

# City Council

200 North Brazil

## Special Meeting

Los Fresnos, TX 78566

<http://citylf.cloudaccess.net/en/>

### ~ Agenda ~

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Tuesday, August 1, 2017

6:00 PM

City Hall

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**NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF LOS FRESNOS PURSUANT TO CHAPTER 551, TITLE 5 OF THE TEXAS GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, WILL MEET ON TUESDAY, AUGUST 1, 2017 AT 6:00 PM AT CITY HALL, 200 NORTH BRAZIL ST, LOS FRESNOS, TX 78566.**

### **I. CALL TO ORDER**

2. Invocation and Pledge of Allegiance

### **II. VISITOR REMARKS - TO SPEAK YOU MUST SIGN IN WITH CITY SECRETARY PRIOR TO THE MEETING AND YOU WILL HAVE A LIMIT OF 3 MINUTES TO SPEAK.**

### **III. WORKSHOP**

1. Discussion on Ordinance 482 fixing the rates to be charged to the consumers of water and sewer services.
2. Discussion on Ordinance 483 regulating solid waste ordinance.

### **IV. ADJOURNMENT**

This is to certify that I, Pam Denny, posted this agenda on the front bulletin board of the City Hall on July 26, 2017 on or before 5:30 p.m. and it shall remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

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Pam Denny, City Secretary

Persons with any disabilities that would like to attend meetings must notify City Secretary 24 hours in advance so that the City can make arrangements for that disabled person.

**City Council**  
200 North Brazil  
Los Fresnos, TX 78566

Meeting: 08/01/17 06:00 PM  
Department: City Secretary  
Category: Ordinances  
Prepared By: Pam Denny  
Initiator: Pam Denny  
Sponsors:  
DOC ID: 2238 A

**REVIEWED**

**ACTION ITEM (ID # 2238)**

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**Discussion on Ordinance 482 fixing the rates to be charged  
to the consumers of water and sewer services.**

Attached for your review is the original ordinance as it exists (part 1 & part 2). The amendment is what was passed on the first reading of the ordinance. The only change we would have is to eliminate the exceptions as it will be difficult to track and monitor.

**ORDINANCE NO. 439**

**AN ORDINANCE REPEALING ORDINANCE 434 AND FIXING THE RATES TO BE CHARGED BY THE CITY OF LOS FRESNOS, TEXAS, TO THE CONSUMERS OF WATER AND SEWER SERVICE, BOTH INSIDE AND OUTSIDE THE CITY LIMITS; PROVIDING RULES AND REGULATIONS UNDER WHICH SAME SHALL BE FURNISHED, OR ALLOWED TO BE USED OR FORFEITED; PROVIDING FOR BACKFLOW PREVENTION AND ESTABLISHMENT OF A BACKFLOW PREVENTION DEVICE TESTING PROGRAM CONFORMING TO THE REQUIREMENTS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; THE TERMS AND CONDITIONS THEREFORE, PRESCRIBING A PENALTY FOR THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE.**

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading. After presentation and discussion of the Ordinance, a motion was made by Councilmember Real that the Ordinance be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by Councilmember Atherton and carried by the following vote:

Mayor Polo Narvaez	<u>X</u>	For	___	Against	___	Abstained
Mayor Pro-tem Yolanda H. Cruz	<u>X</u>	For	___	Against	___	Abstained
Councilmember Swain Real	<u>X</u>	For	___	Against	___	Abstained
Councilmember Javier Mendez	<u>X</u>	For	___	Against	___	Abstained
Councilmember Alan Atherton	<u>X</u>	For	___	Against	___	Abstained
Councilmember Gary Minton	<u>X</u>	For	___	Against	___	Abstained

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOS FRESNOS, TEXAS:**

SECTION 1. That the prices, rates and charges hereinafter set forth shall be charged and collected by the City of Los Fresnos for water and sewer service, respectively, furnished by the City to users thereof, and that the rules and regulations hereinafter contained relating to the furnishing of water and sewer service, the use by users thereof, and the payment therefore, be and the same are hereby prescribed and adopted; and only upon the conditions as hereinafter provided will any person be allowed or permitted to connect with, or be connected with, the water and sewer systems of the City or use the water and sewer systems of said City, and it shall be unlawful for any person to connect with the City of Los Fresnos' water and/or sewer systems, or in any manner use the water and sewer systems of said City without paying therefore, and complying with the regulations hereinafter contained, and any person violating this Ordinance, or any part thereof, shall be deemed guilty of a Class "C" misdemeanor, and shall be punished as hereinafter provided.



In addition to the above charges, when an application for a connection is made, each person, firm or corporation making such application requires a \$350.00 water utility expansion fee. A \$350.00 water utility expansion fee is required for each single-family dwelling and for each dwelling unit within a multi-family dwelling or apartment building, and for each commercial or industrial connection. Outside city limits will be \$350.00 plus 25% for water utility expansion fee. EDAP area will be \$350.00 plus 15% for water utility expansion fee. Said water utility expansion fee will be paid to the City Secretary. The water utility expansion fees obtained by the City will be placed in an interest bearing account and said fees will be used only for the purpose of obtaining additional water acre feet, or improvements to the water plant and/or water system as the City Council deems appropriate.

Also, in addition to the above charges, each applicant is required to make a water deposit in the amount of not less than One Hundred Fifty dollars (\$150.00), and no more than the consumption of water to be used by the applicant for two (2) months, depending upon the class or character of the residence or business or other class of user, as determined by the City Secretary. Such deposit to be known as a service deposit and which shall be returned to the applicant when service has been discontinued or which shall be credited to the amount due for water by the applicant at the time of such discontinuance. At any time material hereto the City Secretary is authorized to increase said amount to equal two months water usage. Deposits when returned shall bear no interest. There shall also be a \$25.00 connection fee, which is not refundable.

**SECTION 5. SEWER CONNECTIONS:** All sewer connections will be made by city crews or contractor under the supervision of the Public Works Director or his designated representative or at the City's option by any person licensed by the Texas State Board of Plumbing Examiners as a "Master Plumber" or "Journeyman Plumber". For each connection to the sewer system a charge of \$350.00 shall be paid for each single-family dwelling. A \$350.00 sewer connection charge is required for each dwelling unit within an apartment building or multi-family dwelling unit and commercial or industrial connections. Outside city limits each connection to the sewer system shall be a charge of \$350.00 plus 25% for each dwelling unit within an apartment building or multi-family dwelling unit and commercial or industrial connections. EDAP area connections to the sewer system shall be a charge of \$350.00 plus 15% for each dwelling unit within an apartment building or multi-family dwelling unit and commercial or industrial connections.

Any cost to make the sewer connection exceeding \$350.00 in City, \$350.00 plus 25% in County, or \$350.00 plus 15% in EDAP area will be paid by requestor of sewer services. Any cost to extend sewer lines or increase capacity will be paid by requestor of sewer services.

**SECTION 6. RATES OUTSIDE OF CITY LIMITS:** Water and sewer service may be furnished outside the corporate limits of the City of Los Fresnos only in the event the City is able to do so without detriment to consumers within the city limits, upon terms



SECTION 2. WATER: The rates for furnishing water inside the city limits shall be calculated, charged, billed and collected monthly as follows: See attached Table I.

The charge for transfer of water to Town of Indian Lake from the Southmost Regional Water Authority through the City of Los Fresnos water system shall be \$0.30 per 1,000 gallons.

SECTION 3. SEWER: The rates for furnishing sewer service inside the city limits shall be calculated, charged, billed and collected monthly as follows: See attached Table I.

Sewer charges for residential and churches will be based on the average amount of water used per month during the months of December, January, and February of the prior year. If no prior average, then a flat fee of \$30.00 per month will be charged as the sewer fee.

Commercial, industrial, and school sewer rates will be based on 100% of their water consumption each month.

SECTION 4. WATER CONNECTIONS: All taps for water will be made by city crews or contractor where the water main is in the street or alley, in front or alongside of the property with which the connection is desired, and the city will put the tap in the water main and extend the service line from the tap to the street curb line or alley property line or nearest property line to the water main and install a meter. The rates to be made, charged, and collected therefore, shall be as follows, where made within the city limits:

Three-Quarter (3/4) inch tap	\$ 600.00
One (1) inch tap	\$ 725.00
One and One-Half (1-1/2) inch tap	\$1,125.00
Two (2) inch tap	\$1,350.00
Three (3) inch tap	\$1,900.00
All larger taps	Actual cost plus 25%

If a developer has installed all water lines, put the tap in the water main and installed meter box then the rates to be paid will be as follows:

Three-Quarter (3/4) inch tap	\$ 350.00
One (1) inch tap	\$ 425.00
One and One-Half (1-1/2) inch tap	\$ 800.00
Two (2) inch tap	\$1,050.00
Three (3) inch tap	\$1,575.00
All larger taps	Actual cost plus 25%

Outside city connections shall be an additional 25%.

Any cost to extend water lines will be paid by requestor of water services.

and conditions as may be determined by the City Council in the best interests of the City, and at the above rates and fees increased by 25%. See attached Table II.

EXCEPTION: The areas outside the corporate city limits of Los Fresnos that are recognized as Economically Distressed Areas Program (EDAP) are to be furnished water and sewer services under this program. The rates to be charged for these EDAP areas will be the rates as defined in this ordinance plus 15%. See attached Table III.

#### SECTION 7. CROSS-CONNECTION CONTROL AND BACKFLOW

PREVENTION: Every source of contamination or possible contamination from any contaminant which originates from or is located at a residential or commercial establishment, which is connected to any public water supply, or which provides water to the public shall be equipped with the protection required under the provisions of this article.

##### Definitions:

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word or term used in this section is not contained in the following list, its definition, or other technical terms used, shall have the meanings or definitions listed in the most recent edition of the Manual of Cross Connection Control published by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California. The following definitions shall apply to this section.

Air gap shall mean a physical separation between the free-flowing discharge end of a potable water supply piping and/or appurtenance and an open or nonpressure receiving vessel, plumbing fixture, or other device. An approved air-gap separation shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture, or other device, in no case less than one (1) inch.

Approved backflow prevention assembly or backflow assembly or assembly shall mean an assembly to counteract backpressure or prevent backsiphonage.

Atmospheric vacuum breaker backflow prevention device or atmospheric vacuum breaker or AVB shall mean a device used to prevent backsiphonage in non-health hazard conditions. This device cannot be tested and cannot prevent backpressure backflow.

Auxiliary supply shall mean any water source or system other than the public water system that may be available in the building or on the property, including groundwater or surface waters used for industrial, irrigation, or any other purpose.



Backflow shall mean the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system of the city's water.

Backpressure shall mean any elevation of pressure in the downstream piping system, (by any means) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow and the introduction of fluids, mixtures, or substances from any source other than the intended source.

Boresight or boresight to daylight shall mean providing adequate drainage for backflow prevention assemblies installed in vaults through the use of an unobstructed drainpipe.

Commercial establishment shall mean any property or location which is used primarily for the manufacture, production, storage, wholesaling, or retailing of any good or ware which is or may be placed in the flow of commerce or any property or location which is used primarily for the provision of any service.

Commission shall mean the Texas Commission on Environmental Quality (TCEQ).

Contaminants shall mean any foreign material, solid or liquid, not common to the potable water supply which makes or may make the water unfit or undesirable for human or animal consumption.

Contamination shall mean the admission of contaminants into the potable water supply system.

Cross-connection shall mean any connection, physical or otherwise, between a potable water supply system and any plumbing fixture, or any tank, receptacle, equipment or device, through which it may be possible for any non-potable used, unclean, polluted, and contaminated water, or other substances, to enter into any part of such potable water system under any condition or set of conditions.

Cross-connection control device shall mean any device placed upon any connection, physical or otherwise, between potable water supply system and any plumbing fixture, or any tank, receptacle, equipment or device, which is designed to prevent non-potable, used, unclean, polluted, and contaminated water, or other substances, from entering into any part of such potable water system under any condition or set of conditions.

Degree of hazard shall mean the low or high hazard classification that shall be attached to all actual or potential cross-connections.



- (1) Health hazard shall mean an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.
- (2) High hazard shall mean the classification assigned to an actual or potential cross-connection that potentially could allow a substance that may cause illness or death to backflow into the potable water supply.
- (3) Low hazard shall mean the classification assigned to an actual or potential cross-connection that potentially could allow a substance that may be objectionable but not hazardous to one's health to backflow into the potable water supply.
- (4) Plumbing hazard shall mean an internal or plumbing-type cross-connection in a consumer's potable water system that may be either a pollutional or a contamination-type hazard.
- (5) Pollutional hazard shall mean an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which would not constitute a health or system hazard, as defined. Maximum degree of intensity of pollution which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances.
  - (a) System hazard shall mean an actual or potential threat of severe danger to the physical properties of the public or consumer's potable water supply or of a pollution or contamination that would have a detrimental effect on the quality of the potable water in the system.

Director shall mean the director of the department who is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of the ordinance.

Double check detector backflow prevention assembly or double check detector or DCDA shall mean an assembly composed of a line-size approved double check assembly with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for very low rates of flow.

Double check valve backflow prevention assembly or double check assembly or double check or DC shall mean an assembly which consists of two (2) independently acting, approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks.

Fireline tester shall mean a tester who is employed by a state-approved fireline contractor and is qualified to test backflow prevention assemblies on firelines only.

General tester shall mean a tester who is qualified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service, except fireline.

Mobile unit shall mean any operation which may have the potential to introduce contaminants into a potable water system from a mobile source. These include, but are not limited to, carpet-cleaning vehicles, water-hauling vehicles, street-cleaning vehicles, liquid-waste vehicles, power-wash operations and pest-control vehicles.

Nonresidential shall mean water used by any person other than a residential customer of the water supply and include all uses not specifically included in residential uses.

Person shall mean any individual, partnership, association, corporation, firm, club, trustee, receiver, and bodies politic and corporate.

Point-of-use isolation shall mean the appropriate backflow prevention within the consumer's water system at the point at which the actual or potential cross-connection exists.

Potable water supply shall mean any water supply intended or used for human consumption or other domestic use.

Premises shall mean any piece of property to which water is provided, including all improvements, mobile structures, and structures located on it.

Premises isolation shall mean the appropriate backflow prevention at the service connection between the public water system and the water user.

Pressure vacuum breaker backflow prevention assembly or pressure vacuum breaker or PVC shall mean an assembly which provides protection against backsiphonage, but does not provide adequate protection against backpressure backflow. The assembly is a combination of a single check valve with an AVB and can be used with downstream resilient seated shutoff valves. In addition, the assembly has suction and discharge gate valves and resilient seated test cocks which allows the full testing of the assembly.

Public water system or system shall mean any public or privately owned water system which supplies water for public domestic use. The system will include all



services, reservoirs, facilities, and any equipment use in the process of producing treating, storing, or conveying water for public consumption.

Reduced pressure principle backflow prevention assembly or reduced pressure principle assembly or RP assembly or RP shall mean an assembly containing two (2) independently acting approved check valves together with a hydraulically operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The assembly shall include properly located resilient seated test cocks and a tightly closing resilient seated shutoff valve (at) the end of the assembly.

Reduced pressure principle detector backflow prevention assembly or reduced pressure detector or RPDA shall mean an assembly composed of a line-size approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for very low rates of flow.

Regulatory authority shall mean any municipal officer or department of the city appointed by the City Manager to administer this ordinance.

Representative of the water system shall mean a person designated by the city to perform cross-connection control duties that shall include, but are not limited to, cross-connection inspections and water use surveys.

Residential use shall mean water used by any residential customer of the water supply and include single-family dwellings, duplexes, multiplexes, housing and apartments where the individual units are each on a separate meter or, in cases where two (2) or more units are served by one (1) meter, the units are full-time dwellings.

Service connection shall mean the point of delivery (at) which the water purveyor loses control of the water.

Spill-resistant pressure vacuum breaker or SVB shall mean an assembly containing an independently operating, internally loaded check valve and independently operating, loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with a properly located resilient seated test cock and tightly closing resilient seated shutoff valves attached at each end of the assembly.

TCEQ shall mean the Texas Commission on Environmental Quality.

Tester shall mean a person that is a certified backflow prevention assembly technician approved by and registered with the city and the TNRCC.



Thermal expansion shall mean heated water that does not have the space to expand.

Used water shall mean water supplied by a public water system to a water user's system after it has passed through the service connection.

**Right-of-way encroachment:**

No person shall install or maintain a backflow prevention assembly upon or within any city right-of-way.

**Multiple connections:**

Any premises requiring multiple service connections for adequacy of supply and/or fire protection will be required to install a backflow assembly on each of the additional service lines to the premises. The type of assembly will be determined by the degree of hazard that could occur in the event of an interconnect between any of the buildings on the premises.

**Protection required: installation:**

- (a) The backflow prevention assembly protection which is required under this ordinance shall be any of the duly authorized backflow prevention assemblies listed in the International Plumbing Code, or as determined by the regulator authority. Each backflow prevention assembly must have been approved by the regulatory authority or his chosen representative in conjunction with the chief plumbing inspector of the city of the use contemplated by the commercial establishment prior to installation. Failure to obtain such approval prior to installation of the backflow prevention assembly may result in the backflow prevention assembly failing to meet final approval by the regulatory authority. The regulatory authority shall determine the type and location of backflow assembly to be installed within the area served by the city. The assembly will be required in each of the following circumstances, but the representative is in no way limited to the following circumstances:
  - (1) The nature and extent of any activity of the premises, or the materials used in connection with any activity or the premises, or materials stored on the premises could contaminate or pollute the potable water supply.
  - (2) Premises having any one (1) or more cross-connections [that are] identified or are present.

- (3) Premises having any one (1) or more cross-connections and the cross-connection(s) is protected by an atmospheric vacuum breaker device (AVB).
  - (4) Internal cross-connections are present that are not correctable.
  - (5) Intricate plumbing arrangements are present which make it impractical to ascertain whether cross-connections exist.
  - (6) There is a repeated history of cross-connections being established or re-established.
  - (7) There is unduly restricted entry so that inspections for cross-connections cannot be made with sufficient frequency to assure that cross-connections do not exist.
  - (8) Materials are being used such that if backflow should occur a health hazard could result.
  - (9) Installation of an approved backflow prevention assembly is deemed to be necessary to accomplish the purpose of these regulations in the judgment of the city.
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- (10) An appropriate cross-connection survey report form has not been filed with the environmental services department of the city upon request of the city.
  - (11) A fire sprinkler system is connected to the city's water system.
  - (12) All new construction, if deemed necessary in the customer service inspection. The type of assembly will be commensurate with the degree of hazard as determined by the regulatory authority.
  - (13) When a building is constructed on commercial premises, and the end use of such building is not determined or could change, a reduced pressure principle backflow prevention assembly may be installed at the service connection that supplies water for public domestic use.
  - (14) Any used water return system.
  - (15) In the event a point-of-use assembly has not had the testing or repair done as required by this ordinance, a premises isolation assembly will be required.
  - (16) If it is determined that additions or alterations have been made to the plumbing system without obtaining proper permits, premises isolation may be required.

- (17) All multistory buildings or any building with a booster pump or elevated storage tank.
- (18) Retrofitting will be required on all high hazard connections and wherever else the city deems necessary to retrofit.
- (b) All backflow prevention assemblies installed after September 3, 1996, shall be installed in a manner designed to facilitate ease of inspection by the regulatory authority of the city or his chosen representative. Any currently installed backflow prevention assemblies which, in the opinion of the regulatory authority, are located in inaccessible locations, or where the tester is subject to physical danger, shall be relocated to an approved location.

**Testing of assemblies:**

- (a) The regulatory authority shall inspect and test, or cause to be inspected and tested, all assemblies in each of the following circumstances:
  - (1) Immediately after installations;
  - (2) Whenever the assembly is moved;
  - (3) A minimum of once a year;
  - (4) Premises that have been vacated and unoccupied for one (1) year, prior to re-occupancy;
  - (5) Immediately after repairs.
- (b) All assembly testing shall be performed by a certified backflow prevention assembly tester, approved by the regulatory authority.
- (c) 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 ordinance. Persons and occupants of premises which are provided water service by the city, either directly or indirectly, shall allow the city or their representative's ready access at all reasonable times to all parts of the premises for the purposes of inspection, testing, records examination, or in the performance of any of their duties. Where persons or occupants of premises have security measures in force which would require proper identification and clearance before entry into their premises, the persons and occupants of the premises shall make necessary arrangements with their security guards so that, upon presentation of suitable identification,



personnel from the city will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

- (d) The city shall not be liable for damage to a backflow prevention assembly that occurs during testing.
- (e) The regulatory authority may cause a water use survey to be conducted at any commercial establishment located in the city which is served by a public water supply or which provides water to the public. Upon determination by the regulatory authority that the commercial establishment falls under the provisions of this ordinance and required a backflow prevention assembly, the regulatory authority shall issue a notice to abate the condition or order the commercial establishment to install the proper backflow prevention assembly.
- (f) It is the responsibility of any person who owns or controls property to have all assemblies tested in accordance with this ordinance. Assemblies may be required to be tested more frequently if the regulatory authority deems necessary.
- (g) All results from assembly testing by a certified backflow prevention assembly tester shall be placed on a form that can be purchased by the tester from the city for an established fee.

#### **Thermal expansion:**

It is the responsibility of any person who owns or controls property to eliminate the possibility of thermal expansion if a closed system has been created by the installation of a backflow assembly.

#### **Pressure loss:**

Any reduction in water pressure caused by the installation of a backflow assembly is not the responsibility of the city.

#### **Residential service connections:**

Any person who owns or controls any residential property which has been determined to have an actual or potential cross-connection will be required to eliminate the actual or potential cross-connection or have an approved backflow assembly installed in accordance with this ordinance.

#### **Responsibility of property owner or controller:**

Any person who owns or controls property is responsible for the installation, testing and repair of all backflow assemblies on their property.

#### **Customer service inspection:**

- (a) Pursuant to TCEQ water system regulations, a customer service inspection for cross-connection control shall be completed by the regulatory authority prior to providing continuous water service in each of the following circumstances:
- (1) Water service to a newly constructed facility or previously non-existing premises.
  - (2) After any material improvement to buildings or premises.
  - (3) Any correction or addition to the plumbing of any facility or premises served by the city.
  - (4) The regulatory authority deems it necessary.

Permanent water service shall not be supplied to a new construction facility(ies) until after the customer service inspection is completed.

**Installation requirements for backflow prevention assemblies:**

- (a) General. To ensure proper operation and accessibility of all backflow prevention assemblies, the following requirements shall apply to the installation of these assemblies:
- (1) Backflow prevention assemblies shall be installed in accordance with the current TCEQ rules and these regulations. The assembly installer must obtain the required plumbing permits and have the installation inspected by a representative of the regulatory authority.
  - (2) At those facilities where the regulatory authority requires a backflow prevention assembly be installed at the point of delivery of the water supply, such installation of the assembly must be before any branch in the line and on private property located just inside the boundary between the city right-of-way and the landowner's property. The regulatory authority may specify other areas for installation of the assembly. Assemblies that must be installed or are located on city right-of-way are the responsibilities of the business or entity that the water line is serving.
  - (3) The assembly must be protected from freezing and other severe weather conditions.
  - (4) All backflow prevention assemblies shall be of a type and model approved by the regulatory authority.
  - (5) All vertical installations of backflow assemblies must have prior approval by the regulatory authority.



- (6) Assemblies that are larger than four (4) inches and installed more than five (5) feet above the floor level must have a suitable platform for use by testing or maintenance personnel.
  - (7) Bypass lines are prohibited. Pipe fittings which could be used for connecting a bypass line must not be installed.
  - (8) Premises where an uninterrupted water supply is critical should be provided with two (2) assemblies installed in parallel. They should be sized in such a manner that either assembly will provide the maximum flow required.
  - (9) Lines should be thoroughly flushed prior to installation. A strainer with blowout tapping may be required ahead of the assembly.
  - (10) All facilities that require continuous, uninterrupted water service and are required to have a backflow assembly must make provisions for the parallel installation of assemblies of the same type so that testing, repair, and maintenance can be performed.
  - (11) The property owner assumes all responsibility for any damages resulting from installation, operation, and/or maintenance of a backflow assembly. The owner shall be responsible for keeping all backflow prevention assembly vaults [valves] reasonably free of silt and debris.
  - (12) Upon completion of installation, the regulatory authority shall be notified and all assemblies must be inspected and tested. All assemblies must be registered with the regulatory authority and shall provide the date of installation, manufacturer, model, type, size, serial number of the backflow assembly, and initial test report.
- (b) Reduced pressure principle backflow prevention assemblies (RPs). [RPs] may be utilized at premises where a substance is handled that would be hazardous to health if introduced into the potable water system. The RP is normally used in locations where an air gap is impractical. The RP is effective against both backsiphonage and backpressure.
- (1) RPs must be sized to provide an adequate supply of water and pressure for the premises being served. Flow characteristics are not standard. Consult manufacturer's specifications for specific performance data.
  - (2) The assembly must be readily accessible for testing and maintenance and must be located in an area where water damage to building or furnishing would not occur from relief valve discharge. The property owner assumes all responsibility for any damage caused by water discharge from an RP assembly. An approved air gap shall be located at the relief valve orifice of



RP assemblies. This air gap shall be least twice the inside diameter of the incoming supply line as measure vertically above the top rim of the drain, and in no case less than one (1) inch. An approved air gap funnel assembly may be used to direct minor discharges away from the assembly; this assembly will not control flow in a continuous relief situation. Drain lines to accommodate full relief valve discharge flow should be considered.

- (3) No part of a reduced pressure principle backflow prevention assembly shall be submerged in water or installed in a location subject to flooding. RPs are typically installed above grade in well-drained areas, but may be installed below grade (ground level) if a boresight drain to daylight is provided. The drain shall be of adequate capacity to carry the full rated flow of the assembly and shall be screened on both ends.
  - (4) Enclosures shall be designed for ready access and sized to allow for the minimum clearances established below. Removable protective enclosures are typically installed on the smaller assemblies. Daylight drain ports must be provided to accommodate full pressure discharge from the assembly.
  - (5) Assemblies two (2) inches and smaller shall have at least six (6) inches clearance on both sides and on top of the assembly, and twelve (12) inches below and behind the assembly. All assemblies larger than two (2) inches shall have a minimum of twelve (12) inches on the backside, twenty-four (24) inches on the test cock side, and the relief valve opening shall be at least twelve (12) inches plus nominal size of assembly above the floor or highest possible water level. Headroom of six (6) feet zero (0) inches is required in vaults without a fully removable top. A minimum access opening of thirty-six (36) inches is required on all vault lids.
  - (6) Vertical installation is prohibited.
  - (7) Assemblies must be tested in accordance with this ordinance. Tests are the responsibility of the assembly owner. The owner must notify the regulatory authority upon installation of any backflow prevention assembly.
  - (8) Variances from these specifications will be evaluated on a case-by-case basis. Any deviations must have a prior written approval of the regulatory authority.
- (c) Reduced pressure principle detector backflow prevention assemblies (RPDAs). [RPDAs] may be utilized in all installations requiring a reduced pressure principle backflow prevention assembly and detector metering.
- (1) RPDAs shall comply with the installation requirements applicable for reduced pressure principle backflow assemblies (RPs).

- (2) The line size RP assembly and the bypass RP assembly must each be tested. A separate test report for each assembly must be completed by the certified tester.
- (d) Double check valve backflow prevention assemblies (DCs). [DCs] may be utilized at premises where a substance is handled that would be objectionable but not hazardous to health if introduced into the potable water system.
- (1) DCs must be sized to provide an adequate supply of water and pressure for the premises being served. Consult manufacturer's specifications for specific performance data.
  - (2) Premises where an uninterrupted water supply is critical should be provided with two (2) assemblies installed in parallel. Assemblies should be sized in such a manner that either assembly will provide the minimum water requirements which the two (2) together will provide the maximum flow required.
  - (3) The assembly shall be readily accessible with adequate room for testing and maintenance. DCs may be installed below grade, providing all test cocks are fitted with brass pipe plugs. All vaults shall be well-drained, constructed of suitable materials, and sized to allow for the minimum clearances established below.
  - (4) Assemblies two (2) inches and smaller shall have at least six (6) inches clearance below and on both sides of the assembly and, if located in a vault, the bottom of the assembly shall be not more than twenty-four (24) inches below grade. All assemblies larger than two (2) inches shall have a minimum clearance of twelve (12) inches on the back side, twenty-four (24) inches on the test cock side, and twelve (12) inches below the assembly. Headroom of six (6) feet zero (0) inches is required in vaults without a fully removable top. A minimum access opening of thirty-six (36) inches is required on all vault lids. "Y" pattern double check valve assemblies shall be installed so that the checks are horizontal and the test cocks face upward. These clearance standards apply to all assemblies installed in vaults, enclosures, and meter boxes.
  - (5) Vertical installations of DCs are allowed only on sizes up to and including four (4) inches that meet the following requirements:
    - a. Internally spring-loaded check valves;
    - b. Flow is upward through assembly;
    - c. Manufacturer states their assembly can be used in a vertical position;



- d. Approved by director.
- (6) All DCs must be tested in accordance with this ordinance. Tests are the responsibility of the assembly owner. The owner must notify the regulatory authority upon installation of any backflow prevention assembly.
- (7) Variances from these specifications will be evaluated on a case-by-case basis. Any deviations must have prior written approval of the regulatory authority.
- (e) Double check detector backflow prevention assemblies (DCDAs). [DCDAs] may be utilized in all installations requiring a double check valve assembly and detector metering.
  - (1) DCDAs shall comply with the installation requirements applicable for double check valve assemblies (DCs).
  - (2) The line size DC assembly and the bypass DC assembly must each be tested. A separate test report for each assembly must be completed by the certified tester.
- (f) Pressure vacuum breaker backflow prevention assemblies (PVBs). [PVBs] may be utilized at point-of-use protection only and where a substance is handled that would be objectionable but not hazardous to health if introduced into the potable water system. PVBs protect against backsiphonage only and shall not be installed where there is potential for backpressure.
  - (1) The assembly shall be installed a minimum of twelve (12) inches above the highest downstream piping.
  - (2) PVBs shall not be installed in an area subject to flooding or where damage would occur from water discharge.
  - (3) The assembly shall be readily accessible for testing and maintenance, with a minimum clearance of twelve (12) inches all around the assembly.
  - (4) All PVBs must be tested in compliance with this ordinance. Tests are the responsibility of the assembly owner. The owner must notify the regulatory authority of installation of any backflow prevention assembly.
  - (5) Variances from these specifications will be evaluated on a case-by-case basis. Any deviations must have prior written approval of the regulatory authority.
- (g) Spill resistant pressure vacuum breaker backflow prevention assemblies (SVBs). [SVBs] may be utilized in all installations requiring a pressure vacuum breaker. SVBs shall comply with the installation requirements applicable for pressure vacuum breaker backflow prevention assemblies.



**Air-gap separation:**

Air-gap separations provide maximum protection from backflow hazards and may be utilized at premises where a substance is handled that would be hazardous to health if introduced into the potable water system.

- (1) An air-gap separation shall be at least twice the diameter of the supply pipeline measured vertically above the top rim of the receiving vessel, and in no case less than one (1) inch. If splashing is a problem, tubular screens may be attached or the supply line may be cut at a forty-five degree angle. The air-gap distance is measured from the bottom of the angle. Hoses are not allowed.
- (2) Air-gap separations shall not be altered in any way without prior approval from the regulatory authority and must be available for inspection at all reasonable times.
- (3) Side walls, ribs or similar obstructions do not affect air gaps when spaced from the inside edge of the spout opening a distance greater than three (3) times the diameter of the effective opening for a single, or a distance greater than four (4) times the effective opening for two (2) intersecting walls.
- (4) Side walls, ribs or similar obstructions extending from the water surface to or above the horizontal plane of the spout opening other than specified in subsection 3 above. The effect of three (3) or more such side walls or ribs has not been determined. In such cases, the air gap shall be measured from the top of the wall.
- (5) The effective opening shall be the minimum cross-sectional area at the seat of the control valve or the supply pipe or tubing which feeds the assembly or outlet. If two (2) or more lines supply one (1) outlet, the effective opening shall be the sum of the cross-sectional areas of the individual supply lines or the area of the single outlet, whichever is smaller.

**Fire Systems:**

- (a) An approved double check detector backflow prevention assembly (DCDA) or reduced pressure detector assemblies (RPDAs) shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use and/or that does not provide for periodic flow-through during each twenty-four hour period, unless a variance has been issued in writing from the regulatory authority. An RPDA must be installed if any solution other than the potable water can be introduced into the sprinkler system.
- (b) It is the responsibility of all property owners and persons in charge of any premises to abide by the conditions of this ordinance. In the event of any changes to the plumbing system, it is the responsibility of the property owners to notify the regulatory authority. All costs associated with this ordinance and the purchase,

installation, testing, and repair of RPDA devices is the responsibility of the property owner and persons in charge of any premises.

- (c) Upon the approved installation of the RPDA or approved device, a cross-connection test report completed by a licensed fireline tested must be sent to the attention of the regulatory authority or his representative and include the information required by this ordinance.

### **Responsibilities:**

- (a) Property owner. It is the responsibility of all property owners and/or persons in charge of any premises to abide by the conditions of this ordinance. In the event of any changes to the plumbing system, it is the responsibility of the property owners and/or persons in charge of any premises responsibility to comply with the following:
  - (1) Payment of all costs associated with this ordinance and the purchase, installation, testing and repair of backflow prevention assemblies.
  - (2) Install and maintain all backflow prevention assemblies in accordance with this ordinance and acceptable industry practice.
  - (3) All backflow prevention assemblies on their premises tested annually. Such testing must be conducted by a certified cross-connection tester who is registered with the city.
  - (4) Maintain all backflow prevention assemblies in proper working order at all times, including repair as required.
  - (5) Maintain all backflow prevention assemblies in a manner which allow them to be tested by a method that has been approved by the regulatory authority.
  - (6) All records related to backflow prevention assembly installation, testing, and repair shall be maintained on the premises for a minimum of three (3) years.
- (b) Certified backflow prevention assembly tester. A certified backflow prevention assembly tester shall comply with the following requirements:
  - (1) Annually register with the regulatory authority.
  - (2) Maintain testing equipment in proper working conditions/calibration.
  - (3) Maintain the design or operation characteristics of an assembly.
  - (4) Ensure that devices are tested according to accepted industry practice and TCEQ regulations.



- (5) Enter required testing data, including test gauge serial numbers, on cross-connection test forms obtained from the regulatory authority.
- (6) Report test results to the regulatory authority within thirty (30) days of testing according to city procedures.
- (7) Provide a copy of the completed test report to the property owners and/or persons in charge of any premises.
- (8) Maintain testing and/or repair records for a minimum of three (3) years.
- (c) Regulatory authority. The regulatory authority shall have the authority and responsibility to enforce the provisions of this ordinance and the state statutes, when applicable, regarding cross-connections. The regulatory authority shall inspect and initially test, or cause to be tested, all backflow prevention assemblies installed pursuant to the requirements of this ordinance. For new facilities, permanent water service shall not be provided until all backflow prevention assemblies have been tested and are operational. Except in cases where the testing of backflow prevention assemblies must be delayed until the installation of internal production or auxiliary equipment, the regulatory authority shall not approve a certificate of occupancy until all backflow prevention assemblies have been tested and are operational. The city shall not be liable for damage caused to any backflow prevention assembly as a result of the inspection or testing.

**Backflow prevention assembly tester certification-Registration required.**

To be an approved backflow prevention assembly tester within the city, an individual must register annually with the regulatory authority, provide proof of TCEQ certification, provide proof that testing equipment is able to maintain a calibration of plus or minimum 0.2 psid accuracy. The regulatory authority will maintain a current list of licensed testers which will be made available to facilities which may need testers to perform their annual testing.

**Lawn irrigation system installations:**

All commercial and residential lawn irrigation system installations shall obtain a permit issued by the building inspection department for such installations. The installation requirements must comply with guidelines for the appropriate device found in this ordinance. Interconnections of the potable water supply with an alternate water source is prohibited. Appropriate backflow protection devices must be installed if any mechanical injection stations are used with the irrigation system.

**Connection of mobile units.**

The connection of a mobile unit to any potable water system is prohibited unless such connection is protected by an air gap or an approved backflow prevention assembly.



Prior approval and annual device testing of any backflow prevention assembly must be received from the regulatory authority before connection to any potable water system.

**Enforcement:**

(a) Violations:

- (1) A person commits an offense if he fails to maintain backflow prevention assemblies in compliance with this section.
- (2) A person commits an offense if he fails to comply with the repair order issued by the regulatory authority.
- (3) A person commits an offense if backflow from premises he owns, operates, or manages enters the public water supply system.
- (4) A person commits an offense if he fails to pay any fees required by this ordinance.
- (5) A person commits an offense if he violates any section of this ordinance.
- (6) A person commits an offense if he reinstates water service to premises discontinued or disconnected under this ordinance, except as directed by the regulatory authority.
- (7) A person in charge of any facility commits an offense if he allows an unregistered tester to perform testing work at their establishment.
- (8) A person commits an offense if he tests a backflow prevention assembly within the city without being registered with the regulatory authority.
- (9) A person commits an offense if he tests a backflow prevention assembly within the city without being certified by TCEQ.

(b) Penalty for violations; other remedies.

- (1) A person who violates any provision of this article is guilty of a misdemeanor and, upon conviction, is punishable by a fine up to \$2,000 for violations of public health for each act of violation and for each day of violation.
- (2) In addition to proceeding under the authority of subsection (1) of this section, the city is entitled to pursue all other criminal and civil remedies to which is entitled under authority of statutes or other ordinances against a person committing animal control violations.

- (c) Revocation of certified tester's registration. A certified tester's registration may be reviewed and revoked by the city if the regulatory authority determines that the tester:

- (1) Has falsely, incompletely, or inaccurately reported assembly reports;
- (2) Has used inaccurate gauges;
- (3) Has used improper testing procedures; or
- (4) Has created a threat to public health or the environment.

SECTION 8. PAYMENT OF BILLS: That such rates and charges fixed and prescribed shall be paid by the users of the Waterworks System and Sanitary Sewer System to the City Secretary on or before the 15<sup>th</sup> of each month, which shall be the date such rates or charges shall become due and payable; and in case any user or customer of such system does not pay the amount due by such user or customer on or before said date the same became due and payable, then it is hereby made the duty of the City Secretary to add a fifteen (15%) percent penalty to the amount past due and unpaid. If ever any user or customer of such system does not pay matured rates and charges before the thirtieth (30<sup>th</sup>) day of each month, it is hereby made the further duty of the City Secretary to cut off the water service; and add a processing fee of \$25.00 that will be due along with the delinquent amount. If reconnection occurs by 4:30 p.m. on a weekday, no additional charges will be added besides the above \$25.00 processing fee. If reconnection occurs after 4:30 p.m. on a weekday or on a weekend or on a holiday a \$25.00 after hour reconnection charge will be added. Reconnection of service for reasons other than non-payment of bills at the request of the user or customer shall be \$25.00 during regular business hours provided the reconnection occurs before 4:30 p.m. or fee shall be \$50.00 after 4:30 p.m. on a weekday, weekends, or on holidays.

SECTION 9. NO FREE SERVICE: That no free service shall be allowed, and to the extent that the City of Los Fresnos or any of its agencies or instrumentalities shall avail themselves of the services and facilities afforded by the systems, they shall pay therefore the same rates and charges herein prescribed.

SECTION 10. RULES AND REGULATIONS: Any person, firm, or corporation desiring to be connected with the water and/or sewer systems and/or services of the City, shall make application in writing therefore to the City Secretary of the City of Los Fresnos, upon an application blank to be furnished for such purpose, and shall furnish all such information relative to the quantity of water likely to be consumed by said applicant, and such application and each and all of the statements therein contained shall be a part of the consideration for such water or sewer service.

Such applicant shall pay to the City of Los Fresnos the amount of money charged by the City for making such connection, or connections. Upon receipt of such application and



payment as aforesaid, the City Secretary shall within (residential 20 days, commercial 30 days, schools/churches 30 days) the time period specified, have the applicant's premises connected with the water and sewer systems of the City, either or both of them, as applied for, but the City Secretary shall in no event permit any connection to be made until such written application shall have been made and the amount charged therefore paid, and any person who shall make or attempt to make any connection with the City's water or sewer mains in any manner other than herein provided shall be deemed guilty of a misdemeanor, and shall be punished as herein provided.

SECTION 11. It shall be unlawful for any person, excepting the employees of the Water and Sewer Departments of the City, to in any manner interfere with the pipes, hydrants, or appliances of the water or sewer systems of the City, unless a written permit therefore shall have been first obtained from the City Secretary; provided, that in case of a fire, the fireman of the City shall have the right to open the fire hydrants of the City.

SECTION 12. All persons using meters owned by the City shall be responsible for the safety and care thereof. Said persons shall notify the City of any damage to the meters and the City shall direct in its sole discretion who is to repair the damage to the meter and the person using the meter shall be responsible for the cost of said repairs to the City and or its repair designee.

SECTION 13. All unpaid water and/or sewer bills shall be secured and held by the City of Los Fresnos, Texas, as a lien upon the property to which said water and sewer has been furnished, and in addition thereto, such delinquent customer of water and/or sewer, shall not be furnished with water and/or sewer service, at any other location until such delinquency is fully paid, together with penalty.

SECTION 14. DISCONTINUANCE OF SERVICE: The City shall have the right and privilege of shutting off water and sewer service, either or both at any time, without notice, for any of the following causes, to-wit:

- (a) For non-payment of any amount due the City for water and/or sewer service.
- (b) For interference with meters, fixtures or other appliances used in connection with the service thereof by the City.
- (c) For a waste of water, or the use thereof for any purpose other than that provided for in the application therefore, whether or not paid for by the user.
- (d) For the violation of or non-compliance with any of the rules and regulations herein.

SECTION 15. It shall be unlawful for any consumer of water or sewer service to furnish water or sewer service to other houses or families, or businesses, or offer or permit other houses or families, or businesses, to take or use it.



For reasons of public health, no person shall build, establish, expand or maintain a private water supply system within the City of Los Fresnos unless there shall be no public water supply operational, due to a natural event. This Ordinance shall be effective November 19, 2012. Furthermore no person shall provide water to a residence in jug, barrels or any other containers for reasons of consumption or bathing. Each day any person is in violation of this Ordinance shall constitute a separate offense. Any violation of this Ordinance shall constitute a misdemeanor.

SECTION 16. Every consumer taking water and/or sewer service from the City shall permit the City Secretary of the City of Los Fresnos and/or his/her authorized agent, to enter into the building or premises of such consumer at all reasonable times to examine the water pipes, sewer fixtures, or any other thing in connection therewith, and the manner in which the water and sewer systems are used, and any person or consumer refusing to allow the City Secretary and/or his/her authorized agent, to enter such premises, shall have their water and/or sewer service cut off; and the same shall not again be turned on until such entry is permitted and inspection is allowed.

SECTION 17. The City of Los Fresnos shall at all times have the right, and privilege of shutting off the water in the mains for the purpose of repairing, cleaning or making extensions to the water or sewer lines in the City, and whenever it is necessary for such purpose to shut off the water service, the City shall not be liable for any damage of any kind or character, whatsoever, during such temporary cessation of service because thereof, or in case of breakage, or repair to the pumping station, the City shall have the right to shut down the water services until such repairs shall have been made.

SECTION 18. All hose attachments when located on the sidewalk, as well as all slot boxes, shall have suitable iron covers, tops of which shall be flush with the surface of the sidewalk, and consumer who owns or controls same shall be responsible for all damages which may arise by reason thereof.

The height of water meters need not be uniform and need not be at ground level and the consumer is responsible for all lines leading from the meter to the place of use. The consumer shall not obstruct or allow anything to grow up, around, or in any way obstruct the meter or access thereto by city employees, the City Secretary, and/or his/her authorized agents. For repair of lines coming from the meter onto the consumer's land the consumer shall hire only a plumber licensed by the Texas State Board of Plumbing Examiners as a "Master Plumber" or "Journeyman Plumber".

SECTION 19. Water consumers are not guaranteed a specific quantity of water for any purpose whatever, but the City will attempt to furnish to the consumer such quantity of water as applied for and paid for by the consumer.

SECTION 20. Should a consumer desire that his water meter be tested, he shall make application therefore to the City Secretary, and with such application, and he shall deposit the sum of \$25.00. Within ten days after such application, the City Secretary shall cause such meter to be tested. If the testing shows that the meter so tested registers normal or

correctly, or registers below normal, or less than the water actually used, the said deposit shall be forfeited to the City and the consumer shall pay to the City the amount due because of such incorrect registering; but, if the testing shows that the meter so tested registers above normal, or more than the amount of water actually used, the said sum of \$25.00 shall be returned to such consumer and the City shall repay to such consumer the excess amount of three (3) prior months therefore paid by such consumer to the City, because of such incorrect registering of the meter.

**SECTION 21. PENALTY AND GENERAL PROVISIONS:** Any consumer of water or sewer services violating or permitting others from their attachments of any of the City of Los Fresnos' water or sewer connections, to violate any of the foregoing rules and regulations; or any person violating any of the provisions of this ordinance governing the connection, introduction, supply, consumption, or use of water and/or sewer shall be charged with a Class "C" misdemeanor for each day the violation shall continue as a complete and separate offense, and if upon conviction, shall be punished by a fine of not more than Five Hundred (\$500.00) dollars per violation. Original jurisdiction shall be in the Los Fresnos Municipal Court.

Further, as a civil penalty the City Secretary, in his/her sole discretion, not based on the outcome of any criminal proceeding, and as a completely separate action may require the water to be cut off from the premises of the offending person until such person shall give the City Secretary sufficient security against further violations of said rules and regulations and the provisions of this ordinance, and in case of persistent violation the City Secretary may forbid any further service to the party so offending.


**SECTION 22.** The holding or adjudication of any section, or any subdivision of a section of this ordinance, to be invalid, shall not affect the validity of any other section, or part of a subdivisions of a section, thereof, but all other sections, subdivisions of a section, or parts of a subdivision, or section shall be and remain in full force and effect.

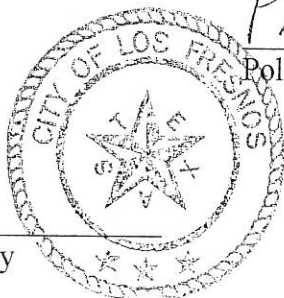
**SECTION 23.** All ordinance or parts of ordinance, in conflict with the foregoing ordinance, rules and regulations are hereby repealed.

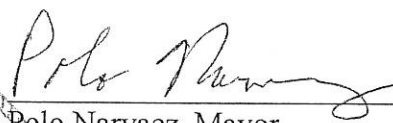
INTRODUCED and APPROVED on the first reading this 12<sup>th</sup> day of March, 2013.

APPROVED and PASSED on the second reading this 9<sup>th</sup> day of April, 2013.

ATTEST:

  
Pam Denny, City Secretary



  
Polo Narvaez, Mayor



Deleted items are in **red**  
 Added items are in **yellow**

### ORDINANCE NO. 482

**PROVIDING FOR AN AMENDMENT TO CHAPTER 44, ARTICLE I, SECTIONS 44.4, 44.6, 44.12, 44.13, 44.14 and 44.16 FIXING THE RATES TO BE CHARGED BY THE CITY OF LOS FRESNOS, TEXAS, TO THE CONSUMERS OF WATER AND SEWER SERVICE, BOTH INSIDE AND OUTSIDE THE CITY LIMITS; PROVIDING RULES REGULATIONS UNDER WHICH SAME SHALL BE FURNISHED, OR ALLOWED TO BE USED OR FORFEITED; PRESCRIBING A PENALTY FOR THE VIOLATIONS OF ANY OF THE PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading of the Ordinance. After presentation and discussion of the Ordinance, a motion was made by \_\_\_\_\_ that the Ordinance be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by \_\_\_\_\_ and carried by the following voted:

Mayor Polo Narvaez	___ For ___ Against ___ Abstained
Councilmember Yolanda H. Cruz	___ For ___ Against ___ Abstained
Councilmember Swain Real	___ For ___ Against ___ Abstained
Mayor Pro-tern Javier Mendez	___ For ___ Against ___ Abstained
Councilmember Bibi Garza	___ For ___ Against ___ Abstained
Councilmember Juan Munoz	___ For ___ Against ___ Abstained

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOS FRESNOS, TEXAS:**

That Chapter 44 of the Code of Ordinances, City of Los Fresnos, Texas is hereby amended to read as follows:

#### ARTICLE I.

##### SECTION 44.4 PENALTY

(b). Further, as a civil penalty, the city **secretary**, in its sole discretion, not based on the outcome of any criminal proceeding, and as a completely separate action, may require the water to be cut off from the premises of the offending person until such person shall give the city **secretary** sufficient security against further violations of said rules and regulations and the provisions of this chapter, and, in case of persistent violation, the city **secretary** may forbid any further service to the party so offending.



## SECTION 44.6 CONNECTION OF WATER AND WASTEWATER SERVICES REQUIRED

- (a). Water service will begin to be charged when the water tap is completed and the water meter is installed.
- (b). Sewer service will begin to be charged when the sewer tap is completed.
- (c). Exceptions: Uninhabited structure means no one is occupying the structure for its normal use. Sewer service is not required when the structure will be uninhabited for a minimum of 3 months. If the 3 month minimum is not met, regular monthly fees for the elapsed time will be charged and due on the next billing cycle. Requests must be made for a specific time frame but not more than 6 months at a time. If the initial requested time has ended and subsequent request approved and begun, since the original 3 month requirement is fulfilled, charges will not be made if the projected time is not fulfilled. It is the duty of the account holder to notify the City of changes in status immediately. Failure to do so could result in fines being assessed as allowed. Approval must be obtained through the City.

## SECTION 44.12 ESTABLISHING SERVICE CONNECTIONS; UNLAWFUL CONNECTIONS ; UNLAWFUL USE AND SALE OF WATER

- (a). *Required.* Connection for any utility service furnished by the city shall be made only under the supervision of the City public works director, and every building, structure or consumer in the city shall have a separate utility service connection.
- (b). *Application .* Any person desiring to be connected with the water or sewer system shall make application in writing to the city secretary upon a form furnished by the city secretary for such purpose, and shall furnish all such information relative to the quantity of water likely to be consumed. The completed application shall be a part of the consideration for such water or sewer service. The application shall be submitted together with tap and connection fees, as applicable, and the service deposit required under this chapter.

## SECTION 44.13 SERVICE RATES AND OTHER CHARGES; BILLING AND COLLECTION

- (d). *EDAP areas outside city limits.* The areas outside the corporate city limits that are recognized as EDAP are to be furnished water and sewer services under that program at the rates provided in the city fee schedule.
- (g). *Water connection fees and service deposit.* In addition to all other charges, each applicant is required to pay a non-refundable water connection fee and to make a water deposit in the amount of not less than the amount provided in the city fee schedule and no more than the consumption of water to be used by the applicant for two months, depending upon the class or character of the

residence or business or other class of user, as determined by the city **secretary**. The water service deposit shall be returned to the applicant or credited to the amount due for water by the applicant at the time service has been discontinued. The city **secretary** is authorized to increase the water service deposit at any time to an amount equal two months water usage. Deposits shall bear no interest.

(h). *Sewer connection and extension fees.* All sewer connections will be made by city crews or contractors under the supervision of the **City public works director or his designated representative** or at the city's option by any person licensed by the state board of plumbing examiners as a master plumber or journeyman plumber. A sewer connection fee in the amount provided in the city fee schedule shall be paid for each single-family dwelling. A sewer connection charge is required for each dwelling unit within an apartment building or multifamily dwelling unit and commercial or industrial connections. Any cost to the city of making a sewer connection that exceeds the rates provided in the city fee schedule will be paid by requester of sewer services. Any cost to extend sewer lines or increase capacity will be paid by the requester of sewer services.

(i). *Billing; delinquencies and late fees; water shut-off and reconnection.* Bills for water and wastewater service shall be paid to the city **secretary** on or before the 15<sup>th</sup> day of each month. If a bill is unpaid by the due date, the city **secretary** shall apply a 15 percent late penalty to the amount unpaid. If the delinquent amount plus late penalty is not paid by the 3<sup>rd</sup> of the month, the city **secretary** shall cause the water service to be shut off and a processing fee assessed in the amount provided in the city fee schedule. Upon payment of all amounts due and a reconnection fee in the amount provided in the city fee schedule, service shall be re-established.

#### SECTION 44.14. METER INSTALLATION, MAINTENANCE, TESTING AND REPAIR; REPAIR COSTS.

(c). Should a consumer desire that his water meter be tested, he shall make application therefore to the city **secretary**, and with such application, he shall deposit a meter testing fee in the amount specified in the city fee schedule. Within ten days after such application, the city **secretary** shall cause such meter to be tested. If the testing shows that the meter so tested registers normal or correctly, or registers below normal, or less than the water actually used, the deposit shall be forfeited to the city and the consumer shall pay to the city the amount due because of such incorrect registering; but, if the testing shows that the meter so tested registers above normal, or more than the amount of water actually used, the meter testing fee shall be returned to such consumer and the city shall repay to such consumer the excess amount of three prior months therefore paid by such consumer to the city, because of such incorrect registering of the meter.



SECTION 44.16. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and the publication of the caption as per the City Charter.

**PASSED AND APPROVED** this 20<sup>th</sup> day of June, 2017.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Polo Narvaez, Mayor

ATTEST:

\_\_\_\_\_  
Pam Denny, City Secretary

**City Council**  
200 North Brazil  
Los Fresnos, TX 78566

Meeting: 08/01/17 06:00 PM  
Department: City Secretary  
Category: Ordinances  
Prepared By: Pam Denny  
Initiator: Pam Denny  
Sponsors:  
DOC ID: 2239 A

**REVIEWED**

**ACTION ITEM (ID # 2239)**

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**Discussion on Ordinance 483 regulating solid waste ordinance.**

Attached for your review is the original ordinance as it exists. The amendment is what was passed on the first reading of the ordinance. The only change we would have is to eliminate the exceptions as it will be difficult to track and monitor.



ORDINANCE NO. 426

AN ORDINANCE DEFINING THE VARIOUS KINDS OF SOLID WASTE, REGULATING THE KINDS AND SIZES OF RECEPTACLES IN WHICH TO PLACE SAME, THE MANNER OF ITS PREPARATION AND WHERE IT MUST BE PLACED TO BE COLLECTED BY THE CITY OR THE CITY'S CONTRACTOR; PROVIDING REGULATIONS FOR COLLECTING SAME AND PROHIBITING THE PLACING OF GARBAGE, SOLID WASTE, OR ANY ARTICLE OR MATERIAL IN THE STREETS AND ALLEYS OF THE CITY OF LOS FRESNOS; PROVIDING FOR SERVICE CHARGES; PROHIBITING THE MEDDLING, SCATTERING CONTENTS, PILFERING OR JUNKING, WITH AND/OR OF GARBAGE CANS, TRASH OR RUBBISH RECEPTACLES; PROHIBITING THE COLLECTION OF GARBAGE, TRASH, OR RUBBISH BY OTHERS THAN THE CITY OR THE CITY'S CONTRACTOR WITHIN THE CITY LIMITS; PRESCRIBING A PENALTY; AND REPEALING ORDINANCE 358 INCLUDING ALL AMENDMENTS AND ANY OTHER RELATED SOLID WASTE OR GARBAGE ORDINANCE.

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading. After presentation and discussion of the Ordinance, a motion was made by Councilmember Real that the Ordinance be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by Mayor Pro-tem Chaffin and carried by the following vote:

Mayor Polo Narvaez	<u>x</u>	For	___	Against	___	Abstained
Mayor Pro-tem Dwight Chaffin	<u>x</u>	For	___	Against	___	Abstained
Councilmember Yolanda H. Cruz	<u>x</u>	For	___	Against	___	Abstained
Councilmember Swain Real	<u>x</u>	For	___	Against	___	Abstained
Councilmember Alan Atherton	<u>x</u>	For	___	Against	___	Abstained
Councilmember Gary Minton	<u>x</u>	For	___	Against	___	Abstained

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

**SECTION 1**

This ordinance shall be known as the "solid waste ordinance" of the City of Los Fresnos.

**SECTION 2 – DEFINITIONS**

Unless otherwise specified herein the following terms shall have the following meanings.

- 2.1 **Bin** – Metal receptacle designed to be lifted and emptied mechanically for use only at commercial and industrial units.

- 2.2 **Brush** – Tree trimmings, grass cuttings, dead trees or branches thereof shrubs, chip shavings resulting from general yard maintenance of occupied residential lots.
- 2.3 **Bulky Waste** – Appliances such as washers, dryers, stoves, air conditioners and refrigerators (provided Freon has been removed by a licensed facility and is labeled as such), water tanks, furniture, and mattresses generated from occupied residential households.
- 2.4 **City** – City of Los Fresnos, Texas.
- 2.5 **Commercial and Industrial Refuse** – All bulky waste, construction debris, garbage, and rubbish and stable matter generated by a producer or contractor at a commercial and industrial unit.
- 2.6 **Commercial and Industrial Unit** – All premises, locations, or entities, public or private requiring refuse collection within the corporation limits of the City and not a residential unit.
- 2.7 **Construction/Demolition Debris** – Waste building materials resulting from commercial, industrial, or residential construction, remodeling, repair or demolition operations.
- 2.8 **Containers** – 96 gallon garbage carts for residential use, to be provided by Contractor, to be used in conjunction with a fully authorized pickup plan.
- 2.9 **Contract Documents** – Contractor's proposal, general specifications, this Contract and any addenda or changes to the foregoing documents agreed to by City and Contractor. Contract documents shall include the following documents, and this Contract does hereby expressly incorporate same herein as fully as is set forth verbatim in this Contract.
  - a. RFP Bid Proposal.
- 2.10 **Contractor** – BFI Waste Services of Texas, LP, a Delaware limited partnership d/b/a Allied Waste Services of Rio Grande Valley, which is the corporation performing refuse collection and disposal under contract with City.
- 2.11 **Dead Animals** – Animals or portions thereof equal to or greater than 10 pounds in weight that have expired from any cause, except those slaughtered or killed for human use.
- 2.12 **Disposal Site** – A refuse depository including but not limited to sanitary landfills, transfer stations, incinerators, and waste processing/separation centers licensed, permitted or approved to receive for processing or final disposal of refuse and dead animals by all governmental bodies and agencies having jurisdiction and requiring such licenses, permits or approvals.



- 2.13 Garbage** – Any and all dead animals of less than 10 pounds in weight, except those slaughtered for human consumption; every accumulation of waste, (animal, vegetable and/or other matter) that results from the preparation, processing, consumption dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, but not by way of limitation, used tin cans and other decomposable waste animal or vegetable matter which is likely to attract flies or rodents; except (in all cases) any matter included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter.
- 2.14 Hazardous Waste** – Waste, in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate State Agency by or pursuant to Federal or State law, or waste, in any amount, which is regulated under Federal or State law. For purposes of this Contract, the term hazardous waste shall also include motor oil, gasoline, paint and paint cans.
- 2.15 Landfill** – A lawfully permitted sanitary landfill of Contractor's selection.
- 2.16 Producer** – An occupant of a commercial, industrial, or residential unit who generates refuse.
- 2.17 Refuse** – Residential, commercial, and industrial garbage, brush/bulky items, construction/demolition debris and stable matter generated by a producer or contractor, except (in all cases) any matter included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter.
- 2.18 Residential Refuse** – All garbage and rubbish generated by a producer or contractor at a residential unit who generates refuse.
- 2.19 Residential Unit** – A dwelling within the corporate limits of the City occupied by a person or group of persons comprising not more than four families. A residential unit shall be deemed occupied when water services are being supplied thereto. A condominium dwelling, whether of single or multi-level construction, consisting of four or less contiguous or separate single-family dwellings within any such residential unit, or a small commercial unit with residential cart service, shall be treated as a residential unit, except that each single-family dwelling within any such residential unit.
- 2.20 Rubbish** – See Bulky Waste.
- 2.21 Stable Matter** – All manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure, and resulting from the keeping of animals, poultry or livestock.

### SECTION 3 – CARTS

- 3.1** It shall be the duty of every person, firm or corporation owning, managing, operating, leasing, or renting any premises to use a cart or dumpster provided by Allied Waste

Services for the daily accumulation of solid waste. All solid waste is to be bagged prior to placing it in the cart or dumpster. The cart shall be placed on the curb or not more than five (5) feet from the curb of the street in the front yard for pickup. Placing the cart, brush, or any solid waste on any street or alley within the city limits is prohibited. Carts are to be ready for pickup on the street by 7:00 a.m. each Tuesday for residents and commercial on the North side of Highway 100 and on Wednesday for residents and commercial on the South side of Highway 100. Carts are to be removed from the public right-of-way as soon as reasonably possible but not more than twenty-four (24) hours after garbage is picked up. Permanent structures are not authorized to be placed at the curb or in the front yard of a premise for the purpose of containing receptacles used for garbage. Every person, firm or corporation owning, managing, operating, leasing, or renting any premise shall be responsible to insure that each cart placed at the street curbside is kept in a sanitary condition, closed tightly, and sealed sufficiently to prevent animals from entering and scattering the material from within the cart onto the street and premises. The contents of all receptacles shall be so protected that the wind cannot blow and scatter garbage over the streets, alleys, and other premises of the City. The method of picking up the solid waste, the type of containers, the designated location for pickup, the day of the week, and the time of pickup may be revised from time to time by Allied Waste Services or the City as it deems necessary.

- 3.2 Residential and commercial cart service will be charged at a rate of \$20.00 for the initial cart and \$11.00 for additional carts. This rate will be included with your water and wastewater bill monthly payable in full by the fifteenth (15<sup>th</sup>) of each month. Penalties and finance charges will be assessed if not paid in full by the fifteenth (15<sup>th</sup>) of each month.
- 3.3 Cart replacement will be charged at a rate of \$75.00 due to gross negligence. If cart is stolen and a report is filed with the Los Fresnos Police Department there will be no charge for replacement of cart.

#### **SECTION 4 – DUMPSTERS**

- 4.1 Dumpsters must be located off the public right-of-way and maintained for ease of access within an enclosure. Any dumpster and enclosure must be located at a sufficient distance from a property line so as not to interfere with the safety, convenience, or health of adjoining property occupants. No dumpster may be placed so as to obstruct traffic. Dumpster pads shall be made of an all-weather surface (asphalt or concrete) large enough to house the dumpster and allow truck access to pick up. The bottom of the enclosure shall not exceed three inches (3") from ground level. Dumpsters shall be kept in an enclosure to preclude windblown waste and prevent unsightly and/or unhealthy conditions. Dumpsters must have lids and be kept closed when not in use. Dumpster enclosures must be solid, well constructed of brick, stone, or wood. Enclosure shall be a minimum of six (6) feet in height but not to exceed eight (8) feet in height. The size of the enclosure must provide ample room to accommodate the particular size of dumpster required for your business.



**4.2 EXCEPTIONS:**

- A. The requirement of the pad and enclosure can be waived by the City on a case by case basis provided the dumpster is located out of view from the street, well off the right-of-way, and in a fenced area.
- B. The enclosure requirement of a gate can be waived by the City on a case by case basis provided the owner cannot reasonably open and close the gate on trash day(s). The three (3) sides of the enclosure are still required.

4.3 The following is dumpster fees from January 1, 2012 through September 30, 2012.

SIZE	SERVICE TIMES PER WEEK						ADDITIONAL
	One	Two	Three	Four	Five	Six	Pickup
2 Yard	\$ 66.29	\$115.67	\$170.50	\$218.90	\$269.50	\$324.50	\$49.50
3 Yard	\$ 77.87	\$141.90	\$204.60	\$270.60	\$328.90	\$391.60	\$60.50
4 Yard	\$ 88.81	\$157.16	\$235.40	\$315.70	\$385.00	\$454.30	\$71.50
6 Yard	\$130.90	\$234.30	\$337.70	\$441.10	\$544.50	\$647.90	\$82.50
8 Yard	\$144.10	\$260.70	\$377.30	\$493.90	\$610.50	\$727.10	\$88.00

The following is dumpster fees starting October 1, 2012

SIZE	SERVICE TIMES PER WEEK						ADDITIONAL
	One	Two	Three	Four	Five	Six	Pickup
2 Yard	\$ 66.29	\$118.97	\$175.62	\$225.47	\$277.59	\$334.24	\$49.50
3 Yard	\$ 77.87	\$146.16	\$210.74	\$275.32	\$338.77	\$403.35	\$60.50
4 Yard	\$ 88.81	\$159.75	\$242.46	\$325.17	\$396.55	\$467.93	\$71.50
6 Yard	\$134.83	\$241.33	\$347.83	\$454.33	\$560.84	\$667.34	\$82.50
8 Yard	\$148.42	\$268.52	\$388.62	\$508.72	\$628.82	\$748.91	\$88.00

**SECTION 5 – OTHER WASTE**

- 5.1 Brush, bulky waste, minor do-it-yourself construction debris must be located on the curb or not more than five (5) feet from the curb of the street in the front yard for pickup. Prohibited waste is batteries, tires, liquids of any kind, hazardous waste, asbestos, junk vehicles, dirt, rocks, asphalt, asbestos shingles, items containing Freon, corrugated metal, or any materials not included under the definitions of garbage, rubbish, commercial and industrial refuse, residential refuse, construction debris or brush/bulky waste. Items must

be divided and located in separate areas (brush in one area, minor do-it-yourself construction debris in another area, etc.). These items will be picked up only once per month and must be placed for pickup by Monday on the week of the scheduled pickup in your area. Do not locate waste under power lines, near fire hydrants, near gas meters, blocking water meters, blocking driveways, or blocking visibility from a street, or any other hazardous area.

- 5.2 This service is included in the above prices. There will be no additional charges.

## **SECTION 6 – RECYCLING**

- 6.1 Allied Waste Services shall provide a recycle trailer with attendant once per week on Wednesday from 7:00 a.m. to 10:00 a.m. for fees charged to each residence and small business.
- 6.2 Allied Waste Services shall provide two 30 yard roll-off containers per year for the disposal of rimless tires for fees charged to each residence and small business.

## **SECTION 7 – COLLECTION ROUTES**

- 7.1 Allied Waste Services and the City of Los Fresnos will establish collection routes. These routes will be presented to all residents and businesses. Routes are subject to change from time to time, as conditions require.

## **SECTION 8 – HOLIDAYS**

- 8.1 Allied Waste Services may recognize the following holidays and will not provide solid waste collection on those days: New Years Day, Memorial Day, Independence Day (4<sup>th</sup> of July), Labor Day, Thanksgiving Day, and Christmas Day. Should Allied Waste Services elect to observe any of these holidays, the required collection service will be done on another day to be advertised and conveyed to those affected.

## **SECTION 9 – COMPLAINTS**

- 9.1 All complaints shall be made directly to Allied Waste Services or to the City of Los Fresnos. Complaints will be handled promptly and in a courteous manner within twenty-four (24) hours.

## **SECTION 10 – FINES**

- 10.1 Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum but not to exceed five hundred dollars (\$500.00), and each such day violation continues shall constitute a separate offense.

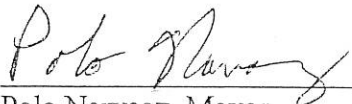


SECTION 11 – PRIOR ORDINANCES

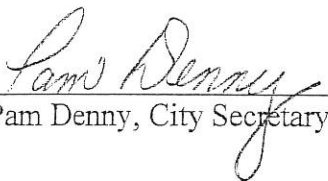
11.1 Ordinance 358, 358-A, and 358-B and any other ordinance or part of an ordinance dealing with garbage or solid waste of the City of Los Fresnos in conflict are hereby repealed.

INTRODUCED and APPROVED on the first reading this 8<sup>th</sup> day of November, 2011.

APPROVED and PASSED on the second and final reading this 13<sup>th</sup> day of December, 2011.

  
Polo Narvaez, Mayor

ATTEST:

  
Pam Denny, City Secretary



Attachment: original solid waste ordinance (2239 : Solid Waste Ordinance)

Deleted items are in red  
 Added items are in yellow

**ORDINANCE NO. 483**

**PROVIDING FOR AN AMENDMENT TO CHAPTER 34, ARTICLE I, SECTION 34.1, ARTICLE II, SECTION 34.21, 34.24 AND ARTICLE III, SECTION 34.28 AND 34.29 OF THE CODE OF ORDINANCES OF THE CITY OF LOS FRESNOS, TEXAS DEFINING THE KINDS AND SIZES OF RECEPTACLES IN WHICH TO PLACE SAME, THE MANNER OF ITS PREPARATION AND WHERE IT MUST BE PLACED TO BE COLLECTED BY THE CITY OR THE CITY'S CONTRACTOR; PROVIDING REGULATIONS FOR COLLECTING SAME AND PROHIBITING THE PLACEING OF GARBAGE, SOLID WASTE, OR ANY ARTICLE OR MATERIAL IN THE STREETS AND ALLEYS OF THE CITY OF LOS FRESNOS; PROVIDING FOR SERVICE CHARGES, PROHIBITING THE MEDDLING, SCATTERING CONTENTS, PILFERING OR JUNKING, WITH AND/OR OF GARBAGE CANS, TRASH OR RUBBISH RECEPTACLES; PROHIBITING THE COLLECTION OF GARBAGE, TRASH, OR RUBBISH BY OTHERS THAN THE CITY OR THE CITY'S CONTRACTOR WITHIN THE CITY LIMITS; PROVIDING A PENALTY; PROVIDING FOR AN EFFECTIVE DATE.**

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading of the Ordinance. After presentation and discussion of the Ordinance, a motion was made by \_\_\_\_\_ that the Ordinance be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by \_\_\_\_\_ and carried by the following voted:

Mayor Polo Narvaez	___ For ___ Against ___ Abstained
Councilmember Yolanda H. Cruz	___ For ___ Against ___ Abstained
Councilmember Swain Real	___ For ___ Against ___ Abstained
Mayor Pro-tern Javier Mendez	___ For ___ Against ___ Abstained
Councilmember Bibi Garza	___ For ___ Against ___ Abstained
Councilmember Juan Munoz	___ For ___ Against ___ Abstained

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOS FRESNOS, TEXAS:**

**ARTICLE I.**

That Chapter 34 of the Code of Ordinances, City of Los Fresnos, Texas is hereby amended to read as follows:

**SECTION 34.1: DEFINITIONS**



The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Contract documents* means the contractor's proposal, general specifications, this contract and any addenda or changes to the foregoing documents agreed to by city and contractor. Contract documents shall include the following documents, and this chapter does hereby expressly incorporate same herein as fully as is set forth verbatim in this chapter: RFP Bid Proposal.

*Uninhabited Structure* means no one is occupying the structure for its normal use.

## ARTICLE II.

### SECTION 34.21: CARTS.

(a). It shall be the duty of every person owning, managing, operating, leasing, or renting any premises to use a cart or dumpster provided by Allied Waste Services for the daily accumulation of solid waste. All solid waste is to be bagged prior to placing it in the cart or dumpster. The cart shall be placed on the curb or not more than five feet from the curb of the street in the front yard for pickup. Placing the cart, brush, or any solid waste on any street or alley within the city limits is prohibited. Carts are to be ready for pickup on the street by 7:00 a.m. *each Tuesday for residents and commercial on the north side of Highway 100 and on Wednesday for residents and commercial on the south side of Highway 100.* (on the scheduled day but no more than 24 hours before the scheduled time.)

#### (d). Exceptions:

1. New construction – Cart Service or dumpster service is not required during the construction phase until the Certificate of Occupancy is issued. However, arrangements must be made with City solid waste contractor for construction debris removal or self-removal to the landfill. Construction debris cannot accumulate on site causing health concerns.

2. Uninhabited structures – Cart service or dumpster service is not required when the structure will be uninhabited for a minimum of 3 months. If the 3 month minimum is not met, regular monthly fees for the elapsed time will be charged and due on the next billing cycle. Requests must be made for a specific time frame but not more than 6 months at a time. If the initial requested time has ended and a subsequent request approved and begun, since the original 3 month period requirement is fulfilled, charges will not be made if the projected time is not fulfilled. It is the duty of the account holder to notify the City of changes in status immediately. Failure to do so could result in fines being assessed as allowed. Approval must be obtained through the City.

### SECTION 34.24: RECYCLING

(a). Allied Waste Services shall provide a recycle trailer with attendant once per week on Wednesday from 7:00 a.m. to 10:00 a.m. for fees charged to each residence and small business.

(b). Allied Waste Service shall provide two 30-yard roll-off containers per year for the disposal of rimless tires for fees charged to each residence and small business.

The City provides recycling at various locations and times each week. Contact City Hall or the City website for specific details.

### **ARTICLE III.**

#### **SECTION 34.28. FINES.**

Any person, firm, corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum but not to exceed five hundred (\$500.00) dollars, and each such day violation continues shall constitute a separate offense.

#### **SECTION 34.29. EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and the publication of the caption as per the City Charter.

**PASSED AND APPROVED** this 20<sup>th</sup> day of June, 2017

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Polo Narvaez, Mayor

ATTEST:

\_\_\_\_\_  
Pam Denny, City Secretary