

ORDINANCE NO. 12132012-018

AN ORDINANCE AMENDING CHAPTER 13 (UTILITIES) OF THE CODE OF ORDINANCES OF THE CITY OF MOULTON, TEXAS BY ADDING ARTICLE 13.05 RELATING TO DISPOSAL OF WASTEWATER INTO CITY'S WASTEWATER COLLECTION AND TREATMENT SYSTEM AT DESIGNATED POINTS OF DISPOSAL; REPEALING ANY INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Moulton, Texas ("City") is a municipality incorporated and operating under the Laws of the State of Texas; and

WHEREAS, pursuant to Texas Local Government Code § 51.001, the City Council is authorized to adopt an ordinance that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code § 51.012, the City Council is authorized to adopt an ordinance, not inconsistent with state law, that the council considers proper for the government, interest, welfare or good order of the City; and

WHEREAS, pursuant to Chapter 402 of the Texas Local Government Code and other laws, the City is authorized to operate its utility systems inside or outside its municipal boundaries, to regulate the systems in a manner that protects the interests of the municipality; and

WHEREAS, the City's wastewater treatment plant has sufficient capacity during dry-weather times to treat additional wastewater; and

WHEREAS, the City Council seeks to ensure that its wastewater system is operated efficiently for the citizens of the City; and

WHEREAS, the City has determined that it is in the best interest of the public, for the purpose of promoting the health, safety and welfare of its citizens, and to ensure good government, peace, and order in the City to allow the disposal of domestic sewage by commercial operators at the City's wastewater treatment plant.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MOULTON, TEXAS, THAT:

SECTION I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Moulton and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. AMENDMENT

Chapter 13 of the Code of Ordinances of the City of Moulton, Texas is hereby amended by adding Article 13.05 as follows:

ARTICLE 13.05. Disposal of Wastewater into City's Wastewater Collection and Treatment System

Sec. 13.05.001 - Definitions

Designated Disposal Point means any manholes or disposal stations designated by the City at the City's wastewater treatment plant for the acceptance of Wastewater in accordance with this Article.

Generator means a person who causes, creates, generates, stores, or otherwise produces Wastewater.

Manifest means the written documentation required to be in the possession of the person transporting Wastewater for disposal at the Designated Disposal Points that documents the collection by the transporter of the Wastewater and delivery of such Wastewater to the City.

Permittee means a person that has obtained a Wastewater Disposal Permit as provided by this Article.

Wastewater means grey water, but may include domestic sewage collected from residential septic tanks, industrial septic tanks, and other domestic sewage holding vessels if the Generator is located within the city limits of the City. In no event may the Wastewater contain prohibited substances or matter as specified in Article 13.03 of this Code of Ordinances, grease trap waste, as defined by Article 13.06, or chemical toilet waste.

Wastewater Disposal Permit means a permit obtained by a person in accordance with the requirements of this Article.

Sec. 13.05.002 - Waste allowed to be disposed; conditions for disposal

(a) Permittee may dispose of Wastewater only at the Designated Disposal Points. If the Generator of the Wastewater is located outside the city limits of the City, the Wastewater may only contain grey water. Any disposal of liquid waste into the City's wastewater collection and treatment system that does not meet the requirements of this Article and Article 13.03 is prohibited.

(b) Disposal of Wastewater at Designated Disposal Points by Permittees is permitted only on days and at times designated by the City, and while the City public works supervisor or his designee is at the Designated Disposal Point to monitor such disposal. All disposal of Wastewater will be suspended if the disposal will cause the City to exceed its TPDES permit limits or will otherwise cause an excursion or malfunction at the wastewater treatment plant.

(c) The City may sample and test the Wastewater to be disposed at a Designated Disposal Point in accordance with Section 13.03.015 of this Code to ensure that such Wastewater complies with the requirements of Article 13.03 of this Code.

(d) Manifest Requirements.

(1) Each delivery of Wastewater to the Designated Disposal Points must be accompanied by a manifest to be used for record keeping purposes.

(2) Persons who collect and transport Wastewater to the Designated Disposal Points shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. Each manifest shall document the following information:

- a. Name of Permittee and the Wastewater Disposal Permit number;
- b. Texas Commission on Environmental Quality's registration number of the transporter;
- c. Name, address, telephone number of the Generator, and a contact person for the Generator;
- d. Description of the Wastewater, including the type and volume of the Wastewater, the date and time the Wastewater was collected by the Permittee, and the address or location where the Wastewater was collected, if different than the address for the Generator;
- e. Date and time of the disposal of the Wastewater at the Designated Disposal Points, and the name of the Designated Disposal Point;
- f. Name and signature(s) of responsible person(s) collecting, transporting, and disposing of the Wastewater; and
- g. The signature of the City public works supervisor or his designee at the Designated Disposal Point monitoring the acceptance of Wastewater.

(e) A copy of the manifest shall be submitted to the City within five (5) days after the disposal of the Wastewater at the Designated Disposal Points. These manifests shall be used to determine the amount of the disposal fee. Failure to timely submit manifests to the City shall be grounds for termination of the Wastewater Disposal Permit in accordance with Section 13.05.005.

Sec. 13.05.003 – Prohibited Waste

The Wastewater shall comply with the requirement of Article 13.03 of this Code.

Sec. 13.05.004 - Disposal rates for Wastewater; payment procedures

(a) The following disposal fee shall apply to Wastewater disposed at the Designated Disposal Points:

\$7.50 per one hundred gallons of Wastewater.

(b) The Permittee shall pay the City the required disposal fee at the location designated by the City, as provided in the billing statement, and by the due date set out on the billing

statement, which shall be within ten (10) days after the date of the billing statement. The City will bill Permittees by the 15th and the 30th of every month.

(c) A disposal fee billing statement is delinquent is not paid by the due date. If the Permittee fails to pay the City the required disposal fee by the due date, the City shall:

(1) Assess a late penalty fee in the amount of a ten-percent (10%) of the total amount due on the delinquent billing statement;

(2) Promptly issue a second written notice to the non-paying Permittee restating the amount owed plus the 10% penalty owed by the Permittee. The Permittee shall be allowed an additional five (5) calendar days from the date of the second notice within which to pay the amount due and assessed penalty.

(3) The Permittee's Wastewater Disposal Permit shall be terminated if the Permittee fails to pay the disposal fee plus the assessed penalty within five (5) calendar days after the date of the second written notice. Termination under this section shall not be subject to the notice and appeal provisions of Section 13.05.005(g).

Sec. 13.05.005 - Wastewater Disposal Permit required

(a) Any person who desires to dispose of Wastewater at the Designated Disposal Points shall obtain a Wastewater Disposal Permit from the City Administrator. Permits shall be issued for a period not to exceed two (2) years, but may be issued for a shorter term at the discretion of the City Administrator.

(b) A Wastewater Disposal Permit Application shall be made to the City Administrator and shall include the following:

(1) name of applicant;

(2) name and title of person making the Application;

(3) address/telephone numbers/email of applicant and operator;

(4) number and identification of collection and transport trucks;

(5) typical hours of operation;

(6) likely locations and sources of domestic sewage collection;

(7) proposed daily or monthly volume of Wastewater to be disposed;

(8) timeframes in which proposed disposal would occur;

(9) list of other cities or facilities to which the Applicant transports and disposes of liquid waste;

(10) list of any enforcement actions brought against the Applicant or its transporters in the previous three (3) years by the TCEQ or by another state or local authority;

(11) a statement that no wastes prohibited by this Article or Article 13.03 of this Code will be collected by or disposed of by the applicant into the City's wastewater collection and treatment system;

(12) a statement agreeing to the terms and conditions of this Article;

(13) any additional information requested by the City Administrator; and

(14) the following certification to be signed by an authorized representative of the applicant: "I certify under penalty of law that this Application and all attachments were prepared under my direction or supervision in accordance with a system to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of knowledge and belief, true, correct accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(c) The Applicant shall also submit to the City a Wastewater Disposal Permit Application review fee of \$200.

(d) The City Administrator shall evaluate the Wastewater Disposal Permit Application and data furnished by the applicant, and may require the applicant to provide additional information. Within twenty (20) days of receipt of a complete Application, the City Administrator shall either grant or deny the Application requesting a Wastewater Disposal Permit.

(e) The City, acting through its City Administrator, may deny a Wastewater Disposal Permit Application for the following reasons:

(1) Applicant failed to submit the Application information required by this Article in a timely fashion;

(2) Acceptance of Wastewater from the Applicant will cause, or could cause, the City to violate its TPDES permit for its wastewater treatment plant, damage to the City's wastewater treatment, or is otherwise not in the best interest of the City;

(3) Applicant is under enforcement, for any reason, by the TCEQ or another state or local authority;

(4) Applicant has failed to pay any fees required by the City, or has failed to pay disposal fees to another entity or city accepting liquid waste for disposal.

(f) The Wastewater Disposal Permit shall include the following information:

(g) In the event the City Administrator denies an Application or revokes a Wastewater Disposal Permit, within ten (10) days of the denial of the Application or the revocation, the City Administrator shall provide the Applicant/Permittee in writing with his or her reasons for such denial or revocation. If the City Administrator denies an Application or revokes a Wastewater Disposal Permit, the Applicant/Permittee may petition, in writing, the City Council to reconsider the City Administrator's decision within ten (10) days after the date of the City Administrator's written reasons for denial or revocation. If the City Council fails to act on the petition within thirty (30) days, the petition shall be deemed to be denied. The effectiveness of the Wastewater Disposal Permit shall not be stayed pending the City Council's reconsideration of the City Administrator's actions. This subsection (g) does not apply to a revocation of a Wastewater Disposal Permit for failure to pay, which is subject to the requirements of Section 13.05.004.

(h) Failure by the Permittee to comply with the terms and conditions of the Wastewater Disposal Permit, or of this Article, or Article 13.03 may further subject the Permittee to other sanctions and penalties as provided by City ordinance or state law.

Sec. 13.05.005 - Renewal of existing Wastewater Disposal Permit; transfer of Wastewater Disposal Permits

(a) To renew an existing Wastewater Disposal Permit, the Permittee shall apply for a Wastewater Disposal Permit reissuance by submitting a complete Wastewater Disposal Permit Application and review fee in accordance with the requirements of this ordinance, or as amended, a minimum of 120 days prior to the expiration date of the existing Wastewater Disposal Permit. Failure to timely file a renewal Application may impact Permittee's operations that are dependent on disposal at the City's Designated Disposal Points.

(b) The City's Wastewater Disposal Permits are issued to specific users, and may not be assigned, transferred, or sold to a new owner.

SECTION 3. SAVINGS

The repeal of any ordinance or parts of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or a discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION 4. SEVERABILITY

If any provision, section, sentence, clause of phrase of this ordinance, or the Application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its Application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Moulton in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or

regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION 5. REPEALER

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

SECTION 6. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by law.

SECTION 7. NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED, ADOPTED AND APPROVED THIS 13TH DAY OF DECEMBER 2012.



Ervin Patek, Mayor
City of Moulton, Texas

ATTEST:



Carlene Bradley, City Secretary
City of Moulton, Texas