

**Sec. 11-1, RESERVED**

**Sec. 11-2, Swimming Pool Enclosure**

1. It shall be unlawful for any person to construct, use or maintain upon premises in his possession or under his control any swimming pool unless said pool or the lot or lots upon which it is situated be enclosed within a child-proof fence not less than four and one-half feet in height and unless the gates or entrances to said enclosure be securely locked or latched at all times other than when being actually used for purposes of ingress or egress.

2. As used in this ordinance the term "swimming pool" shall mean and include any natural pool, pond or lake having a depth at its point of greatest depth of more than eighteen inches and having a width of six feet or more at its widest point, or any man-made or artificial pool, pond or lake of like depth and dimensions.

3. As used in this ordinance the term "child-proof fences" shall mean a permanent fence or wall having a minimum height of four and one-half feet and so constructed as to effectively prevent trespassing into the swimming pool enclosed by it of a child of ordinary physical capacities who is less than six years of age.

4. The physical presence by trespass of any child below the age of six years in any swimming pool as herein defined shall be prima facie evidence that said swimming pool at the time of such trespass was not enclosed within a child-proof fence as herein defined and required or that the gates or other entrances to said enclosure were not securely locked or latched as herein required at the time said child entered said swimming pool.

5. Any person who shall violate any of the provisions of this ordinance shall upon conviction be fined not less than \$25.00 nor more than \$200.00. Each day such violation continues or exists shall constitute a separate offense.

6. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section hereof shall be declared unconstitutional or otherwise invalid by the final judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections hereof.

7. All ordinances or parts of ordinances heretofore enacted requiring the enclosure of swimming pools in the City are hereby expressly repealed.

(Ord. 139, 8-27-64)

**Sec. 11-3, Control of Signs Along Austin Highway**

1. Definition: "Outdoor Advertising" or "Sign" means an outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designated, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of the Austin Highway, Loop 368.

2. Location: The location of signs will conform to the following:

- a. Will be located in such a manner as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device or not to obstruct or interfere with driver's view of approaching or intersecting traffic.
- b. Signs will not be erected closer than 100 feet apart on the same side of the highway.

3. Size: The maximum size shall be:

Maximum area - 1,200 sq. ft.

Maximum Height - 25 feet

Maximum Length - 60 feet. All dimensions include border and trim, but exclude supports.

d. Double-faced, back-to-back or V-type signs shall be considered as one sign.

e. Signs which exceed 350 square feet in area may not be double-faced (stacked or side-by-side).

4. Lighting:

a. Signs which contain, include or are illuminated by any flashing, intermittent or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather or similar information.

b. Lights will be effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled way and as to prevent glare or to impair the vision of the driver of any motor vehicle.

c. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.

d. Signs illuminated by electricity or equipped in any way with electrical devices or appliances shall conform with respect to wiring and appliances to the provisions of Ordinance No. 122 pertaining to electricity.

5. Permits: No person shall erect or alter any sign without first obtaining a permit there from the

City.

6. Nuisance: Any sign erected, altered, used or maintained in violation of these regulations shall constitute a nuisance and if the owner fails to remove such sign within ten days after having been notified, the sign may be summarily removed by the City at the expense of the party erecting altering, using or maintaining it.

7. Penalty: Any person who willfully violates any provision of this ordinance is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$25.00 nor more than \$200.00. Each day of willful violation shall constitute a separate offense.

8. Severability Clause: if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be Severable.

(Ord. 315, 8-14-72)

## **Sec. 11-5, Care of Real Estate**

### SECTION I. DEFINITIONS

1. The words “lot or parcel of real estate” shall mean and include, in addition to the ground within their respective boundaries, all lots or parcels of ground lying and being adjacent to and extending beyond the property line of any such lot or parcel of real estate to the curb line of adjacent streets where a curb line has been established, and ten feet beyond the property line where no curb line has been established on adjacent streets, and also the center of adjacent alleys.

2. The word “weeds” shall include all rank and uncultivated vegetable growth or matter which has grown to more than one foot in height, or which, regardless of height, is liable to decay or become unwholesome or become a breeding place for mosquitoes, flies, rodents, snakes or vermin.

3. The word “brush” shall include all trees or shrubbery under seven feet in height, which are not cultivated and cared for by the person, firm or corporation owning or controlling the premises.

4. The word “rubbish” shall include all refuse, rejected tin cans, old vessels of all sorts, useless articles, discarded clothing and textiles of all sorts, and, in general, all litter and other things usually included within the meaning of that term.

5. The words “any and all other objectionable, unsightly or unsanitary matter of whatever nature” shall include all uncultivated vegetable growth, objects and matter not included within the meaning of the other terms used herein, which are liable to produce or tend to create unhealthy, unwholesome or unsanitary condition on the premises or in the locality where they are situated.

6. The term “interfere with free passage” shall include trees and shrubs which overhang any part of a public sidewalk at a height of less than seven feet or any part of a public street at a height of less than necessary to provide adequate clearance for fire and sanitation trucks.

SECTION II. UNCARED FOR PREMISES A NUISANCE

Whenever and wherever debris, rubbish, down timber or brush, weeds, tall grass, trees, shrubs, decaying vegetable matter and other objectionable, unsightly or unsanitary matter of whatever nature shall exist, covering or partly covering the surface of any lot or parcel of real estate, whether vacant or improved, or which interferes with free passage of a public street or sidewalk, situated within the corporate limits of this City, or when any such lot or parcel of real estate shall have the surface thereof filled with holes, or be in such condition that it holds or is liable to hold stagnant water therein, or from any other cause shall be in such condition as to be liable to cause disease, or produce, harbor or spread disease germs of any nature, or tend to render the surrounding atmosphere unhealthy, unwholesome or obnoxious, such conditions shall constitute a nuisance, and is hereby declared unlawful, and the prompt abatement of which is declared to be a public necessity.

SECTION III. NOTICE TO OWNER TO ABATE

Whenever the existence of nuisance as provided in the City’s Code of Ordinances, on any lot or parcel of real estate situated within the corporate limits of the city, shall come to the attention of the City Health Officer, Building Official, City Manager or their assistants, it shall be the duty of said City Health Officer, Building Official or City Manager to prepare a written notice, identifying such property, to be sent to the person, firm or corporation owning or having possession or control of such lot or parcel of real estate, requiring the abatement, within a specified time, of such nuisance. Nuisance abatement shall include but is not limited to removing debris, weeds, brush, rubbish, decaying vegetable matter, removing non-conforming building or structure, construction to bring into compliance a building or structure so that it conforms with the building or zoning codes, removing other objectionable, unsightly or unsanitary matter of whatever nature, as the case may be, or by filling in, draining, leveling or otherwise regulating such lot or parcel of real estate, so as to prevent stagnant water standing therein, within ten days from the date of service of such notice.

SECTION IV. SERVICE OF NOTICE

Such notice as described in Section III shall be served by the Building Official or any policeman of the City of Terrell Hills, by delivering such notice to the person, firm or corporation, or by leaving such notice at his place of residence or business if within the corporate limits of the city, and if a firm or corporation, by service upon any officer, agent or representative authorized by law to accept citation. If the person, firm or corporation to be served with such notice shall reside outside the limits of the city, the posting of a letter addressed to such person, firm or corporation at their post office address, if known, shall be sufficient service of such notice. The Building Official or officer

serving such notice shall make due return thereof on a copy of such notice, showing date and manner of service.

**SECTION V. ENFORCEMENT OF NOTICE**

In the event of failure, neglect or refusal by the owner of any such lot or parcel of real estate to cause such nuisance to be removed or abated in the manner and within the time hereto provided, the City Health Officer, Building Official or City Manager shall file a complaint in the Municipal Court of the City of Terrell Hills. For matters that are not Zoning violations, the City Manager, if found to be more expedient, shall forthwith file a written report thereof with the City Council, showing due service of the notice herein provided, upon the owner of such property, and describing such property. The City Council, if they are of the opinion that such nuisance is being maintained or continued, shall at once authorize, direct and empower the said City Health Officer or the City Manager without further notice to the owner of such lot or parcel of real estate, to proceed at once to abate such nuisance by grubbing and removing such weeds, brush, debris, rubbish and any other objectionable, unsightly or unsanitary matter of whatever nature, as the case may be, or by filling in, draining, leveling or otherwise regulating such lot or parcel of real estate, so as to prevent stagnant water standing therein, and charge the necessary cost and expense of procuring such work and improvements to the owner of the property.

**SECTION VI. HOW ABATEMENT TO BE PERFORMED**

Such work shall be done by contract awarded to the lowest bidder or by labor employed by the City of Terrell Hills and performed under the supervision of the City Health Officer, Building Official, City Manager or their duly authorized representative, as in their discretion may be deemed most expeditious.

**SECTION VII. LIEN FOR EXPENSE OF ABATEMENT**

When such work and improvements have been completed, a statement shall be sent to the owner of the lot or parcel of real estate involved for payment within ten days of the mailing of such statement. In the event of non-payment within the specified period, the City Manager shall cause a statement to be filed in the office of the County Clerk of Bexar County, Texas, showing the cost and expense of such work, including an administrative fee of one hundred fifty dollars (\$150.00), the date performed, a brief description of the property improved sufficient to identify it, and the name of the owner thereof, if known. From the date of filing, the amount shown by such statement to have been expended by the city for the improvement of such property, together with ten percent interest annually, shall be a privileged lien thereon, second only to tax liens and liens for street improvements.

**SECTION VIII. FORECLOSURE OF LIEN**

A suit may be instituted and recovery and foreclosure of the lien for any such expenditures and interest may be had in the name of the City of Terrell Hills in any court having jurisdiction, and the statement of the City Health Officer, Building Official or City Manager provided in the preceding section, or a certified copy of such statement, shall be prima facie proof of the amount expended on any such work or improvements.

**SECTION IX. PENALTY**

Any person, firm or corporation who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be fined in any sum not more than five hundred dollars (\$500.00) and each day's violation shall constitute a separate offense.

**Section 2.** Chapter 11, Section 11-1 Rubbish and Section 11-6 More Care of Real Estate are repealed and designated Reserved.

**Section 3.** This ordinance shall take effect immediately upon its passage, approval and publication according to law.

**Section 4.** If any section or part of any section or paragraph of this ordinance is declared invalid or unconstitutional for any reason, it shall not be held to invalidate or impair the validity, force, or effect of any other section or sections or part of a section or paragraph of this Ordinance.

**Section 5.** All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.  
(Ord. 1276, 10-13-08)

**SECTION X.**

This ordinance supercedes any and all previous ordinances, and furthermore all ordinances or parts thereof in conflict are hereby repealed.  
(Ord. 1036, 7-15-99)

**Sec. 11-6, RESERVED**

**Sec. 11-10, Health and Sanitation**

1. Sanitary Code: The City hereby adopts a Sanitary Code, consisting of minimum standards of sanitation and health protection measures, as provided by Article 4477-1, Sections 1-24, Revised Civil Statutes of Texas, as amended. The provisions of said Article 4477-1, Sections 1-24, Revised Civil Statutes of Texas, including the penalty therein provided under Section 25, are hereby expressly referred to and fully incorporated into this section and adopted as the Sanitary Code of the City.

Adoption of State Rules on Food Service Sanitation: The definitions; the inspection of food service establishments; the issuance, suspension and revocation of permits to operate food service establishments (licenses); the prohibiting of the sale of unsound or mislabeled food or drink; and the enforcement of this Code shall be regulated in accordance with the Texas Department of Health, Division of Food and Drugs 'Rules on Food Service Sanitation,' Sections 301.73.11.001-011, a certified copy of which shall be on file in the office of the Chief Health Inspector, except when in conflict with other provisions of this Code and provided that the words 'regulatory authority' shall be understood to refer to the Chief Health Inspector, and that the attached 'Compliance Procedures' be substitutes for Rule .011 of the Rules on Food Service Sanitation.

3. Chief Health Inspector: The terms of this Ordinance shall be enforced by a Chief Health Inspector, any assistant health inspectors that may be appointed, and the City Health Officer. All references in the provisions adopted above to officials shall be construed to mean their counterparts as set out above.

4. Definition of Food Service Establishment: The term 'food service establishment' as used in this Ordinance shall mean or include any place or establishment occupied, used or maintained for the purpose of selling, offering for sale, exposing for sale, or keeping with intention of selling or manufacturing for sale, any food or food product, such as meat markets, butcher shops, ice cream factories, fish markets, bakeries, confectionaries, retail food stores, places for handling preparation or sale of dairy products or canned or prepared foodstuffs, grocery stores, fruit markets, roadside stands, vegetable stores or stands, fruit or vegetable vendors peddling by wagon or door-to-door, bottlers, brewers, and all similar businesses handling or having to do with foodstuffs, and shall include every room used for the purpose of preparing, handling, distributing, selling, serving, or offering for sale any food products as herein defined, repacking of such foodstuffs, or otherwise handling or distributing any food product, whether raw, cooked or otherwise prepared, ice for human consumption, or any liquid intended as a food or drink for human beings, and all places and premises connected with any such room.

- (a) For each establishment employing not more than two persons .....\$85.00\*
- (b) More than two persons and not more than six.....\$100.00\*
- (c) More than six persons and not more than ten.....\$250.00\*
- (d) More than ten persons.....\$500.00\*

Upon initial payment of such license fees the proprietor of such food establishment shall be given a copy of the 'Rules of Food Service Establishments' including the attached 'Compliance Procedures' (attachment A), and shall be required to receipt in writing therefor. Licenses shall be signed by the Chief Health Inspector and attested by the City Secretary. Licenses shall expire on the 31st day of

December following the date of its issuance, and reapplications must be made by the proprietor of each such food establishment for its renewal past the 1st of January of each year. Applications received after the 1st day of June of any year shall require the proprietor to pay one-half of the stated charge.

6. Food Handlers:

a. Employment of Infected Persons: No person, firm, corporation, or organization operating or managing any public eating place or any place where food or drink is manufactured, processed, prepared, dispensed, or otherwise handled in such manner or under such circumstances thereof to the consumer, shall employ or work any person to handle such products, or utensils, dishes, or serving implements used in connection therewith, who is infected with any transmissible condition or any disease known to be normally communicable through the handling of food or drink. The provisions of this section apply to owner-workers as well as to employees.

b. Handling of Food and Drink by Infected Persons: No person infected with a disease, the condition of which is transmissible to another through the handling of food or drink or who resides in a household with a transmissible case of a communicable disease which may be food-borne, or who is known to be a carrier of the organism causing such disease, and no person having a local infection transmissible through food or drink shall be employed at any place or vehicle in which food or drink is manufactured, processed, prepared, or dispensed, nor shall any such person at any time handle any food or drink or utensils, dishes, or serving implements used in connection therewith, which may be directly or indirectly for public sale or offered for the use or consumption of another.

c. Physical Examination; Certificate of Physician: All such persons and employees employed or seeking employment in any of the capacities herein above set forth, before such employment, shall secure an adequate examination of themselves by a licensed physician and secure in evidence thereof a certificate signed by such physician stating that such examination had been made and that to the best of his or her knowledge, the person examined was found, on that date, to be free of any transmissible condition of any disease or local infection commonly transmitted through the handling of food or drink. Such examinations shall be actual and thorough and conducted within the framework of practical scientific procedures for the determination of the existence of communicable disease which may be transmissible through the handling of foods. Such examination shall be made annually thereafter as to each such person and employee and a new certificate secured. The provisions of this section apply to owner-workers as well as to employees.

d. Personal Cleanliness of Food Handlers: Every person engaged in the handling of food, drink or unsealed containers therefor, shall maintain personal cleanliness, shall wear clean outer garments, shall keep his hands clean at all times, and shall thoroughly wash the hands with soap and water after each visit to the toilet. The use (in, on, or about any place where food or drink for public consumption is handled or sold) by two (2) or more persons, of any towel before it is thoroughly

laundered is hereby declared to be an unsanitary practice and shall constitute a violation of this Code.

7. Food Defined: The term 'food' shall include all articles used by man for food, drink, flavoring, confectionery, and condiment, whether simple, mixed, or compounded.

8. Inspection of Meat and Meat Products: It is essential in the public interest that the health and welfare of consumers be protected by assuring that meat, meat products, meat food products or prepared meals and dishes consisting of or containing meat of any kind distributed to them are wholesome, not adulterated, and are properly marked, labeled, and packaged and/or inspected as hereinafter provided. No person may sell, offer for sale, or have in his possession with intent to sell, store, or transport for sale any meat, meat products, meat food products, or prepared meals and dishes consisting of or containing meat of any kind which are capable of being used as food for human consumption unless such meat, meat product, or meat food products or meat of any kind used in the preparation of restaurant or catered meals, dishes and prepared food items and the method of its slaughter, fabrication, processing, preparation, transportation, and storage has been inspected and passed by (1) any State Department of Health appointed for that purpose and is so marked by the official inspected and passed legend of the agency responsible for the inspection, (2) under the approved supervision of the United States Department of Agriculture, Meat Inspection Division.

9. Rodent Control: The provisions of Article V (Rodent Control) of Chapter 18, San Antonio Code, are hereby adopted verbatim by this City as if written out fully herein, except insofar as the same should be inconsistent with other Sections of this Code. Where the term 'Director of Public Health' is used in said Article it shall be meant to refer to the equivalent Chief Health Inspector of this City.

10. Penalties: Each violation of this Ordinance shall be punished by a penalty of a fine of not less than \$10.00 nor more than \$1,000.00. In lieu of prosecution, the Chief Health Inspector or assistant may, in the exercise of reasonable discretion, issue a verbal or written warning.+

11. This Ordinance shall take effect immediately upon its passage, approval and publication as provided by law.+

12. There is imposed a reinspection fee for any food establishment or food vendor regulated under Ordinance 659 of the City of Terrell Hills. Any establishment or vendor that requires an inspection beyond the normal schedule will be charged a one time charge of \$50.00 for each reinspection. Fees are due upon the reinspection and failure to pay the fee will result in the immediate suspension of the appropriate license. Such suspension will only be lifted at such time as the reinspection fee is paid and violations noted are corrected.#

(Ord. 659, 1-9-84)

\*(amended by Ord. 755, 12-14-87)

\*(added by Ord. 767, 3-14-88)

+(amended by Ord. 1032, 4-12-99)

**Sec. 11-20, Garbage and Refuse**

1. The following definitions and specifications shall apply to this ordinance:

a. HOUSEHOLD GARBAGE AND REFUSE - shall include cans, bottles, rags, dry trash, paper, kitchen and household wastes, food containers and other materials generated by occupants of houses, buildings and premises used exclusively for residential purposes.

b. COMMERCIAL GARBAGE AND REFUSE - shall include any solid wastes generated as a by-product of a commercial operation, but shall not include swills, slops, toxic or corrosive materials, manure, or any other material found harmful to personnel or equipment as determined by the Street and Sanitation Superintendent.

c. DRY REFUSE OR DRY RUBBISH - is defined as tin cans, glass, paper, dry trash and such, but in no event shall it be construed to mean kitchen garbage, refuse or rubbish which will cause noxious odors or disagreeable smells.

d. BRUSH - is defined as tree trimmings, weeds, hedge trimmings and trees not to exceed three (3) inches in diameter, and cut in length not to exceed six (6) feet.

e. EARTH AND CONSTRUCTION MATERIALS - shall mean earth, rocks, concrete and similar materials and waste materials resulting from construction or remodeling by a building contractor or materials from any unimproved lot.

f. GARBAGE CONTAINERS - must meet the following requirements: The container shall be a water tight receptacle of a solid and durable grade of metal or other suitable material approved by the City Council through the City Manager, not to exceed thirty (30) gallons in capacity and the combined weight of the garbage and container shall not exceed fifty (50) pounds. It shall be provided with a suitable lifting handle or handles on the outside and a close fitting metal or other approved cover equipped with a handle. The container must not have any inside structures such as inside bands and reinforcing angles or anything within the container to prevent the free discharge of the contents. Containers that have deteriorated, or that have been damaged to the extent of having jagged or sharp edges capable of causing injury to garbage collectors, or other persons whose duty it is to handle the containers, or to such an extent where the covers will not fit securely, will be condemned by the City Council acting through the City Manager, and if such containers are not replaced after notice to the owner or user of their defective condition, they shall be confiscated.

g. PERSONS REQUIRED TO KEEP CONTAINERS: It shall be the duty of every owner, agent, lessee, tenant or occupant of any business, house, building or apartment to provide for

such business place, house, building, or apartment and at all times to maintain in good order and repair, a garbage container or containers as defined in Paragraph f for the deposit of garbage for collection.

2. COLLECTION OF GARBAGE, BRUSH AND OTHER WASTE MATERIALS

a. GARBAGE - It shall be the duty of every owner, agent, lessee, tenant or occupant of any business house, resident house or apartment house to place the garbage container so as to be accessible to the collector. The collector will service up to four or the equivalent of four thirty gallon garbage cans at any one service. Service shall be provided three (3) times weekly at such time as set by the City Council through the City Manager. Due to potential fire hazard fire ashes shall be placed in a separate container for pick-up. Ashes will not be collected on the first garbage truck pass-by, but will be left in place until the next scheduled pick-up day. All boxes and cartons shall be broken down and bundled and placed at the front curb. No bundle shall exceed fifty (50) pounds in weight.

b. BRUSH - All brush and large trimmings not in containers shall be prepared and placed along the curb line. Trees or limbs to be collected by the City cannot exceed three (3) inches in diameter or six (6) feet in length with all lateral branches trimmed. This service shall be provided at least once weekly. The removal of a large volume of brush and trimmings exceeding 250 cubic feet in volume shall be the responsibility of the owner.

c. TRIMMINGS OR LEAVES IN CONTAINERS - All containers with trimmings or leaves shall be placed along the curb line in full view for the pick-up service. Pick up service for containers of trimmings and leaves shall be given once per week.

d. WASTES FROM BUILDING OPERATIONS - Rock, waste, scrap building materials, or other trash resulting from construction or remodeling, resulting from a general clean-up of vacant or improved property just prior to its occupancy, or resulting from sizeable amounts of trees, brush and debris cleared from property in preparation for construction, will not be removed by the City as regular service. The owner will have such debris removed at his expense.

e. DISPOSAL OF DEAD ANIMALS - Dogs, cats or any other dead small animal will be disposed of when it is reported to the City Hall.

3. PERMIT FOR PRIVATE COLLECTION AND DISPOSAL

a. No person, firm or corporation except the duly authorized agents or employees of the City of Terrell Hills shall empty garbage cans or trash receptacles or convey or transport garbage or trash on the streets, alleys and public thoroughfares of the City without a written permit granted and issued by the City Council through the City Manager. No person, firm or

corporation except the duly authorized agents or employees of the City of Terrell Hills shall have use of the Official dumping grounds of the City without a written permit granted and issued by the City Council through the City Manager.

4. PENALTY - Any person, firm or corporation violating or failing to comply with any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not to exceed five hundred dollars (\$500). Each day of violation or non-compliance shall constitute a separate offense.  
(Ord. 805, 2-12-90)

### **Sec. 11-25, Sewer Connection**

1. All human excreta and liquid wastes originating on any property in the City shall be disposed of through a permanent connection with the sanitary sewer system of the City.

2. It shall be unlawful for any person to use and occupy any house or building as said person's place of residence unless said house or building is provided with a flush toilet connected to the sanitary sewer system of the City. A house or building shall be deemed to be not connected to the sanitary sewer system of the City during such times as the City shall have terminated sewer service to the premises for failure to pay sewer charges authorized by law.

3. The use and occupancy of any house or building in the city as a place of residence by any person when said house or building does not conform to the requirements of this ordinance is hereby declared to be a nuisance, dangerous and a menace to the public health, and the City shall have the power to abate any such nuisance in accordance with the law.

4. When the City Health Officer or his authorized agent receives information that a house or building in the city is in use as a place of residence and is not in compliance with the provisions of this ordinance, he shall cause to be served on the owner, occupant or person in possession of said house or building a notice to abate the condition within three (3) days. Such notice may be served by either certified mail, return receipt requested, or in person or by notice attached to the front door of the house or building. Upon failure of the person so served to comply with said notice within the time specified, it shall be the duty of the Secretary-Manager to take immediate steps to compel compliance, including such criminal complaints as may be indicated in the Municipal Court and also injunctive relief through the courts having jurisdiction thereof.

5. Any person, firm or corporation who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be fined in any sum not less than \$10.00 nor more than \$200.00, and each day's violation shall constitute a separate offense.

6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.  
(Ord. 750, 10-28-87)

**Sec. 11-26, Sewer Charges**

1. That effective 1 November 2005, sanitary sewer charges for all users of the sewer system in the City shall be as follows:
  - a. Residential: \$1.90 per 100 cubic feet of metered water based on the established winter average. This includes residents who move from one location to another within the City of Terrell Hills.
  - b. New customers who do not have an established winter average will be billed an Unaveraged Residential Charge of \$28.55 per month.
  - c. General Service will be billed at \$1.90 per 100 cubic feet based on 100% of water usage.
2. That monthly bills for residential customers shall be computed on the basis of the "winter averaging sewer charge period."
3. Definitions:
  - a. Residential – Single family residences.
  - b. General Service – All users other than residential.
  - c. Winter Averaging Sewer charge Period – The period of water and sanitary sewer service during three consecutive billing periods (90 days) commencing after November 15 of each year and terminating before March 15 of each year. During the three consecutive billing periods the City shall establish monthly water consumption during the three consecutive billing periods. The customer must receive sanitary sewer service at one location during the entire three consecutive billing periods in order to establish a "winter average".
  - d. Winter Average – The monthly average of hundreds of cubic feet of water used during the designated average period. The winter average is the basis for monthly sewer fee charges until completion of the next winter averaging period.
4. That there will be 5% penalty charge added to a customer's bill if not paid by the "Due date" specified on the bill.
5. That the San Antonio Water Systems Board of Trustees is hereby authorized to terminate water service if bill is not paid within 30 days of the bill mailing.
6. That the Secretary-Manager be and is hereby directed to make appropriate arrangements with the San Antonio Water System of the City of San Antonio to implement such change in rates effective 1 November 2005, and to make monthly collections in accordance therewith.

7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.  
(Ord.1193, 10-10-05)

**Sec. 11-27, Sewer Discharge**

SECTION 1. Repeal of Existing Ordinance(s).

"Reserved"

SECTION 2. General Provisions.

This ordinance sets forth uniform requirements to be met by all industrial waste dischargers utilizing the City of Terrell Hills Wastewater Collection System which ultimately discharges into the San Antonio Regional Wastewater Transportation and Treatment System (hereinafter termed "Regional System"). The ordinance is written to enable the Regional System and the City of Terrell Hills to comply with and enforce all applicable State and Federal laws pertaining to water quality control.

The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the City of Terrell Hills Wastewater Collection System and the Regional System in such quantities or qualities that would interfere with the operation of the City of Terrell Hills Wastewater Collection System and/or the Regional System, or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the Regional System that may typically pass through the Regional System either unaffected by the treatment process, or inadequately treated by that process, and resulting in an insufficient quality of effluent discharging into the receiving waters or atmosphere;
- (c) To improve the opportunity for reclaiming and recycling wastewater and sludge generated by the Regional System.
- (d) To ensure that there is an equitable distribution of the operation, maintenance and capital related costs of the Regional System across user classes;
- (e) To create a permit system to regulate nondomestic users of both the City of Terrell Hills Wastewater Collection System and the Regional System;
- (f) To enforce the provisions of this ordinance by requiring self-monitoring and self-reporting from industrial users to supplement periodic investigations made by Regional System and/or

City of Terrell Hills inspection personnel;

(g) To provide penalties for violations of the regulations established herein.

This ordinance shall be given full force and effect inside the jurisdictional limits of the City of Terrell Hills and within those unincorporated areas located outside the jurisdictional limits of the City of Terrell Hills, but within the E.T.J. of the City of Terrell Hills, if applicable, and within the state-designated, San Antonio regional agent sewer boundary so far as it does not conflict with regulatory provisions contained in the City of San Antonio Industrial Wastewater Ordinance No. 57214, ms may be amended, and as may apply to these unincorporated areas. Industrial wastewater dischargers within the City of Terrell Hills, and any lying within unincorporated areas subject to the City of Terrell Hills jurisdictional authority, are obligated to financially support the City of Terrell Hills Wastewater Collection System and the Regional System by paying all applicable sewer user charges and fees to the appropriate collection agent for costs associated with the collection, transportation, treatment, operation, maintenance, monitoring, administration, and enforcement services provided to the user of the two systems. Except as otherwise provided for herein, the City Manager of the City of Terrell Hills in conjunction with the support service of the City of San Antonio Regional Wastewater Facilities Manager, shall be responsible for the implementation, administration and enforcement of the provisions of this ordinance. The term "City Manager" as used herein means Secretary-Manager of the City.

SECTION 3. Definitions.

3.1 Act or 'the Act'. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

3.2 Regional Industrial Wastewater Review Board. A regional advisory group appointed by the San Antonio City Council, on recommendation of the San Antonio City Manager with input from the City Manager of the City of Terrell Hills, in accordance with the San Antonio City Charter Section 49. The function of this Board will be to assist the City of San Antonio Director of Public Works and his representative, the Regional Wastewater Facilities Manager, and/or the City Manager of the City of Terrell Hills, with fact gathering, policy and decision making responsibilities associated with the administration of this ordinance. The membership of the Board will consist of eleven individuals. The San Antonio City Manager is encouraged to recommend individuals possessing technical or scientific skills and/or experience involving environmental affairs. Members of the Board will not receive compensation for their services and should generally represent at least one of the following regional interest groups.

(a) Private citizens.

(b) Representatives of public interest groups or organizations reflecting a general civic, environmental, or public health perspective.

- (c) Representatives of business organizations.
- (d) Representatives of educational institutions.
- (e) Representatives of professional institutions.

The general provisions of the Federal Register, Vol. 44, No. 34, Friday, February 16, 1979, Sec. 25.7 "Advisory groups," shall serve as a guideline for the activities and structure of the Board.

3.3 Approval Authority. The Administrator of the EPA or his designated representative.

3.4 Authorized Representative of Industrial User. An authorized representative of an industrial user may be: (1) an executive officer of at least the level of vice president if the industrial user is a corporation; (2) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individuals designated above. The designated representative of an industrial user shall be named only by official title in the Industrial Wastewater Discharge Permit.

3.5 Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight per unit volume (milligrams per liter, mg/l). Chemical Oxygen Demand (COD) is the quantity of oxygen utilized in the oxidation of organic matter through chemical reaction also expressed in terms of weight per unit volume.

3.6 Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard as set forth in any regulation containing pollutant discharge limits promulgated by the EPA in accordance with the Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

3.7 City. The City of Terrell Hills, Texas as represented by the official acts of the City Council and Council designated representative public officials.

3.8 Cooling Water. The water discharge from any use thereof to which the only potential pollutant added is heat.

3.9 Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the San Antonio Regional, and/or publicly-owned, treatment works NPDES permits, where that publicly-owned treatment work (POTW) is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by that POTW's NPDES permit.

3.10 "Composite Flow-Proportional Sample". Shall mean two or more discharge samples taken

on flow-proportional basis to be representative of the quantity and quality of the normal average daily discharge.

3.11 "Time-Proportional Composite Sample". Shall mean two or more discharge (grab) samples of equal volume taken at regular time intervals during normal operating hours.

3.12 Control Authority. The term "Control Authority" shall refer to the "Approval Authority", defined hereinabove, or the San Antonio Regional Wastewater Facilities Manager if the City of San Antonio has an EPA approved regional Pretreatment Program under the provisions of 40 CFR, Part 403, Section 403.11.

3.13 Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Texas.

3.14 Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said Agency.

3.15 Grab Sample. A sample which is taken from a wastewater flow on a one-time basis without regard to the volume of flow and without consideration of the time at which the sample is taken.

3.16 Holding Tank Waste. Any wastes from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks, and other liquid waste hauling mechanisms.

3.17 Incompatible Pollutant. All pollutants other than compatible pollutants as defined in subparagraph 3.9 of this Section.

3.18 Indirect Discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317) into the POTW (including holding tank waste discharged into either the City of Terrell Hills Wastewater Collection System or the Regional System).

3.19 Industrial User. A non-residential source of Indirect Discharge as defined above which does not constitute a "discharge of pollutants" to a receiving stream under regulations issued pursuant to Section 402, of the Act, (33 U.S.C. 1342).

3.20 Industrial Wastewater. The liquid and waterborne pollutants resulting from processes or operations employed in business, commerce, or industry as defined in the "Standard Industrial Classification Manual, 1972" Office of Management and Budget of the Federal government, as amended and supplemented from time to time. Includes the mixtures of any industrial wastewater pollutants with water or domestic sewage as distinct from normal domestic wastewater.

3.21 Interference. The inhibition or disruption of the POTW transportation and/or treatment processes or operations or that which contributes to a violation of any requirement of the regional PYTW's NPDES Permit. The term includes acts or failures to act that prevent sewage sludge use or disposal by the regional POTW in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, the Resource Conservation and Recovery Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IS7 of SWDA) applicable to the methods of disposal or use employed by the regional POTW.

3.22 National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act 40 CFR, Section 403.5.

3.23 New Source. Any source the construction of which is Commenced after the publication (in the Federal Register) of proposed standards for that industry, as prescribed in Section 307(c) of the Act (33 U.S.C. 1317), if such regulation is enacted within 120 days after publication in the Federal Register. Where the standard is promulgated later than 120 days after publication in the Federal Register, a new source means any source the construction of which is commenced after the date of promulgation of the standard.

3.24 National Pollution Discharge Elimination System or NODES Permit. A permit issued to the City of San Antonio by the EPA pursuant to Section 402 of the Act (33 U.S.C. 1342)

3.25 Normal Domestic Wastewater. The water-borne wastes normally discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories and institutions, to the City of Terrell Hills Wastewater Collection System, free from stormwater and industrial wastewater. The BOD is not greater than 250 mg/l and TSS is not greater than 250 mg/l.

3.26 Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representative, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

3.27 pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

3.28 Water Pollution. The human alteration of the chemical, physical, biological, or radiological characteristics of water below certain minimum desirable quality standards.

3.29 Pollutant. Any dredge spoil, solid waste, incinerator residue, sewage, garbage, sewage

sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

3.30 Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Part 403, Section 403.6(d).

3.31 Pretreatment Requirements. Any locally or regionally adopted substantive or procedural requirement related to industrial wastewater pretreatment that may supplement National Pretreatment Standard requirements imposed upon an industrial user.

3.32 Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292). This definition includes the City of Terrell Hills Wastewater Collection System and other regional sewers that convey wastewater to the regional POTW treatment plant(s) from indirect discharge points. This definition does not include pipes, sewers, sampling points located exclusively on private property, or other conveyances that are physically located anterior to the indirect discharge point.

3.33 POTW Treatment Plant. That portion of the POTW designed to provide regional wastewater treatment rather than wastewater transportation.

3.34 Shall. Shall is mandatory; May is permissive.

3.35 State. State of Texas.

3.36 Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

3.37 Standard Methods. Shall mean the examination and analytical procedures set forth in the latest approved edition at the time of analysis of "Standard Methods for the Examination of Water and Wastewater" as prepared by the American Water Works Association. "Standard Methods" shall also mean any approved analytical procedures published by the U.S. EPA in 40 CFR Part 36.

3.38 Storm Water. Any excess flow of water within either the City of Terrell Hills Wastewater Collection System or Regional System resulting from surface runoff from natural forms of precipitation including infiltration and inflow.

3.39 Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by a laboratory filtration

device in accordance with procedures set forth in "Standard Methods for the Examination of Water and Wastewater" expressed in terms of weight per unit volume (mg/l).

3.40 Regional Wastewater Facilities Manager or the Manager. The person designated by the Director of Public Works of the City of San Antonio to supervise the operation and maintenance of the publicly owned, regional treatment works and who is charged with certain duties and responsibilities by the City of San Antonio Industrial Wastewater Ordinance No. 57214, as may be amended. Other qualified personnel including the City Manager of the City of Terrell Hills can be designated as the Manager's duly authorized representative when appropriate. When used herein, "City Manager" shall refer to the City Manager of the City of Terrell Hills.

3.41 Toxic Pollutant. Any pollutant or Combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Section 307(a) of the Act or other Acts.

3.42 User. Any person who contributes, causes or permits the contribution of wastewater into the City of Terrell Hills Wastewater Collection System or other parts of the POTW.

3.43 Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, which is indirectly discharged into, or permitted to enter, the POTW, together with any groundwater, surface water, and stormwater that may be present.

3.44 State Waters.

(a) The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, lake, and of every bay of the Gulf of Mexico, and the stormwater, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watershed in the State is the property of the State.

(b) Water which is imported from any source outside the boundaries of the State for use in the State and which is transported through the beds and banks of any navigable stream within the State or by utilizing any facilities owned or operated by the state is the property of the State.

3.45 Industrial Wastewater Discharge Permit. As set forth in Section 6.2 of this ordinance.

3.46 Abbreviations. The following abbreviations shall have these designated meanings:

|                        |                                       |
|------------------------|---------------------------------------|
| <u>BOD<sub>5</sub></u> | Biochemical oxygen demand (five day). |
| <u>CFR</u>             | Code of Federal Regulations.          |
| <u>COD</u>             | Chemical oxygen demand.               |
| <u>EPA</u>             | Environmental Protection Agency.      |
| l                      | Liter.                                |

|              |   |
|--------------|---|
| <u>LEL</u>   | Lower Explosive Limit.                            |
| <u>mg</u>    | Milligrams.                                       |
| <u>mg/l</u>  | Milligrams per liter (weight to volume).          |
| <u>NPDES</u> | National Pollutant Discharge Elimination System.  |
| <u>PYTW</u>  | Publicly Owned Treatment Works.                   |
| <u>PL</u>    | Public Law.                                       |
| <u>SIC</u>   | Standard Industrial Classification.               |
| <u>SWDA</u>  | Solid Waste Disposal Act, 42 U.S.C. 6901, et.seq. |
| <u>USC</u>   | United State Code.                                |
| <u>TDWR</u>  | Texas Department of Water Resources.              |
| <u>TSS</u>   | Total Suspended Solids.                           |

#### SECTION 4. Regulations.

4.1 General Discharge Prohibitions. No user shall indirectly discharge or cause to be indirectly discharged, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State, Regional or Local Pretreatment Standards or Requirements. A user may not indirectly discharge the following substances to any POTW:

(a) Any liquids, solids or gases, which by reason of their nature or quantity are, or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on a combustible gas detection meter, at the point of discharge into the system, or at any other point in the system, be more than five percent (5%) nor any single reading be over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, perioxides, chlorates, perchlorates, bomates, carbides, hydrides and sulfides and any other substances which the City of San Antonio, City of Terrell Hills, the State or EPA has notified the user is a fire hazard to the system.

(b) Solid or viscous substances in such quantities and/or qualities which may cause obstruction to the flow in a wastewater collection system or other substances causing interference with the operation of the regional wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gasoline, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.5 or greater than 10.5, or wastewater having any other corrosive property capable of causing inordinate damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters at the effluent end of the POTW, or to exceed the limitations set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to physically prevent reasonably safe and/or tolerable human and/or mechanical entry into a wastewater collection system for inspection, maintenance and repair purposes.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for normal landfill disposal, land application, reclamation or reuse, or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, the Resource Conservation and Recovery Act, or State criteria applicable to sludge management and/or disposal methods being used.

(g) Any substance which will cause the POTW to violate City of San Antonio regional NPDES and/or State Disposal System Permit or the receiving water effluent quality standards.

(h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes, vegetable tanning solutions, and whole blood.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW regional treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the regional POTW treatment plant which exceeds 40°C (104°F) unless the regional POTW treatment plant is designed to accommodate such temperature. Wastewater entering the City of Terrell Hills Wastewater Collection System cannot exceed 65.5°C (150°F) unless the quantity of heated discharge is of such volume that the manhole does not exceed 40°C (104°F).

(j) Any pollutants, including oxygen demanding pollutants (BOD, COD, etc.) released at a flow and/or pollutant concentration which a user knows or should have reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or, contain concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average daily concentration, quantities, or flow during normal operation.

(k) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits as permitted by the most current Federal or State regulations or as established by the Regional Wastewater Facilities Manager in compliance with applicable State or Federal regulations.

(l) Any wastewater which creates a public nuisance.

When either the Regional Wastewater Facilities Manager or the City Manager of the City of Terrell Hills determines that a user(s) is indirectly discharging to the POTW any of the above enumerated substances in such quantities or concentrations so as to interfere with the operation or performance of the POTW, the Regional Wastewater Facilities Manager, in conjunction with the City Manager of the City of Terrell Hills, shall: (1) advise the users(s) of the impact of the indirect discharge on the POTW; and (2) develop effluent limitation(s) for such users to correct the interference with the POTW.

4.2 Federal Categorical Pretreatment Standards. After the promulgation of the Federal Categorical Pretreatment Standard for a particular industrial subcategory, and upon expiration of any compliance grace period, the Federal Standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall supersede and replace the limitations imposed under this ordinance for that particular industrial subcategory. Federal Categorical Pretreatment Standards that are more stringent than limitations imposed under this ordinance for sources in a particular industrial subcategory, and are already in existence at the time this ordinance becomes effective, shall also supersede and replace the limitations imposed under this ordinance as they apply to the particular industrial subcategory so regulated. The Regional Wastewater Facilities Manager, in conjunction with the City Manager of the City of Terrell Hills shall notify all affected users of the modified applicable reporting requirements under 40 CFR, Part 403, Section 403.12.

4.3 Modification of Federal Categorical Pretreatment Standards. Where the City of San Antonio regional wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City of San Antonio may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the regional wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in 40 CFR, Part 403, Section 403.7(c)(2), "General Pretreatment Regulations for

Existing and New Sources of Pollution" promulgated pursuant to the Act. The City of Terrell Hills may modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in the 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

4.4 Specific Pollutant Limitations. No person shall either directly or indirectly discharge wastewater containing in excess of the pollutant limits below. These limits are based on either flow-proportional or time-proportional composite samples (per day).

|      |  |
|------|--|
| 0.70 | mg/l arsenic                             |
| 5.0  | mg/l barium                              |
| 1.0  | mg/l boron                               |
| 8.00 | mg/l cadmium                             |
| 10.0 | mg/l chromium (total)                    |
| 7.0  | mg/l copper                              |
| 2.5  | mg/l cyanide (total)                     |
| 0.70 | mg/l lead (total)                        |
| 1.0  | mg/l manganese                           |
| 0.05 | mg/l mercury                             |
| 5.5  | mg/l nickel                              |
| 0.02 | mg/l selenium                            |
| 0.50 | mg/l silver                              |
| 4.0  | mg/l zinc                                |
| 200  | mg/l free or emulsified oils and grease. |

4.5 State Requirements. State specific pollutant requirements and limitations, if any, on indirect discharges shall immediately supersede and replace the requirements and limitations imposed by this ordinance when the State requirements are more stringent than either the Federal or City of Terrell

Hills standards and requirements.

4.6 Right of Revision. The City of Terrell Hills reserves the right to amend this ordinance at any time to establish more stringent specific pollutant limitations or requirements on indirect discharges to the Wastewater Collection System if deemed necessary by the City of Terrell Hills to protect the regional POTW processes or to cure or prevent a regional effluent quality problem in treated wastewater and/or resulting sludges. The City of Terrell Hills reserves the right to amend this ordinance to comply with the general objectives and purposes presented in Section 2 of this ordinance.

4.7 Prohibition of Dilution. No user shall ever increase the use of process water, unpolluted water, surface water or stormwater or in any other way attempt to dilute either a direct or indirect discharge as a partial or complete substitute for adequate treatment to achieve compliance with the specific pollutant limitations contained in the Federal Categorical Pretreatment Standards, or in any other specific pollutant limitations promulgated by the City of Terrell Hills and/or State and incorporated in this ordinance.

4.8 Accidental Indirect Discharges. Each user shall provide protection from accidental indirect discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental indirect discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection may be required to be submitted to the City of San Antonio for technical review, and shall be approved by the City of Terrell Hills, in conjunction with the City of San Antonio before construction of any facility. All existing users may be required to complete such a plan by October 1, 1984. No user who commences indirect discharge to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the POTW until accidental indirect discharge procedures have been approved by the City of Terrell Hills in conjunction with the City of San Antonio technical review. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. In the case of an accidental indirect discharge, it is the responsibility of the user or his agent to immediately telephone and notify both the City Manager of City of Terrell Hills and the San Antonio Regional Wastewater Facilities Manager of the incident. The notifications shall include the time and location of the indirect discharge, type of waste, concentration and volume, and corrective actions taken.

4.9 Written Notice. Within five (5) working days following an accidental indirect discharge, the user may be required to submit to the City Manager of the City of Terrell Hills and the San Antonio Regional Wastewater Facilities Manager, or to their designated representatives, a written letter report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, the environment, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil

penalties, or other liability which may be imposed by this ordinance or other applicable law. Failure to notify the City Manager of the City of Terrell Hills and the San Antonio Regional Wastewater Facilities Manager, or their designated representatives of an accidental indirect discharge may result in legal action or discontinuation of service.

4.10 Notice to Employees. Employers shall take measures to insure that all appropriate employees be advised of the emergency notification procedures as outlined in Section 4.8 to be used in the event of an accidental indirect discharge.

## SECTION 5. Fees.

5.1 Purpose. It is the purpose of this Section to provide for the recovery of costs from users of both the City of Terrell Hills local wastewater collection system and the City of San Antonio regional wastewater disposal system for the implementation and continued operation of the program established herein.

5.2 Schedule of Fees. The fees will consist of three (3) basic charges. These include a permit fee required of all Industrial users, a sampling fee to be levied at the time of sampling, and an analysis fee to recover the costs of sample analysis. The fee schedule will be attached to and become part of the San Antonio Regional Industrial Wastewater Discharge Permit.

## SECTION 6. Administration.

6.1 Wastewater Discharges. It shall be unlawful to indirectly discharge any industrial wastewater into either the City of Terrell Hills Wastewater Collection System or the Regional System (POTW included therein) without first applying for and receiving a permit to do so. This rule shall apply except when the City Manager of City of Terrell Hills or this ordinance specifically authorizes an indirect discharge in full accordance with other provisions of this ordinance.

### 6.2 Industrial Wastewater Discharge Permit.

6.2.1 Permit Application. Users required to obtain an Industrial Wastewater Discharge Permit shall complete and file an application with the City of San Antonio Regional Wastewater Facilities Industrial Waste Subsection on a form prepared by the City of San Antonio. Although the City of San Antonio Regional Wastewater Facilities Industrial Waste Subsection will administer the permit application and issue process, permits issued to users within the jurisdictional boundaries of the City of Terrell Hills shall be issued in the name and by the authority of the City of Terrell Hills. The information requested may include the following items:

- (a) Name(s), address(es), and location(s);
- (b) SIC number according to the Standard Industrial Classification Manual, 1972, Bureau of

the Budget, as amended;

(c) The nature and concentration of any pollutants in the discharge which are limited by the City of Terrell Hills. State or Federal Pretreatment Standard, as determined by a Registered Professional Engineer; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

(d) Time and duration of contribution;

(e) Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations if any;

(f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

(g) Description of activities, facilities and plant processes on the premises including all materials which are, or could be, discharged;

(h) Each product by type, amount, process or processes and rate of production;

(i) Type and amount of raw materials processed (average and maximum per day);

(j) Number and type of employees, and hours of operation of plant and, if required in accordance with other provisions herein, the proposed or actual hours of operation of pretreatment system;

(k) Any other relevant information as may be deemed by the City of San Antonio and the City of Terrell Hills to be necessary to evaluate the permit application, or as required under Section 6.5 of this ordinance.

6.2.2 Permit Modifications. Upon the promulgation of an applicable Categorical Pretreatment Standard, the Industrial Wastewater Discharge Permit of users subject to such Standards shall be revised to require Compliance with such Standard within the time frame prescribed by such Standard. Where a user becomes subject to an applicable Categorical Pretreatment Standard, and has not previously submitted an application for an Industrial Wastewater Discharge Permit as required by 6.2.1, the user shall apply for an Industrial Wastewater Discharge Permit within 180 days after the promulgation of the applicable Categorical Pretreatment Standard but shall also comply with such Standard within the time frame prescribed by such Standard regardless of local permit issuance schedule. In addition, the user with an existing Industrial Wastewater Discharge Permit shall submit to the Regional Manager within 180 days after the promulgation of an applicable Categorical Pretreatment Standard the information required by paragraphs (a) through (c) and (k) of

Section 6.2.1. The Regional Manager reserves the right to modify existing permits when in the judgment of both the Regional Manager and City Manager of City of Terrell Hills, such modifications will protect the health and safety interests of the users of both the City of Terrell Hills Wastewater Collection System and the Regional System. Changes of occupancy, ownership or operations of a permitted business shall be reported to the Regional Manager within thirty (30) days of such an occurrence and the user must further comply with Section 6.2.5 contained herein.

6.2.3 Permit Conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of this ordinance and all other applicable State and Federal regulations, as well as the user charges and fees established by both the City of Terrell Hills, and the City of San Antonio where applicable. Permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the City of Terrell Hills Wastewater Collection System;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities, including technical data relative to location, slope, and capacity of piping used in the sampling facility or indirect discharge point;
- (e) Specifications for monitoring programs which may include the number of sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the permit or this ordinance, and affording both the City of Terrell Hills and the City of San Antonio access thereto;
- (i) Requirements for reporting the introduction of any new wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the Wastewater Collection System;
- (j) Requirements for reporting slug discharges as per the provisions of this ordinance;
- (k) Other conditions as deemed appropriate by either the City of Terrell Hills or the City of San Antonio to ensure compliance with this ordinance.

6.2.4 Permit Duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than a year or may be stated to expire on a specific date. The terms and conditions of the permit are subject to modification by the City of Terrell Hills in conjunction with the City of San Antonio during the term of the permit as limitations or requirements as identified in this ordinance are modified or other just cause exists that warrants modifications. The user shall be informed of any proposed changes in his permit prior to the effective date of the proposed change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

6.2.5 Permit Transfer. Industrial Wastewater Discharge Permits are issued to a specific user for a specific operation at a specific location. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior approval of the City of Terrell Hills.

6.2.6 Waste Haulers Permit. Wastewater Discharge Permits for waste haulers will be issued in accordance with the provisions of this ordinance until such time as more comprehensive regulations for transportation and discharge of wastewaters by haulers have been adopted.

6.3 Monitoring Facilities. The City of Terrell Hills, in conjunction with the City of San Antonio may require monitoring facilities that allow inspection, sampling, and flow measurement of the discharge point and/or internal drainage systems located on private property. These facilities shall be provided by the user and operated at the user's expense. The monitoring facility should normally be situated on the user's premises, but the City of Terrell Hills may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not create a public safety hazard nor be obstructed by structures, landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to safely allow for inspection personnel to position sampling equipment and prepare field samples for analysis.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Regional System requirements and all applicable local construction standards and specifications.

6.4 Inspection and Sampling. The City of San Antonio Industrial Waste Subsection personnel are hereby delegated authority to inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Employers and employees of premises where industrial wastewater is generated or discharged shall allow authorized City of San Antonio representatives displaying proper identification ready access to the premises at all reasonable times for the purpose of: inspecting wastewater generating operations and processes; wastewater flow monitoring and sampling; and examination of business records pertinent to

wastewater volume and quality. Where a user has safety and/or security measures in force which require user issuance of special safety equipment and/or proper identification and clearance before allowing entry into their premises, the user shall make necessary arrangements with their security guards or similar personnel, so that upon presentation of suitable identification, personnel from the City of Terrell Hills, the City of San Antonio, the State, or EPA will be permitted to enter, without delay, for the purpose of performing responsibilities reasonably associated with those stated above and reasonably required to accomplish the purposes and objectives of this ordinance.

Concentration and constituent analyses of wastewater from samples collected from any industrial user may be determined by the City of San Antonio or its authorized agent, the Approving Authority, a Registered Professional Engineer contracted by the discharger, or by any other qualified party approved by the City of San Antonio. If the discharger elects to contract with a Registered Professional Engineer for sampling and analysis of wastewater, the report submitted should contain a statement that the samples collected and values determined are based on daily composite sampling representative of the establishment's flow. The volume of wastewater may be determined by methods similar to those typically used to calculate monthly "general service customer" sewer service charges in the City of San Antonio.

6.5 Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this ordinance and to achieve compliance with all Federal Categorical Pretreatment Standards within compliance schedule requirements as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to quality Standards required by the City of Terrell Hills, in conjunction with input from the City of San Antonio or Approving Authority shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and an outline of the pretreatment facility operating procedures shall be prepared by a Registered Professional Engineer and submitted to the Regional Wastewater Facilities Manager for review. All plans shall be approved by the Regional Manager before construction of the facility. The user shall insure that construction of said treatment facility is accomplished within the time period specified by the Regional Manager. A schedule for completion with periodic progress reports may be required. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City of Terrell Hills under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or their method of operation shall be reported to and be reviewed for approval by the Regional Manager prior to the user's initiation of the changes. All records relating to compliance with Pretreatment Standards shall be made available to officials of the City of Terrell Hills, City of San Antonio, the EPA or the State of Texas upon request and shall be retained by the user for a minimum of three (3) years or until any ongoing litigation involving the pretreating user, and related to compliance with this ordinance, has been resolved.

6.5.1 Initial Compliance Report. Within thirty (30) days following the initial date required, pretreatment facilities are operational, or required modification of production processes affecting the quality of wastewater discharge are complete, or, in the case of a new source, the commencement of

the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and Requirements shall submit to the Regional Wastewater Facilities Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards or Requirements. The report will include average and maximum daily flows for these process units in the user facilities which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into Compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the industrial user, and certified by a Registered Professional Engineer. For industrial users not falling under Categorical Standards, certain reporting requirements may be modified as deemed appropriate.

#### 6.5.2 Periodic Compliance Reports.

(1) Any user subject to a Categorical Pretreatment Standard requiring pretreatment facilities shall, in accordance with 40 CFR, Part 403, submit to the Regional Wastewater Facilities Manager brief reports indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. These brief reports will be submitted at least twice annually or as required by the Regional Manager. In addition, these reports shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Sections 6.2.1(e) and 6.2.3(c) of this ordinance. At the discretion of the Regional Wastewater Facilities Manager and in consideration of such factors as local peak or low flow rates, holidays, budget cycles, etc., the Regional Manager may agree to alter the months during which the above reports are to be submitted.

(2) The Regional Manager may impose mass limitations on users, which become a part of the permit, in cases where the imposition of such mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants in the effluent of the user regulated by Pretreatment Standards. Mass limitations are expressed for a pollutant in terms of the permissible mass discharge in pounds or kilograms per day or in pounds or kilograms per unit measure of product produced by the industrial process being regulated. These reports shall contain the results of sampling and analysis of the discharge, including the flow, nature, and concentration, or production and mass where requested by the Regional Manager, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the Industrial Wastewater Discharge Permit or in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with techniques approved by the Administrator.

6.6 Confidential Information. User information and data obtained from reports, questionnaires, permit application, permits, and monitoring programs and from inspections shall be available to both the City of Terrell Hills and the City of San Antonio, TDWR and EPA without restriction. Regarding distribution of the above described information to other interested parties, including the general public, unless the user specifically requests and is able to demonstrate to the satisfaction of the City of Terrell Hills, and the City of San Antonio that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user, the information will be made available to the public.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the general public but shall be made available, upon written request, to TDWR and EPA for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Program; provided, however, that such sensitive portions of a report shall be available for use by the State or EPA in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics in the indirect discharge will not be recognized as confidential information.

#### SECTION 7. Enforcement.

7.1 Dangerous Discharges. The City Manager of the City of Terrell Hills, after consultation(s) with Regional Wastewater Facilities Manager may order the suspension of water and/or wastewater service(s) to any user in order to prevent or eliminate an indirect discharge which would, in the professional engineering judgment of the Regional Manager, cause imminent, serious endangerment to the health or safety of any person, significant damage to the environment, significant interference with the POTW, or violations of the City of San Antonio NODES permit conditions.

Concurrent with ordering such a suspension, the City Manager of the City of Terrell Hills, in conjunction with the Regional Manager shall issue a brief written letter report containing information and investigative data upon which the City Manager relied in ordering the suspension of service(s). A copy of this report will be expeditiously forwarded to the affected user(s) and to the Regional Industrial Wastewater Review Board.

The City Manager shall order reinstatement of any discontinued water and/or wastewater service(s) upon presentation to him by the user of written registered professional engineering proof or other written proof acceptable to both the City Manager and Regional Manager that the dangerous discharge has been eliminated and that recurrence is not possible.

Cost incurred by the City of Terrell Hills and/or the City of San Antonio or their agents in detecting, investigating, monitoring, measuring and eliminating the dangerous discharge, along with any disconnect and reconnect fees, shall be reimbursed to the appropriate City by the user(s) responsible for the dangerous discharge. Any property damages to the POTW or its appurtenant

structures resulting from the dangerous discharge shall also be borne by the user(s) responsible for the dangerous discharge.

Because of the urgent public need to immediately abate such dangerous discharges, the affected user is not afforded an administrative review hearing before the regional Industrial Wastewater Review Board prior to the City Manager ordering suspension of water and/or wastewater service(s). Subsequent to an order to suspend service(s), the City Manager shall issue a notice of alleged violation to the affected user in accordance with Section 7.2 below. This action will afford the affected user an opportunity for administrative procedural review of an alleged violation of this ordinance and/or the Industrial Wastewater Discharge Permit.

**7.2 Notice of Alleged Violations.** Whenever, the City Manager of City of Terrell Hills, after consultation with the Regional Wastewater Facilities Manager, believes that a user has violated or is violating this ordinance and/or an Industrial Wastewater Discharge Permit, the City Manager or his designated representative may serve (either personally or by registered or certified mail return receipt requested) upon such user a written notice stating the nature of the alleged violation. The recipient of an alleged violation notice must respond in writing to the City Manager or his designated representative within fifteen (15) working days of the mailing date or personal delivery date of such notice.

**7.3 Response by User to Notice of Alleged Violation.** The user responding to receipt of an alleged violation notice shall file written response in substantially one of the two following forms:

**7.3.1** Should the user admit his or her responsibility for the alleged violation, the user must submit a letter report to both the City Manager and the Regional Manager.

If the nature of the violation of either the Permit or this ordinance involves an indirect discharge of industrial waste that is prohibited, or exceeds quantity, quality, or concentration limitations, the letter report shall contain information regarding the time, date, location, cause, source, quantity, quality and concentration of the discharge and the corrective measures actually taken, or to be taken, by the user to prevent any similar recurrent discharges.

If the nature of the violation of either the Permit or this ordinance involves an administrative or procedural noncompliance, the letter report shall contain information regarding corrective measures and time schedules the user has adopted to assure expeditious compliance.

**7.3.2** Should the user deny his or her responsibility for the alleged violation, the user must submit a letter report to both the City Manager and the Regional Manager.

Regardless of the nature of the alleged violation (be it substantive regarding specific discharge(s) of industrial waste, or administrative or procedural) the letter report may request an administrative hearing before the Regional Industrial Wastewater Review Board to address the alleged violation.

In the alternative, the user may waive his or her right to an administrative hearing before the Regional Industrial Wastewater Review Board and defend against any legal action taken by either the City of Terrell Hills or the City of San Antonio in the appropriate court of jurisdiction.

Within ten (10) working days of the receipt by the Regional Manager of any written request for a hearing, the Regional Manager or his designated representative shall respond in writing to the user notifying the user of the date, time, and location of the hearing. All hearings shall take place within thirty (30) working days of the receipt by the Regional Manager of the written request for such hearing.

7.3.3 Should the recipient of an alleged violation notice fail to respond in writing to the Regional Wastewater Facilities Manager within the initial fifteen (15) working days response period as outlined above in 7.2, 7.3, 7.3.1, 7.3.2, the recipient user is deemed to have waived his or her right to request an administrative hearing before the Regional Industrial Wastewater Review Board and may be sued or prosecuted by either the City of Terrell Hills or the City of San Antonio for the consequences of the violation(s) cited in the notice of alleged violation at a legal proceeding in the appropriate municipal, county, district, or federal court.

7.4 Regional Industrial Wastewater Review Board Hearing. The purpose and intent of the Review Board hearing process is to afford a user requesting the hearing a non-litigative forum at which alleged ordinance or Permit violations may be reviewed and/or resolved. Recommendations by the Board to either the City Manager of City of Terrell Hills or the Regional Manager are not a required prerequisite to, nor are they binding upon, either Official's actions or their recommendations to their administrative superiors, legal counsel, or the City Manager regarding this ordinance or an Industrial Wastewater Discharge Permit. The Regional Industrial Wastewater Review Board may issue notices requesting the attendance and testimony of witnesses and experts familiar with alleged violations. The Board may also call for the production of evidence relevant to the alleged violation. At the hearing, a majority of the Regional Industrial Wastewater Review Board shall receive evidence and testimony from appropriate public officials and the user in both written and oral form. At the conclusion of the hearing the Board members present shall prepare a written summary report of the proceedings for submittal to the entire Board for their review. After the entire Board has reviewed the summary report it will adopt by a minimum 2/3 vote of the Board members present on a designated day of decision, a formal recommendation to be presented to the respective public officials addressing topics such as: suggested enforcement or legal actions, if any; compliance schedules; proposed amendments or modifications to either this ordinance or an Industrial Wastewater Discharge Permit; discontinuance of water or wastewater services; changes in administrative or enforcement staff procedures; suggested pretreatment facilities for a user or class of user; etc.

7.5 Legal Action. In spite of any other provisions contained in this ordinance, the City of Terrell Hills reserves the right to at any time seek legal and/or equitable remedies against any person or

corporation allegedly violating this ordinance, the provisions of an Industrial Wastewater Discharge Permit, and/or Federal or State laws governing water quality and industrial wastewater pretreatment.

A legal proceeding prosecuted under this ordinance does not constitute a waiver by the City of Terrell Hills of any right the City of Terrell Hills may have to join in a legal action originating from some alternative source of law.

The City Attorney of City of Terrell Hills, otherwise named legal counsel for City of Terrell Hills, may commence such actions for appropriate legal and/or equitable relief in courts having proper jurisdiction upon securing authorization from the appropriate public body or official to so proceed.

#### SECTION 8. Penalties and Costs.

8.1 Civil Penalties. Any user who is found guilty in the municipal court of the City of Terrell Hills of violating this ordinance and/or an Industrial Wastewater Discharge Permit shall be fined not less than \$5.00 dollars nor more than \$200.00 dollars for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct actionable offense. In addition to the penalties provided for herein, the City of Terrell Hills may seek recovery in a court of competent jurisdiction for any actual damages to the POTW or equipment required to operate, maintain and monitor the POTW. The City of Terrell Hills may also seek reasonable attorney fees, court costs, and other expenses of litigation along with all other relief, both in law and/or equity, to which it might be entitled. Additional recoveries and relief in law and/or equity by either the City of Terrell Hills or the City of San Antonio under existing Federal or State law are not precluded by specific recoveries obtained by the City of Terrell Hills under this Section of the ordinance.

8.2 Falsifying Information. Any person who knowingly makes any false statements, representations or certifications in any Industrial Wastewater Discharge Permit Application, record, report, plan or other document filed with either the City of Terrell Hills or the City of San Antonio as an administrative and enforcement adjunct to the City of Terrell Hills, or required to be maintained pursuant to this ordinance, or the Industrial Wastewater Discharge Permit; or who tampers with, or knowingly renders inoperable any monitoring device; or who falsifies records required to be kept pursuant to this ordinance; shall, upon conviction, be punished by a fine of not more than \$200.00 dollars.

#### SECTION 9. Severability.

9.1 If any word, phrase, clause, paragraph, part or provision of this ordinance or its subsections or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of that subsection and of this ordinance shall nevertheless be valid, and the City Council of City of Terrell Hills hereby declares that the subsection would have been enacted without such invalid, or unconstitutional word, phrase, clause, paragraph, part or provision.

#### SECTION 10. Conflict.

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.  
(Ord. 667, 4-9-84)

**Sec. 11-28, Termination of Sewer Service for Non-Payment of Fees**

1. When a sanitary sewer fee has not been paid within a ten (10) day period after date of bill mailing the Secretary-Manager shall take the following action:

Notify the delinquent customer either in person or by certified mail, return receipt requested, or by notice affixed to the front door of the premises, that if the delinquent account is not paid in full within fifteen (15) days of the date of said notice that sanitary sewer service to the premises will be terminated by disconnection of the service line to the premises from the City's sanitary sewer main.

2. Said notice shall set forth the formal procedure by which the user can discuss any dispute over the propriety or existence of the charge with the City Council. The user shall be allowed an additional ten (10) days beyond the fifteenth (15th) day after the date the bill was mailed within which to request a formal hearing before the Council.

3. If the user does not exercise his/her right to request a formal hearing within the additional ten (10) day period, the user is deemed to have waived his/her right to request such a hearing and is summarily liable for the amount due for sanitary sewer charges. If the user fails to pay the amount due for sanitary sewer charges, the user faces discontinuation of not only sanitary sewer service, but possible legal action as well.

4. If the user does exercise his/her right to request a formal hearing within the additional ten (10) day period, the Secretary-Manager shall inform the user requesting the hearing of the date, time and location of the next regularly scheduled meeting of the Council at which a formal hearing will be conducted. Information pertaining to the date, time and location of the formal hearing shall be conveyed to the requesting user within ten (10) days of the receipt of the request by the Council.

5. The Council shall examine the facts and circumstances of each case and shall consider the views expressed by interested parties. The Council shall render a final decision concerning the reasonableness, propriety, or existence of any sanitary sewer charges assessed to the user requesting the formal hearing. The decision of the Council shall be final.

6. After it has been determined by the Council that the hearing process has been exhausted or waived by the user, and that the user is delinquent in payments owed for sanitary sewer service, and where the premises receive metered water service from a water purveyor under contract with the City to collect sewer charges, the Council shall direct that utility to discontinue water service to the delinquent sewer user.

7. After it has been determined by the Council that the hearing process has been exhausted or waived by the user, and that the user is delinquent in payments owed for sanitary sewer service, and where the premises do not receive metered water service, the Council shall direct the Secretary-Manager to physically disconnect the delinquent user's sewer service lateral from the main.

8. Once sanitary sewer service has been disconnected as hereinabove provided, it shall not be reinstated until all charges shown on the sewer bill, plus the reasonable cost of disconnecting the sewer lateral and the reasonable cost of reconnecting the sewer lateral are paid in full. In addition, the City shall require the user to make a reasonable security deposit with the City or water purveyor to assure future timely payment of sanitary sewer charges. This security deposit shall be collected, deposited and refunded in accordance with State law governing such deposits.

9. When any user liable for sewer charges shall leave the premises to which such charge is applicable, the user shall not be furnished sewer service at the premises occupied by the user within the City of Terrell Hills until all delinquent sewer charges owed by the user are paid or, user has taken or may still take, the necessary and timely steps to request a formal hearing as outlined above and the decision of the Council is pending.

10. The City hereby expressly does not waive any additional, non-administrative, legal remedies that it may have to prosecute illegally connected or delinquent users under the laws of the State of Texas.

11. All ordinances and other regulations, if any, in conflict herewith are amended and repealed to the extent of such conflict, so that the provisions hereof shall govern and control.  
(Ord. 740, 7-21-87)

**Sec. 11-28-A, Delegating to the San Antonio Water System the authority to implement and enforce City of San Antonio Industrial Waste and Liquid Waste Transportation and Disposal Regulations**

1. The City of Terrell Hills (the "City") hereby authorizes the execution of an Interlocal Agreement with the San Antonio Water System setting out the terms and conditions of the implementation and enforcement of the City of San Antonio Industrial Waste and Liquid Waste Transportation and Disposal Regulations ordinances within the city limits of the City. The Mayor of the City is hereby authorized to negotiate and execute an Interlocal Agreement substantially in the same form as the agreement attached hereto and incorporated herein as Attachment 1.

2. The City hereby directs City Staff to publish a notice of this ordinance in a newspaper of general circulation. Such notice shall also inform the public where the full texts of the City of San Antonio Industrial Waste and Liquid Waste Transportation and Disposal Regulations ordinances are accessible and obtainable by the public.

3. The terms, provisions and conditions of the City of San Antonio Code of Ordinances §34-471 through and including §34-485 and §34-511 through and including §34-524 will apply and be enforceable within the city limits of the City. The City hereby delegates to the San Antonio Water System the authority to enforce the City of San Antonio's Industrial Waste and Liquid Waste Transportation and Disposal Regulations ordinances within the city limits of the City.
4. Any person or entity within the city limits of the City that is an Authorized representative of industrial user, an Entity, an Industrial user, a Significant industrial user, a User, a Person, an Existing source, a New source, a categorical user or a permittee, as those terms are used or defined in City of San Antonio Code of ordinances §34-471 through and including §34-485, is required to perform all acts required of such a person or entity pursuant to the provisions of City of San Antonio Code of Ordinances §34-471 through and including §34-485.
5. Any person or entity within the city limits of the City that is an Authorized representative of industrial user, an Entity, an Industrial user, a Significant industrial user, a User, a Person, an Existing source, a New source, a categorical user or a permittee, as those terms are used or defined in City of San Antonio Code of Ordinances §34-471 through and including §34-485, is required to pay all fees required of such a person or entity pursuant to the provisions of City of San Antonio Code of Ordinances §34-471 through and including §34-485.
6. Any person or entity within the city limits of the City that is an Authorized representative of industrial user, an Entity, an Industrial user, a Significant industrial user, a User, a Person, an Existing source, a New source, a categorical user or a permittee, as those terms are used or defined in City of San Antonio Code of Ordinances §34-471 through and including §34-485, is subject to all prohibitions, limitations, restrictions and requirements applicable to such a person or entity that are contained in City of San Antonio Code of Ordinances §34-471 through and including §34-485.
7. Any person or entity within the city limits of the City that is an Authorized representative of industrial user, an Entity, an Industrial user, a Significant industrial user, a User, a Person, an Existing source, a New source, a categorical user or a permittee, as those terms are used or defined in City of San Antonio Code of Ordinances §34-471 through and including §34-485, is subject to all civil and criminal penalties applicable to such a person or entity that are contained in City of San Antonio Code of Ordinances §34-471 through and including §34-485.
8. The City authorizes the San Antonio Water System to exercise all rights, to perform all functions, responsibilities and duties, and to do any acts performable by the Control authority, SAWS, the City, the San Antonio Water System, a Publicly owned treatment works (POTW), the Department, or the director, as those terms are used or defined in City of San Antonio Code of Ordinances §34-471 through and including §34-485, within the city limits of the City.
9. Any person or entity within the city limits of the City that is a Person, applicant, liquid waste

transporter, Permittee, liquid waste generator, Disposal site operator, Generator, SAWS permit holder, Commercial vehicle wash, liquid waste hauler, Manager, Mobile waste generator, Vehicle wash grit drying facility, or Transporter, as those terms are used or defined in City of San Antonio Code of Ordinances §34-511 through and including §34-524, is required to perform all acts required of such a person or entity pursuant to the provisions of City of San Antonio Code of Ordinances §34-511 through and including §34-524.

10. Any person or entity within the city limits of the City that is a Person, applicant, liquid waste transporter, Permittee, liquid waste generator, Disposal site operator, Generator, SAWS permit holder, Commercial vehicle wash, liquid waste hauler, Manager, Mobile waste generator, Vehicle wash grit drying facility, or Transporter, as those terms are used or defined in City of San Antonio Code of Ordinances §34-511 through and including §34-524, is required to pay all fees required of such a person or entity pursuant to the provisions of City of San Antonio Code of Ordinances §34-511 through and including §34-524.

11. Any person or entity within the city limits of the City that is a Person, applicant, liquid waste transporter, Permittee, liquid waste generator, Disposal site operator, Generator, SAWS permit holder, Commercial vehicle wash, liquid waste hauler, Manger, Mobile waste generator, Vehicle wash grit drying facility, or Transporter, as those terms are used or defined in City of San Antonio Code of Ordinances §34-511 through and including §34-524, is subject to all prohibitions, limitations, restrictions and requirements applicable to such a person or entity that are contained in City of San Antonio Code of Ordinances §34-511 through and including §34-524.

12. Any person or entity within the city limits of the City that is a Person, applicant, liquid waste transporter, Permittee, liquid waste generator, Disposal site operator, Generator, SAWS permit holder, Commercial vehicle wash, liquid waste hauler, Manager, Mobile waste generator, Vehicle wash grit drying facility, or Transporter, as those terms are used or defined in City of San Antonio Code of ordinances §34-511 through and including §34-524, is subject to all civil and criminal penalties applicable to such a person or entity that are contained in City of San Antonio Code of Ordinances §34-511 through and including §34-524.

13. The City authorizes the San Antonio Water System to exercise all rights, to perform all functions, responsibilities and duties, and to do any act performable by SAWS, the Department, the City, the Director, the CEO or the San Antonio Water System, as those terms are used or defined in City of San Antonio Code of Ordinances §34-511 through and including §34-524, within the city limits of the City.

14. It is officially found, determined and declared that the meeting at which this ordinance is adopted was open to the public, and that public notice of the time, place and subject matter of the public business to be conducted at such meeting, including this ordinance, was given to all as required by the Texas Codes Annotated, as amended, Title 5, Chapter 551, Government Code.

15. If any part, section, paragraph, sentence, phrase or word of this ordinance is for any reason held to be unconstitutional, illegal, inoperative or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid or ineffective, the remainder of this ordinance shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid or ineffective.  
(Ord. 1133, 3-10-03)

**Sec. 11-30, Towers and Satellite Dishes**

1. That, radio, television, microwave broadcast or relay towers, satellite radio, microwave or television antennas of dish spheroid, lenticular, funnel, tube, spiral or other than ordinary grid and crossarm array design and size commonly used for home television reception, to include earth stations and all such similar receiving or transmitting equipment, whether for radiowave or microwave reception or transmission in size by the largest length, width, or diameter dimension exceeding three feet are prohibited in all areas except upon the granting of a Special Uses Permit as herein provided.

2. Upon receipt, City Council will act on any request at the next scheduled Council meeting.

3. The basic guidelines for site location of the instrument are that it will be located to the rear of the residence and must not be visible to the extent that it will detract from the aesthetic harmony of the surrounding neighborhood.

4. The cost for issuance of the Special Uses Permit will be fifty dollars (\$50).

5. Each violation of this ordinance shall be punished by a fine of not less than \$1 nor more than \$200 and each day of continuation of such violation shall be a separate offense.  
(Ord. 692, 5-13-85)

**Sec. 11-40, Burglar Alarms**

1. It shall be unlawful for any person to install or cause to be installed or permit to continue to be installed in any premises occupied by him or subject to his control in the City of Terrell Hills any burglar and/or fire alarm system unless they first register such system with the Secretary-Manager. Failure to so register shall be an offense punishable by a fine not exceeding \$10.00 and each day that such failure continues shall constitute a separate offense.

2. Each registrant shall advise the Secretary-Manager at the time of registration of the manner in which his particular burglar and/or fire alarm system can be deactivated in the event that it should be set off during his absence.

3. With reference to each burglar and/or fire alarm system the occupant shall pay a service fee of

\$25.00 for each burglar and/or fire alarm service call in excess of five during a twelve month period. The aforementioned twelve month period shall be a calendar year, January 1 to December 31. Such charge shall be payable within 10 days after written demand from the Secretary-Manager.

4. This Ordinance shall take effect on January 1, 2009, after publication according to law.

5. If any section or part of any section or paragraph of this ordinance is declared invalid or unconstitutional for any reason, it shall not be held to invalidate or impair the validity, force, or effect of any other section or sections or part of a section or paragraph of this Ordinance.

6. All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.

(Ord. 1272, 9-08-08)

#### **Sec. 11-41, No City Hall Burglar Alarm Monitoring**

Effective 1 January 1991, all monitoring of burglar and fire alarm systems at City Hall shall be discontinued.

(Ord. 824, 11-26-90)

#### **Sec. 11-50, Garage Sales**

1. It shall be unlawful for any person in the City of Terrell Hills to conduct more than two garage sales in a one year period. Further, no sign(s) advertising said garage sale(s) shall be displayed at any location other than the front yard of the residence conducting the sale.

2. No person shall conduct a garage sale that exceeds two days in duration. Prior to conducting the sale, a permit must be obtained from City Hall for a fee of \$3.00. This permit must be prominently displayed during the time of the sale.

3. Sale of items from any source outside the City limits of Terrell Hills is prohibited.

4. All advertising signs must be removed within twenty four hours of the completion of the sale.

5. Any violation of the provisions of this Ordinance shall be punishable by a fine not exceeding \$200.00 and each day's violation shall constitute a separate offense.

(Ord. 851, 1-13-92)

#### **Sec. 11-55, Display of House Number**

1. That each owner, occupant or person in possession of improved real property in the city for

which a street or house number has been assigned by the city, shall be and is hereby required to maintain and display on said premises the number so assigned. As so maintained and displayed said number shall be of such design and color and be so located as to be clearly visible from the street in front of said real property to personnel of the fire and police departments of the city.

2. It shall be the duty of the Secretary-Manager, acting by and through personnel of the fire and police departments of the city, to require compliance by all affected persons with the provisions hereof.

3. In all cases where it is determined that the duly assigned number to a property of paragraph 1 above, the owner, occupant or person in possession of the property shall be given written notice of the provisions of this ordinance and thereafter shall have 30 days in which to correct the deficiency.

4. A violation of this ordinance shall be punishable by a fine not less than \$1.00 nor more than \$200 and each day that a violation continues shall be a separate offense.

5. Ordinance #408 passed and approved September 9, 1976 is hereby repealed.  
(Ord. 883, 6-21-93)

### **Sec. 11-60, No Abandoned Airtight Containers**

1. It shall be unlawful for any person in the City to place, or allow to be placed, outside of any building or dwelling in a location accessible to children, any abandoned, unattended or discarded icebox, refrigerator, freezer or any other containers of any type that has an airtight snap lock or other locking device, or a magnetic seal-type door, without first removing the lock or doors from such icebox, refrigerator, freezer or container.

2. Any violation of the provisions of this ordinance shall be punishable by a fine not exceeding \$200.00, and each day's violation shall constitute a separate offense.  
(Ord. 813, 6-11-90)

### **Sec. 11-70, Water Conservation and Aquifer Management Plan**

The enforcement of a total ban on all sprinkler irrigation within the City of Terrell Hills will follow declaration of such a ban by the Edwards Aquifer Authority's Board of Directors, determination by the City of San Antonio that conditions necessitate such action, and concurrence of a majority of the City Council of the City of Terrell Hills.

#### **1. Prescribed hours for irrigation.**

a. Year-round irrigation with a hose-end sprinkler or in-ground sprinkler system, in the absence of the declaration of any stage reducing hours and/or days, shall be between the hours of 8:00 p.m. to 10:00 a.m. on any day of the week. Irrigation with a soaker hose or handheld hose is allowed at any time on any day.

b. Designated irrigation days for stages I, II and III are according to the last digit of the street address. If the last digit is

- i. 0 or 1 the irrigation day is Monday
- ii. 2 or 3 the irrigation day is Tuesday
- iii. 4 or 5 the irrigation day is Wednesday
- iv. 6 or 7 the irrigation day is Thursday
- v. 8 or 9 the irrigation day is Friday.

c. For stage 1, irrigation with a hose-end sprinkler or in-ground sprinkler system is allowed on the day specified in b., above during the hours specified in a., above. Irrigation with a soaker hose or handheld hose is allowed at any time on any day.

d. For stage II, irrigation with a hose-end sprinkler, in-ground sprinkler system, or soaker hose is allowed on the day specified in b., above during the stage II hours of 3:00 a.m. to 8:00 a.m. and 8:00 p.m. to 10:00 p.m. Irrigation with a handheld hose is allowed any time on any day.

e. For stage III, irrigation with a hose-end sprinkler, in-ground irrigation system, or soaker hose is allowed on the day specified in b., above every other week after stage III has been declared and sufficient notice has been concurred in by the City Council. Hours for stage III irrigation will be the same as for stage II. Irrigation with a handheld hose is allowed any time on any day.

**2. Violation.** It shall be a violation for any person in the corporate limits of the City of Terrell Hills intentionally, knowingly, recklessly or criminally negligently to allow or cause water waste or to allow or cause landscape watering outside the prescribed hours for landscape watering.

**3. Water Waste Defined.** Water waste includes, but is not limited to, allowing or causing a flow of water used for landscape watering to run into a gutter, ditch or drain, sanitary or storm sewer, or any street, road or other impervious surface. Waste shall also include failure to repair any controllable leak.

**4. Registered Water Meter User Presumed Liable.** In any case where water has been used in a manner contrary to these provisions, it shall be presumed that the person in whose name a water meter connection is registered with the San Antonio Water System has intentionally, knowingly, recklessly, or negligently made, caused, used or permitted to be used, the water in such a contrary manner.

**5. Penalties.** A person violating these provisions shall be guilty of a misdemeanor and upon citation therefore and conviction thereof, shall be punished by a fine of not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars. Each day's violation shall

constitute a separate offense.

**6. Exclusion.** Application of water by means of a hand-held hose, soaker hose or drip irrigation system immediately next to a concrete foundation solely for the purpose of preventing, and to the extent the watering is necessary to prevent, substantial damage to the foundation or the structure by movement of the foundation is not included in these restrictions.

**7. Basis of Aquifer Stage Conditions.** The Aquifer Stage Conditions I, II and III shall be based on the Edwards Aquifer water levels in Well AY-68-37-203 in San Antonio, also known as “J-17”.

**8. Trigger Levels for Implementation and Termination of Water Use Reduction Measures.** Implementation and termination of Stages I through III shall occur according to the following schedule:

| Description   | Stage I | Stage II | Stage III |
|---|---------|----------|-----------|
| When the aquifer falls to this level, the City Manager shall declare the City to be officially in the respective stage.                     | 660     | 650      | 640       |
| When the aquifer subsequently rises to this level for 30 days, the City Manager may terminate the respective stage.<br>(Ord. 1290 07-13-09) | >660    | >650     | >640      |

**Sec. 11-80, Oakwilt Prevention**

1. General restrictions

a. All wounds to the trunk, limbs and root system of oak trees in the City of Terrell Hills that expose sapwood shall be painted within one hour of the wound with asphaltic or exterior oil or latex base paint.

b. When oakwilt infection is suspected or found, the Fire Chief shall be contacted within 48 hours to obtain aid from the Texas Forest Service to confirm the diagnosis of oakwilt. When oakwilt is confirmed the measures for control recommended by the Service shall be undertaken to control spread of the infection. The cost of such measures will be the responsibility of the owner of the tree(s), provided that the owner of the tree(s) shall have the option of undertaking the least expensive measures approved by the Texas Forest Service.

- c. It is recommended that any firewood cut from any trees in the City and purchased firewood not be stacked under or close to oak trees and should be burned within one year.

## 2. COMMERCIAL TREE TRIMMING RESTRICTIONS

- a. All commercial tree trimmers, tree services and landscape contractors shall obtain a permit prior to tree trimming, removal or installation in the City. Such permit shall be issued by the Fire Chief upon payment of a fee of \$25.00. The permit shall be valid for the calendar year during which the permit is issued.
- b. Each commercial tree trimmer shall report to the Fire Chief the address of each tract of land upon which the commercial tree trimmer intends to perform tree trimming, removal or installation services.
- c. Cuttings from trimming shall be removed from the City by the trimmer upon completion of the job.

3. Penalty. Any person, firm, corporation, utility or business entity that violates any provision of this ordinance shall, upon conviction, be fined not more than \$200.00.

4. Approval. This Ordinance shall take effect upon its passage and approval.  
(Ord. 953, 5-6-96)

### **Sec. 11-85, Direction of Outdoor Lighting Fixtures**

1. Lighting facilities used on private properties for security reasons or to illuminate outdoor recreational areas such as tennis courts and swimming pools shall be shielded so as to prevent beams or rays of light from being directed at any adjoining property.

2. Lighting facilities used to illuminate signs, parking areas, or for other purposes shall be so arranged that the source of light is concealed from adjacent residence properties and does not interfere with traffic.

3. That any such lighting in violation of the provisions of this ordinance shall constitute an offense punishable by a fine of not more than \$200, and each day's violation shall constitute a separate violation.

(Ord. 669, 4-9-84)