1) Terms of acceptance by the city;
- (2) Payment by the person making the discharge, in accordance with the user charge system as established in subsection (e) of this section;
- (3) Sewer connection procedures and requirements shall be in accordance with the International Plumbing Code as promulgated by the International Association of Plumbing and Mechanical Officials;
- (4) A sewer application approved with connection fee paid; and
- (5) Construction of sewer connections shall be approved by city inspectors prior to sewer use.

(c) Each user of the wastewater treatment system will be notified, at least annually, in conjunction with a regular sewer bill, of the rate and that portion of user charges or ad valorem taxes which are attributable to the operation and maintenance of the wastewater treatment system.

(d) The city will apply excess revenues collected from a class of users to the cost of operation and maintenance attributable to that class for the next year and adjust the rates accordingly.

(e) The monthly rates and charges for the sales made of services rendered by the city for domestic and industrial wastewater treatment and disposal are prescribed in the city's user charge ordinance separate from this article.

Sec. 13.03.017 Conditions of permits

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

- (1) Submits an application within 120 days after the effective date of this article on forms supplied by the approving authority;
- (2) Secures 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; and
- (4) Provides a sampling point, when requested by the city, subject to the provisions of this article and approval of the approving authority.

(b) A person applying for a new discharge shall:

- (1) Meet all conditions of subsection (a) of this section;
and
- (2) Secure a permit prior to discharging any waste.

Sec. 13.03.018 Power to enter property

(a) The superintendent 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 article.

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

(c) Except when caused by negligence or failure of 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 superintendent 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.

Sec. 13.03.019 Authority to disconnect service

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

- (1) Acids or chemicals which may damage the sewer lines or treatment process are released to the sewer potentially causing accelerated deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
- (2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment; or

(3) The customer

- (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) Fails to pay monthly bills for water and sanitary sewer services when due; or
- (D) Repeats a discharge of prohibited wastes to public sewers in violation of sections 13.03.002 through 13.03.009 as stated above.

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

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

Sec. 13.03.020 Notice

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

Sec. 13.03.021 Continuing prohibited discharges

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

Sec. 13.03.022 Penalty for violation; additional remedies

(a) A person who continues prohibited discharges is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1.01.009 for each act of violation and for each day of violation.

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

Sec. 13.03.023 Failure to pay

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

Sec. 13.03.024 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.

(Ordinance 6-82 adopted 6/24/82)

ARTICLE 13.04 DROUGHT CONTINGENCY PLAN

Sec. 13.04.001 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, 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 such uses during times of water shortage or other emergency water supply condition is deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in section 13.04.010 of this plan.

Sec. 13.04.002 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 newspaper articles or posted notices.

Sec. 13.04.003 Coordination with regional water planning groups

The service area of the city's water department is located within Regional Water Planning Area P and the city has provided a copy of this plan to the planning area.

Sec. 13.04.004 Authorization

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

Sec. 13.04.005 Applicability

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

Sec. 13.04.006 Definitions

For the purposes of this plan, the following definitions shall apply:

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 such as retail establishments, hotels and motels, restaurants, office buildings, schools, nursing homes, medical clinics, etc.

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 the city.

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-number 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 as 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 within a reasonable period after having been given notice directing the repair of such leak; 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.

Sec. 13.04.007 Triggering criteria for initiation and termination of drought response stages

(a) The city administrator, or his/her designee, shall monitor water supply and/or demand conditions on a periodic basis and shall request the city council for determination 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 means of notices published in the Moulton Eagle, signs posted in public places, and public service announcements on KCn Radio Station and KHL T Radio Station.

(b) The following triggering criteria are based on the pumpage capability of the city's water wells. The city has four wells capable of pumping 26,400 gallons per hour during periods of normal rainfall and can provide up to 600,000 gallons per day if required.

(I) Stage I - 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 section 13.04.006, definitions, when:

- (i) The static water level in wells no. 1 and 2 drops to 225 feet below ground level, the static water level in well no. 3 drops to 175 feet below ground level and well no. 4 drops to 135 feet below ground level; and/or
- (ii) The specific capacity of the wells' pumpage output is equal to or less than 90 percent of the wells' original pumpage capacity; and/or
- (iii) Loss of use of two or more wells due to mechanical failure, which cannot be repaired within three days.

(B) ReQuirements for termination. Stage I of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 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 section 13.04.006 of this plan when:

- (i) The static water level in wells no. 1 and 2 drops to 240 feet below ground level, the static water level in well no. 3 drops to 195 feet below ground level and well no. 4 drops to 155 feet below ground level; and/or
- (ii) The specific capacity of the wells' pumpage output is equal to or less than 80 percent of the wells' original pumpage capacity; and/or
- (iii) Loss of use of two or more wells due to mechanical failure, which cannot be repaired within three days.

(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 three consecutive days. Upon termination of stage 2, stage I 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:

(i) The static water level in wells no. 1 and 2 drops to 250 feet below ground level, the static water level in well no. 3 drops to 205 feet below ground level and well no. 4 drops to 165 feet below ground level; and/or

(H) The specific capacity of the wells' pumpage output is equal to or less than 70 percent of the wells' original pumpage capacity; and/or

(iii) Loss of use of two or more wells due to mechanical failure, which cannot be repaired within three days.

(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 three 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:

(i) The static water level in wells no. 1 and 2 drops to 260 feet below ground level, the static water level in well no. 3 drops to 215 feet below ground level and well no. 4 drops to 175 feet below ground level; and/or

(ii) The specific capacity of the wells' pumpage output is equal to or less than 60 percent of the wells' original pumpage capacity; and/or

(Hi) Loss of use of two or more wells due to mechanical failure, which cannot be repaired within three days.

(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 three 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 city council determines that a water supply emergency exists based on:

(i) Major water line breaks, two or more well or well pump failures, two or more failures of main manifold pumps or a combination of failures occurs, which cause unprecedented loss of capability to provide water service; or

(H) Natural or manmade contamination of the water supply source.

(B) Requirements for termination. Stage 5 of the plan may be rescinded when the capability to resume the ability to supply an adequate amount of water for the

distribution system has occurred or the contamination of the water system has been eliminated.

(6) Water rationing.

(A) Requirements for initiation. Customers shall be required to comply with the water allocation plan prescribed in section 13.04.009 of this plan and comply with the requirements and restrictions for stage 5 of this plan when one of the triggering events is determined to exist.

(B) Requirements for termination. Water rationing may be rescinded when the requirements for termination of stage 5 have been met.

Sec. 13.04.008 Drought response stages

The city administrator, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in section 13.04.007 of the plan, shall request determination from the city council 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:

(1) Stage 1 - Mild water shortage conditions.

(A) Goal. Achieve a voluntary 10-percent reduction in daily water demand.

(B) Supply management measures:

- (i) Reduced flushing of water mains.
- (ii) Reduced use of water for MVFD drills.

(C) Voluntary water use restrictions:

- (i) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
- (ii) All operations of the city shall adhere to water use restrictions prescribed for stage 2 of the plan.
- (iii) Water customers are requested to practice water conservation and to minimize or discontinue water use for nonessential purposes.

(2) Stage 2 - Moderate water shortage conditions.

(A) Goal. Achieve a 15-percent reduction in daily water demand.