

ORDINANCE NO. 460

AN ORDINANCE FIXING THE RATES TO BE CHARGED BY THE CITY OF ABILENE, TEXAS, TO PERSONS, FIRMS, AND CORPORATIONS USING ITS SANITARY SEWERAGE LINES AND SYSTEM OR PARTS THEREOF, INCLUDING THE SEWAGE AND INDUSTRIAL WASTE DISPOSAL FARM AND OTHER EQUIPMENT AND PROPERTY USED IN THE DISPOSAL OF SEWAGE; DEFINING SEWAGE, INDUSTRIAL WASTES, RESIDENCES, AND PLUMBING FIXTURES; PROVIDING FOR METHOD OF COLLECTING CHARGES; AND PROVIDING FOR DISCONNECTING SERVICE LINES FOR FAILURE TO PAY SUCH CHARGES AS THEY SHALL BECOME DUE AND PAYABLE; PROHIBITING CONNECTIONS WITH AND USE OF THE CITY SEWAGE SYSTEM EXCEPT UPON COMPLIANCE HERewith; PRESCRIBING RATES TO USERS OUTSIDE THE CITY; PROHIBITING TAMPERING; PROHIBITING STORED WATER, OIL, GREASES, AND OTHER MATTER FROM ENTERING THE SEWERAGE SYSTEM; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HERewith; PROVIDING A PENALTY; PRESCRIBING A SAVING CLAUSE; AND NAMING AN EFFECTIVE DATE.

WHEREAS, the City of Abilene, at great expense, has built and has in operation a sanitary sewerage system, sanitary sewer lines, and a farm for the disposal of sewage and industrial waste, for the purpose of collecting sanitary sewage and industrial wastes and conveying the same away from the premises to a place of disposal, and in connection with such system, mains and laterals, it is maintaining and operating intercepting sewers, pumping stations, and a 1200 acre farm for the disposal of such sewage; and,

WHEREAS, a study of the cost of sanitary sewage services of Abilene has been made by competent consulting sanitary engineers employed by the City of Abilene, and said consulting engineers have filed their report with the City of Abilene on September 12, 1951; and

WHEREAS, it has become necessary and desirable to provide reasonable rules and regulations for the conduct of the business of the City of Abilene Sanitary Sewerage System, owned and operated by the City of Abilene, in the collection and disposal of sewage and industrial waste in the City of Abilene and vicinity; and,

WHEREAS, the succeeding provisions of this ordinance after investigation by the Board of Commissioners of the City of Abilene, have been found to be reasonable rules and regulations for the conduct of such business;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ABILENE, TEXAS:

SECTION 1. DEFINITIONS.

(a) Sewage: For the purpose of interpreting this Ordinance, the term "sewage" is hereby defined as water or water borne waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement floor drains, garage floor drains, storerooms, soda fountains, cuspidors, refrigerator drips, drinking fountains, and stable floor drains, and all other similar fixtures and receptacles which discharge waste into the sewer system.

(b) Industrial Wastes: The term " industrial wastes" means the liquid wastes resulting from any commercial manufacturing or industrial operation, or process, which water borne or liquid wastes enter the system of sewerage, or any portion thereof, of the City of Abilene.

(c) Residence: A residence is hereby defined as a home or dwelling in which no business is conducted which requires plumbing fixtures, other than water closets, bathtubs, showers, lavatories, kitchen sinks, household laundry sinks, and other plumbing fixtures designed for residential use and only has sanitary sewage as herein defined. For the purpose of this ordinance, any rooming house, duplex apartment, apartment house, tourist or trailer camp of not more than twelve (12) rooms served by one water meter shall be considered a residence.

(d) Plumbing Fixtures: A plumbing fixture is hereby defined as a water closet, lavatory, bathtub, household laundry, separate shower, kitchen sink, or any other similar receptacle which discharges waste into the sewer system.

SECTION 2. RATES INSIDE CORPORATE LIMITS.

(a) Residence: Every person, firm, or corporation whose premises are served or may hereafter be served by a connection with the system of sewerage of the City of Abilene, whereby the sewage or industrial waste or either, is disposed of by the City of Abilene, either through the sewage facilities of the City of Abilene, or otherwise, shall pay a sewer rental charge, to-wit:

1. For first fixture \$0.75 per month
2. For all fixtures over
one fixture .15 ea. per month

(b) Industrial: The owners or occupants of all other premises served or which may hereafter be served by a connection with the system of sewerage of the City of Abilene, discharging "industrial wastes" and/or sewage shall pay a charge in proportion to the amount of water used, either metered or otherwise determined,

to-wit:

First 100,000 gallons	@	\$0.09	net per 1000 gallons
Next 150,000 gallons	@	0.05	net per 1000 gallons
All over 250,000 gallons	@	.03	net per 1000 gallons

The minimum charge per month, or fraction thereof, shall be \$1.20 per month.

(c) If 15% or more of the water on which/^{an} industrial waste sewer rental charge is based is shown, by approved measuring device or otherwise determined by the Superintendent of the City Water Department, not to have passed into the system of sewerage of the City, then the charge shall be based upon the actual amount of water passing into the City system of sewerage, evaporation, and normal water consumption not considered.

SECTION 3. RATES BEYOND CORPORATE LIMITS.

(a) Every person, firm, or corporation whose premises are situated beyond the corporate limits of the City of Abilene, and which premises are served or may hereafter be served by a connection with the City sewerage of the City of Abilene, whereby the sewage or industrial waste, or either, are disposed of by the City of Abilene either through the facilities of the sewage system and sewage disposal facilities of the City of Abilene, or otherwise, shall pay a sewer rental charge of double the charges set out in Paragraphs (a) and (b) of Section 2.

(b) Nothing in this section or any other section of this ordinance, or any other ordinance, shall be construed to compel the City of Abilene to furnish sanitary sewage or industrial waste service or the service of its sanitary sewage and industrial waste disposal farm to any person, as herein defined, located beyond the corporate limits of the City of Abilene or to continue such service once begun; and the City of Abilene reserves the right to furnish services to such persons it deems advisable, and to, at any time, wholly or partially discontinue the services upon any violation of any of the terms of this ordinance.

SECTION 4. In the event that any person, firm, or corporation using the City system of sewerage is not a user of water supplied by the Water Department of the said City and the water used thereon or therein is not measured by a water meter, acceptable to the Superintendent of the Water Department, then and in such case such person, firm, or Corporation, using such sewerage system shall install a water meter which is acceptable to the Superintendent of the Water Department at her, his, its, or their own expense, so that the amount of water so used shall be metered or otherwise measured or determined by the Superintendent of the Water Department.

SECTION 5.

(a) The Sewer rental charge shall be payable monthly at the same time and place as the water bills are paid to the City of Abilene, and shall be shown as a separate item upon such water bill, and said charges shall be paid to the Superintendent of the Water Works or his designated representative.

(b) In all cases where more than one living or business unit is supplied water through one meter, and the unit is served by the City sewerage system, the fixture charge provided for in this ordinance shall be paid regardless of whether the units were occupied or the fixture or fixtures used.

SECTION 6.

(a) Any person, firm, or corporation who shall fail to pay the sewer service charge as herein levied and assessed within the time limit prescribed for the payment of water bills shall be subject to having his sewer line disconnected from the City sewerage system, and no connection thereafter shall be made with the sewerage system until such person, firm, or corporation shall have paid all amount due and a charge of \$1.00 for disconnecting from said system and \$1.00 for reconnecting with said system.

(b) Any person, firm, or corporation who shall fail to pay the sewer service charge as herein levied and assessed within the time limit prescribed for the payment of water bills, and if such person, firm, or corporation uses water from the City water system then in that event, his water shall be disconnected from the City's water system, and said person, firm or corporation so failing to pay

said sewer service charge shall not be entitled to have his water line reconnected with the City's water system until he has paid all amounts due and a turning off fee of \$1.00.

SECTION 7. Every person receiving sewer service from the City Sewer System shall at all reasonable times permit the Water Works Superintendent or his agents to enter the premises and building for examination of pipes and fixtures and the manner in which the sewage enters mains, and refusal by any consumer shall result in refusal of sewer service from the City Sewerage System until such permission be granted.

SECTION 8. No person, individually or in association with others, shall make a connection with the sanitary sewerage system of the City of Abilene, and no person shall use or permit to be used the sanitary sewerage system lines of the City of Abilene, except upon compliance with and observance of the terms of this ordinance, and all other applicable ordinances.

SECTION 9. No person, individually or in association with others, shall permit storm water, oil, greases, mud, sand, gravel, rags, sticks, bottles, cans, or other objects that will tend to obstruct the flow of sewage, to enter the sewerage system of the City of Abilene.

SECTION 10. No person, individually or in association with others, shall wilfully break, injure, or tamper with any sewer main, lateral, manhole, pump station, pier, ditch, reservoir, or any part of the sewerage system of the City of Abilene for any purpose whatsoever, or in any other manner to maliciously interfere with or prevent the running and operation of such system,

SECTION 11. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The following ordinances are hereby expressly repealed in full,

(1) Ordinance No.____, passed September 28, 1904, recorded in Volume 2b, page 11, Ordinance Records, City of Abilene.

(2) Ordinance No.____, passed June 25, 1905, recorded in Volume 2b, page 24, Ordinance Records, City of Abilene.

(3) Ordinance No.____, passed June 27, 1905, recorded in Volume 2b, page 19, Ordinance Records, City of Abilene.

(4) Ordinance No.____, passed February 14, 1907, recorded in Volume 2b, page 46, Ordinance Records, City of Abilene.

SECTION 12. A violation of any of the above rules and regulations of the City Sewerage System as set out in the preceding sections or a doing or causing to be done by any person or persons, firm or association, of any of the things or acts forbidden or made unlawful in any of the preceding sections, shall be deemed to constitute a violation under the terms of this ordinance and an offense, and shall be punishable as such; and for each and every violation of the terms of this ordinance, the person, firm, association or corporation shall, upon conviction thereof in the Corporation Court, be fined not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), and each violation and each day there is a failure to comply with the terms of this ordinance shall constitute a separate offense.

SECTION 13. If any section, part of a section or provision of any section of this ordinance shall be held to be void, ineffective or unconstitutional for any cause whatsoever, it shall in no way affect the validity of the remaining sections and provisions of this ordinance, which shall remain in full force and effect. The Board of Commissioners would not have passed any section, parts of sections, or provisions of any sections of this ordinance that were unconstitutional, void or ineffective if they had known that they were unconstitutional, void or ineffective at the time of adopting this ordinance.

SECTION 14. All of the provisions of this ordinance shall be deemed to be incorporated in every contract between the City Water Works and its consumers, and each consumer shall be charged with knowledge of the provisions of this ordinance and, by applying and accepting sewer service from the City Water Works, to have assented to the provisions hereof.

SECTION 15. This ordinance shall take effect and be in full force and effect from and after its passage and publication as required by law.

Passed on first reading this 1st day of February, A.D. 1952.

After said passage, a notice of the time and place when and where said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation of the City of Abilene, the publication being on the 6th day of February, A.D. 1952 at least one week prior to the time advertised, After such opportunity for the public to be heard, said ordinance was passed on its second and final reading on the 2nd day of February, A.D. 1952.

(SEAL)

Ernest Grissom
Ernest Grissom, Mayor

ATTEST:

Lila Fern Martin
Lila Fern Martin,
City Secretary

APPROVED AS TO FORM BEFORE PASSAGE:

Wilson Johnston
Wilson Johnston,
Corporation Counsel