

**ORDINANCE NO. 886-23**

**AN ORDINANCE REORGANIZING, RENUMBERING, RESTATING AND AMENDING CHAPTER 13, "UTILITIES" OF THE WILLOW PARK CITY CODE OF ORDINANCES; PROVIDING THE FOLLOWING REGULATIONS GOVERNING UTILITIES: GENERAL PROVISIONS; A PUBLIC WORKS DIRECTOR; A WATER SYSTEM; A SEWER SYSTEM; SOLID WASTE; PRIVATE WATER WELLS; ON-SITE SEWAGE FACILITIES; IMPACT FEES; POLLUTION CONTROL NEAR PUBLIC WATER SUPPLY WELLS; DROUGHT CONTINGENCY AND EMERGENCY WATER MANAGEMENT; CROSS-CONNECTION CONTROL; DRAINAGE; DRAINAGE IMPACT FEES; PROVIDING FOR PENALTIES FOR VIOLATIONS OF THE ORDINANCE IN THE AMOUNT OF \$500.00; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the current ordinances, processes, and policies governing administration of the City's water, sewer, sanitation, and drainage services, including impact fees and drainage impact fees, are ineffective to regulate and manage the City's utility services; and

**WHEREAS**, the City Council desires to amend the City's current ordinances, processes, and policies governing administration of the City's utility services as provided herein.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS, AS FOLLOWS:**

**Section One.** Amendments. Chapter 13, entitled "Utilities" is hereby reorganized, renumbered, restated, and amended in its entirety to read as follows:

"Article 13.01. General Provisions

13.01.001 Nondiscrimination policy.

Service is rendered to all applicants within the city's service area who comply with the provisions of this article, regardless of race, color, creed, sex, marital status, or national origin.

13.01.002 Mandatory connection to water and sewer systems.

It shall be required for the issuance of a certificate of occupancy and a condition on the issuance of a building permit for connection to be made to the water and sewer system. Said connection shall be made after applicable tap fees have been paid and shall be made in accordance with all city ordinances and city plumbing standards. All citizens owning buildings and/or residences are required to connect to said water and sewer system that do not have an operational and functioning water system already in place as of July 15, 1985. Connection to the city's water and sewer system is not required when the system is not available to service the property.

13.01.003 Rate Schedule.

The rate schedule for water, sewer, sanitation, and drainage shall be as established by the city council. The customer will be billed monthly for all supplied services at the applicable current rate as set forth by the city council.

13.01.004 Application; deposits and fees required.

- (a) Application for water, sewer and garbage collection services is required. Before any water, sewer or garbage collection services shall be supplied to any person or to any premises by the city, that person who is to be responsible for payment of those services, or that person's duly authorized agent, shall make written application for those services on a form to be provided by the water office located in city hall. The application shall contain such information regarding the applicant and the service(s) to be provided as established by the city. When completed and approved, the application shall constitute a contract on the part of the applicant to pay the city for those services provided by the city to that person or premises, and to abide by all regulations relating to those services as those regulations exist and may be amended. In making application for water, sewer, or garbage collection services, each applicant shall provide such information and documentation as may be required by the city, including, but not limited to, documentation which establishes the identity of the applicant, including whether the applicant is a landlord or tenant, establishes the authority of the applicant to make the application on behalf of the applicant or a third party, and identifying the tenants of the premises if the property is a rental property.
- (b) Deposits with application.
  - (1) A deposit shall be made with the utility office at the time of making an application for water, sewer and garbage collection services, the minimum amount of which shall be set by the city council.
  - (2) Deposits shall be required for all water, sewer and garbage collection accounts opened after the effective date of this section, including any and all customers requesting reconnection of water, sewer and garbage collection services following discontinuance of service.
  - (3) Deposits shall be applied to unpaid charges when a utility account is disconnected or closed for any reason. When the deposit is insufficient to satisfy any unpaid charges, the city will bill the customer for any deficiency. Deposits will only be refunded after payment of all indebtedness to the city by the customer.
- (c) Payment of all required fees. In addition to the payment of a deposit, a customer must pay any applicable fees established by this chapter to open a water, sewer, and garbage collection account.
- (d) The city council authorizes and directs the city's accounting department to make all necessary provisions for accepting deposits on utility accounts in accordance with this chapter.

13.01.005 Billing.

- (a) Bills for water service shall be rendered monthly unless otherwise authorized by the city, or unless service is terminated before the end of a billing cycle. Service initiated less than one (1) week before the next billing cycle may be billed with the following month's bill. Bills shall be rendered as promptly as possible following the reading of meters.
- (b) The customer's bill shall show all the following information, if applicable:
  - (1) The date and reading of the meter at the beginning and at the end of the period for which the bill is rendered.
  - (2) The number and kind of units metered (gallons only).
  - (3) The total amount due for water, sewer, and solid waste service.
  - (4) The due date of the bill.
  - (5) A distinct marking to identify an estimated bill.
  - (6) Late charges, if paid after the tenth (10th) day of the month; and
  - (7) Late charges not paid from previous bills.

13.01.006 Delinquency; discontinuance of service.

- (a) The due date of the bill for utility service shall be the tenth of each month. A bill for utility service is delinquent if unpaid by the due date. The postmark, if any, on the envelope of the bill, or an issuance date on the bill if there is no postmark on the envelope, shall constitute proof of the date of issuance. If the due date falls on a holiday or weekend, the due date for payment purposes shall be the next workday after the due date.
- (b) A customer's utility service may be disconnected if the bill has not been paid or a deferred payment agreement entered into within twenty-three (23) days from the date of issuance and if proper notice has been given. Proper notice shall consist of a separate mailing or emailed delivery at least seven (7) days prior to a stated date of disconnection, with the words "termination notice" or similar language prominently displayed on the notice. If mailed, the cut-off day may not fall on a holiday or weekend but shall fall on the next workday after the seventh (7th) day. Payment at a utility's authorized payment agency is considered payment to the utility.
- (c) A customer who issues the utility department a check in payment of service, or for any other reason, which is returned as invalid may have the meter disconnected. The customer will be notified by mail (with two (2) business days allowed for receipt) or telephone. After notification, service will be disconnected by noon on the day after notification unless the

bill, late charges and related fees are paid. All disconnect fees, service fees due, reconnect fees and a returned check charge must be paid prior to service being reconnected.

- (d) Utility services may be disconnected after proper notice for any of the following reasons:
  - (1) Failure to pay a delinquent account for utility service(s) or failure to comply with the terms of a deferred payment agreement.
  - (2) Violation of the city's rules pertaining to the use of service in a manner which interferes with the service of others, or the operation of nonstandard equipment.
  - (3) Failure to comply with deposit or guarantee arrangements where required.
  - (4) Tampering with the utility meter or equipment or bypassing the same; and
  - (5) Without notice where a known dangerous condition exists for as long as the condition exists, or where service is connected without authority by a person who has not made application for service or who has reconnected service without authority following termination of service for nonpayment.
- (e) Utility service(s) may not be disconnected for failure to pay charges arising from an underbilling occurring due to any misapplication of rates more than six (6) months prior to the current billings (under billings will be paid at the next billing).
- (f) Unless a dangerous condition exists, or unless the customer requests disconnection, service shall not be disconnected on a day, or on a day immediately preceding a day, when personnel of the utility are not available to the public for the purpose of making collections and reconnecting service.

#### 13.01.007 Deferred payment plan.

It shall be policy of the utility to work with customers when hardship cases exist. The director/manager of the utility shall offer, upon written request, a deferred payment plan to any residential customer who has demonstrated a good faith ability to pay a reasonable portion but not all of the bill. Customers with hardships which exceed these guidelines or whose request is denied by the director/manager may appeal to the city council.

#### 13.01.008 Refusal of service.

The city may decline to serve an applicant until such applicant has complied with the state and municipal regulations and approved rules and regulations of the utility on file with the city governing the services applied for or for the below-listed reasons. In the event that the city shall refuse to serve an applicant under the provisions of these rules, the city must inform the applicant of the basis of its refusal and that the applicant may file a complaint with the city administrator. The applicant may appeal the decision of the city administrator to the city council.

- (a) Applicant's facilities inadequate: If the applicant's installation or equipment is known to be hazardous or of such character that satisfactory service cannot be given;
- (b) For indebtedness: If the applicant is indebted to any utility for the same kind of service as that applied for; provided, however, that in the event the indebtedness of the applicant for service is in dispute, the applicant may appeal to the city administrator. The applicant shall be served if so directed by the city administrator;
- (c) Refusal to make deposit: For refusal to make a deposit if the applicant is required to make a deposit under these rules.
- (d) Failure to pay for merchandise or charges for non-utility service purchased from the city.
- (e) Failure to pay a bill to correct previous underbilling due to misapplication of rates up to six (6) months prior to the date of the application.

13.01.009 Liens for delinquent utility bills; declaration of rental property.

(a) Utility liens.

- (1) The city may impose a lien against property that is not protected by the Texas Constitution as a homestead, for delinquent, unpaid bills for water, sewer and/or garbage collection service to the property. Liens for delinquent, unpaid utility services shall be perfected by recording in the real property records of the county a lien containing a legal description of the property, the account number for the delinquent charges and the amount of the delinquent charges. The city shall then have a privileged lien on as many lots or pieces of property as the terminated services previously served and are described on the lien instrument by metes and bounds, or by city lot and block description, or by any other adequate description. Liens shall include penalties, interest and filing fees. The lien shall bear ten percent per annum interest. A lien for delinquent utility bills is superior to all other liens, except a previously recorded bona fide mortgage lien. A lien shall not apply to any unpaid, delinquent utility bills in a tenant's name after notice by the property owner to the city that the property is rental property. It is further provided that for any charges for which the lien authorized by this section is designed to secure, suit may be instituted and recovery in the foreclosure of that lien may be had in the name of the city.
- (2) After the filing of a lien pursuant to this section, the city secretary shall within thirty (30) days of the filing of that lien give the owner of the property and the account holder notice that such a lien or liens have been filed on the property and inform the owner and account holder of their rights of appeal. Within 30 days of the postmark of the notice sent to the property owner or account holder, the property owner or account holder may appeal the decision to impose the lien on that property to the city administrator or the city administrator's designee, by filing a written

appeal. The city administrator or his designee shall authorize the release of the lien if the property owner or account holder shows that no bill for the above-mentioned services to his property encumbered by the lien or liens is unpaid and delinquent, or if the property owner shows that the encumbered property is and at all times from the hour of the filing of the lien or liens until the time of the appeal has been a homestead as defined by the Texas Constitution. The city administrator or his designee may modify or release the lien to reflect the true amount of the delinquency in payment for services to the property if the owner or account holder demonstrates that a lesser bill is owing than the lien alleged. The person last listed on the county tax records as being the owner of any parcel of property shall be presumed to be the owner for purposes of this section, and the address listed for the owner on the county tax records shall be presumed to be the address of the owner.

- (3) Release of lien. Whenever a person or entity pays all principal, interest, penalties and the filing fee of a lien validly filed pursuant to this section, the city secretary shall execute a release of that lien and surrender it to the paying party. The city shall not be responsible for filing that release.

(b) Declaration of rental property.

- (1) The owner of any property, which property is rented to another, and such tenant establishes water, sewer, or garbage collection services in the tenant's name, may prevent the city from using that property as security for the water, sewer and garbage collection services.
- (2) When such a declaration has been filed with the city prior to the time the account holder begins to receive utility services, the city shall collect the deposit applicable for the account as provided in section 13.01.004. If a property owner wishes to declare in regard to the bill of a person or entity already receiving services at a particular property, that declaration shall not be effective until the posting of a deposit in the appropriate amount as provided in section 13.01.004.
- (3) The declaration of rental property shall be valid for only so long as the person making such declaration owns such property, rents property to another, and the tenant of such property carries water, sewer, or garbage collection services in the tenant's name. The owner may revoke the declaration of rental property at any time by so notifying the city in writing.

13.01.010 Returned checks.

A fee shall be charged for processing each check or bank draft given in payment for utility services which is dishonored by the customer's bank for any reason. On or after the disconnection date shown on the customer's invoice, utility service is subject to immediate disconnection when the city's bank notifies the city that the customer's check or bank draft has been dishonored. The city will not accept payments made by check or bank draft for charges owed on any utility accounts of

a customer who has had three (3) or more checks dishonored, and the customer must make payment by cashier's check or money order.

#### Article 13.02. Public Works Director

##### 13.02.001 Office created.

There is hereby created the office of public works director for the city. Said public works director shall be appointed and removed by the city administrator with no established term of office.

##### 13.02.002 Duties.

It shall be the duty of the public works director to maintain the city's public works systems, i.e., the water system, street system, drainage system, etc., and to ensure that all rules and regulations of the city Code of Ordinances applicable to said public works systems are properly administered and enforced. Said public works director shall also have all duties conferred on him or her by the city council.

##### 13.02.003 Compensation.

The public works director shall be compensated by whatever arrangement the city council deems to be in the best interest of the city.

#### Article 13.03. Water System

##### Division 1. Generally

##### 13.03.001 Extension policy.

Contributions in aid of construction shall not be required of individual residential customers for production, storage, treatment or transmission facilities, except that developers of property to be ultimately subdivided into five (5) or more serviceable lots may be required to provide contributions in aid of construction in amounts to furnish the development with facilities compliant with the department of state health services, city ordinances or other regulatory authority minimum design criteria for production, storage, treatment or transmission facilities. The city may require developers to install facilities which exceed the minimum requirements for a specific subdivision. Such additional requirements will be based on the city's capital improvement plan and shall be coordinated with the developer, the city engineer, public works director and the planning and zoning committee. The city shall reimburse the developer or share in the cost to the extent of the added cost of such added requirements. This policy shall be consistent and applied in a nondiscriminatory manner.

##### 13.03.002 Use of other service in conjunction with city service.

Except in cases where the customer has a contract with the utility for reserve or auxiliary service, no other water service will be used by the customer on the same installation in conjunction with the utility's service.

13.03.003      Transfer of agreement or contract for service.

No application, agreement or contract for service may be assigned or transferred without the written consent of the utility.

13.03.004      Ownership of meters and lines.

It is agreed and understood that any and all meters, water lines and other equipment furnished by the utility (excepting the customer's individual service lines from the point of connection to the customer's structures on the customer's premises) is and shall remain the sole property of the utility, and nothing contained herein shall be construed to reflect a sale or transfer of any such meters, lines or equipment to any customer. All tap charges shall be for payment for the privilege of connecting to said water lines and for installation, not purchase, of said meters.

## Division 2. Service Rules and Regulations

13.03.020      New taps and service.

- (a)      City water main in place abutting user's property. After proper application made by the applicant, the city shall install a standard water connection at the property line as determined by the city no more than ten feet (10') in distance from the existing water main, unless the customer agrees to pay for the additional extension of the service line.
- (b)      City water main not on or abutting user's property (existing subdivisions). In the event an applicant desires water service to property which does not currently have city water mains in place, the applicant shall pay the applicable tap fee and deposit. Any facilities so provided shall be the property of the city.

13.03.021      Installation of piping and other equipment.

The piping and other equipment past the outlet flange of the meter on the premises furnished by the customer will be maintained by the customer at all times in conformity with the requirements of the city and with the service rules and regulations of the city. The customer will bring out his service line to his property line at the point nearest the city's existing meter. No water service smaller than three-quarter inch (3/4") will be connected. The city will not provide a meter cut-off for use by the customer.

13.03.022      Access to premises.

The city will have the right of access to the customer's premises at all times reasonable for the purpose of installing, inspecting or repairing water mains or other equipment used in connection



with its provision of water service, or for the purposes of removing its property and disconnecting lines and for all other purposes, to protect the health and welfare of its customers.

13.03.023 Meters.

(a) Generally.

- (1) Use of meter. All water sold by the utility shall be charged for by meter measurements, except where otherwise provided for by the applicable rate schedule or contract.
- (2) Installation. Unless otherwise authorized by the council, the utility shall provide and install and shall continue to own and maintain all meters necessary for the measurement of water to its customers.
- (3) Type of meter. The utility shall not furnish, set up or put in use any meter which is not reliable and of a standard type which meets industry standards; provided, however, special meters not necessarily conforming to such standard types may be used for investigation or experimental purposes.

(b) Records. The utility shall keep the following records:

- (1) Meter equipment record. Each utility shall keep a record of all of its meters, showing the customer's address, account number and date of the last test.
- (2) Records of meter tests. All meter tests shall be properly referenced to the meter record provided for herein. The record of each test made on a customer's premises or on request of a customer shall show the identifying number and constants of the meter, the standard meter and other measuring devices used, the date and kind of test made, by whom made, the error (or percentage of accuracy) at each load tested, and sufficient data to permit verification of all calculations.

(c) Meter reading.

- (1) Meter unit indication. In general, each meter shall indicate clearly the gallons of water or other units of service for which charge is made to the customer.
- (2) Schedule. As a matter of general practice, service meters shall be read at monthly intervals, and as nearly as possible on the corresponding day of each meter reading period but may be read at other than monthly intervals if the circumstances warrant.

(d) Meter tests on request of customer. The utility shall, upon the request of a customer, make (without charge, if defective) a test of accuracy of the customer's meter by a certified testing laboratory. The charge for meter testing, if the meter is found to be operating properly as defined by the accuracy standards established by the American National [Standards] Institute or the American Water Works Association, shall be as specified in

section 13.01.003. Following the completion of any requested test, the utility shall promptly advise the customer of the date of removal of the meter, the date of the test, the result of the test, and who made the test. Records of the tests and results shall be maintained by the utility and shall be available for customer review.

- (e) Bill adjustment due to meter error. If any meter is found to be outside of the accuracy standards established by the American National Standards Institute, Incorporated, or the American Water Works Association, proper correction shall be made of previous readings for the period of six (6) months immediately preceding the removal of such meter from service for test, or from the time the meter was in service since last tested, but not exceeding six (6) months, as the meter shall have been shown to be in error by such test, and adjusted bills shall be rendered. No refund is required from the utility except to the customer last served by the meter prior to the testing. If a meter is found not to register for any period, unless bypassed or tampered with, the utility shall make a charge for units used, but not metered, for a period not to exceed six (6) months based on amounts used under similar conditions during the period preceding or subsequent thereto, or during corresponding periods in previous years.
- (f) Tampering with the utility system.
  - (1) Control of meters. All meters, cutoffs, goosenecks, valves and meter boxes connected with the city's water main and service pipe, including those furnished at the expense of consumers or property owners, shall remain under the direct control of the city.
  - (2) Tampering with meters. It shall be unlawful for any person other than those authorized by the city to connect, disconnect, damage, move or tamper with any such meter, or to turn on or off the water at the city's cutoff valve at the meter; or to open or tamper with any meter box.
  - (3) Emergency cutoff valve. The consumer shall install and have approved an "emergency cutoff" valve no more than three feet (3') from the meter box inside of the property line at a location accessible in case of emergency and shall not use the city's cutoff valve at the meter in lieu thereof. The residential and commercial consumer shall have an approved "emergency cutoff" valve prior to connecting and/or reconnecting to the city's water system for repairs/alterations and new construction.
  - (4) Defacing, breaking into or tampering with utility property.
    - (A) Property. It shall be unlawful for any person in any manner to deface the houses, walls, machinery or fixtures connected with or pertaining to the city utility and its system.
    - (B) Water system. It shall be unlawful for any person to break, damage or tamper with any part of the water system of the city for any purpose

whatsoever, or in any other manner maliciously interfere with or prevent the running and operation of such system and the water supply therein.

- (5) Penalty. Unless otherwise stated in this section, any person violating any of the provisions of this section shall be deemed responsible for all damage and replacement costs of damaged items and fined for damaging city property. Fines shall be established by the city council and the replacement cost of equipment shall be the actual replacement cost.

13.03.024 After hour disconnection or reconnection.

In the event any user or customer of the city's utility contacts the city after hours and requests that the water service be temporarily turned off for repairs, etc., or turned back on after a repair, etc., and does not have an emergency cutoff valve, a fee shall be charged to the user or customer for the service. This fee will be set by the city council.

## Article 13.03. Sewer System

### Division 1. Generally

13.03.001 Extension policy.

Contributions in aid of construction shall not be required of individual residential customers for production, storage, treatment or transmission facilities, except that developers of property to be ultimately subdivided into five (5) or more serviceable lots may be required to provide contributions in aid of construction in amounts to furnish the development with facilities compliant with the department of state health services, city ordinances or other regulatory authority minimum design criteria for production, storage, treatment or transmission facilities. The city may require developers to install facilities which exceed the minimum requirements for a specific subdivision. Such additional requirements will be based on the city's capital improvement plan and shall be coordinated with the developer, the city engineer, public works director and the planning and zoning committee. The city shall reimburse the developer or share in the cost to the extent of the added cost of such added requirements. This policy shall be consistent and applied in a nondiscriminatory manner.

### Division 2. Service Rules and Regulations

13.03.020 New taps and service.

- (a) City sewer main in place abutting user's property. After proper application made by the applicant, the city shall install a standard sewer connection at the property line as determined by the city no more than ten feet (10') in distance from the existing sewer main, unless the customer agrees to pay for the additional extension of the service line.
- (b) City sewer main not on or abutting user's property (existing subdivisions). In the event an applicant desires sewer service to property which does not currently have city sewer mains

in place, the applicant shall pay the applicable tap fee and deposit. Any facilities so provided shall be the property of the city.

13.03.021 Installation of piping and other equipment.

The piping and other equipment on the premises furnished by the customer will be maintained by the customer at all times in conformity with the requirements of the city and with the service rules and regulations of the city. The customer will bring out his sewer line to his property line or street/curb edge.

13.03.022 Access to premises.

The city will have the right of access to the customer's premises at all times reasonable for the purpose of installing, inspecting or repairing sewer mains or other equipment used in connection with its provision of sewer service, or for the purposes of removing its property and disconnecting lines and for all other purposes, to protect the health and welfare of its customers.

Division 3. Control of Grease and Other Substances in Sewer System

13.03.040 Applicability.

- (a) This article shall apply to all non-domestic users of the publicly owned treatment works (POTW), as defined in section 13.03.041 of this article.
- (b) Grease traps or grease interceptors shall not be required for residential users.
- (c) Facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food services shall install, use, and maintain appropriate grease traps or interceptors as required in this article. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels and motels, jails, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption.
- (d) No user may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, nonbiodegradable cutting oil, mineral oil, or any fats, oils, or greases of animal or vegetable origin into the POTW system in such amounts as to cause pollutants to pass through the treatment works into the environment.

13.03.041 Definitions.

*Act.* the federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

*BOD.* the value of the 5-day test for biochemical oxygen demand, as described in the latest edition of Standard Methods for the Examination of Water and Wastewater.

*COD.* the value of the test for chemical oxygen demand, as described in the latest edition of Standard Methods for the Examination of Water and Wastewater.

*EPA.* the United States Environmental Protection Agency.

*Fats, oils, and greases (FOG).* organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “grease” or “greases.”

*Generator.* any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.

*Grease trap or interceptor.* a device designed to use differences in specific gravities to separate and retain light density liquids and waterborne fats, oils, and greases prior to the wastewater entering the sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection systems. Grease traps and interceptors are also referred to herein as “grease traps/interceptors.”

*Grease trap waste.* material collected in and from a grease trap/interceptor in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from dewatering processes.

*Indirect discharge or discharge.* the introduction of pollutants into a POTW from any nondomestic source.

*Interference.* a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, or is a cause of a violation of the city’s TPDES permit.

*pH.* the measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.

*POTW or publicly owned treatment works.* a treatment works which is owned by a state or municipality as defined by section 502(4) of the Clean Water Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes and other conveyances that convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For purposes of this article, the terms “sanitary sewer system,” “wastewater treatment system,” and “POTW” may be used interchangeably.

*TCEQ.* the state commission on environmental quality, and its predecessor and successor agencies.

*Transporter.* a person who is registered with and authorized by the TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste in accordance with 30 Texas Administrative Code section 312.142.

*TSS.* the value of the test for total suspended solids, as described in the latest edition of Standard Methods for the Examination of Water and Wastewater.

*User.* any person, including those located inside or outside the jurisdictional limits of the city, who contributes, causes or permits the contribution or discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources.

#### 13.03.042 Installation and maintenance of equipment.

##### (a) Applicability.

- (1) New facilities. Food processing or food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grease trap/interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.
- (2) Existing facilities. Existing grease traps/interceptors must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these model standards, unless specified in writing and approved by the POTW.
- (3) Disposal of waste. All grease trap/interceptor waste shall be properly disposed of at a facility in accordance with federal, state, or local regulations.

##### (b) Cleaning and maintenance.

- (1) Grease traps and grease interceptors shall be maintained in an efficient operating condition at all times.
- (2) Each grease trap pumped shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck, in which case the transporter shall arrange for additional transportation capacity so that the trap is fully evacuated within a 24-hour period, in accordance with 30 Texas Administrative Code section 312.143.

##### (c) Self-cleaning.

- (1) Grease trap self-cleaning operators must receive approval from the POTW annually prior to removing grease from their own grease trap(s) located inside a building, provided:
  - (A) The grease trap is no more than fifty (50) gallons in liquid/operating capacity.
  - (B) Proper on-site material disposal methods are implemented (e.g., absorb liquids into solid form and dispose into trash).
  - (C) The local solid waste authority allows such practices.
  - (D) Grease trap waste is placed in a leak-proof sealable container located on the premises and in an area for the transporter to pump out; and
  - (E) Detailed records on these activities are maintained.
- (2) Grease trap self-cleaning operators must submit a completed self-cleaning request to the POTW for approval. The written request shall include the following information:
  - (A) Business name and street address.
  - (B) Grease trap/interceptor operator name, title, and phone number.
  - (C) Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease trap/interceptor; and
  - (D) Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.
- (3) Self-cleaners must adhere to all the requirements, procedures and detailed recordkeeping outlined in their approved application, to ensure compliance with this article. A maintenance log shall be kept by self-cleaning operators that indicates, at a minimum, the following information:
  - (A) Date the grease trap/interceptor was serviced.
  - (B) Name of the person or company servicing the grease trap/interceptor.
  - (C) Waste disposal method used.
  - (D) Gallons of grease removed and disposed of.
  - (E) Waste oil added to grease trap/interceptor waste; and

- (F) Signature of the operator after each cleaning that certifies that all grease was removed and disposed of properly, the grease trap/interceptor was thoroughly cleaned, and all parts were replaced and in operable condition.
- (4) Violations incurred by grease trap self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.
- (d) Cleaning schedules.
  - (1) Grease traps and grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap/interceptor, to ensure the discharge is in compliance with local discharge limits, and to ensure no visible grease is observed in discharge.
  - (2) Grease traps and grease interceptors subject to these standards shall be completely evacuated a minimum of every ninety (90) days, or more frequently when:
    - (A) Twenty-five (25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.
    - (B) The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the POTW; or
    - (C) If there is a history of noncompliance.
  - (3) Any person who owns or operates a grease trap/interceptor may submit to the POTW a request in writing for an exception to the ninety (90) day pumping frequency of their grease trap/interceptor. The POTW may grant an extension for required cleaning frequency on a case-by-case basis when:
    - (A) The grease trap/interceptor owner/operator has demonstrated the specific trap/interceptor will produce an effluent, based on defensible analytical results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW; or
    - (B) Less than twenty-five (25) percent of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.
  - (4) In any event, a grease trap and grease interceptor shall be fully evacuated, cleaned, and inspected at least once every 180 days.
- (e) Manifest requirements.



- (1) Each pump-out of a grease trap or interceptor must be accompanied by a manifest to be used for recordkeeping purposes.
- (2) Persons who generate, collect and transport grease waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:
  - (A) Name, address, telephone, and commission registration number of the transporter.
  - (B) Name, signature, address, and phone number of the person who generated the waste and the date collected.
  - (C) Type and amount(s) of waste collected or transported.
  - (D) Name and signature(s) of the responsible person(s) collecting, transporting, and depositing the waste.
  - (E) Date and place where the waste was deposited.
  - (F) Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited.
  - (G) Name and signature of the facility on-site representative acknowledging receipt of the waste and the amount of waste received.
  - (H) The volume of the grease waste received; and
  - (I) A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.
- (3) Manifest records shall be maintained as follows:
  - (A) One part of the manifest shall have the generator and transporter information completed and be given to the generator at the time of waste pickup.
  - (B) The remaining parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest.
  - (C) A copy of the manifest shall go to the receiving facility.
  - (D) A copy shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.

- (E) A copy of the manifest shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.
  - (F) A copy of the manifest shall be filed with the city.
- (4) Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the POTW.
- (f) Alternative treatment.
- (1) A person commits an offense if the person introduces, or causes, permits, or suffers the introduction of, any surfactant, solvent or emulsifier into a grease trap. Surfactants, solvents, and emulsifiers are materials which allow the grease to pass from the trap into the collection system, and include but are not limited to enzymes, soap, diesel, kerosene, terpene, and other solvents.
  - (2) It is an affirmative defense to an enforcement of subsection (f)(1) of this section that the use of surfactants or soaps is incidental to normal kitchen hygiene operations.
  - (3) Bioremediation media may be used with the POTW's approval if the person has proved to the satisfaction of the POTW that laboratory testing which is appropriate for the type of grease trap to be used has verified that:
    - (A) The media is a pure live bacterial product which is not inactivated by the use of domestic or commercial disinfectants and detergents, strong alkalis, acids, and/or water temperatures of 160°F (71°C).
    - (B) The use of the media does not reduce the buoyancy of the grease layer in the grease trap and does not increase the potential for oil and grease to be discharged to the sanitary sewer.
    - (C) The use of the bioremediation media does not cause foaming in the sanitary sewer.
    - (D) The BOD, COD, and TSS discharged to the sanitary sewer after use of the media does not exceed the BOD, COD, and TSS which would be discharged if the product were not being used and the grease trap was being properly maintained. pH levels must be between 5 and 11.
  - (4) All testing designed to satisfy the criteria set forth in subsection (f)(3) of this section shall be scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD, COD, pH, and other pollutant levels shall use appropriate tests which have been approved by the Environmental Protection Agency and the

state commission on environmental quality and which are defined in title 40, Code of Federal Regulations, part 136, or title 30, Texas Administrative Code section 319.11. Testing shall be open to inspection by the POTW and shall meet the POTW's approval.

13.03.043 Penalties.

- (a) If the POTW determines that a generator is responsible for a blockage of a collection system line, the generator may be assessed a fine, after receiving a warning, of \$1,000.00 for the first violation, \$1,500.00 for a second violation, and up to \$2,000.00 for the third violation within a two-year period. Continuous violations shall result in an increase in penalty by \$500.00 and may also result in termination of water and/or sewer services.
- (b) Any person, operator or generator who violates any provision of this article, or fails to comply with the provisions hereof, is guilty of a misdemeanor, and upon conviction is subject to be punished as set forth in subsection (a) above. Each day of violation or noncompliance shall constitute a separate offense.
- (c) No evidence of a culpable mental state is required for proof of an offense pursuant to this article.
- (d) The city shall be reimbursed for any expense, loss or damage caused by a violation of this article. The city may also invoke any remedy under common law or statute in addition to the penalty provided for herein.

Article 13.04. Solid Waste

13.04.001 Definitions.

*Brush.* Tree and shrub trimmings which are not easily placed in disposable containers.

*Commercial service.* All sanitation service provided to businesses, offices, schools, service businesses, etc. In general, commercial service shall mean service to all types of customers, excluding single-family residential only.

*Contractor.* Refers to that company or representatives thereof which has been duly chosen to provide garbage collection service in the city.

*Debris.* Dirt, concrete, rocks, bricks or other waste building materials.

*Disposable container.* Any plastic bag having no outside dimension of more than four feet (4') and capable of containing garbage or trash without leaking or emitting odors, at [and] no more than thirty (30) gallon capacity, and which is placed at curbside for removal.

*Garbage.* Refuse animal or vegetable matter, as from a kitchen or food processing facility; ashes; and any other household waste which is damp or capable of omitting noxious odors.

*Trash.* All refuse other than garbage, debris, brush, household furniture and appliances; trash shall include grass clippings, leaves, paper and other household trash except as included in the foregoing definitions.

13.04.002 Containers required; containers to be kept closed.

- (a) It shall be the duty of every owner, agent, lessee, tenant or occupant of any premises in the city to provide and use containers sufficient in number to hold the garbage and trash accumulating on such premises.
- (b) Every customer shall keep all garbage and trash containers in use securely closed in such a manner as to prevent the scattering of the contents thereof and to render said contents inaccessible to insects, rodents and other animals.

13.04.003 Containers for residential customers; placement of containers; brush.

- (a) Containers; placement of containers. It shall be the duty of each residential customer to place garbage and trash as follows:
  - (1) All garbage shall be placed in securely closed plastic bags, no more than thirty (30) gallon capacity.
  - (2) Containers shall be placed at the curbside on the street bearing the customer's address.
  - (3) Trash, excluding wet materials or materials which will cause disagreeable smells, shall be placed at curbside on the street bearing the customer's address in disposable containers in such a manner as to prevent such trash from being scattered;
  - (4) Garbage shall be placed at curbside no more than twenty-four (24) hours prior to 7:00 a.m. on the day of scheduled collection, if they are to be picked up; and
  - (5) All garbage or trash mixed with water or other liquids shall be drained before being placed into a garbage or trash container.
- (b) Brush. In the event brush is of such a nature that it cannot be placed in disposable containers, it shall be cut in lengths not to exceed five feet (5') and shall be bundled, tied and stacked at curbside to a height of not more than three feet (3'). No single limb shall be more than five inches (5") in diameter. No bundle shall weigh more than fifty pounds (50 lbs.). A customer may receive a special pickup upon request, for an additional charge, depending on the quantity of material to be removed.

13.04.004 Wastes from building operations or cleanup of property.

Debris, as that term is defined herein, or other trash resulting from construction, major remodeling, or general cleanup of property or resulting from sizeable amounts of trash and debris being cleared in preparation for construction will not be removed by the city as regular service. The owner will have such debris and trash removed at their expense by the city contractor.

13.04.005 Prohibited acts.

- (a) It shall be unlawful for any person to sweep, throw or deposit any garbage, trash, debris, stagnant water or dead animal into, upon or along any public property or private property of another, except as may be specifically provided by this article.
- (b) It shall be unlawful for any person owning or otherwise in control of any premises within the city to permit any of the conditions described in subsection (a) above to exist upon property owned or controlled by their after having actual or constructive notice thereof.
- (c) It shall be unlawful for any person to place in any container any material other than as specifically provided in this article.
- (d) It shall be unlawful for any person to deposit or maintain garbage or trash except as provided for by this article.
- (e) It shall be unlawful for any person to deposit any burning match, charcoal, ember or other material in any container used for the disposal of garbage or trash.

13.04.006 Frequency of collection for residential customers.

The collection and removal of garbage, trash and brush from premises used for residential purposes shall be made two (2) times each week, with a two (2) or three (3) day interval between each collection. The charges for such a service are to be as established and as approved by the city council from time to time.

13.04.007 Containers for nonresidential customers.

It shall be the duty of the owner or person otherwise in charge of commercial, institutional or industrial premises within the city to cause all garbage and trash accumulated on said premises to be placed in a dumpster provided by the contractor, or, with the approval of the contractor, in disposable containers, if such disposable containers will not create a nuisance. Dumpsters and disposable containers shall be placed at a location on the premises, which is readily accessible to the collector and screened, subject to review by the city at any time. Commercial type containers may be used and may be placed at a location on the premises as arranged between the customer and the collector, but subject to review by the city at any time.

13.04.008 Frequency of collection for nonresidential customers.

The collection and removal of garbage and trash from houses, buildings and premises used for commercial, institutional or industrial purposes shall be made as often as necessary in order to

maintain such premises free of accumulations of garbage and trash. In this regard, garbage collection shall be made not less than one (1) time each week.

13.04.009 Collection of charges; failure to pay charges.

The charges fixed herein for the removal and disposal of all garbage and trash, save and except for commercial garbage collection, shall be entered by the city against the customer and shall be collected as charges for other city services. Any person who shall fail or refuse to pay the charge herein specified within the due date of any bill containing an arrears balance shall have his garbage service suspended, and the city shall be notified immediately for appropriate action. The city attorney is hereby authorized to act as agent for the city in the collection of charges herein provided.

13.04.010 Manner of collection and transportation.

- (a) The collection, removal and disposal of all garbage, trash and rubbish shall be carried on in a systematic, efficient manner, to keep the city in a clean and sanitary condition.
- (b) All vehicles used for the collection and transportation of garbage and trash shall be equipped with suitable covers which shall be used to prevent blowing or scattering of refuse while garbage and trash is being transported for disposal.

13.04.011 Private disposal.

No person, firm, business or corporation may dispose of its own residential or commercial garbage, trash and rubbish. No commercial enterprise, other than the city's contractor, shall be employed to remove and dispose of garbage, trash or rubbish within the city.

Article 13.05. Private Water Wells

13.05.001 Permit required.

It shall, after the effective date hereof, be unlawful for any person or persons, firm, company or corporation to dig, drill, bore or drive a water well within the city limits without first obtaining a water well permit from the city.

13.05.002 Allowable uses; minimum distance from public well.

- (a) Allowable uses. The city may issue a water well permit to a person to explore for or produce groundwater on a platted lot, containing 30,000 square feet or more, zoned residential or agricultural, for:
  - (1) Irrigation or watering of livestock; or
  - (2) Potable use, if the lot, or structure thereon, cannot be connected to city water system as required by article 10.02, division 10 of this code. The permit shall not authorize more than one well for each five contiguous acres contained within a platted lot.

- (b) Minimum distance from wellhead connected to public water system. No well shall be permitted under this section if the wellhead of the proposed well is within 1,000 feet, measured on a direct line, from the wellhead of a well connected to the public water system of the city.
- (c) Minimum distance from wellhead of existing permitted private well. No well shall be permitted under this section if the wellhead of the proposed well is within 500 feet, measured on a direct line, from the wellhead of any existing permitted private well.

13.05.003 Application for permit; indemnification agreement.

- (a) Application requirements. Application for a water well permit shall be made with the city administrator. The application shall be signed by both the property owner and the state-licensed water well driller of the well and accompanied with a nonrefundable fee in the amount established by the city council. The application shall provide the following information in reference to a proposed water well and the property on which such proposed water well is to be located:
  - (1) Name and address of the property owner(s).
  - (2) Location of the property where the proposed well is to be located (street address, block, lot, addition).
  - (3) Purpose for which the proposed well would be used (drinking water, irrigation, watering [of livestock]).
  - (4) Scaled site plan or plat depicting the dimensions of the lot where such proposed well is to be located, including location of all easements, utility lines, connections or utility appurtenances and the distance from the proposed well to each.
  - (5) The state-licensed water well driller shall provide the following information:
    - (A) Type of proposed well (dug, drilled, bored or driven).
    - (B) Proposed depth of well.
    - (C) Diameter of well.
  - (6) Location and exact distance from the proposed water well to any septic tank(s); sewer lines (trunks, collectors or laterals); the closest city public water supply well site; water lines (supply, mains, laterals, service); gas lines (supply, mains, service); underground telephone lines; streets, alleys, thoroughfares; animal or livestock pens, barns or shelters; dump grounds (public or private); creeks or streams; lakes or ponds, and any flood zone area;
  - (7) Size and type of pump and casing to be used.

- (8) Depth of cementing of casing and method of cementing.
  - (9) Manner and site of the well water storage tank and description of the distribution system.
  - (10) Show the size and location of an “in line” backflow prevention which shall be tested by the city and approved, as well as the location and size.
- (b) Indemnification agreement. Each applicant must attach to an application for a water well an indemnification agreement, provided by the city, indemnifying the city from any liability that may arise from the construction or use of a water well, whether permitted or not. Additionally, each applicant shall separately acknowledge in the application that the city makes no representation whatsoever concerning the likelihood of successful completion of the proposed water well, its quality, utility, duration or length of production.

13.05.004 Construction.

All water wells, whether drilled, bored, cored or constructed, shall be completed by a state licensed water well driller and pump installer in conformance with all the applicable state and local laws, rules, regulations, requirements and specifications.

13.05.005 Location.

Water wells shall be located so that there will be no measurable pollution or contamination from any source. Water wells shall also be located in accordance with the rules and regulations of the state commission on environmental quality (TCEQ) and department of licensing and regulation, which shall be attached to or referenced by the water well permit application.

13.05.006 Review of permit application; number of permits restricted.

The city administrator shall make comments and recommendations concerning the application. If approved, the water well permit shall be signed by the city administrator. No more than twelve permits may be approved by the city administrator under this article in any single fiscal year.

13.05.007 Approval or disapproval of permit.

In considering approval or disapproval of a water well permit, the city administrator shall consider the public health and safety of the citizens of the city as it relates to the proposed well, and consult with the state commission on environmental quality, or other applicable regulatory entities, as deemed necessary.

13.05.008 Submission of drilling log.



A completed water well drilling log shall be submitted to the city by the approved state licensed water well driller and pump installer prior to the completion inspection. The well log shall contain, at a minimum:

- (a) Type, diameter and length of casing installed.
- (b) Total depth of well.
- (c) Type, diameter and length of strainer, if any, and size of screen openings.
- (d) Method of sealing top and bottom of screen.
- (e) Standing water level, depth below ground surface when not pumping; and
- (f) Yield of the well in gallons per minute.

13.05.009 Inspection.

Prior to any use of a completed permitted well, the city administrator or their agent shall inspect and approve in writing the site of the well, well construction, ancillary equipment and structures, completion documentation, spacing requirements and all other requirements imposed by this article to determine compliance with all state and local rules and regulations.

13.05.010 Finding regarding extension of city water service.

It shall be unlawful to connect any private water well or supply system to the city public utility system or any household except upon a finding by the city administrator that compliance with article 10.02, division 10 was not possible.

13.05.011 Offenses; cancellation of permit.

- (a) It shall be unlawful for any person to construct, produce from or use a well in the city without first obtaining a permit.
- (b) A permit issued under this article shall become null and void one year from the date of issuance if the well has not been constructed, completed and approved by the city for use within that period.
- (c) Any changes in conditions under which a permit was issued under this article shall void the permit, and it shall be unlawful to proceed with the construction of the well until a reapplication has been approved by the city.
- (d) A permit issued under this article shall automatically be cancelled when site conditions are changed from those shown on the application.

- (e) Any person who knowingly violates any provision of this article or who shall neglect, fail or refuse to comply with any provision herein is guilty of an offense. Each day's continuance of a violation constitutes a separate offense.

13.05.012 Abandonment; correction of violations; water use restrictions.

- (a) Any well permitted under this article that has been abandoned, regardless of when it was constructed, shall be disinfected and plugged in accordance and with a material satisfactory to the TCEQ.
- (b) If upon inspection of a well any violation of this article is found, written notice will be given to the person to whom the permit was issued, directing the person to make necessary corrections within a reasonable time specified. It shall be unlawful for any person to neglect, fail or refuse to comply with such notice. Failure to correct the violation pursuant to this subsection shall result in cancellation of the permit.
- (c) Water produced as a result of a permit herein, may only be lawfully used on the permittee's land. Waste of the water or allowing it to run unreasonably off the permittee's land is unlawful.
- (d) The city council may, if conservation circumstance exists, in accordance with this chapter, restrict or prohibit the use of water from any well authorized by this article for nonessential purposes during the duration of the water conservation circumstance.

Article 13.06. On-Site Sewage Facilities

13.06.001 Legislative findings.

The city understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, and will enforce chapter 366 of the Texas Health and Safety Code and chapters 7 and 37 of the Texas Water Code, and associated rules referenced in this article ("rules").

13.06.002 Jurisdictional limits.

The rules shall apply to all the areas lying within the incorporated limits of the city.

13.06.003 Applicability.

Any permit issued for an on-site sewage facility within the jurisdictional area of the city must comply with the rules, including those adopted by section 13.06.005 herein.

13.06.004 Permit.

All on-site sewage facilities must be permitted as a part of the building permit for new construction, repair or remodeling. All work to repair or remodel existing on-site sewage facilities must be upon

permit and installed according to the rules adopted herein. No permit shall be issued for an on-site sewage facility if public sanitary sewer is available.

13.06.005 State regulations adopted.

The City adopts the Texas Commission on Environment Quality Title 30 TEXAS ADMINISTRATIVE CODE §285.1-§285.91 and Title 30, Part I, Chapter 30, TEXAS ADMINISTRATIVE CODE.

13.06.006 State regulations incorporated by reference.

Title 30, Texas Administrative Code chapters 30 and 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these rules.

13.06.007 Duties and Powers.

The city administrator shall appoint a designated representative for the enforcement of these rules within its jurisdictional area. The appointed individual must be approved and certified by the state commission on environmental quality before assuming the duties and responsibilities of the designated representative of the city. The designated representative shall have the following duties and concomitant powers:

- (a) To resolve any question regarding any interpretation of these rules or the design criteria.
- (b) To enforce these rules and to make appropriate recommendations to proper city officials when instances of noncompliance with these rules have been determined.
- (c) To make statutorily mandated inspections of proposed, new and existing on-site sewage facilities.
- (d) To collect fees set by the authorized agent as necessary to recover the reasonable costs incurred in meeting the requirements of these rules.
- (e) To make reports to the city manager on all actions, including legal actions, taken concerning these rules.
- (f) To investigate nuisance complaints within 21 days of receipt. All validated complaints shall be resolved, or substantial progress made towards resolution by the responsible individual within 30 days.
- (g) To assure that the owner of an on-site sewage system either enters into a maintenance contract for the system and keeps the contract in force or personally maintains the single-family residential system pursuant to state standards and regulations.
- (h) To perform all other duties necessary to meet the requirements of these rules.

13.06.008 Collection of fees.

All fees collected for permits and/or inspections shall be made payable to the city.

13.06.009 License to operate.

Each new on-site sewage facility shall be inspected and approved by the designated representative prior to the final covering of the facility.

- (a) The applicant or registered installer shall notify the designated representative that an inspection is desired at least 1 working day prior to the need for inspection.
- (b) The applicant or registered installer shall provide whatever reasonable assistance the designated representative requests in order to make the inspection.
- (c) The applicant or registered installer must be present at the time of the inspection for that facility.

13.06.010 Appeals.

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the board of adjustments of the city within ten (10) days of receipt of notice of the decision.

13.06.011 Enforcement

The designated representative may routinely inspect on-site sewage facilities to assure continued compliance with these Rules.

The designated representative shall inspect any on-site system that is believed to be causing pollution, a threat to the public health, nuisance conditions, or illegally installed or altered. If upon inspection, it is found that any of these conditions exists, the owner of the on-site sewage facility will be notified in writing of the violation, and what must be done to achieve compliance, and set a reasonable amount of time to comply. The on-site sewage facility shall be reinspected at the expiration of the allotted time.

- (a) If the facility is found to be compliant, a license therefore may be issued, or the existing license may be modified.
- (b) If the facility is found to be noncompliant, appropriate enforcement shall be taken.

13.06.012 Penalties.

This article adopts and incorporates all applicable penalty provisions related to on-site sewage facilities, which includes, but is not limited to, those found in chapters 341 and 366 of the Texas Health and Safety Code, chapters 7, 26, and 37 of the Texas Water Code, and title 30 Texas Administrative Code chapters 30 and 285.

#### Article 13.07. Impact Fees

13.07.001 Land use assumptions and capital improvements plan adopted.

- (a) Updated land use assumptions. The updated land use assumptions contained in the plan as adopted by the city, and incorporated herein for all purposes, are hereby adopted and approved and shall supersede any prior land use assumptions.
- (b) Updated capital improvements plan. The updated capital improvements plan contained in the plan as adopted by the city, and incorporated herein for all purposes, is hereby adopted and approved and shall supersede any prior capital improvements plan.

13.07.002 Definitions.

*Capital impact fee.* A charge in addition to water and wastewater connection charges made against the customer or property owner after February 20, 1996 to pay a proportionate share of the total cost of water and wastewater system improvements within the city.

*Capital improvements plan.* The water and wastewater impact fee study capital improvements plan adopted by the city council, as may be amended from time to time.

*Capital pro-rata fee.* A charge in addition to water and wastewater connection charges made against the customer or property owner prior to issuance of a building permit to pay a proportionate share of the total cost of water and wastewater system improvements within the city.

*Director.* The city administrator or the administrator's authorized representative.

*Fort Worth system facility access fees.* The system facility access fees are those impact fees imposed upon the City of Willow Park for providing water service to new development contained within the incorporated city limits of Willow Park and to which service is provided either directly or indirectly by the City of Fort Worth water system. The Fort Worth system facility access fees for residential and other classes of customers shall be the applicable water system impact fees set and assessed by the City of Fort Worth pursuant to the Fort Worth wholesale water agreement made and entered into between the City of Fort Worth and the City of Willow Park dated March 25, 2019, as may be amended.

*Fort Worth wholesale water agreement.* The wholesale water agreement dated March 25, 2019, between the City of Fort Worth and the City of Willow Park, as may be amended.

*Land use assumptions.* The land use assumptions adopted by the city council upon which the capital impact fees are based.

*New development.* Subdivision of land; or the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units for water supply. New development includes the sale of water taps resulting from the conversion of an individual well to the city's water system. New developments also include increasing the size of the water meter serving the property.

13.07.003 Impact fee schedule.

For the purposes of the water impact fee schedule, a fee shall be charged per service unit which is defined as a service equivalent to a water connection for a single-family residence. For the purposes of the wastewater impact fee schedule, a fee shall be charged per service unit which is defined as the wastewater service provided to a customer with a water connection for a single-family residence. The water and wastewater impact fees shall be charged against each lot or tract of land and the owner thereof whose water and/or wastewater line is connected with any water line and/or wastewater line in the city, and such fee(s) shall be established by the city council after recommendation from the capital improvements advisory committee.

13.07.004 Increasing size of meter.

If a customer requests an increase in meter size to an existing service, the customer shall pay the fee difference between the new level of service and the existing level of service as set out in section 13.07.003 hereof. An additional fee shall be paid prior to installation of the enlarged meter service. A request for additional sewer connections for improved property shall not result in the assessment of an additional wastewater impact fee so long as no increase in the size of the water meter is made.

13.07.005 Payment; accounting.

- (a) The capital impact fee shall be fully paid in cash prior to the issuance of any building permit for the development and/or when application for water and/or sewer service is submitted to the city.
- (b) All capital impact fee funds collected shall be deposited in interest-bearing accounts clearly identifying the category of capital improvements or facility expansions for which the impact fee was collected. Interest earned on the impact fees deposited is considered funds of the account on which it is earned and is subject to the same restrictions placed on use of impact fees.

13.07.006 Review of land use assumptions and capital improvements plan.

- (a) The land use assumptions and capital improvements plan shall be updated at least every three years, with the initial three-year period beginning on the day the capital improvements plan was adopted by the city council.
- (b) The review, evaluation and update of the land use assumptions and capital improvements plan shall be done in accordance with chapter 395, Texas Local Government Code.

13.07.007 Use of fees.

- (a) Impact fee funds may be spent only for the purposes for which the impact fee was imposed as shown by the capital improvements plan and as authorized by subsection (b) of this section.
- (b) All capital impact fees may be used to pay the costs of constructing capital improvements or facility expansions identified in the capital improvement plan, including:
  - (1) Construction contract price.
  - (2) Surveying and engineering fees.
  - (3) Land acquisition costs, including land purchases, court award and costs, attorney's fees and expert witness fees; and
  - (4) Fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the city.
- (c) All capital impact fees may be used for the payment of principal and interest on bonds, notes or other obligations issued by or on behalf of the city to finance the capital improvements or facility expansions identified in the capital improvements plan.

13.07.008 Compliance with other regulations.

In addition to the capital impact fees, each property owner shall:

- (a) Construct or provide for the construction of all water and wastewater lines located within, contiguous or adjacent to their property necessary to satisfy the city's minimum specifications and requirements but that are not a part of the capital improvements plan for the city; and
- (b) Pay all water and wastewater connection charges in accordance with applicable provisions of the city code and all other rules and regulations of the city.

13.07.009 Refunds.

- (a) On the request of an owner of the property on which an impact fee has been paid, the city shall refund the impact fee if existing facilities are available and service is denied or the city has, after collecting the fee when service is not available within a reasonable period considering the type of capital improvement or facility expansion to be constructed, but in no event later than five years from the date of payment.
- (b) On completion of the capital improvements or facility expansions identified in the capital improvements plan, the city shall recalculate the impact fee using the actual costs of the capital improvements or facility expansion. If the impact fee calculated based on actual cost is less than the impact fee paid, the city shall refund the difference if the difference exceeds the impact fee paid by more than 10 percent.
- (c) The city shall refund any impact fee or part of it that is not spent as authorized by section 13.07.007 within 10 years after the date of payment.
- (d) Any refund shall bear interest calculated from the date of collection to the date of refund at the statutory rate as set forth in V.T.C.A., Finance Code, section 302.002, or its successor statute.
- (e) All refunds shall be made to the record owner of the property at the time the refund is paid. However, if the impact fees were paid by another political subdivision or governmental entity, payment shall be made to the political subdivision or governmental entity.

13.07.010 Applicability to government entities.

Political subdivisions and other government entities are subject to the impact fees imposed under this article.

13.07.011 Effect of article; amendments.

- (a) This article is subject to amendment by the city council pursuant to its governmental and legislative power and upon a finding and conclusion that the then-current land use assumptions and actual development and construction of capital improvements or facility expansions reflect a change in the estimates and projections used to calculate the total projected number of service units and costs of capital improvements and resulting capital impact fees.
- (b) This payment and collection of the capital impact fees shall not obligate the city to provide any specific capital improvement unless approved by the city council and shall not guarantee any specific level or quality of capital improvement or facility expansion.

Article 13.08. Pollution Control Near Public Water Supply Wells

13.08.001 Purpose.



This article is to prevent certain uses and the construction of facilities in or on land surrounding any well that is part of the public water system (“wells”), which might create a danger of pollution to the water produced from such wells.

13.08.002 Prohibited activities.

The below-listed construction, operation or activities are prohibited within the designated areas of land surrounding the wells:

- (a) 500-foot restriction. No animal feedlots, solid waste disposal sites, land on which sewage plant or septic tank sludge is applied, or lands irrigated by sewage plant effluent, or sewage treatment plant is allowed within 500 feet of the wells.
- (b) 300-foot restriction. No sewage wet well, sewage pumping station or drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems is allowed within 300 feet of the wells.
- (c) 150-foot restriction. No septic tank with perforated drain field, areas irrigated by low dosage, low angle spray on-site sewage facilities, absorption bed, evapotranspiration bed, improperly constructed water well, or underground petroleum and chemical storage tank or liquid transmission pipeline is allowed within 150 feet of the wells.
- (d) 50-foot restriction. No tile or concrete sanitary sewer, sewerage appurtenance, or livestock in pastures is allowed within 50 feet of the wells.
- (e) 10-foot restriction. Sanitary or storm sewers constructed of ductile iron or polyvinyl chloride (PVC) pipe meeting American Water Works Association (AWWA) standards, having a minimum working pressure of one hundred fifty pounds per square inch (psi) or greater, and equipped with pressure type joints, are allowed within 10 feet of the wells.
- (f) Residential construction. Construction of homes or a building upon any area of land within a 150-foot radius of the wells is permitted, provided the restriction items in subsections (1) through (5) above are met.
- (g) Farm and ranch operations. Normal farming and ranching operations are not prohibited by this article. However, livestock shall not be allowed within a 50-foot radius of the wells.

13.08.003 Right of entry.

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

13.08.004 Penalty.

Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount in accordance with the general penalty provided in section 1.01.009 of this code. Each day of violation shall constitute a separate offense.

13.08.005 Removal of prohibited construction or source of contamination.

Any person who shall violate any provision of this article shall be required to remove the prohibited construction or potential source of contamination within 30 days after notification that they are in violation of this article. The city may also institute civil proceedings for enforcement.

13.08.006 Conflicting regulations.

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

## Article 13.09. Drought Contingency and Emergency Water Management

### Division 1. Generally

13.09.001 Definitions

*Aesthetic water use.* Water used for ornamental or decorative features such as fountains, reflecting pools and water gardens.

*Alternative Water Source.* Water produced by a source other than a water treatment plan and is not considered potable. These sources can include but are not limited to:

- (a) reclaimed/recycled water,
- (b) collected rainwater,
- (c) collected grey water,
- (d) private well water.

*Athletic field.* A sport playing field, the essential feature of which is turf grass, used primarily for organized sports for schools, professional sports, or sanctioned league play.

*Automatic Irrigation System.* A site-specific system of delivering water generally for landscaping via a system of pipes or other conduits installed below ground that automatically cycles water use through water emitters to a present program, whether on a designed timer or through manual operation.

*Aquatic Life.* Vertebrate organisms that are dependent upon an aquatic environment to sustain its life.

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

*Customer.* Any person, company, or organization using water supplied by the City or through an entity supplied by the City.

*Drip irrigation.* An irrigation system (drip, porous pipe, etc.) that applies water at a predetermined controlled low-flow levels directly to the roots of the plant.

*Drought Contingency Plan.* Means a strategy or combination of strategies for temporary supply management and demand management responses to temporary or potentially recurring water supply shortages and other water supply emergencies.

*Fountain.* An artificially created jet, stream or flow of water, a structure, often decorative, from which a jet, stream or flow of water issues.

*Golf Course.* Means an irrigated and landscaped playing area made up of greens, tees, fairways, roughs and related areas used for the playing of golf.

*Hand-held hose.* A hose physically held by one person, fitted with a manual or automatic shutoff nozzle.

*Hand Watering.* The application of water for irrigation purposes through a hand-held watering hose, watering can, or bucket.

*Hose-end Sprinkler.* A device through which water flows from a hose to a sprinkler to water any lawn or landscape.

*Hosing.* To spray, water, or wash with a water hose.

*Industrial water use.* Means the use of water for or in connection with commercial or industrial activities, including but not limited to, manufacturing, bottling, brewing, food processing, scientific research and technology, recycling, production of concrete, asphalt, and cement, commercial uses of water for tourism, entertainment, and hotel or motel lodging, generation of power other than hydroelectric and other business activities.

*Irrigation system.* Means a system of fixed pipes and water emitters that apply water to landscape plants or turfgrass, including but not limited to in-ground and permanent irrigation systems.

*Lake, lagoon or pond.* An artificially created body of fresh or salt water.

*Landscape irrigation use.* Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, rights-of-way, medians and entry ways.

*“New landscape.”* Landscape plants or turfgrass installed during construction of a new house, multi-family dwelling or commercial building; installed as part of a governmental entity’s capital improvement project; or alters more than one-half the area of an existing landscape.

*Non-essential water use.* Water uses that are not required for the protection of public health, safety and welfare, such as:

- (a) Irrigating landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this plan;
- (b) Washing any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas; except to alleviate a public health and safety issue;
- (c) Washing any automobile, motorbike, boat (and/or trailer), airplane, or other vehicle except where required by law for safety and sanitary purposes.
- (d) Washing buildings or structures for purposes other than immediate fire protection, or other uses provided under this plan;
- (e) Filling, refilling, or adding to any swimming pools or Jacuzzi-type pools, except to maintain safe operating levels;
- (f) Filling or operation of a fountain or pond for aesthetic or scenic purposes except when necessary to support aquatic life;
- (g) Failure to repair a controllable leak within a reasonable time period after being directed to do so by formal notice; and
- (h) Drawing from hydrants for construction purposes or any other purpose other than firefighting or protection of public drinking water supplies.

*Park.* A non-residential or multifamily tract of land, other than a golf course, maintained by a city, private organization, or individual, as a place of beauty or public recreation and available for use to the general public.

*Power/Pressure washer.* Machine that uses water or a water-based product applied at high pressure to clean impervious surfaces.

*Pressure washer (High-Efficiency).* A machine that uses water or a water-based product applied at 1500 pounds per square inch (PSI) or greater.

*Reclaimed Water.* Municipal wastewater effluent that is given additional treatment and distributed for reuse in certain applications. Also referred to as recycled water.

*Soaker hose.* A flexible hose that is designed to slowly emit water across the entire length and connect directly to a flexible hose or spigot. Does not include hose that by design or use sends a fine spray in the air. It is not considered drip irrigation.

*Splash Pad/Spray Park.* An area for water play that has no standing water. Typically, they utilize various spray nozzles which spray water in multiple directions.

*Swimming pool.* Any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any point.

*Vegetable garden.* Any noncommercial vegetable garden planted primarily for household use; "noncommercial" includes incidental direct selling of produce from such a vegetable garden to the public.

*Well Water.* Water that has been, or is, obtained from the ground by digging, boring, or drilling to access an underground aquifer.

#### 13.09.002 Introduction and Objectives

The purpose of this Drought Contingency and Emergency Water Management Plan (subsequently referred to as the Plan) is as follows:

- (a) To conserve the available water supply in times of drought and emergency
- (b) To maintain supplies for domestic water use, sanitation, and fire protection
- (c) To protect and preserve public health, welfare, and safety
- (d) To minimize the adverse impacts of water supply shortages
- (e) To minimize the adverse impacts of emergency water supply conditions.

#### 13.09.003 Texas Commission on Environmental Quality Rules

TCEQ rule Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.1 (4) defines a drought contingency plan as “a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.”

TCEQ rules governing development of and minimum requirements for drought contingency plans for municipal water suppliers and wholesale water suppliers are contained in Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 and Rule 288.22, respectively.

#### 13.09.004 Water System Profile

As of July 2023, the city has a groundwater well system of 24 wells that produce water from both the Paluxy and Trinity aquifers. The capacity of the groundwater system is approximately 1.5 MGD. The city also has entered into a joint agreement with Hudson Oaks to purchase water from the City of Fort Worth. The City of Fort Worth has agreed to provide up to 3.4 MGD. The City of Fort Worth purchases water from the Tarrant Regional Water District (TRWD).

The City of Willow Park also has a connection in place and is able to purchase up to 200,000 gpd of water from the City of Weatherford in an emergency.

As of July 2023, The City of Willow Park has approximately 105 commercial connections and 2000 residential connections and maintains approximately 60 miles of distribution pipelines. The city expects to add approximately 150 connections per year over the next 10 years.

In accordance with Section 2.3 of the wholesale water contract with Fort Worth, the City of Willow Park, as a wholesale customer, will be required to institute and apply the same rationing, conservation measures or restrictions to the use of water by their customers for so long as any part of their total water supply is being furnished by Fort Worth. This drought contingency plan is modeled after the City of Fort Worth's plan.

#### 13.09.005 Public Involvement

The public had several opportunities to provide input into the plan.

- (a) A public meeting soliciting comments was held on March 5th, 2019. The meetings were advertised on the city Web site and published in the Community News.
- (b) The draft plan was posted on the City of Willow Park's Web site ([www.willowpark.org](http://www.willowpark.org)) for one month prior to City Council adoption.
- (c) Copies were available to anyone upon request.

#### 13.09.006 Public Education

The city will inform and educate the public about the Drought Contingency/Emergency Water Management Plan by the following means:

- (a) Preparing fact sheets describing the plan and making these available online and at various city sites.
- (b) Mailing out fact sheets to all water customers.
- (c) Posting a copy of the Plan on the city's Web site.
- (d) Notifying local organizations, schools, and civic groups that staff are available to make presentations on the plan.
- (e) Various social media platforms, including email and text messaging as applicable.

At any time that the Drought Contingency/Emergency Water Management Plan is activated or the stage changes, the City will notify local media of the issues, the current response stage, and the specific actions required of the public. The information will also be publicized on the city's Web site. Bill inserts will also be used as appropriate.

## Division 2. Initiation and Termination of Drought and Emergency Response Stages

### 13.09.020 Applicability.

The provisions of this Plan shall apply to all persons, customers, and property utilizing potable water provided by the City of Willow Park. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities. The Plan does not apply to locations using treated wastewater effluent or private wells.

The Plan may be applied to the entire city or geographic portions of the city as necessary. If the Plan is applied only to a limited sector, the boundaries will be defined in terms of roadways, creeks and other easily distinguishable features, such as city limits.

### 13.09.021 Initiation of Drought/ Emergency Water Management Stage

The City administrator or his/her official designee may order the implementation of a drought response or water emergency stage when one or more of the trigger conditions for that stage is met. The following actions will occur when a stage is initiated.

- (a) The public will be notified through local media and the City of Willow Park Web site, as described in 13.09.006.
- (b) The City of Willow Park Water Department will notify the Executive Director of the TCEQ within 5 business days when mandatory provisions of the Plan are activated.

Stages imposed by the City of Fort Worth's action must be initiated by the City of Willow Park.

For other trigger conditions, the City administrator or his/her official designee may decide not to order the implementation of a drought response or water emergency stage even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

### 13.09.022 Termination of a Drought Stage

The City administrator or his/her official designee may order the termination of a drought response or water emergency stage when the conditions for termination are met or at their discretion. The following actions will be taken when a drought stage is terminated:

- (a) The public will be notified through local media and the City of Willow Park Web site, as described in 13.09.006.
- (b) If any mandatory provisions of the drought contingency/emergency water management plan that have been activated are terminated, the City of Willow Park Water Department will notify the Executive Director of the TCEQ within 5 business days.

The City administrator or his/her official designee may decide not to order the termination of a drought response stage or water emergency even though the conditions for termination of the stage are met. The City administrator or his designee may choose to implement a phased-out approach when exiting various stages to protect the integrity of the system. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potentially changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

### Division 3. Drought and Emergency Response Stages

#### 13.09.040 Stage 1- Water Watch

##### (a) Triggering Conditions

- (1) City of Willow Park Water demand reaches or exceeds 90% of reliable delivery capacity over a 24-hour period. The delivery capacity could be citywide or in a specified portion of the system.
- (2) City of Willow Park water treatment or distribution system becomes contaminated.
- (3) City of Willow Park's water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
- (4) City of Willow Park's water supply system is unable to deliver water due to the failure or damage of major water system components.
- (5) To initiate the updated Drought Contingency plan, on or around May 1, 2019, the City of Willow Park will begin in Stage 1 Drought Conditions and will terminate Stage 1 at the discretion of the City Administrator or their designee.

##### (b) Terminating Conditions for Stage 1

At the discretion of the City Administrator or his designee, Stage 1 will terminate when the conditions triggering Stage 1 have ceased to exist for a period of 3 consecutive days for any initiation due to Willow Park water supply or upon notification from Fort Worth that they are terminating Stage 1 for their wholesale customers.

##### (c) Goal for Use Reduction for Stage 1



The goal for water use reduction under Stage 1, Water Watch, is five percent. If circumstances warrant or if required by the City of Fort Worth, the Willow Park City Administrator or his/her official designee can set a goal for greater water use reduction.

(d) Actions Available for Stage 1

The Willow Park City Administrator or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary. The Willow Park City Administrator or his/her official designee must follow the action(s) required by the City of Fort Worth.

(e) All Water Users

Initiate mandatory restrictions to prohibit non-essential water use as follows:

- (1) Discourage hosing of paved areas, such as sidewalks, driveways, parking lots, tennis courts, patios, or other impervious surfaces, except to alleviate an immediate health or safety hazard. This may include premises with raw or processed food, pharmaceutical or vaccine processing, storage or vending establishments including restaurants and grocery stores may be washed to the extent necessary for sanitary purposes. These areas may also include:
  - (A) Trash and dumpster areas
  - (B) Areas around fuel pumps
  - (C) Store front cleaning of areas with accumulated bird droppings, feathers and debris
  - (D) Localized spot cleaning of parking areas to remove oil, grease buildup that may pose a health and safety issue.
- (2) Discourage hosing of buildings or other structures for purposes other than fire protection or surface preparation prior to painting.
- (3) Prohibit using water in such a manner as to allow runoff or other waste, including:
  - (A) failure to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet.
  - (B) operating a permanently installed irrigation system with: (a) a broken head; (b) a head that is out of adjustment and the arc of the spray head is over a street or parking lot; or (c) a head that is misting because of high water pressure; or
  - (C) during irrigation, allowing water to (a) to run off a property and form a stream of water in a street for a distance of 50 feet or greater; or (b) to pond in a street or parking lot to a depth greater than one-quarter of an inch.

- (D) Allowing or causing an irrigation system or other lawn watering device to operate during any form of precipitation or when temperatures are at or below 32 degrees Fahrenheit.
- (4) Prohibit outdoor watering with sprinklers or irrigation systems between 10 a.m. and 6 p.m.
  - (5) Limit landscape watering with sprinklers or irrigation systems at each service address to a twice per week schedule as outlined below. This includes landscape watering of parks, golf courses, and sports fields.
    - (A) Residential addresses ending in an even number (0, 2, 4, 6, or 8) may water on Wednesdays and Saturdays.
    - (B) Residential addresses ending in an odd number (1, 3, 5, 7 or 9) may water on Thursdays and Sundays.
    - (C) All non-residential locations (apartment complexes, businesses, industries, parks, medians, etc.) may water on Tuesdays and Fridays.
    - (D) No watering on Mondays.
  - (6) Exceptions:
    - (A) Watering on any day by handheld hose, drip irrigation, a soaker hose or tree bubbler. This exception is exclusively for trees, shrubs and foundations.
    - (B) Water use necessary for the repair of an irrigation system, plumbing line, fountain, etc. in the presence of the person making the repair.
    - (C) Outdoor watering at service addresses with large multi-station irrigation systems may take place in accordance with a variance granted by Willow Park City Administrator or his/her designee, if the City Administrator determines that a property cannot be completely irrigated with an average of three-quarters of an inch of water in a single day, and that the property should be divided into sections to be irrigated on different days. If approved, no station will be watered more than twice per week.
    - (D) If hydromulch, grass sod, or grass seed is installed for the purpose of establishing a new lawn, there are no watering restrictions for the first 30 days while it is being established. Residents and commercial users need to notify the City of Willow Park upon installation of new grass hydromulch, grass sod, or grass seed. After that, the watering restrictions set forth in this stage apply. (This does not include over seeding with rye, or seasonal grasses since turf already exists.)

- (E) If golf courses using City of Willow Park water for irrigation may water greens and tee boxes as necessary, however watering must be done before 10 a.m. and after 6 p.m. Encouraged to reduce water use by five percent (5%).
  - (F) Skinned areas of sports fields may be watered as needed for dust control.
  - (G) Watering of athletic fields (fields only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by five percent (5%).
  - (H) Public areas that are open to the public at-large and have a high –impact from frequent use may be allowed additional watering, with a variance granted by the Willow Park City Administrator, if it is deemed to be beneficial to serve and protect the community amenity. Examples may include but are not limited to: outdoor amphitheaters, demonstration gardens, public art exhibitions, outdoor learning areas, arboretums, etc.
  - (I) All users are encouraged to use native and adapted drought tolerant plants in landscaping.
  - (J) Washing of any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to the use of a hand-held bucket or a hand-held hose equipped with a positive-pressure shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the premises of a commercial car wash or commercial service station. Companies with an automated on-site vehicle washing facility may wash their vehicles at any time. Further, such washing may be exempt from these requirements if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
  - (K) Discourage the filling, draining, or refilling of swimming pools, wading pools, hot tubs, and Jacuzzi type pools except to maintain adequate water levels for structural integrity, proper operation, and maintenance, and/or to alleviate an issue that poses a public safety risk. Users of these types of activities must notify the City of Willow Park beforehand.
- (7) City and Local Governments- In addition to the actions listed above:
- (A) Review conditions and problems that caused Stage 1.
  - (B) Increase public education efforts on ways to reduce water use.
  - (C) Increase enforcement efforts.

- (D) Intensify leak detection and repair efforts.
  - (E) Audit all city and local government irrigation systems to ensure proper condition, settings, and operation.
  - (F) Identify and encourage voluntary reduction measures by high-volume water users through water use audits.
  - (G) Reduce non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
- (8) Commercial or Industrial- All actions listed above for all water users apply to commercial and industrial users.
- (A) Stock at commercial plant nurseries is exempt from Stage 1 watering restrictions.
  - (B) Hotels, restaurants, and bars are encouraged to serve drinking water to patrons on an “on demand” basis.
  - (C) Hotels are encouraged to implement laundry conservation measures by encouraging patrons to reuse linens and towels.
  - (D) Car wash facilities must keep equipment in good working order, which should include regular inspections to be sure there are no leaks, broken or misdirected nozzles, and that all equipment is operating efficiently.
  - (E) All commercial and industrial customers are encouraged to audit irrigation systems

13.09.041 Stage 2- Water Warning

(a) Triggering Conditions for Stage 2

- (1) City of Willow Park water demand reaches or exceeds 95% of reliable delivery capacity for a 24-hour period. The delivery capacity could be citywide or in a specified portion of the system.
- (2) City of Willow Park’s water distribution system becomes contaminated.
- (3) City of Willow Park’s water demand for all or part of the delivery system equals or exceeds delivery capacity because delivery capacity is inadequate.
- (4) Water supply system is unable to deliver water due to the failure or damage of major water system components.

(5) City of Fort Worth initiates Stage 2.

(b) Terminating Conditions for Stage 2

Stage 2 will terminate when the City of Fort Worth terminates its Stage 2 condition or when the circumstances that caused the initiation of Stage 2 no longer prevail.

(c) Goal for Use Reduction for Stage 2

The goal for water use reduction under Stage 2 – Water Warning is to decrease use by 10 percent. If circumstances warrant or if required by the City of Fort Worth, the Willow Park City Administrator or his/her official designee can set a goal for greater water use reduction.

(d) Actions Available for Stage 2

The Willow Park City Administrator or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary. The City Administrator or his/her official designee must implement any action(s) required by the City of Fort Worth.

(1) Continue actions under Stage 1.

(2) Initiate engineering studies to evaluate water supply alternatives should conditions worsen.

(e) All Water Users

(1) Limit landscape watering with sprinklers or irrigation systems to a once per week schedule at each service address as outlined below. This includes landscape watering at parks, golf courses, and sports fields.

(A) Residential addresses ending in an even number (0, 2, 4, 6, or 8) may water on Saturday

(B) Residential addresses ending in an odd number (1, 3, 5, 7 or 9) may water on Thursday

(C) All non-residential locations (apartment complexes, businesses, industries, parks, medians, etc.) may water on Tuesday

(D) No watering on Sunday, Monday, Wednesday, and Friday.

(2) Discourage the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

- (3) Discourage the filling, draining, or refilling of swimming pools, wading pools, hot tubs and Jacuzzi type pools except to maintain adequate water levels for structural integrity, proper operation and maintenance, and/or to alleviate an issue that poses a public safety risk. Users of these types of activities must notify the City of Willow Park beforehand.
- (4) Encourage the use of covers for all types of pools, hot tubs, and Jacuzzi type pools when not in use.
- (5) Exceptions
  - (A) Watering on any day by handheld hose, drip irrigation, a soaker hose or tree bubbler. This exception is exclusively for trees, shrubs, and foundations.
  - (B) Outdoor watering at service addresses with large multi-station irrigation systems may take place in accordance with a variance granted by the director of public works, if the director determines that a property cannot be completely irrigated with an average of three-quarters of an inch of water in a single day, and that the property should be divided into sections to be irrigated on different days. If approved, no station will be watered more than once per week.
  - (C) If Golf courses using City of Willow Park water for irrigation may water greens and tee boxes as needed to keep them alive, however watering must be done before 10 a.m. and after 6 p.m. Fairways are restricted to once per week watering as outlined above. Golf course rough cannot be watered. (No golf courses on city water.)
  - (D) Watering of athletic fields (fields only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by ten percent (10%).
  - (E) All users are encouraged to wait until the current drought or emergency has passed before establishing new landscaping and turf. After that, the watering restrictions set forth in this stage apply. (This does not include over seeding with rye (or other seasonal grass) since turf already exists.)
- (6) City and Local Governments
  - (A) Review conditions or problems that caused Stage 2. Take corrective action.
  - (B) Increase frequency of media releases on water supply conditions.

- (C) Further accelerate public education efforts on ways to reduce water use.
  - (D) Eliminate non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
  - (E) Prohibit wet street sweeping.
- (7) Commercial or Industrial
- (A) All actions listed above for all water users apply to commercial and industrial users.
  - (B) Use of water from fire hydrants for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare requires a variance issued by the Willow Park City Administrator or his/her official designee. Fire hydrant use may be limited to only designated hydrants.

13.09.042 Stage 3- Emergency Water Use

(a) Triggering Conditions

- (1) City of Willow Park water demand has reached or exceeds 98% of reliable delivery capacity for a 24-hour period. The delivery capacity could be citywide or in a specified portion of the system.
- (2) City of Willow Park's water distribution system becomes contaminated.
- (3) City of Willow Park's water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
- (4) Willow Park's water supply system is unable to deliver water due to the failure or damage of major water system components.
- (5) City of Fort Worth has initiated Stage 3 – Emergency Water Use

(b) Terminating Conditions for Stage 3

Stage 3 will terminate when the City of Fort Worth terminates its Stage 3 condition or when the circumstances that caused the initiation of Stage 3 no longer prevail.

(c) Goals for Use Reduction for Stage 3

The goal for water use reduction under Stage 3, Emergency Water Use, is to decrease use by 20 percent. If circumstances warrant or if required by the City of Fort Worth, the Willow Park City Administrator or his/her official designee can set a goal for a greater water use reduction.

(d) Actions Available for Stage 3

The Willow Park City Administrator or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary. The City of Willow Park Administrator or his/her official designee must implement any action(s) required by the City of Fort Worth.

- (1) Continue or initiate any actions available under Stages 1 and 2.

(e) All Water Users

- (1) Prohibit landscape watering, including at parks, golf courses, and sports fields.

Exceptions:

- (A) Watering with hand-held hose, soaker hose or drip irrigation system may occur any day and anytime. (The intent of this measure is to allow for the protection of structural foundations, trees, and other high value landscape materials).
  - (B) If golf courses that use City of Willow Park water for irrigation: greens only may be watered by hand-held hose as needed to keep them alive.
  - (C) Watering of athletic fields (fields only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events may be allowed to water by variance. A water management plan must be submitted to the Willow Park City Administrator detailing how each area will comply with stage 3 drought measures.
- (2) Prohibit establishment of new landscaping. Variances may be granted for those landscape projects started prior to the initiation of stage 3 drought restrictions.
  - (3) Vehicle washing restricted to commercial car wash, commercial service station or a private on-site vehicle washing facility and can only be done as necessary for health, sanitation, or safety reasons, including but not limited to the washing of garbage trucks and vehicles used to transport food and other perishables. All other vehicle washing is prohibited.
  - (4) Prohibit the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life.



- (5) Prohibit the draining, filling, or refilling of swimming pools, wading pools, and Jacuzzi type pools. Existing private and public pools may add water to maintain pool levels; however, they may not be refilled using automatic fill valves. Users of these types of activities must notify the City of Willow Park beforehand.
- (6) Prohibit hosing of buildings or other structures for purposes other than fire protection or surface preparation prior to painting with high-pressure equipment. Must be performed by a professional power washing service utilizing high efficiency equipment and a vacuum recovery system where possible.
- (7) City and Local Governments- In addition to actions listed above:
  - (A) Continue or initiate any actions available under Stages 1 and 2.
  - (B) Review conditions or problems that caused Stage 3. Take corrective action.
  - (C) Implement viable alternative water supply strategies.
  - (D) Increase frequency of media releases explaining emergency situation.
  - (E) Reduce city and local government water use to the maximum extent possible.
  - (F) Prohibit the permitting of new swimming pools, Jacuzzi type pools, spas, ornamental ponds, and fountain construction. Pools already permitted and under construction may be filled with water.
- (8) Commercial or Industrial
  - (A) All actions listed above for all water users apply to commercial and industrial users.
  - (B) Hotels, restaurants, and bars required to serve drinking water to patrons on an “on demand” basis.
  - (C) Hotels are required to implement laundry conservation measures by encouraging patrons to reuse linens and towels.
  - (D) Stock at commercial plant nursery may be watered only with a hand-held hose, hand-held watering can, or drip irrigation system.
  - (E) Commercial and industrial water users required to reduce water use by a set percentage determined by the Willow Park City Administrator or his/her official designee.

- (F) Use of water from hydrants for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare requires a special permit issued by the Willow Park City Administrator or his/her official designee. Fire hydrant use may be limited to only designated hydrants.

13.09.043 Procedures for Granting Variances to the Plan

- (a) The Willow Park City Administrator or his/her official designee may grant temporary variances for existing water uses otherwise prohibited under this plan if one or more of the following conditions are met:
  - (1) Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person requesting the variance.
  - (2) Compliance with this plan cannot be accomplished due to technical or other limitations.
  - (3) Alternative methods that achieve the same level of reduction in water use can be implemented.
- (b) Variances shall be granted or denied at the discretion of the Willow Park City Administrator or his/her official designee. All petitions for variances should be in writing, using the forms provided, and must include the following information:
  - (1) Name and address of the petitioner(s)
  - (2) Purpose of water use
  - (3) Specific provisions from which relief is requested
  - (4) Detailed statement of the adverse effect of the provision from which relief is requested
  - (5) Description of the relief requested
  - (6) Period of time for which the variance is sought
  - (7) Detailed schedule of irrigation that shows a reduction in use over the 30-day period for new lawns and landscapes. Schedule should be designed so that at the end of the 30-day period, lawn and landscaped areas can adhere to the twice per week schedule defined in Stage 1.
  - (8) Alternative measures that will be taken to reduce water use

- (9) Other pertinent information.

#### 13.09.044 Procedures for Enforcing Mandatory Water Use Measures

Mandatory water use restrictions may be imposed in Stages 1, 2, and 3. These mandatory water use restrictions will be enforced by warnings and penalties as follows:

- (a) On the first violation, customers will be given a written warning that they have violated the mandatory water use restrictions.
- (b) On the second and subsequent violations, citations may be issued to customers with a minimum and maximum fine established by ordinance.
- (c) After three violations have occurred, the utility may cut off water service to the customer.

#### 13.09.045 Review and Update of Plan

As required by TCEQ rules, the City of Willow Park will review this plan at least every five (5) years. The plan will be updated as appropriate based on new or updated information.

### Article 13.10. Cross-Connection Control

#### Division 1. Generally

##### 13.10.001. Purpose.

Pursuant to title 30, Texas Administrative Code, section 290.44, it is the responsibility of the city to protect its drinking water supply by instituting and enforcing a cross-connection program. The purpose of this article, therefore, is to comply with the above-cited regulatory requirements and to protect the water supply of the city from contamination or pollution due to any cross connections.

##### 13.10.002. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated. If a word or term used in this article is not contained in the following list, it shall have the definition provided for such word or term in the latest edition of the Manual of Cross-Connection Control published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California.

*Approved backflow prevention assembly (or backflow assembly or assembly).* An assembly to counteract backpressure or prevent back siphonage. This assembly must appear on the list of approved assemblies issued by the City of Fort Worth water department.

*Auxiliary supply.* Any water source or system other than the public water system that may be available in a building or on a property.

*AVB.* Atmospheric vacuum breaker.

*Backflow.*

- (a) The flow in the direction opposite to the normal flow; or
- (b) The introduction of any foreign liquids, gases, or substances into the public water system.

*Boresight (or boresight to daylight).* Providing adequate drainage for backflow prevention assemblies installed in vaults through the use of an unobstructed drainpipe.

*Commission (or TCEQ).* The Texas Commission on Environmental Quality and its successor agencies.

*Contamination.* The presence in or entry into a public water supply system of any substance which may be deleterious to the public health and/or the quality of the water.

*Cross connection.* Any physical arrangement where a potable water supply is actually or potentially connected with any nonpotable water system, used water system or auxiliary water supply, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp cooler, air conditioning unit, fire protection system, or any other assembly which contains, or may contain, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change over assemblies, or other temporary or permanent assemblies through which, or because of which, backflow may occur are considered to be cross connections.

*DC.* Double check valve backflow prevention assembly.

*DDC.* Double detector check valve assembly.

*Degree of hazard.* The low or high hazard classification that shall be attached to all actual or potential cross connections.

*Department.* The water department of the City of Willow Park.

*Director.* The city's director of public works and the directors authorized representatives.

*Double check valve backflow prevention assembly (or double check assembly or double check).* An assembly which consists of two independently operating check valves which are spring loaded or weighted. The assembly comes complete with a gate valve on each side of the checks, as well as test cocks to test the checks for tightness.

*Drinking water.* Water distributed for human consumption, for use in preparing food or beverages, or for use in cleaning a utensil or article used in preparing food or beverages for, or consuming food or beverages by, human beings.

*Health hazard.* An actual or potential threat or contamination of a physical or toxic nature dangerous to health to the public potable water system or a consumer's potable water system.

*High hazard.* The classification assigned to a cross connection that could potentially allow a substance that may cause illness or death to a person to backflow into the potable water supply.

*Human consumption.* Uses by humans in which water can be ingested into or absorbed by the human body. Examples of these include, but are not limited to, drinking, cooking, brushing teeth, bathing, washing hands, preparing foods, and washing dishes, utensils, and other articles used in the preparation or consumption of food.

*Inspector.* A person that is a certified cross connection inspector employed by or under contract with the city.

*Low hazard.* The classification assigned to a cross connection that could potentially allow a substance that may be objectionable but not hazardous to a person's health to backflow into the potable water supply.

*Nonresidential use.* Shall include all uses not specifically included in "residential use."

*Plumbing code.* The city's current adopted issue of the International Plumbing Code.

*Plumbing hazard.* An internal or plumbing-type cross connection in a consumer's potable water system that may be either a pollution or contamination hazard.

*Point of use isolation.* The appropriate backflow prevention within a consumer's water system at the point at which a cross connection exists.

*Potable water supply.* Any water supply intended or used for human consumption or other domestic use.

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

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

*Public water system.* Any public or privately owned water system which supplies water for human consumption. The system includes all services, reservoirs, facilities, and equipment used in the process of producing, treating, storing, or conveying water for public consumption.

*PVB.* Pressure vacuum breaker.

*Reduced pressure principle back-flow prevention assembly (or reduced pressure assembly or RIP assembly or RP).* An assembly containing two 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 test cocks and tightly closing shut-off valves at the end of the assembly.

*Residential use.* Single-family dwellings, duplexes, multiplex housing and apartments where the individual units are each on a separate meter, or, in cases where two or more units are served by one meter, the units are full-time dwellings.

*Service connection.* The point of delivery at which the water purveyor loses control of the water.

*System hazard.* An actual or potential threat of severe danger to the physical properties of the public or a consumer's potable water supply, or an actual or potential threat of pollution or contamination that would have a detrimental effect on the quality of the potable water in the system.

*Tester.* A person who is a certified backflow prevention assembly technician approved and registered with the director.

*Thermal expansion.* Heated water that does not have the space to expand.

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

## DIVISION 2 Cross-Connection Control Regulations

### 13.10.020 Cost of compliance.

The cost of complying with these regulations shall be the responsibility of the property owners and their lessees. These costs include but are not limited to purchasing, installation, testing and repair of the assembly. These costs shall also include point of use and premise isolation assemblies. Any cost incurred by the city to enforce this article is the responsibility of the property owners and their lessees.

### 13.10.021 Responsibilities of owners and renters.

(a) It is the responsibility of all property owners and lessees to abide by the conditions of this article. If changes are made to a premises' plumbing system, the property owner shall notify the director.

(b) The owner of leased premises is responsible for the installation, testing and repair of all backflow assemblies on the premises. When the lessee changes, the owner shall immediately notify the city.

13.10.022 Backflow prevention assembly requirements.

- (a) A certified cross connection inspector employed by or under contract with the city shall determine the type and location of backflow assembly to be installed within the city's water service area.
- (b) At a minimum, a backflow prevention assembly will be required in each of the following circumstances:
  - (1) When the nature and extent of any activity at a premises, or the materials used in connection with any activity at a premises, or materials stored at a premises, could contaminate or pollute the potable water supply.
  - (2) When a premises has one or more cross connections.
  - (3) When internal cross connections are present that are not correctable.
  - (4) When intricate plumbing arrangements are present that make it impractical to ascertain whether cross connections exist.
  - (5) When a premises has a repeated history of cross connections being established or reestablished.
  - (6) When entry to a premises is unduly restricted so that inspections for cross connections cannot be made with sufficient frequency to assure that cross connections do not exist.
  - (7) When materials are being used such that, if backflow should occur, a health hazard could result.
  - (8) When installation of an approved backflow prevention assembly is deemed by an inspector to be necessary to accomplish the purpose of these regulations.
  - (9) When an appropriate cross connection survey report form has not been filed with the director.
  - (10) When a fire sprinkler system using nonpotable piping material is connected to the city's water system.
  - (11) In all new nonresidential construction there shall be installed an approved backflow assembly at the service connection. The type of the assembly will be commensurate with the degree of hazard as determined by an inspector.
  - (10) 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 shall be installed at the service connection to provide protection of the public water supply in the event of the most hazardous use of the building.

- (13) If a premises is required to have backflow prevention assemblies, but water cannot be turned off during the testing of such assemblies, the premises shall be equipped with dual backflow prevention assemblies of the same type so that testing, repair and maintenance can be performed.
  - (14) Any used water return system that has received approval from the director.
  - (15) If a point of use assembly has not been tested or repaired as required by this article, a premise isolation assembly shall be required.
  - (16) If an inspector determines that additions or rearrangements have been made to the plumbing system without the proper permits as required by the plumbing code, premise isolation shall be required.
  - (17) All multistory buildings or any building with a booster pump or elevated storage tank.
  - (18) Retrofitting shall be required on all high hazard connections and wherever else the director deems retrofitting necessary.
- (c) Any premises requiring multiple service connections for adequacy of supply and/or fire protection shall have a backflow assembly on each service connection. The assembly shall be commensurate with the degree of potential hazard that could occur in the event of an interconnect between any of the buildings on the premises.
  - (d) A person commits an offense if the person owns or is in control of any premises and knowingly fails to install and maintain backflow prevention assemblies on said premises as required by this section.
  - (e) A person commits an offense if the person owns, operates or manages any premises and backflow from the premises enters the public water supply system.

#### 13.10.023 Residential service connections.

If the director determines that residential premises have a cross connection, said premises shall be equipped with an approved backflow, prevention assembly installed in accordance with this article.

#### 13.10.024 Plumbing code.

As a condition of water service, customers shall install, maintain, and operate their piping and plumbing systems in accordance with the plumbing code. If there is a conflict between this article and the plumbing code, the more restrictive provision shall apply.



13.10.025 Installation requirements.

- (a) Backflow prevention assemblies shall be installed in accordance with the following requirements to ensure their proper operation and accessibility:
- (1) Backflow prevention assemblies shall be installed in accordance with the plumbing code and this article. The assembly installer shall obtain the required plumbing permits prior to installation and shall have the assembly inspected by a certified cross connection inspector and as required by the plumbing code.
  - (2) No part of a reduced pressure principle backflow, prevention assembly shall be submerged in water or installed in a location subject to flooding. If a double check valve assembly is installed in a vault, brass plugs shall be maintained in the test ports at all times and adequate drainage shall be provided.
  - (3) Assemblies shall be installed at the point of delivery of the water supply, before any branch in the line, and on private property located just inside the boundary of the city's right-of-way. An inspector may specify other areas for installation of the assembly.
  - (4) The assembly shall be protected from freezing and other severe weather conditions.
  - (5) All backflow prevention assemblies shall be of a type and model approved by the director.
  - (6) All vertical installations shall be approved in writing by the director prior to installation.
  - (7) The assembly shall be readily accessible with adequate room for maintenance and testing. Assemblies two inches and smaller shall have at least a six-inch clearance on all sides of the assembly. All assemblies larger than two inches shall have a minimum clearance of 10 inches on the back side, 24 inches on the test cock side, 10 inches below the assembly and 36 inches above the assembly. "Y" pattern double check valve assemblies shall be installed so that the checks are horizontal and the test cocks face upward.
  - (8) If the director grants written permission to install the backflow assembly inside of a building, the assembly shall be readily accessible between 8:00 a.m. and 5:00 p.m., Monday through Friday.
  - (9) If an assembly is installed pursuant to subsection (a)(8), and is four inches or larger and is installed five feet or higher above the floor, it shall be equipped with a rigidly and permanently installed scaffolding acceptable to the director. This installation shall also meet all applicable requirements set out by the U. S. Occupational Safety and Health Administration and the state occupational safety and health laws.

- (10) RP assemblies may be installed in a vault only if relief valve discharge can be drained to daylight through a boresight type drain. The drain shall be of adequate capacity to carry the full rated flow of the assembly and shall be screened on both ends.
- (11) An approved air gap shall be located at the relief valve orifice of RIP assemblies. This air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain and in no case less than one inch.
- (10) Upon completion of installation, the property owner shall notify the director to inspect the assemblies. The property owner shall register all backflow assemblies with the director. Registration shall consist of date of installation, manufacturer, model, serial number of the backflow prevention assembly, and initial test report.
- (b) A person commits an offense if the person installs a backflow prevention assembly in violation of this section.
- (c) A person commits an offense if the person fails to notify the director to inspect a backflow prevention assembly after its installation as required by this section.
- (d) A person commits an offense if the person fails to register a backflow prevention assembly as required by this section.

13.10.026 Testing of assemblies.

- (a) The property owner will cause the inspection and testing of all assemblies in each of the following circumstances:
  - (1) Immediately after installation.
  - (2) Whenever the assembly is moved.
  - (3) A minimum of once every five (5) years for all double check assemblies and pressure vacuum breakers on irrigation systems without additive administration.
  - (4) A minimum of once a year for all double check assemblies and pressure vacuum breakers installed on systems other than irrigation or irrigation systems with additive administration.
  - (5) Any premise that has RP assemblies as point of use protection without high hazard premise isolation protection must be tested every six months.
  - (6) Any premise that has an RIP assembly as premise isolation without high hazard point of use protection must be tested every six months.

- (7) Immediately after repair.
- (b) Assemblies may be required to be tested more frequently if the director deems necessary.
- (c) All assembly testing shall be performed by a certified and registered backflow prevention assembly tester, in accordance with city-approved test procedures.
- (d) It is the responsibility of the property owner and the person in control of the premises to have all assemblies tested in accordance with this article.
- (e) A person commits an offense if the person owns or is in control of any premises and knowingly fails or refuses to have the backflow prevention assemblies installed on said premises inspected or tested as required by this section.
- (f) The city shall not be liable for damage to an assembly that occurs during testing, when such damage results from metal fatigue or deteriorated metal, or when such damage occurs under standard testing procedures.

13.10.027 Maintenance of assemblies.

- (a) A person who owns, operates, or manages premises in which required backflow prevention assemblies are installed shall maintain such assemblies in proper working order at all times, including repair as required. All maintenance and repair of assemblies shall be done in accordance with all applicable regulations of the commission and this article.
- (b) Backflow prevention assemblies shall be maintained in a manner that allows them to be tested by a method that has been approved by the director.
- (c) A person commits an offense if the person knowingly fails to maintain backflow prevention assemblies in compliance with this article.
- (d) A person commits an offense if the person knowingly fails to comply with a repair order issued by the director.

13.10.028 Thermal expansion.

It is the responsibility of the property owner to eliminate the possibility of thermal expansion, if a closed system has been created by the installation of a backflow assembly.

13.10.029 Pressure loss.

Any water pressure drop caused by the installation of a backflow assembly shall not be the responsibility of the city. The department may give reasonable assistance to a property owner regarding information on adequate sizing of assemblies and proper plumbing practices to provide for required pressure and flows for fire protection.

13.10.030 Negative Pressure.

Equipment, appliances, fixtures, or devices installed in residential or commercial buildings and are subject to or may be adversely affected by negative water pressure, must be protected by a pressure vacuum breaker or a device approved by the product manufacture. It is the property owner's responsibility to ensure their structures are protected from negative water pressure (i.e., VB, Vacuum Breaker) or positive water pressure, (i.e, PRV, PRV Valve, Pressure Reducing Valve) or by having some type of approved device installed.

13.10.031 Mobile units.

- (a) A person who owns or operates any vehicle that uses water from the city's public water system shall obtain a use permit from the director before accessing the public water system. The director may require a fixed air gap or backflow assembly mounted either on the vehicle or piping.
- (b) The failure of the owner or operator of the vehicle to comply with this article shall be grounds for the city to revoke any permit or license required under the city code to operate the vehicle or the business for which such vehicle is used.
- (c) The director may deny a use permit to any person who is not in compliance with this article or who has a history of violating the requirements of this section.
- (d) A person commits an offense if the person operates or causes to be operated a vehicle in violation of this section.

13.10.032 Right-of-way encroachment.

- (a) No person shall install or maintain a backflow prevention assembly upon or within any city right-of-way except as provided by this section.
- (b) No encroachment agreement as required by the "buildings" chapter of the city code will be necessary, but all other permits required by the city code to perform work in the right-of-way shall be obtained.
- (c) A backflow prevention assembly required by this article may be installed upon or within any city right-of-way only if the owner proves to the city that there is no other feasible location for installing the assembly and installing it in the right-of-way will not interfere with traffic or utilities. The city retains the right to approve the location, height, depth, enclosure, and other requisites of the assembly prior to its installation.
- (d) Any assembly or portion of an assembly which extends above ground shall be located no closer than 18 inches to the face of the curb.

- (e) A property owner shall, at the request of the city and at the owner's sole expense, relocate a backflow prevention assembly which encroaches upon any city right-of-way when such relocation is necessary for street or utility construction or repairs, or for purposes of public safety.
- (f) A person commits an offense if the person installs or maintains a backflow prevention assembly in violation of this section.
- (g) A person commits an offense if the person fails to relocate a backflow prevention assembly located in or upon any city right-of-way after receiving a written order from the city to do so.
- (h) A backflow prevention assembly installed or maintained in city right-of-way in violation of this section, or an order issued pursuant to this section, is hereby declared to be an offense.

13.10.033 Certification of backflow prevention assembly testers.

- (a) All backflow assembly testers operating within the city shall be certified in accordance with all applicable regulations of the commission and this article. No person shall operate as a backflow prevention assembly tester within the city without first being annually certified by the director.
- (b) At the time of certification, recertification, and upon the director's request, each person certified as a backflow prevention assembly tester shall furnish evidence to show that he is insured and bonded to perform services on private property and has current all licenses required by the state and the city to perform the contemplated services.
- (c) Persons certified as backflow prevention assembly testers shall meet the following requirements:
  - (1) High school diploma, or equivalent.
  - (2) Attend a TCEQ approved backflow assembly tester certification training course.
  - (3) Successfully pass a TCEQ approved written examination.
  - (4) Submit a completed application form for "The City of Willow Park Certified Backflow Assembly Tester" to the director.
  - (5) Receive confined space entry training certification.
  - (6) Maintain general commercial liability insurance and automobile liability insurance with the following minimum limits: \$250,000.00 per person and \$500,000.00 per accident for bodily injury and \$100,000.00 per accident for property damage, or \$500,000.00 if combined.

- (d) A person commits an offense if the person knowingly operates as a backflow prevention assembly tester within the city without a valid certification issued by the director.

13.10.034 Backflow prevention assembly tester responsibilities.

- (a) No certified backflow assembly tester shall operate within the city without first registering with the director. The director shall determine whether an applicant is eligible for registration.
- (b) A registration shall remain in effect provided:
  - (1) The tester maintains eligibility for registration and certification;
  - (2) The tester tests a minimum of 5 assemblies a year in the city;
  - (3) The tester annually attends and successfully completes a recertification training course approved by the director; and
  - (4) Registration is not revoked by the director.
- (c) Upon recertifying, a tester shall renew his/her registration with the director. If a certification remains expired for a period of one year, the tester shall reestablish registration eligibility.
- (d) Each applicant for registration shall:
  - (1) Provide evidence to the director to establish that the applicant has available the necessary tools and equipment to properly test backflow prevention assemblies;
  - (2) Provide evidence to the director that the applicant has successfully completed “permit confined-space entry training” as specified by Federal Occupational Safety and Health Agency’s 29 CFR 1910.146; and
  - (3) Identify all test gauges the applicant will use in testing backflow prevention assemblies.
- (e) A registered backflow prevention assembly tester shall:
  - (1) File the serial number of each of his test kits with the director;
  - (2) Annually have each recorded test kit tested for accuracy and calibrated to maintain a 2% accuracy factor;
  - (3) Perform competent and accurate certifications of each backflow prevention assembly tested and submit complete reports thereof to the director;

- (4) List registered serial numbers of test gauges on tests and maintenance reports prior to submitting them to the director; and
  - (5) Shall not change the design or operation characteristics of a backflow prevention assembly.
- (f) The director may revoke a registration if the director determines that the tester:
- (1) Has made false, incomplete, or inaccurate assembly testing reports;
  - (2) Has used inaccurate gauges;
  - (3) Has used improper testing procedures;
  - (4) Has expired insurance;
  - (5) Is not in compliance with safety regulations;
  - (6) Has failed to register the serial numbers of his test kits or failed to calibrate gauges annually as required by subsection (e); or
  - (7) Has violated any other provision of this section.
- (g) A person commits an offense if the person operates as a backflow prevention assembly tester within the city without a valid registration issued by the director.

13.10.035 Reduced pressure principle backflow prevention assembly (RP).

- (a) RPs may be utilized at premises where a substance is handled that would be hazardous to the public health if introduced into the potable water system. An RP is normally used in locations where an air gap is impractical. An RP is effective against both back siphonage and backpressure.
- (b) RPs shall 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.
- (c) Premises where interruption of water supply is critical shall be provided with two assemblies installed in parallel. They shall be sized in such a manner that either assembly will provide the minimum water requirements while the two together will provide the maximum flow required.
- (d) Bypass lines are prohibited. Pipefittings which could be used for connecting a bypass line shall not be installed.

- (e)
  - (1) The assembly shall be readily accessible for testing and maintenance and shall be located in an area where water damage to buildings or furnishings will not occur from relief valve discharge. 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.
  - (2) RPs are typically installed above grade in well drained areas but may be installed below grade if an adequate drain to daylight is provided.
  - (3) 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 shall be provided to accommodate full pressure discharge from the assembly.
  - (4) All assemblies larger than two inches shall have a minimum of 10 inches on the back side, 24 inches on the test cock side, and the relief valve opening shall be at least 10 inches plus nominal size of assembly above the floor or highest possible water level. Headroom of six feet is required in vaults without a fully removable top. A minimum access opening of 24 inches square is required on all vault lids.
  - (5) Assemblies installed more than five feet above floor level must have a suitable platform for use by testing or maintenance personnel.
- (f) The assembly must be protected from freezing and other severe weather conditions.
- (g) Vertical installation is prohibited.
- (h) Lines shall be thoroughly flushed prior to installation. A strainer with blowout tapping may be required ahead of the assembly.
- (i) The property owner assumes all responsibility for leaks and damage. The owner shall also see that the vault is kept reasonably free of silt and debris.
- (j) All RIP assemblies shall be tested in accordance with this article. Any premises that have RIP assemblies that are point of use protection without high hazard premise isolation protection shall be tested every six months. Any premises that have an RP assembly as premise isolation without high hazard point of use protection assembly shall be tested every six months. Tests are the responsibility of the assembly owner. The owner shall notify the director upon installation of any backflow prevention assembly.
- (k) Variances from these specifications will be evaluated on a case-by-case basis. Any deviations shall be prohibited without prior written approval of the director.

13.10.036 Double check valve backflow prevention assembly (DC).



- (a) Double check valve assemblies 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.
- (b) DCs shall 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.
- (c) Premises where interruption of water supply is critical shall be provided with two assemblies installed in parallel. They shall be sized in such a manner that either assembly will provide the minimum water requirements while the two together will provide the maximum flow required.
- (d) Bypass lines are prohibited. Pipefittings which could be used for connecting a bypass line shall not be installed.
- (e)
  - (1) 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.
  - (2) Assemblies two inches and smaller shall have at least a three-inch 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 24 inches below grade. All assemblies larger than two inches shall have a minimum clearance of 10 inches on the back side, 24 inches on the test cock side, and 10 inches below the assembly. Headroom of six feet is required in vaults without a fully removable top. A minimum access opening of 24 inches square is required on all vault lids.
  - (3) Assemblies installed more than five feet above floor level shall have a suitable platform for use by testing or maintenance personnel.
- (f) Vertical installations are allowed on sizes up to and including four inches that meet the following requirements:
  - (1) Internally spring-loaded check valves.
  - (2) Flow is upward through assembly.
  - (3) Manufacturer states their assembly can be used in a vertical position.
  - (4) Approved by director.
- (g) The assembly shall be protected from freezing and other severe weather conditions.

- (h) Lines shall be thoroughly flushed prior to installation. A strainer with blowout tapping may be required ahead of the assembly.
- (i) The property owner assumes all responsibility for foundation or basement wall penetration, leaks, and damage. The owner shall also see that the vault is kept reasonably free of silt and debris.
- (j) All DCs shall be tested in accordance with this article. Tests are the responsibility of the assembly owner. The owner shall notify the director upon installation of any backflow prevention assembly.
- (k) Variances from these specifications will be evaluated on a case-by-case basis. No deviations shall be permitted without prior written approval of the director.

13.10.037 Double detector check valve assembly (DDC).

Double detector check valve assemblies may be utilized in all installations requiring a double check valve assembly and detector metering. DDCs shall comply with the installation requirements applicable for double check valve assemblies (DCs).

13.10.038 Pressure vacuum breaker (PVB).

- (a) 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 back siphonage only and shall not be installed where there is potential for backpressure.
- (b) The assembly shall be installed a minimum of 10 inches above the highest use outlet or overflow level downstream from the assembly.
- (c) PVBs shall not be installed in an area subject to flooding or where damage would occur from water discharge.
- (d) The assembly shall be protected from freezing.
- (e) The assembly shall be readily accessible for testing and maintenance, with a minimum clearance of 10 inches all around the assembly.
- (f) PVBs shall be located between 10 inches and 60 inches above ground level.
- (g) A strainer with blowout tapping may be required ahead of the assembly.
- (h) All PVBs must be tested in compliance with this article. Tests are the responsibility of the assembly owner. The owner shall notify the director upon installation of any backflow prevention assembly.

- (i) Variances from these specifications will be evaluated on a case-by-case basis. No deviations shall be permitted without prior written approval of the director.

13.10.039 Atmospheric vacuum breaker (AVB).

- (a) AVBs provide minimal protection and are approved for very low hazard application only. AVBs protect against back siphonage only and are prohibited where there is potential for backpressure.
- (b) The assembly shall be installed a minimum of six inches above the highest use outlet or overflow level downstream from the assembly.
- (c) Shutoff valves downstream from the assembly are prohibited.
- (d) AVBs shall be allowed only for those applications where there is less than 10 hours per day continuous use.
- (e) AVBs shall not be installed in an area subject to flooding or where damage may occur from water discharge.
- (f) AVBs shall be allowed for point of use protection only in accordance with the plumbing code. AVBs are not recognized as adequate protection by the director, so additional protection may be required.

13.10.040 Air gap separation.

- (a) 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.
- (b) 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; in no case less than one inch. If splashing is a problem, tubular screens may be attached, or the supply line may be cut at a 45-degree angle. The air gap distance is measured from the bottom of the angle. Hoses shall not be allowed.
- (c) Air gap separations shall not be altered in any way without prior approval from the director and shall be available for inspection at all reasonable times.
- (d) 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 times the diameter of the effective opening for a single, or a distance greater than four times the effective opening for two intersecting walls.

- (e) In cases where there are three or more side walls, ribs or similar obstructions extending from the water surface to or above the horizontal plane of the spout opening other than as specified in subsection (d) above, the air gap shall be measured from the top of the wall.
- (f) 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 or more lines supply one 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.

13.10.041 Fire systems.

An approved double check valve assembly 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 director. An RIP assembly shall be installed if any solution other than the potable water can be introduced into the sprinkler system.

Article 13.11. Drainage

13.11.001 Municipal drainage utility system established.

The Municipal Drainage Utility Systems Act, V.T.C.A., Local Government Code chapter 552, subchapter C, as amended (the "Act"), is hereby adopted and shall be fully implemented as provided by the Act and by the city council; and the drainage of the city is hereby found to be a public utility within the meaning of the Act.

13.11.002 Drainage service provided.

The city will provide stormwater drainage for all real property within its boundaries upon payment of the determined drainage charges, as defined in the Act, and excluding property exempt under the Act and certain exempted real property by the city, and that the fees, assessments, and charges will be based on nondiscriminatory, reasonable, and equitable terms. The drainage charges established herein shall be for all nonexempt benefitted property as defined in the Act within the city drainage system.

13.11.003 Billing for drainage service.

The city is hereby authorized to bill the drainage charges incurred as a result of the adoption of the Act and through the establishment of the municipal drainage utility system. The drainage charge shall be separately identified from other public utility billings. Revenues generated through the drainage charges authorized herein shall be classified as committed resources according to the city financial policies, as amended. Drainage charges may only be expended for the costs of service as defined by the Act.

13.11.004 Authority to levy drainage charges.

The city may levy a schedule of drainage charges upon satisfaction of the procedural requirements provided in the Act and this article. Prior to the levy of any drainage charges, the city council shall conduct a public hearing on the drainage charges pursuant to the Act. Prior to adoption of this article the city council found and determined that: The city will establish a schedule of drainage charges against all real property in the proposed area which includes the entire city subject to the charges under the Act; the city will provide drainage for all real property in the proposed service area on payment of the drainage charges, except real property exempt under the Act and this article; and the city will offer drainage service on nondiscriminatory, reasonable, and equitable terms.

13.11.005 Exemptions authorized.

The city is authorized to exempt certain property, entities or persons from all ordinances, resolutions, and rules which the city may adopt from time to time in connection with the adoption of the Act and the establishment of its municipal drainage utility system. Any exemptions to the drainage charges established herein other than the exemptions required by the Act shall be set forth in the drainage charge schedule.

13.11.006 Charges.

- (a) The city council shall, following the adoption of this article, establish a drainage charge schedule, by resolution of the city council, from time to time, for charges which shall be collected through the city's bill for public utilities pursuant to the Act and other applicable law. There shall be a drainage charge on each monthly public utility statement for the city drainage system as set forth in the drainage charge schedule. The city administrator, or designee, is authorized to collect such charges in a manner consistent with the Act and this article. The drainage charges shall be a separate line item on the public utility statement and shall be clearly identified as a separate charge. Except as otherwise provided herein, the billing, charges and collection procedures shall be consistent with city collection procedures for the water and sewer services.
- (b) The drainage charges established pursuant to this article will apply to the accounts maintained by the city for public utility services.
- (c) All billings, credits, exemptions, and other procedures relating to drainage charges established pursuant to this article shall be subject to the provisions of the Act and other applicable law.
- (d) A deposit for the drainage services as a precondition to accepting surface flow from benefited property into the city drainage utility system shall not be required. All real property of the city will be provided with drainage utility system service on timely payment of drainage charges established herein.

13.11.007 Appeals.

- (a) Billing and payment disputes for administrative issues relating to the drainage charges shall be subject to appeals procedures used by the city for other public utility billing disputes. A person or entity that owns or occupies a benefitted property may appeal the drainage charges established herein pursuant to this procedure set forth in this section.
- (b) Appeals for the following reasons shall be directed to the director of finance for evaluation and determination. An appeal shall be in writing and submitted to the director of finance within 30 days after the public utility billing statement containing the matter to be disputed. During all periods of appeal, the person or entity who owns or occupies the benefitted property and/or the account holder shall be responsible for payment of the charges in full:
  - (1) Exempt property has been assessed a drainage charge;
  - (2) Drainage charge for an individual property is assessed on more than one public utility account; or
  - (3) Drainage charge is assessed to individual property outside the city's jurisdictional area.
- (c) The director of finance shall render a written decision on such appeals within 30 days after receiving a timely written notice of appeal from the person or entity who owns or occupies the benefitted property and/or the account holder. The director of finance shall deliver a copy of the appeal decision to the person or entity who owns or occupies the benefitted property and/or the account holder by U.S. mail to the address of the landowner/account holder according to the most recent records in the possession of the city.
- (d) Appeals for claims that the drainage charge for an individual property is based on an incorrect determination of the property's contribution to the drainage utility system, as established in the city drainage charge schedule shall be directed to the city engineer for evaluation and determination. An appeal pursuant to this subsection (d) shall be in writing and submitted to the city engineer within 30 days after the public utility billing statement containing the matter to be disputed. The city engineer shall render a written decision on such appeals within thirty (30) days after receiving a timely written notice of appeal from the person or entity who owns or occupies the benefitted property and/or the account holder. The city engineer shall deliver a copy of the appeal decision to the person or entity who owns or occupies the benefitted property and/or the account holder by U.S. mail to the address of the landowner/account holder according to the most recent records in the possession of the city. During all periods of appeal, the person or entity who owns or occupies the benefitted property and/or the account holder shall be responsible for payment of the charges in full.
- (e) Any person or entity who owns or occupies the benefitted property and/or the account holder who disagrees with the decision of the director of finance or the city engineer, as the case may be, may appeal such decision to the city administrator in writing within ten days after receipt of the decision of the director of finance or the city engineer, as the case may be. The city administrator shall render a written decision within 30 days after receipt of a timely appeal. The decision of the city administrator shall be final. The city

administrator shall deliver a copy of the appeal decision to the person or entity who owns or occupies the benefitted property and/or the account holder by U.S. mail to the address of the landowner/account holder according to the most recent records in the possession of the city.

13.11.008 Credits.

- (a) A property owner may petition to the city to reduce the drainage charge fee for an individual property to account for on-site stormwater management controls that reduce the property's impact to the drainage utility system.
- (b) The petition will be evaluated, and the fee adjustment decision determined by the city engineer. The city engineer's evaluation and determination shall be based on nondiscriminatory, reasonable, and equitable terms and shall be based solely on stormwater-related factors.

13.11.009 Penalties; enforcement.

Failure to pay the drainage charges promptly when due shall subject such user to discontinuance of any public utility services provided by the city, in accordance with the procedures adopted by the city for discontinuance of any city public utility service including water and/or sewer service and other applicable laws.

## Article 13.12. Drainage Impact Fees

13.12.001 Purpose.

This article is intended to ensure the provision of adequate public drainage facilities to serve new development in the city by requiring each such development to pay its pro rata share of the costs of stormwater drainage capital improvements necessitated by and attributable to such new development.

§ 13.12.002 Authority.

This article is adopted pursuant to chapter 395 of the Texas Local Government Code. The provisions of this article shall not be construed to limit the power of the city to utilize other methods authorized under state law or pursuant to other city powers to accomplish the purposes set forth herein, either in substitution for or in conjunction with this article.

§ 13.12.003 Definitions.

*Assessment.* The determination of the amount of the stormwater service unit rate that may be imposed on new development pursuant to this article as determined at the time specified in section 13.12.010 of this code.

*Building permit.* With respect to buildings or premises within the corporate limits of the city, the general permit required by the construction codes adopted pursuant to section 3.03.001 of the Code of Ordinances.

*City.* The City of Willow Park, Texas.

*City council.* The city council of the City of Willow Park, Texas.

*City administrator.* The city administrator for the City of Willow Park, Texas or designee.

*Credit.* A credit equal to fifty (50) percent of the total projected cost of implementing the drainage capital improvements plan as is provided in the study.

*Department.* The department of public works for the City of Willow Park.

*Director.* The director of the department of public works for the City of Willow Park or designee.

*Drainage.* Stormwater transported by or detained in features and improvements, whether natural or man-made, such as streets, curbs, bridges, catch basins, channels, conduits, creeks, culverts, detention ponds, ditches, draws, flumes, pipes, pumps, sloughs, treatment works, and any appurtenances, that use force or gravity to draw off surface water from land, carry the water away, collect, store, or treat the water, or divert the water into natural or man-made watercourses.

*Drainage benefit area.* An area within the city's extraterritorial jurisdiction that may reasonably connect to the city's drainage system.

*Drainage capital improvement or drainage impact fee improvement.* A drainage facility with a life expectancy of three or more years, to be owned or operated by or on behalf of the city.

*Drainage capital improvement plan or drainage impact fee improvement plan.* The plan adopted by city council at least every ten years, as may be amended from time to time, identifying the drainage facilities and their associated costs, necessitated by and attributable to new development, to be financed in whole or in part through drainage impact fees imposed and collected pursuant to this article.

*Drainage facility.* An improvement to land designed or utilized, in whole or part, for the purpose of collecting, storing, pumping or conveying stormwater drainage, including an existing facility, the capacity of which has been expanded to service new development. Drainage facility includes land, roads, easements or structures and all appurtenances associated with such facilities.

*Drainage impact fee.* A fee imposed by the city council on new development to fund or reimburse the costs of stormwater drainage capital improvements necessitated by and attributable to such new development. Drainage impact fees do not include requirements for the dedication or construction of rights-of-way or easements for such facilities, nor payment by persons receiving service from a drainage facility of connection charges imposed to reimburse a property owner for the costs of extending such drainage facility.

*Drainage service area.* The area within the city's corporate boundaries.



*Drainage system.* The drainage and drainage facilities owned or controlled in whole or in part by the city, including provisions for additions to the system. Drainage system components, including but not limited to streets, sidewalks, other dedicated improvements, and supporting rights-of-way shall not be considered residential or nonresidential property as defined herein.

*Effective date.* September 12, 2021.

*Final plat approval or approval of final plat.* The point at which the applicant has complied with all conditions of approval and the plat has been released for filing with the county clerk of Parker County.

*Impervious surface or area.* Any area that has been compacted or covered such that it does not readily absorb water or does not allow water to percolate through to undisturbed underlying soil strata. Surface materials considered impervious shall include, but not be limited to, bricks, pavers, concrete, asphalt, compacted oil-dirt, compacted or decomposed shale, oyster shell, gravel, or granite, and other similar materials. Surface features utilizing such materials and considered impervious shall include, but not be limited to, decks, foundations (whether pier and beam or slab), building roofs, parking and driveway areas, sidewalks, compacted or rolled areas, paved recreation areas, swimming pools, and other features or surfaces that are built or laid on the surface of the land and have the effect of increasing, concentrating, or otherwise altering water runoff so that flows are not readily absorbed.

*New development.* The subdivision of land; the construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of stormwater service units.

*Offset.* The amount of the reduction of a drainage impact fee, determined under this article, that is equal to the value of a drainage facility or portion thereof included in the drainage impact fee improvement plan and is constructed or financed by a property owner without reimbursement from other city funds.

*Plat.* The plan or map of a subdivision to be filed for record with the county clerk in the county in which the property is located. Plat includes a replat but excludes a development plat.

*Property owner.* The owner in fee of a tract or parcel of land upon which new development is to be located, or his authorized representative.

*Stormwater service unit.* 1,000 square feet of impervious surface or area rounded to the nearest ten square feet for purposes of impact fee calculation.

*Stormwater service unit rate.* The drainage impact fee that the city charges per stormwater service unit within the drainage service area.

*Study.* The 2020 Stormwater Impact Fee Study performed by the city engineer, Jacob & Martin LLC and presented to the Willow Park city council on December 8, 2020, which sets forth the capital improvement plan, the land use assumptions and the basis for calculation of the stormwater

service unit rate, which is incorporated herein as though set out in full and is on file in the city secretary's office.

13.12.004 Drainage impact fees adopted; in general; adoption of study.

- (a) The impact fees for stormwater drainage have been reviewed, evaluated, and, after providing a credit as is required by chapter 395 of the Local Government Code, are hereby adopted and approved and shall be imposed against new development in order to generate revenues for funding or recouping the costs of drainage facilities or drainage capital improvements necessitated by and attributable to such new development. Impact fees shall be set by the city council.
- (b) Except as otherwise provided herein, each new development within the city's drainage service area shall pay a drainage impact fee for drainage facilities necessitated by and attributable to that development as provided in division 2 of this article. Drainage impact fees shall be assessed against and collected from new development on the basis of the number of stormwater service units in the drainage service area in which the property is located.
- (c) The maximum drainage impact fee per stormwater service unit assessed against a new development is provided in the drainage impact fee improvement plan provided in the study. The stormwater service unit rates shall never exceed the maximum drainage impact fee per stormwater service unit.
- (d) The city council may amend drainage impact fees to be collected from new developments without amending the stormwater service unit rates or drainage impact fee improvement plan adopted herein, so long as the impact fees to be collected do not exceed the maximum drainage impact fees per stormwater service unit that may be assessed for such facilities.
- (e) The study is hereby approved by the city council and is incorporated herein as though set out in full.

13.12.005 Drainage service area.

- (a) The department shall keep, update, and make available to the public maps of the drainage service area. The drainage service area may be amended from time to time as part of a new or amended drainage impact fee improvement plan. When the city's corporate limits are altered by annexation, the land so annexed shall become part of the drainage service area.
- (b) At the time of assessment, the director shall determine the appropriate drainage service area for the new development based on the developer's application and the map(s) attached to the most recent land use assumptions adopted by city council.

13.12.006 Assessment of fees.

- (a) The assessment of the drainage impact fee for any new development shall be based on the applicable drainage impact fees per stormwater service unit in effect at the time of assessment. No specific act by the city is required to assess the drainage impact fee.
- (b) For a new development which has received final plat approval before the effective date, assessment of drainage impact fees shall occur on the effective date.
- (c) For a new development which has received final plat approval on or after the effective date, assessment of drainage impact fees shall occur at the time of recordation of the final plat.
- (d) For land on which new development occurs or is proposed to occur without platting, the city may assess the drainage impact fees at any time during the development and building process.
- (e) After assessment of the drainage impact fees attributable to new development or execution of an agreement for payment of drainage impact fees, additional drainage impact fees or increases in fees may not be assessed against the land unless the number of stormwater service units to be developed on the tract increases. In the event of the increase in the number of stormwater service units, the drainage impact fees to be imposed are limited to the amount attributable to the additional stormwater service units.

13.12.007 Time of fee collection; no building permit until paid.

- (a) Drainage impact fees shall be collected at the time of issuance of a building permit.
- (b) For a new development that received final plat approval before the effective date, impact fees may not be collected on any stormwater service unit for which a valid building permit is issued within one (1) year after the effective date.
- (c) Except as otherwise provided in this code, no building permit shall be issued until the property owner has paid the applicable drainage impact fee.

13.12.008 Computation of fees.

The director shall compute the drainage impact fees in the following manner:

- (a) Except as otherwise provided in this section, the drainage impact fee shall be calculated by multiplying the stormwater service unit rate by the number of stormwater service units generated by the new development, rounded to the nearest hundredth.
- (b) If the new development involves the alteration of existing structures, new impervious surface or area created by such altered structure or structures shall be converted to additional service units. If the impervious surface for the new development exceeds the existing impervious surface or area, the amount of the drainage impact fee due shall be the number of additional service units, rounded to the nearest hundredth, multiplied by the drainage impact fee per stormwater service unit then in effect. If the impervious surface or

area for the new development is less than or equal to the existing impervious surface or area, no impact fee is due.

- (c) The amount of each drainage impact fee due shall be reduced by any allowable adjustments in the manner provided in section 13.12.009 of this code.
- (d) If the property owner proposes to increase the number of service units for development following payment of the drainage impact fee, the additional drainage impact fees collected for such new service units shall be determined in the same manner as provided in this section.

13.12.009 Determination of stormwater service units.

- (a) The director shall determine the number of service units generated from a new development based on the information contained in the final plat approval documents or building permit application along with digital map data associated with tax plats and assessment rolls or other similar, reliable data from independent sources authorized by the director.
- (b) If the director determines that sufficient information is provided along with the building permit application to demonstrate that no drainage will ever flow off all or a significant portion of the property, the director may approve an adjustment in the number of stormwater service units. Before an adjustment is made, the property owner shall covenant not to change the property to allow drainage to flow off the property without first obtaining a building permit and paying impact fees on any new development. The director may develop guidelines to determine the amount of drainage that will flow off the property and what constitutes a significant portion of the property.

13.12.010 Offsets against drainage impact fees.

- (a) A property owner may receive an offset pursuant to a development agreement approved by the city, if:
  - (1) The property owner constructs or finances a drainage facility included in the drainage impact fee improvement plan;
  - (2) The property owner does not receive reimbursement for the drainage facility constructed or financed by the property owner;
  - (3) The drainage facility serves only the city drainage system; and
  - (4) The offset does not include on-site drainage for the property.
- (b) A drainage facility constructed for an offset pursuant to a development agreement must be constructed within the drainage service area in which the property is located. The offset may be associated with the plat of the property that is to be served by the constructed or financed drainage facility. The amount of the offset shall be determined pursuant to rules

established in this section. In no event shall the offset allowable under this subsection exceed the amount of the drainage impact fees due.

- (c) Any offset associated with new development shall be applied against the drainage impact fee due at the time that the fee for the building permit is collected.
- (d) Any offset provided under this section shall have no effect on on-site drainage requirements associated with the property.

#### 13.12.011 Development agreements in drainage benefit areas.

If the director determines that adequate capacity exists within the drainage system, a property owner within a drainage benefit area may voluntarily enter into a development agreement to connect to the drainage system. The director, with the approval of the city council, may authorize a development agreement to allow the property owner to construct facilities consistent with section 13.12.012 of this code, and any associated rules and guidelines, or pay charges equivalent to drainage impact fees. The drainage impact fee improvement plan, as amended in accordance with chapter 395 of the Local Government Code, shall account for the connections pursuant to development agreements under this section and shall include projections for voluntary connections to the drainage system from the drainage benefit area.

#### 13.12.012 Accounting.

- (a) All drainage impact fees collected within the drainage service area shall be deposited in a dedicated fund to which interest is allocated. All such amounts, together with all interest earned thereon, shall be used solely for the purposes set forth in subsection (b).
- (b) The drainage impact fees collected pursuant to this article shall be used to finance or recoup the costs of any drainage impact fee improvements identified in the drainage impact fee improvement plan for the applicable drainage service area, including but not limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorneys' fees, and expert witness fees) and fees paid to an independent qualified engineer or financial consultant for preparing or updating the drainage impact fee improvement plan.
- (c) Disbursement of funds shall be authorized by the department at such times as are reasonably necessary to carry out the purposes intended by this article; provided, however, that funds shall be expended within a reasonable period of time, but not to exceed ten years from the date drainage impact fees are deposited in the fund.
- (d) An owner of property for which a drainage impact fee has been paid is entitled to a refund for all or a portion of the fee in the following circumstances:
  - (1) The city denies service to the property on which the impact fees were paid; and
    - (A) The city has the drainage facilities to provide service to the property;

- (B) The city has not constructed the drainage facilities within five years of the date the impact fees were collected; or
  - (C) The city has not spent the impact fees within ten years of the date the impact fees were collected.
- (2) After receiving a completed application for an impact fee refund, the department shall issue a refund to the record property owner. The refund shall include interest calculated from the date of collection to the date of refund at the statutory rate provided in Texas Local Government Code section 395.024, or its successor statute. A drainage impact fee shall be considered expended on a first-in, first-out basis.
- (3) If a refund is due pursuant to paragraph (2), the department shall divide the difference between the amount of expenditures and the amount of the fees collected by the total number of stormwater service units for which drainage impact fees have been paid within the service area for the period to determine the refund due per service unit. The refund to the owner shall be calculated by:
  - (A) Multiplying the refund due per stormwater service unit by the number of stormwater service units of the development for which the fee was paid; and
  - (B) Determining interest due based on the amount calculated under subsection (d)(3)(A).
- (4) Upon completion of all the drainage facilities identified in the drainage impact fee improvement plan for the drainage service area, the department shall recalculate the drainage impact fee per service unit using the actual costs for the drainage facilities. If the maximum drainage impact fee per service unit based upon actual cost is less than the drainage impact fee per service unit paid, the city shall refund the difference if such difference exceeds the drainage impact fee paid by more than ten percent. If the difference is less than ten percent, no refund shall be due. Refund to the record owner shall be calculated by:
  - (A) Multiplying such difference by the number of service units of the development for which the drainage impact fee was paid; and
  - (B) Determining interest due based on the amount calculated under subsection (d)(4)(A).
- (e) The department shall establish adequate financial and accounting controls to ensure that drainage impact fees disbursed from the fund are utilized solely for the purposes authorized. The department shall maintain and keep financial records for drainage impact fees that shall show the source and disbursement of all fees collected or expended within a certain drainage service area. The records of the fund into which drainage impact fees are deposited shall be open for public inspection and copying during ordinary business hours.

- (f) Nothing in this article shall prevent the city from paying all or part of the drainage impact fees due for a new development pursuant to criteria adopted by city council.

13.12.013 Impact fee appeals.

- (a) The property owner or applicant for a new development may appeal the following decisions:
  - (1) The applicability of a drainage impact fee to the new development;
  - (2) The amount of the drainage impact fee due;
  - (3) The determination of stormwater service units;
  - (4) The applicability of any credit or offset to the new development;
  - (5) The amount of any credit or offset; or
  - (6) The amount of a refund due, if any.
- (b) The burden of proof shall be upon the applicant to demonstrate that the decision was not made in accordance with this article or applicable state law.
- (c) The applicant shall file a written notice of appeal with the city administrator within 30 days following the date of the decision from which an appeal is made that states the basis for the appeal with particularity. To the extent the property owner relies on any studies or other documents as evidence that the property owner is entitled to relief, the property owner shall submit such studies and documents with the notice of appeal. If the notice of appeal is accompanied by cash or a letter of credit issued by a financial institution that has an office for presentment located in Willow Park, Texas in an amount equal to the original determination of the drainage impact fee due, the development application may be processed while the appeal is pending.

13.12.014 Resolution of appeal by the city administrator.

- (a) Within 10 days of receipt of the notice of appeal, the city administrator shall issue a written decision granting relief, granting partial relief, or denying relief and shall send the decision to the owner by certified mail, return receipt requested, or by email if the property owner's email address is provided on the notice of appeal or the building permit application that gave rise to the matter being appealed. The city administrator's written decision shall ask the property owner to respond in writing within 10 days of the date of the written decision regarding whether the property owner agrees or disagrees with the city administrator's decision.

- (b) If the property owner agrees in writing with the city administrator's decision or fails to notify the city administrator within 10 days of the date of the written decision that they disagree with the city administrator's decision:
  - (1) The appeal shall be considered resolved and the city administrator's decision shall be final on the matter appealed;
  - (2) To the extent that the city administrator's decision grants relief or partial relief to the property owner, the city administrator shall ensure that the property owner receives such relief or partial relief; and
  - (3) To the extent that the city administrator's decision requires the property owner to pay a drainage impact fee, the property owner shall promptly pay the impact fee. The property owner's failure to pay the drainage impact fee within 5 business days after agreeing with the city administrator's decision or failing to notify the city administrator within 10 days of the date of the written decision that they disagree with the city administrator's decision shall serve as the authority for the city to present the letter of credit to the financial institution for performance with no order [other] or further notice or contact with the property owner.

13.12.015 Consideration of appeal by the city council.

- (a) If the property owner responds in writing to the city administrator that they disagree with the city administrator's decision within 10 days after the date of the decision of the city administrator, the city council shall hold a hearing to consider the appeal and shall act on the appeal within 60 days of the date of the letter of the property owner notifying the city administrator of the disagreement.
- (b) The city council shall act on the appeal by granting relief, granting partial relief, or denying relief.
- (c) To the extent that the city council grants relief or partial relief to the property owner, the city administrator shall ensure that the property owner receives such relief or partial relief.
- (d) To the extent that the city council's action on the appeal requires the property owner to pay a drainage impact fee, the property owner shall promptly pay the impact fee. The property owner's failure to pay the drainage impact fee within 5 business days after the date of the city council's action on the appeal shall serve as authority for the city to present the letter of credit to the financial institution for performance with no other or further notice or contact with the property owner.
- (e) The city council's action on the appeal shall constitute the city's final decision on the matter appealed.
- (f) A property owner shall bear all costs of the property owner's appeal under this section.



13.12.016 Other relief; variance.

- (a) A property owner for which a drainage impact fee has been paid, may petition the city council to determine whether any duty required by this article or by chapter 395 of the Texas Local Government Code has not been performed within the time so prescribed. The petition shall be in writing and delivered to the city secretary and shall state the nature of the unperformed duties and request that the duties be performed within 60 days of the request. If the city council determines that the performance of the duty is required pursuant to this article and is late in being performed, it shall cause performance of the duty to commence within 60 days of the date of the request and to continue until completion. This subsection shall not apply to matters subject to appeal pursuant to section 13.12.021 of this code.
- (b) The city council may grant a variance from any requirement of this article, upon written request by the property owner subject to this article following a public hearing, but only upon finding that a strict application of such requirement would, when regarded as a whole, result in confiscation or an unconstitutional taking of the property.
- (c) If city council grants a variance to the amount of the drainage impact fee due for a new development under this section, it shall cause to be appropriated from other city funds the amount of the reduction in the drainage impact fee to the fund for the drainage service area in which the property is located.”

**Section Two. Penalties.**

- (a) Any person, firm, corporation, or other entity that violates any provision of this Ordinance shall be deemed guilty of a Class C misdemeanor and, upon conviction, shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- (b) The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. If the City Council determines that a violation of this Ordinance creates a threat to the public safety, the City is authorized to bring suit in district court to enjoin the person, firm, corporation, or other entity from engaging in the prohibited activity. The City is not required to give bond as a condition to the issuance of injunctive relief.”

**Section Three. Repealer.** All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance, are hereby repealed, and are no longer of any force and effect.

**Section Four. Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining section, paragraphs, sentences, clauses, phrases and words or this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

**Section Five. Effective Date.** This Ordinance shall take effect immediately upon its adoption and enactment by the City Council and publication of the caption and penalty, as is required by law.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Willow Park, Texas, on this the 10<sup>th</sup> day of October, 2023.

\_\_\_\_\_  
Doyle Moss, Mayor

**ATTEST:**

\_\_\_\_\_  
Crystal Dozier, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
William P. Chesser, City Attorney

The Willow Park City Council is acting on Ordinance No. 886-23, did on the 10<sup>th</sup> day of October vote as follows:

	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
Doyle Moss	_____	_____	_____
Eric Contreras, Place 1	_____	_____	_____
Chawn Gilliland, Place 2	_____	_____	_____
Greg Runnebaum, Place 3	_____	_____	_____
Lea Young, Place 4	_____	_____	_____
Nathan Crummel Place 5	_____	_____	_____