

ORDINANCE NO. 60

An ordinance regulating the use of public and private sewers and drains, the installation and connection of building sewers, the discharge of waters and wastes into the community or multi-use sewerage systems, and the regulations regarding private water wells; and providing penalties for violations thereof; in the corporate limits of the Town of Bayside, County of Refugio, State of Texas.

Be it ordained and enacted by the Mayor and City Council, Town of Bayside, County of Refugio, State of Texas as follows:

ARTICLE I

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Sec. 1 "Biochemical Oxygen Demand (BOD)"

shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days of 20C, expressed in milligrams per liter.

Sec. 2 "Building Drain"

shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning three (3) feet outside the building wall.

Sec. 3 "Building Sewer"

shall mean that part of the drainage system which extends from the end of the building drain and conveys its discharge to a community or multi-use sewerage system, private sewer, individual sewage-disposal system or other point of disposal.

Sec. 4 "Combined Sewer"

shall mean a sewer intended to receive both wastewater and storm or surface water.

Sec. 5 "Community or Multi-Use Sewerage System"

shall mean a common sewer directly controlled by public authority or public utility.

Sec. 6 "Easement"

shall mean an acquired legal right for the specific use of land owned by others.

Sec. 7 "Floatable Oil"

is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Sec. 8 "Garbage"

shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

Sec. 9 "Gray water"

shall mean recycled shower, bath and laundry water

Sec.10 "Individual Sewerage Systems"

shall mean a system for disposal of domestic sewage by means of a septic tank, cesspool or mechanical treatment, designed for use apart from a public sewer to serve a single establishment or building.

Sec. 11 "Industrial Wastes"

shall mean liquid or liquid-born wastes resulting from the processes employed in industrial and commercial establishments.

Sec. 12 "Natural Outlet"

shall mean any outlet, including storm sewers and combined sewer overflows, into a water course, pond, ditch, lake or body of surface or groundwater.

Sec. 13 "May"

The word "may" is a permissive term.

Sec. 14 "Person"

shall mean a natural person, his heirs, executors, administrators or assigns; and includes a firm, association, partnership or corporation, its or their successors or assigns. Singular includes plural; male includes female.

Sec. 15 "pH"

shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

Sec. 16 "Properly Shredded Garbage"

shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

Sec. 17 "Sanitary Sewer"

shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

Sec. 18 "Sewage"

shall mean any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution. The preferred term is wastewater. (See Section 25.)

Sec. 19 "Sewer"

shall mean a pipe or conduit that carries waste water or drainage water.

Sec. 20 "Shall"

"Shall" is a mandatory term.

Sec. 21 "Slug"

shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hours concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Sec. 22 "Storm Drain" (sometimes termed "Storm Sewer")

shall mean a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

Sec. 223 "Superintendent"

shall mean the Superintendent, Wastewater Department, Town of Bayside, or his authorized deputy, agent or representative.

Sec. 24 "Suspended Solids"

shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

Sec. 25 "Unpolluted Water"

shall mean water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Sec. 26 "Wastewater"

shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water and storm water that may be present.

Sec. 27 "Wastewater Facilities"

shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "Waste Treatment Plant" or "Water Pollution Control Plant".

Sec. 28 "Watercourse"

shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Sec. 29 "Refugio County Sanitarian"

shall mean a person who is the authorized deputy, agent or representative of the Refugio County Health Department.

ARTICLE II

USE OF PUBLIC SEWERS REQUIRED

Sec. 1 It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property with the Town of Bayside, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage or any objectionable waste.

Sec. 2 It shall be unlawful to discharge to any natural outlet within the Town of Bayside, or in any area under the jurisdiction of said Town, any wastewater or other polluted wastes, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Sec. 3 Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the collection, treatment and disposal of wastewater.

Sec. 4 The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Town of Bayside and abutting on any street, alley or right of way in which there is now located, or in the future may be located, a public sanitary sewer system belonging to the Town of Bayside and which lot or plot of ground is capable of connecting to the city sewer or water line by construction of two hundred (200) feet or less of sewer or water line, is hereby required

at their expense to install suitable toilet facilities therein, and to connect such facilities to the community or multi-use sewerage system in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so. If such connection is not made as required, the city may disconnect water service to such structure and pursue other available legal remedies to compel such action. If the property to be served is in excess of two hundred (200) feet from an existing six (6) inch or larger city sewer main, the owner of such property to be served shall be required to prepare plans and specifications for such sewer line extension and submit said plans and specifications to the city for approval. The installation of said sewer line shall conform to all provisions of the sewer and plumbing regulations. All lines constructed under the provisions of this section shall be the property of the city and the city shall have full control and jurisdiction over such lines.

SEC. 5 The rates for sewer connections and services provided by the city shall be as established by separate ordinance adopted by the city council from time to time, copies of which are on file in the city secretary's office, after notice and public hearing. Such rates shall be uniform and equal as they apply to separate classes of services and no free service shall be granted.

SEC. 6 All permits for the use of the sewer system shall be issued by the city secretary, who shall collect the proper amount as according to rate established, such permit to be granted only upon written request to the city office. Such applicant by such request for the use of the sewer system must agree and obligate such person's self and does agree and obligate such person's self to comply with all rules, regulations and ordinances of the city pertaining to sewers. All collections for the use of the sewer system shall be evidenced by a stub, which shall show date when made, from whom collected, and period covered by collection. Failure of any user to receive a bill for sewer service shall be no excuse for nonpayment, and shall in no way operate to extend any grace period for payment. No user of the city sewer system shall be entitled to any refund for the unexpired portion of any month for which a charge has been made by reason of discontinued use of the sewer system during such month. The provisions of this article shall not abridge any existing refunding contract between the city and any person, but such contract shall remain in full force and effect.

ARTICLE III

BUILDING SEWERS AND CONNECTIONS

Sec. 1 No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any community or multi-use sewerage system thereof without first obtaining a written permit from the Town of Bayside. No plumber or other person, except the superintendent, water and wastewater department, or other person acting under such official's direction shall be allowed to tap any city sewer main or service line. All hook-ups shall be made in compliance with National Plumbing Code and Town of Bayside Plumbing Regulations.

Sec. 2 There shall be two (2) classes of building sewer permits: (a) for residential and commercial service and (b) for service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the Town of Bayside. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Plumbing Inspector. A permit and inspection fee for a building plumbing permit shall be

paid to the Town of Bayside at the time the application is filed. The Town of Bayside City Council may, by resolution, waive the requirements to connect to the city sewer or water lines when physical constraints would result in extraordinary cost to connect to such lines. The city may, solely at the discretion of the Mayor and the water superintendent, allow a "courtesy hookup" for a five (5) dollar water service connection fee which covers a maximum of two (2) days and allows for the use of no more than one thousand (1000) gallons of water. The purpose of this hookup is to accommodate facilities being prepared for sale (or some similar set of circumstances) and shall therefore be provided to a service location only one time per twenty-four-month period. Three (3) working days notice of such a request may be required, and a deposit for such a service may also be required.

Sec. 3 All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town of Bayside for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The property owners shall promptly repair all leaks and other defects in the same time. If required repairs are not completed within ten (10) days after written notice is mailed or hand delivered to the premises, water service to the premises will be terminated and shall not be restored until the repairs are made and all applicable fees and expenses paid. Any expenditure incurred by the city because of said leaks or defects shall be charged against the property owners, and must be paid before connected.

Sec. 4 A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no individual sewer is available or can be constructed to the rear building through an adjoining alley, court yard or driveway, the building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town of Bayside does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Sec. 5 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Plumbing Inspector, Town of Bayside, to meet all requirements of this ordinance, the National Plumbing Regulations and the Town of Bayside Plumbing Regulations.

Sec. 6 The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and back-filling the trench, shall all conform to the requirements of the Texas State Plumbing Regulations and the Town of Bayside Plumbing Regulations or other applicable rules and regulations of the Town of Bayside. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and Water Pollution Control Federation Manual of Practice #9 shall apply.

Sec. 7 Whenever possible, the building sewer shall be brought to the building at an elevation below the bottom floor. In all buildings, in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by approved pump facilities and discharged to the building sewer, in accordance with the National Plumbing Regulations.

Sec. 8 No person(s) shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to building sewer or building drain which in turn is connected directly or indirectly to a community or multi-use sewerage system, unless such connection is approved by the Superintendent, Wastewater Department, Town of Bayside, for purposes of disposal of polluted surface drainage.

Sec. 9 The connection of the building sewer into the community or multi-use sewerage system shall conform to the requirements of the National Plumbing Code and the Town of Bayside Plumbing Regulations, or other applicable rules and regulations of the Town of Bayside or the procedures set forth in appropriate specifications of the A.S.T.M. and Water Pollution Control Federation Manual of Practice #9. All such connections shall be made gas-tight and watertight and verified by proper testing. The Superintendent, Town of Bayside must approve any deviation from the prescribed procedures and materials, before installation.

Sec. 10 The applicant for the building sewer permit shall notify the Town of Bayside when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Plumbing Inspector or his representative.

Sec. 11 All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town of Bayside.

Sec. 12 Where groundwater is encountered at the point of connection to public sewer, excavation shall be pumped dry before the plug is removed from the public sewer. Public sewer connections shall not be used to drain ditches.

ARTICLE IV PRIVATE WATER WELLS

SEC. 1 It shall be unlawful for any person, firm or corporation to drill or attempt to drill any water well within the corporate limits of the Town of Bayside except in compliance with provisions of this section.

Sec. 2 It shall be unlawful for any person to connect in any manner a private well system to the city's water supply or distribution system or discharge well water into the city's sewer system.

Sec. 3 No water well may be drilled without first obtaining a permit from the Town of Bayside. The application for a water well permit shall include the location of the well, name, address, and telephone number of the owner, and name, address and telephone number of the well driller.

Sec. 4 The fee for a water well permit as required by this Article and Code shall be set forth in a Schedule of Fees to be established from time to time by the City Council.

SEC.5 That upon presentation of credentials, the representative of the Bayside Water System shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of Bayside, Texas, for cross connections. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of any requested pertinent information shall be deemed evidence of the presence of cross connections.

SEC.6 That the Bayside Water system is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee, or occupants of the property or premises where a violation is found or suspected to exist. Water service to such property shall not be restored until the cross connections) has been eliminated in compliance with the provisions of this Ordinance.

ARTICLE V USE OF PUBLIC SEWERS

Sec. 1 No person(s) shall discharge or cause to be discharged any unpolluted water such as storm water, surface water, groundwater, roof runoff, sub surface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer unless approved by the Superintendent, Wastewater Department, Town of Bayside.

Sec. 2 Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Engineer, Town of Bayside, and other regulatory agencies. Industrial cooling water or process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet.

Sec. 3 No person(s) shall discharge or cause to be discharged any of the following described waters of wastes to any community or multi-use sewerage systems:

- a. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- b. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to cyanides in excess of two (2) mg/l CN in the wastes as discharged to the community or multi-use sewerage system.
- c. Any waters or wastes having a pH lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, shells, sand mud, straw, shavings, metal, glass, feathers, rags, tar, plastics, wood, ungrounded garbage, whole blood, paunch manure, hair, fleshing, entrails and paper dishes, cups milk containers, etc. either whole or ground by garbage grinders.

Sec. 4 No person shall discharge or cause to be discharged in the community or multi-use sewerage system the following describe substances, materials, waters or wastes, if it appears likely in the opinion of the Superintendent, Wastewater Department, Town of Bayside, that such wastes can harm either the sewers, wastewater treatment process or any equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent, Wastewater Department, Town of

Bayside, will give consideration to such factors as: the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The substances prohibited are:

- a. Wastewater having a temperature higher than one hundred fifty degrees (150F)(65C).
- b. Wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of twenty-five (25) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32F) and one hundred fifty (150 F) (0 to 65 C).
- c. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises, or when served by caterers.
- d. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Town of Bayside for such materials.
- e. Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.
- f. Any waters or wastes containing phenols or other taste or odor-producing substances, exceeding limits which may be established by the Town of Bayside.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town of Bayside in compliance with applicable State or Federal Regulations.
- h. Any wastewater having a pH in excess of 9.5 or less than 6.
- i. Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids. (Such as, but not limited to, Fullers Earth, lime slurries and lime residues of dissolved solids (such as but not limited to dye, wastes and vegetable tanning solutions.)
 - (2) Excessive discoloration (such as, but not limited to, dye, wastes and vegetable tanning solutions.)
 - (3) Unusual BOD, chemicals, oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment system.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- j. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- k. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solid which interfere with the

collection system, or create a condition deleterious to structures and treatment processes.

Sec. 5 If any waters or wastes are discharged, or are proposed to be discharged to the community or multi-use sewerage system, which waters contain the substances or possess the characteristics enumerated in Section 4 of this article, and which, in the judgment of the Town of Bayside, may have a deleterious effect upon the wastewater facilities processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town of Bayside:

- a. Reject the wastes,
- b. Require pretreatment to an acceptable condition for discharge to the community or multi-use sewerage system,
- c. Require control over the quantities and rates of discharge, and/or
- d. Require payment to cover added cost of handling and treatment of the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this article.

If the Town of Bayside permits the pretreatment or equalization of waste flows the design and installation of the plants and equipment shall be subject to review and approval of the Superintendent, Wastewater Department, Town of Bayside, and subject to the requirements of all applicable codes, ordinances and laws.

Sec. 6 Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, Wastewater Department, Town of Bayside, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, Wastewater Department, Town of Bayside and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner (s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent, Wastewater Department, Wastewater Department, Town of Bayside. Any removal and hauling of the collected materials not performed by owner (s) personnel must be performed by approved waste disposal firms and disposed of in an approved manner and location.

Sec. 7 Where pre-treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Sec. 8 When required by the Superintendent, Wastewater Department, Town of Bayside, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent, Wastewater Department, Town of Bayside. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Sec. 9 The Superintendent, Wastewater Department, Town of Bayside may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- (1) Wastewater discharge peak rate and volume over a specified time period.
- (2) Chemical analysis of wastewater.
- (3) Information on raw materials, processes and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the public sewer.

Sec. 10 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the community or multi-use sewerage system at the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of hazards to life, limb or property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and Suspended Solids analyses are obtained from 24 hour composites of all outfalls where as pH's are determined from periodic grab samples.

Sec. 11 No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town of Bayside and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town of Bayside for treatment, subject to payment therefore, by the industrial concern.

Sec. 12 No free service of the sewer system shall be allowed, and should the Town or any of its agents or instrumentalities make use of the services and facilities of the system, payment of the reasonable value thereof shall be made by the Town out of funds from other sources than the revenues and incomes of the system.

Sec. 13 No franchise shall be granted for the installation or operation of any competing utility systems other than those owned by the Town, and the operation of any such systems by anyone other than the Town is hereby prohibited.

ARTICLE VI GRAY WATER

Mandatory hookup of gray water to the city sewer system is not mandatory, but the gray water can not be allowed to puddle or become a nuisance on your property or neighbors property. Violations could lead to mandatory hookup or penalties as provided in Article X.

ARTICLE VII PRIVATE SEPTIC SYSTEMS

SEC.1 Where a public sanitary or combined sewer is not available under the provisions of ARTICLE II SECTION 4, the building sewer shall be connected to a private septic disposal system complying with the provisions of this section.

SEC.2 Before commencement of construction of a private septic disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee as required by this Article and Code shall be set forth in a Schedule of Fees to be established from time to time by the City Council.

SEC.3 A permit for a private septic disposal system shall not become effective until the installation is completed to the satisfaction of the inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the inspector when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the inspector.

SEC.4 The type, capacities, location and layout of a private septic disposal system shall comply with all Texas Natural Resource Conservation Committee guidelines. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

SEC.5 At such time as a public sewer becomes available to a property served by a private septic disposal system as provided in ARTICLE II SEC.4 a direct connection shall be made to the public sewer in compliance with, this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material as provided in SEC. 9

SEC.6 The owner shall operate and maintain the private septic disposal facilities in a sanitary manner at all times, at no expense to the Town. That the Town of Bayside will not be responsible to locate or repair the water and sewage lines on private property. That it is the responsibility of the property owner to know where their utility lines are located and to know where they hook into the Town lines.

SEC.7 No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

SEC.8 When a public sewer becomes available, the building sewer be connected to said sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

SEC.9 After connecting to the public sewer system, existing concrete and fiberglass septic tanks shall be filled, with sand, in such a manner as to eliminate possibility of future voids and cave-ins. Existing metal septic tanks shall be removed and the excavation back-filled and tamped in twelve (12) inch layers to prevent settlement. Prior to removal or filling of the septic tanks, tanks shall be pumped out and contents disposed of in a manner acceptable to the Texas Natural Resource Conservation Commission.

**ARTICLE VIII
PROTECTION FROM DAMAGE**

Sec. 1 No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the community or multi-use sewerage system. Any person violating this provision shall be subject to possible legal action or penalties.

**ARTICLE IX
POWERS AND AUTHORITY OF INSPECTORS**

Sec. 1 The Superintendent, Wastewater Department, Town of Bayside and other duly authorized employees of the Town of Bayside bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance.

Sec. 2 The Superintendent, Wastewater Department, Town of Bayside or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

Sec. 3 While performing the necessary work on private properties, referred to in Article VII, Section 1, above, the Superintendent, Wastewater Department, Town of Bayside or duly authorized employees of the Town of Bayside shall observe all safety rules applicable to the premises established by the property owner, and the property owner shall be held harmless for injury or death to the Town of Bayside employees, and the Town of Bayside shall indemnify the property owner against loss or damage to its property by the Town of Bayside employees and against liability claims and demands for personal injury or property damage asserted against the property owner and growing out of the gauging and sampling operation, except as such maybe caused by negligence or failure of the property owner to maintain safe conditions as required in Article V, Section 8.

Sec. 4 The Superintendent, Wastewater Department, Town of Bayside and other duly authorized employees of the Town of Bayside bearing proper credentials and identification shall be permitted to enter all private properties through which the Town of Bayside holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Wastewater Facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**ARTICLE X
PENALTIES**

Sec. 1 Any person found to be violating any provision of this ordinance except ARTICLE VII, shall be served, by the Town of Bayside, with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease and correct all violations.

Sec. 2 Any person who shall continue any violation beyond the time limit provided for in ARTICLE VII, SECTION 4, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (100) for each violation. Each day that a violation of this Ordinance continues shall constitute a separate offense. Notice of such a penalty shall be sent to said owner and all lien-holders at their last known address by certified and regular first class mail.

Sec. 3 Any person violating any of the provisions of this ordinance shall become liable to the Town of Bayside for any expense, loss, or damage occasioned by the Town of Bayside by reason of such violation. The city secretary shall file a notice of lien in the appropriate county deed or lien records showing the penalty as a lien against the property upon which the unconnected structure is located.

ARTICLE XI EFFECTIVE DATE

This ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the Town of Bayside.

ARTICLE XII VALIDITY

Sec. 1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 2 The validity of any section, clause, sentence, or provision of this ordinance shall not effect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Passed, ordained, approved and adopted this the 13th day of FEBRUARY, 2001.

TOWN OF BAYSIDE, TEXAS

By: Billy P. Fricker
Mayor

Attest:

Connie Cramer
City secretary