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AN ORDINANCE AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF ABILENE, 1957, DRAINS AND SEWERS, BY ADDING CERTAIN DEFINITIONS; GOVERNING CONNECTIONS TO THE SANITARY SEWER SYSTEM OF SAID CITY, THE DISCHARGE OF PROHIBITED MATERIALS INTO SAID SYSTEM, INDUSTRIAL WASTES; REQUIRING CERTAIN SEWER CONNECTION PERMITS AND SETTING RULES AND REGULATIONS FOR THE SAME; MAKING THE PROVISIONS OF SAID CODE APPLICABLE TO PRESENTLY EXISTING AS WELL AS FUTURE CONNECTIONS; GRANTING CERTAIN CITY EMPLOYEES ACCESS TO ALL PROPERTY CONNECTED WITH THE SEWER SYSTEM OF SAID CITY; MAKING VIOLATIONS THEREOF A MISDEMEANOR AND PROVIDING A PENALTY THEREFOR; PROVIDING A SEVERABILITY CLAUSE AND CALLING A PUBLIC HEARING ON THE 17<sup>th</sup> DAY OF August, A. D. 1961.

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

Section 1: That Section 9-1 of The Code of The City of Abilene, 1957, be, and the same is hereby amended, so that it shall hereafter read as follows:

"Sec. 9-1. DEFINITIONS.  
(a) "B.O.D." (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter by standard methods procedure in 5 days at 20 deg. C., expressed in parts per million by weight.

(b) "Building (House) Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, wastes, and other drainage pipes within the walls of the building, and conveys it to the building sewer, beginning three feet outside of the inner face of the building wall or foundation.

(c) "Building (House) Sewer" shall mean the extension from the building drain to the sewer lateral at the property line or other lawful place of disposal.

(d) "City" shall mean The City of Abilene, Texas, or any duly authorized agent or employee.

(e) "City Code" shall mean all the Civil and Criminal Ordinances enacted by the governing body and adopted as the official code of The City of Abilene.

(f) "Domestic Sewage" shall mean water-borne wastes normally discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free from storm surface water and industrial wastes. "Normal" domestic sewage shall mean "normal" sewage for Abilene, in which the average concentration of suspended materials and 5-day biochemical oxygen demand is established at 325 parts per million each, by weight, on the basis of the normal daily contribution of twenty-seven hundredths (.27) pounds per capita, per 100 gallons.

(g) "Garbage" shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food and produce.

(h) "House Lateral" shall mean the extension from the public sewer main to the nearest property or easement line.

(i) "Industrial Wastes" shall mean all water-borne solids, liquids, or gaseous wastes resulting from any industrial, manufacturing or food processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic sewage as distinct from normal domestic sewage.

(j) "Permittee" shall mean that person, corporation or association of persons applying for a permit to construct a sanitary sewer main or connect to an existing sanitary sewer outside The City of Abilene.

(k) "Person", "Establishment", or "Owner", shall mean any individual, firm, company, association, society, corporation, partnership, or group, their agents, servants or employees.

(l) "pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogenion concentration of a solution.

(m) "Plumbing Fixtures" shall mean a water closet, lavatory, bathtub, household laundry, separate shower, kitchen sink, or any other similar receptacle which discharges waste into the sewer system.

(n) "PPM" (parts per million) shall mean a weight-to-weight ratio; the parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

(o) "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food, exclusive of egg shells, bones, etc., that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half (1/2) inch in any dimension.

(p) "Public Sewer" shall mean a sewer owned, controlled, or operated by the public authority in which all fluids, substances and wastes carried therein discharge into a public system.

(q) "Residence" shall mean 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 code, any rooming house, duplex, apartment house, garage apartment, or any other apartment, regardless of size, served by one water meter, shall be considered a residence; Servants Quarters, as distinguished from garage apartments, which consist of living quarters on the premises occupied for the purpose of convenience in performing domestic services for the owner or occupants of the property, and who pay no money rent for occupancy of said quarters, and are served by the same meter that serves the owner's or occupant's. Sanitary sewer fixture charges for the servant's quarters shall be charged as additional fixtures of the owner or occupant, and no separate minimum charge shall be made for servant's quarters sanitary sewer fixtures.

(r) "Sanitary Sewer" shall mean a public sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

(e) "Sewage" shall mean 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.

(t) "Sewage Treatment Plant" shall mean any city owned facility, devices and structures used for receiving and treating sewage from the City sanitary sewer system.

(u) "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(v) "Sewer" shall mean a pipe or conduit for carrying sanitary sewage.

(w) "Standard Methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Sewage, as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.

(x) "Storm Sewer" or "Storm Drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

(y) "Superintendent" shall mean the Water and Sewer Superintendent of The City of Abilene, Texas, or his authorized deputy, agent, or representative.

(z) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which, in accordance with standard methods, are removable by laboratory filtering.

(aa) "Unpolluted water or waste" shall mean any water or waste containing none of the following: free or emulsified grease or oil; acid or alkali; phenols, or other substances imparting taste and odor in receiving water; toxic poisonous substances in suspension, colloidal state or solution; and noxious or odorous gases. It shall contain not more than ten parts per million each of suspended solids and B. O. D. The color shall not exceed fifty parts per million. "

Section 2: That the following be added to the Code of The City of Abilene,

Texas:

"Sec. 9-19. UNAUTHORIZED CONNECTIONS.

It shall be unlawful for any person to make or cause to be made any sewer connection except as provided by this chapter and Chapter 28 of the City Code. "

"Section 9-20. SURFACE OR RAIN WATER.

It shall be unlawful for any person to allow surface or rain water from the ground to enter into the sewer or any vessel or slop sink connected to the sewer or to admit drainage water from any cellar to the sewer unless such person shall have the written consent and perform such action under the direction of the Water and Sewer Superintendent. Building sewers shall be maintained and constructed in such a manner that ground surface water will not leak into a sewer, and the owners of property where a leaking building sewer exists shall, immediately upon notice by the Superintendent, replace or repair the defective building sewer at their expense. "

"Sec. 9-21. PROHIBITED WASTE TO THE SANITARY SEWER.

(a) No person shall discharge, or cause to be discharged, any storm water, ground water, roof run-off, sub-surface drainage, down spouts, yard drains, yard fountains and ponds, or lawn sprays into any sanitary sewer. Water from swimming pools, unpolluted industrial water, such as boiler drains, blow-off pipes or cooling water from various equipment shall not be discharged into sanitary sewers if a closed storm sewer is available; if a closed storm sewer is not available, it may be discharged into the sanitary sewer by an indirect connection whereby such discharge is cooled if required, and flows into the sanitary sewer at a rate not in excess of three gallons per minute, provided the waste does not contain materials or substances in suspension or solution in violation of the limits prescribed by this article.

"(b) No person shall discharge, or cause to be discharged, into any public sewer any of the following described substances, materials, waters or wastes:

1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).
2. Any water or wastes which contain wax, grease or oil, plastic, or other substances that will solidify or become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit.
3. Flammable or explosive liquid, "solids or gas" such as gasoline, kerosene, benzine, naphtha, etc.
4. Solids or viscous substances in quantities capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, pauch manure, hair, fleshings, entrails, lime slurry, lime residues, slops, chemical residues, paint residues, or bulk solids.
5. Any garbage that has not been properly comminuted or shredded. If properly comminuted or shredded, then it may be accepted under provisions established in Section 9-22.
6. Any noxious or malodorous substance and which can form a gas, which either singly or by interaction with other wastes, is capable of causing objectionable odors; or hazard to life; or forms solids in concentrations exceeding limits established in Section 9; or creates any other conditions deleterious to structures or treatment processes; or requires unusual provisions, attention, or expense to handle such materials.

"(c) Except as provided below, it shall be unlawful for any person, firm, or corporation to discharge waters or wastes to the sanitary sewer containing:

1. Free or emulsified oil and grease exceeding on analysis an average of 100 parts per million (833 pounds per million gallons) of either or both or combinations of free or emulsified oil and grease, if, in the opinion of the Superintendent, it appears probable that such wastes:
  - (1) Can deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
  - (2) Can over-load skimming and grease handling equipment;
  - (3) Are not amenable to bacterial action and will therefore pass to the receiving waters without being affected by normal sewage treatment processes; or,
  - (4) Can have deleterious effects on the treatment process due to the excessive quantities.
2. Acids or alkalis which attach to or corrode sewers or

sewage disposal structures, or have a pH value lower than 5.5 or higher than 10.5.

3. Salts of the heavy metals, in solution or suspensions, in concentrations exceeding three parts per million of the following:

Chromium as Cr  
Copper as Cu  
Zinc as Zn  
Nickel as Ni  
Cadmium as Cd

or elements which will damage collection facilities or are detrimental to treatment processes.

4. Cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of two (2) parts per million by weight as CN in the wastes from any outlet into the public sewers.

5. Radioactive materials in a manner which will permit a transient concentration higher than 100 microcuries per liter.

6. Materials which exert or cause:

- (1) Unusual concentrations of solids or compositions; as for example, in total suspended solids of inert nature (such as Fuller's Earth) and/or in total dissolved solids/(such as sodium chloride or sodium sulfate),
- (2) Excessive discoloration,
- (3) Unusual biochemical oxygen demand or an immediate oxygen demand,
- (4) High hydrogen sulfide content, or
- (5) Unusual flow and concentration,

shall be pretreated to a concentration acceptable to the City if such wastes can (a) cause damage to collection facilities, (b) impair the processes, (c) incur treatment cost exceeding those of normal sewage, or (d) render the water unfit for stream disposal or industrial use. Where discharge of such wastes to the sanitary sewer are not properly pretreated or otherwise corrected the Superintendent may (a) reject the wastes or terminate the service of water and/or sanitary sewer, (b) require control of the quantities and rates of discharge of such wastes, or (c) require payment of surcharges of excessive cost for treatment provided such wastes are amenable to treatment by normal sewage plant facilities operated by the City, and meet requirements under the provisions of paragraph 9-22 of this ordinance.

#### "Sec. 9-22. PRETREATMENT OF INDUSTRIAL WASTES.

(a) Persons or owners discharging industrial wastes which exhibit any of the prohibited wastes set out in Section 9-21 shall pretreat or otherwise dispose of such industrial waste to make the remaining waste acceptable to the Abilene City Waterworks.

(b) Persons or owners discharging industrial wastes which exhibit none of the characteristics of wastes prohibited in Section 9-21 other than excessive B.O.D. or suspended solids but having a concentration for a duration of fifteen (15) minutes greater than four times that of "normal" sewage as measured by suspended solids and biochemical oxygen demand (B.O.D.) and/or a concentration during a twenty-four (24) hour period average of suspended solids or B.O.D. content in excess of "normal" sewage as domestic sewage shall be defined in Section 9-1, paragraph (f) as "normal", required to pretreat the industrial wastes to meet the requirements of "normal" sewage; however, such wastes may be accepted for treatment only if all the following requirements are met:

1. That such waste has a B.O.D. content not exceeding 2,000 PPM. It being expressly prohibited, that any sanitary sewer waste be deposited into the City of Abilene sanitary sewer system when such sewer waste has a B.O.D. content exceeding 2,000 PPM.

2. The wastes will not cause damage to the collection system.

3. The wastes will not impair the treatment processes.

4. The donor of the waste enters into a contractual agreement with The City of Abilene providing for a surcharge over and above published water and sewer rates if such waste has a B. O. D. content in excess of 325 PPM and below 2, 000 PPM. The basis for surcharge on industrial wastes is a capital and operating cost of \$0.63/parts per million/million gallons, for the suspended solids and B. O. D. (biochemical oxygen demand) exceeding "normal" sewage, such rate to continue until changed by action of the Board of Commissioners. No contract shall be made when the B. O. D. content is in excess of 2, 000 PPM.

Any person who refuses to comply with, or who resists or willfully violates Section 9-21 (prohibited waste to the sanitary sewer), or who refuses to comply with the provisions of this section, shall be served by the Superintendent with a written notice stating the nature of the violation and providing a reasonable time limit not to exceed ninety (90) days for satisfactory correction thereof. Any person who shall continue any violation beyond the time limit shall be guilty of violation of service contract and shall be summarily disconnected from the sanitary sewer and/or water service, such disconnection to be at total expense to the customer. Where acids or chemicals damaging to sewer lines or treatment processes are released to the sewer causing rapid deterioration of these structures or interfering with proper treatment of sewage, the Superintendent is authorized to immediately terminate service by such measures as are necessary to protect the facilities.

#### "SECT 9-23. REGULATIONS GOVERNING THE ADMISSION OF INDUSTRIAL WASTES INTO THE PUBLIC SEWERS.

(a) Application for Permit -- In order to control the admission of industrial wastes in the public sewer, any person, etc., desiring to deposit or discharge an industrial waste mixture into the sewer or sewer works of the City, or any sewer connected therewith, or who is now doing so, shall make application to the Superintendent within 60 days from the date of passage of this ordinance for a permit therefor, upon application forms to be obtained from the Superintendent.

(b) Control Chambers -- Within one year from the date of passage of this ordinance, any person, firm, or corporation discharging, or desiring to discharge, an industrial waste mixture into the sewer or sewer works of the City, or any sewer connected therewith, shall provide and maintain in a suitable accessible position on his premises or such premises occupied by him, an inspection chamber, or manhole, near the outlet of each sewer, drain, pipe, channel, or connection which communicates with any sewer or sewer works of the City, or any sewer connected therewith. Every such manhole, or inspection chamber, shall be of such design and construction which will prevent infiltration by ground and surface waters or introduction of slugs of solids by the installation of screens with maximum openings of one inch but of sufficient fineness to prevent the entrance of objectionable slugs of solids to the sanitary sewer system, and shall be so maintained by the person discharging wastes so that any authorized representative or employee of the City may readily and safely measure the volume and obtain samples of the flow at all times. Plans for the construction of control manholes, or inspection chambers, including such flow measuring devices as may be hereinafter required, shall be approved by the Superintendent prior to the beginning of construction.

(c) Volume of Waste -- When the public water supply is used exclusively, the water consumption during the previous month, as determined from the meter records of the Waterworks Department, shall be the valid basis for computing a sewage flow, unless actual sewage flow is measured by a recording meter of type to be approved by the Superintendent. The owner shall maintain such device in proper condition to accurately measure such flow. Upon failure to do so, the water consumption shall be basis for charges.

"In cases where all or part of the water consumed is obtained from private supplies, well, etc., such persons shall provide and maintain at all times suitable metering devices, approved by the Superintendent, in connection with each or all sources of private water unless the control manhole provided for in (b) above shall be equipped with an approved volume measuring device. The volume of private water consumed during the previous month, together with the consumption of public water as determined from the records of the Waterworks Department, shall be the basis for computing the sewage volume, or the owner may install at his expense an approved metering device to accurately measure sewage flow as before mentioned.

"When water is contained in a product, or is evaporated, or is discharged as unpolluted waste in an uncontaminated condition to surface drainage, an application may be made for a reduction in the volume of waste discharged to the public sewer, provided supporting data satisfactory to the Superintendent is furnished. This data shall include a flow diagram, destination of the water supply and/or wastes, supported by sub-metering data installed on such process piping at the expense of the private owner.

"(d) Sampling of Wastes -- Sampling of the effluent of waste discharge may be accomplished manually or by use of mechanical equipment to obtain a composite sample which would be representative of the total effluent. Samples shall be taken at intervals to be established by the contractual agreement between the owner and the Superintendent, or, at such intervals as determined by the Superintendent as necessary to maintain a control over the discharges from the establishment. The method used in examination of all industrial wastes to determine suspended solids, B.O.D., and prohibited wastes shall be those set forth in Volume 10, "Standard Methods For the Examination of Water Sewage and Industrial Waste", published by the American Public Health Association.

"Sec. 9-24. PROPERTY OUTSIDE CITY LIMITS--APPLICATION FOR PERMIT TO MAKE CONNECTION -- VIOLATION OF CONDITIONS.

"All persons developing additional land outside The City of Abilene and desiring to make connections to the sanitary sewer system of The City of Abilene shall first make an application in writing through the Water and Sewer Superintendent of The City of Abilene, Texas, to the governing body for permission therefor. The governing body, if they deem it advisable, may grant the authority and permit to any such person, subject to the terms of this chapter, a violation of any one of which shall be grounds for cancellation of said permit by the governing body.

"Sec. 9-25. SAME -- HOLDERS OF PERMITS TO AGREE TO INDEMNIFY THE CITY.

"All persons obtaining permits to make sanitary sewer connections shall agree to indemnify full The City of Abilene and save it whole and harmless from and against any and all damages, costs or expenses of every kind, character and nature, whether real or asserted, accruing upon or about the building and construction of the sanitary sewer line or any lateral connection therewith, or arising in consequence of the same, or arising by the operation of the same, whether the same is occasioned by the negligence of said person or otherwise, and the said person shall fully indemnify The City of Abilene

and hold it harmless against any damage, cost or expense that may arise out of or be occasioned by an injury to any person or property caused by the said persons, their agents, servants, contractors, or employees during the prosecution of said work, or any real or asserted cause of action growing out of the same. The terms of this indemnity shall continue for and during the period of the term of the said contract, and for such additional period as may be incorporated or provided therein by the governing body. All sewer lines, main lines or laterals, built under any permit, shall be built and constructed and maintained in accordance with the plans, profiles and specification prepared by the Engineering Department of The City of Abilene, Texas, and shall be built agreeably to the rules and regulations of the Engineering Department governing and controlling the laying, building and repairing of sanitary sewers, as well as to all plumbing codes and other health codes, and all such sanitary sewer main lines or laterals shall be built and maintained subject to the existing charter, code and ordinances of the City, and to such health rules and regulations and laws as may be passed in the future.

"Sec. 9-26. SAME -- RIGHTS RESERVED BY CITY.

"The City of Abilene reserves the right at all times to make any sanitary sewer connections with any main, or make or permit an extension of any main or any lateral lines laid by any person, and to make such connections without charge or cost to the City. The City may make any such connections it desires for any public purpose inside or outside of The City of Abilene, except as may be modified by a contractual agreement between two adjoining cities if the sanitary sewer is outside the City limits of Abilene but inside the City limits of an adjoining city or municipality.

"Sec. 9-27. SAME -- REFUSAL OF CONNECTION FOR FAILURE TO COMPLY WITH REGULATIONS OF CITY.

"The City of Abilene shall never permit sanitary sewer connections to be made by any person operating an addition to the City of Abilene where such person does not comply with the rules and regulations governing the laying of sanitary sewers by The City of Abilene as well as the operation of the same by The City of Abilene, or where such person is wilfully refusing to build and construct and lay their water mains and waterworks system and operate the same in accordance with the rules of the Waterworks Department, it being understood that upon the annexation of any such territory The City of Abilene shall have the right to take over not only the sanitary sewer system but also the water mains and water system maintained in connection therewith.

"Sec. 9-28. The provisions of the Code of The City of Abilene, 1957, as amended, shall apply to all sewers and sewer connections now existing as well as those created or made in the future.

"Sec. 9-29. ADMISSION TO THE PROPERTY.

"The Water and Sewer Superintendent and other duly authorized employees of the City acting as his duly authorized agent and bearing proper credentials and identification, shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of these regulations. "

Section 3: That any person, firm or corporation violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than TWO HUNDRED DOLLARS (\$200.00). Each day such violation shall continue or be permitted to continue



shall be deemed a separate offense.

Section 4: If any part or parts of this ordinance shall be held to be invalid, such validity shall not affect the validity of the remaining parts of this ordinance. The Board of Commissioners hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts thereof would be declared invalid.

Section 5: All ordinances or parts of ordinances inconsistent or conflicting with the provisions of this ordinance are hereby repealed; provided, however, that the repeal of existing ordinances by this ordinance shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance; but prosecutions for such offenses may be instituted and causes presently pending proceeded within all respects as if such prior ordinance had not been repealed.

PASSED ON FIRST READING this 27<sup>th</sup> day of July, A. D. 1961.

After said passage a notice of time and place, where and when 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 in The City of Abilene, said publication being on the 2nd day of August, A. D. 1961, the same being more than one (1) week prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on SECOND AND FINAL HEARING.

PASSED ON SECOND AND FINAL READING this 17<sup>th</sup> day of August,

A. D. 1961.

ATTEST:

  
MAYOR

  
CITY SECRETARY

APPROVED AS TO FORM:  
CORPORATION COUNSEL

by   
ASSOCIATE CORPORATION COUNSEL

