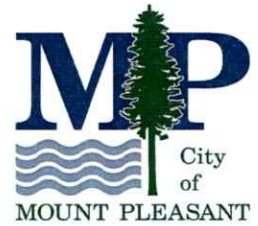


**NOTICE AND AGENDA OF REGULAR CALLED MEETING  
MOUNT PLEASANT CITY COUNCIL**

**Tuesday, February 4, 2025 at 6:00 P.M.  
501 North Madison, Mount Pleasant, Texas**



**PURSUANT TO CHAPTER 551.127, TEXAS GOVERNMENT CODE, ONE OR MORE COUNCIL MEMBERS MAY ATTEND THIS MEETING REMOTELY USING VIDEOCONFERENCING TECHNOLOGY. THE VIDEO AND AUDIO FEED OF THE VIDEOCONFERENCING EQUIPMENT CAN BE VIEWED AND HEARD BY THE PUBLIC AT THE ADDRESS POSTED ABOVE AS THE LOCATION OF THE MEETING.**

Under the Americans with Disabilities Act, an individual with a disability must have equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or Braille documents. In determining the type of auxiliary aid or services, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting several days before the meeting by mail, telephone, or RELAY Texas. TTY: 7-1-1.

The public may participate by joining YouTube: <https://www.youtube.com/@thecityofmountpleasanttexas1157/streams>

**CALL TO ORDER**

**REGULAR AGENDA**

1. Consider Approval of the January 21, 2025 meeting Minutes.
2. Public Comments:  
*The City Council welcomes citizen participation and comments at all Council meetings. Citizen comments are limited to two minutes out of respect for everyone's time. The Council is not permitted to respond to your comments. The Texas Open Meetings Act requires that topics of discussion/deliberation be posted on an agenda not less than 72 hours in advance of the Council meetings. If your comments relate to a topic that is on the agenda, the Council will discuss the topic on the agenda at the time that the topic is discussed and deliberated.*
3. Consider Ordinance 2025-3 Amending sections 51.20 through 51.32, repealing sections 51.32-51.44, and adding section 51.61 to the Pre-Treatment Program. Related to the discharge of industrial waste into the City's Wastewater Collection and Treatment System.
4. Consider Resolution 2025-1 in support of Mount Pleasant Trails for a Proposed Affordable Rental Senior Housing Development in Association with its Texas Department of Housing and Community Affairs application.
5. Consider Resolution 2025-2 applying for Operation Lone Star Grant.
6. Consider Ordinance 2025-4 Amending Chapter 97 Animals of Code of Ordinance adding sections 97.11, 97.13, and 97.16 and amending section 97.49.
7. City Manager's Report

**EXECUTIVE SESSION**

**Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, The City Council will recess into executive session (closed meeting) to discuss the following:**

Discussion of Economic Development Corporation Projects--Deliberations regarding Economic Development Negotiations (Tex Gov't Code 551.087), Deliberations about real property (Tex. Gov't Code 551.072), and Consultation with Attorney (Tex. Gov't Code §551.071)

Discussion of status of recruitment for City Manager--Consultation with Attorney (Tex. Gov't Code §551.071) and Personnel Matters (Tex. Gov't Code §551.074)

Real Property: discuss the purchase, exchange, lease, or value of real property and consultation with legal counsel regarding the purchase or value of real property. (Tex. Gov't Code 551.071 and 551.072)

**RECONVENE INTO THE REGULAR SESSION**

**In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into regular session to consider action, if any, on matters discussed in executive session.**

*The City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on the agenda as authorized by the Texas Government Code §551.071, (Consultation with Attorney), §551.072, (Deliberations about Real Property), §551.074, (Personnel Matters), §551.076, (Deliberations about Security Devices), §551.087, (economic development negotiations), or any other exception authorized by Chapter 551 of the Texas Government Code.*

**ADJOURN**

I certify the above notice of meeting is a true and correct copy of said notice and that same was posted on the bulletin board of City Hall of the City of Mount Pleasant, Texas, a place readily accessible to the general public at times, by 5:00 pm on the 31st of January 2025 and remained so posted for at least 72 hours preceding the scheduled of said meeting.

  
**Candias Webster, City Secretary**



# AGENDA ITEM REPORT

**Meeting:** City Council - Feb 04 2025

**Staff Contact:** Candias Webster, City Secretary

**Department:** Administration

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**Subject:** Consider Approval of the January 21, 2025 meeting Minutes.

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**Item Summary:**

This is a Typed copy of the minutes from the January 21, 2025 Minutes.

**Financial Impact:**

N/A

**Recommendation(s):**

motion to Approve the January 21, 2025 minutes

**Attachments:**

[2025.01.21 Regular](#)

**STATE OF TEXAS**

**COUNTY OF TITUS**

**CITY OF MOUNT PLEASANT**

The City Council of the City of Mount Pleasant, Texas, after notice posted in the manner, form and contents as required by law, met in Regular Session on January 21, 2025, at 6:00 PM. at the Council Chambers located at 501 North Madison with the following members present:

Tracy Craig	-	Mayor
Carl Hinton	-	Mayor Pro-Tem
Sherri Spruill	-	Council Member
Kelly Redfearn	-	Council Member
Jonathan Hageman	-	Council Member
Debbie Corbell	-	Council Member
Greg Nyhoff	-	City Manager
Candias Webster	-	Assistant City Manager/City Secretary
Lea Ream	-	City Attorney

**CONSIDER APPROVAL OF THE JANUARY 7, 2025, JANUARY 8, 2025, AND JANUARY 15, 2025 MEETING MINUTES.**

Motion was made by Council Member Hageman, Seconded by Council Member Corbell to approve January 7, 2025, January 8, 2025 and January 15, 2025 meeting Minutes. Upon a vote, the motion carried unanimously.

**MEMBERS OF THE PUBLIC WERE PROVIDED THE OPPORTUNITY TO COMMENT**

No action was taken by the Council.

**CONSIDER CALLING A GENERAL ELECTION FOR MAY 3, 2025, FOR THE ELECTION OF THE MAYOR AND TO COUNCIL MEMBERS.**

Motion was made by Council Member Corbell, Seconded by Council Member Redfearn to Order a General election for May 3, 2025, for the Election of Mayor and Council Places 1 and 2. Upon a vote, the motion carried unanimously.

**CONSIDER A REQUEST FROM THE TITUS COUNTY FAIR ASSOCIATION AND CASA TO REDUCE THE PRICE OF THEIR CIVIC CENTER RENTAL FEE.**

Motion was made by Council Member Redfearn, Seconded by Council Member Hinton to table the request and do a further investigation with a future workshop. Upon a vote, the motion carried unanimously.

**MONTHLY FINANCIAL REPORTS FOR MONTHS ENDED NOVEMBER 30, 2024 AND DECEMBER 31, 2024.**

No action was taken by the Council.

**QUARTERLY INVESTMENT REPORT FOR QUARTER ENDED DECEMBER 31, 2024.**

Motion was made by Council Member Corbell, Seconded by Council Member Hinton to accept the quarterly investment report for quarters ended December 31, 2024. Upon a vote, the motion carried unanimously.

**CONSIDER AWARDING BID FOR THE HOUSING AUTHORITY WATER IMPROVEMENT PROJECT.**

Motion was made by Council Member Hageman, Seconded by Council Member Hinton to award the bid for the Housing Authority Water Improvement to Capital Underground Utilities. LLC in the amount of \$451,895.00. Upon a vote, the motion carried unanimously.

**CONSIDER TASK ORDER #1 TO AMEND THE CONTRACT WITH KSA FOR THE SOUTHSIDE WASTEWATER TREATMENT PLANT AND PROJECT UPDATE.**

Motion was made by Council Member Hageman, Seconded by Council Member Redfearn to approve Task Order #1 and amend the contract with KSA in the amount of \$184,600.00 for the Southside Wastewater Treatment plant and project update. Upon a vote, the motion carried unanimously.

**CONSIDER PAY REQUEST #3 FOR WICKER CONSTRUCTION INC. FOR WORK PERFORMED ON THE WEST LOOP WASTEWATER COLLECTION PROJECT.**

Motion was made by Council Member Hageman, Seconded by Council Member Hinton to approve pay request #3 for Wicker Construction Inc. for work performed on the West Loop Wastewater Collection project in the amount of \$2,273,154.76. Upon a vote, the motion carried unanimously.

**CONSIDER PAY REQUEST #20 FROM HERITAGE CONSTRUCTION LLC FOR WORK PERFORMED AT THE SOUTHSIDE WASTEWATER TREATMENT PLANT.**

Motion was made by Council Member Hinton, Seconded by Council Member Hageman to approve pay request #20 from Heritage Construction LLC for work performed at the Southside Wastewater Treatment plant in the amount of \$1,155,424.24. Upon a vote, the motion carried unanimously.

**DISCUSS AND CONSIDER HOLD OVER APPOINTMENTS TO CITY BOARD AND COMMISSIONS AND OPEN THE APPLICATION PERIOD FOR APPOINTEES.**

Motion was made by Council Member Redfearn, Seconded by Council Member Hinton to hold over appointments to City Board and Commissions and open the application period for appointees. Upon a vote, the motion carried unanimously.

**HOLD A PUBLIC HEARING AND CONSIDER A REQUEST FROM CAPPS PROPERTIES LTD. FOR APPROVAL OF A ZONING CHANGE FROM FD (FUTURE DEVELOPMENT DISTRICT) OF 134.3 +/- ACRES OF THE DEER PARK DEVELOPMENT TO SF-1 (SINGLE-FAMILY ONE RESIDENTIAL DISTRICT) ON 32.58 +/- ACRES ON A PORTION OF TRACT 3902 IN THE JOHN H ORE SURVEY, ABSTRACT NO. 423, INCLUDING DEER PARK ESTATES BLK A, AND TO SF-2 (SINGLE FAMILY TWO RESIDENTIAL DISTRICT) ON 101.7 +/- ACRES COMPRISING THE REMAINDER OF TRACT 3902, AND TRACTS 3903 AND 3907 OF THE JOHN ORE SURVEY ABSTRACT 423 AND OF TRACTS 62 AND 64 OF THE WILLIAM PORTER SURVEY NUMBER 437 AND LOCATED GENERALLY NORTH OF N. JEFFERSON AVENUE, EAST AND SOUTH OF DEER PARK LANE. Z-2024-09.**

Mayor opened the public hearing and no comments were made, the mayor closed the Public Hearing. Motion was made by Council Member Hageman, Seconded by Council Member Hinton to approve Ordinance 2025-2 reflecting the sane request from Capps Properties LTD. for approval of a zoning change from FD (future development district) of 134.3 +/- acres of the deer park development to sf-1 (single-family one residential district) on 32.58 +/- acres on a portion of tract 3902 in the John H Ore survey, abstract no. 423, including Deer Park estates, blk a, and to sf-2 (single family two residential district) on 101.7 +/- acres comprising the remainder of tract 3902, and tracts 3903 and 3907 of the John Ore survey abstract 423 and of tracts 62 and 64 of the William Porter survey number 437 and located generally North of N. Jefferson Avenue, East, and South of Deer Park Lane. Z-2024-09. Upon a vote, the motion carried unanimously.

**CONSIDER A REQUEST FROM PANN SRIBHEN ON BEHALF OF SINGHA GROUP AND OWNER ROBERTO MARROQUIN FOR APPROVAL OF A 72-LOT PRELIMINARY PLAT OF THE JUNCTION ADDITION SUBDIVISION SITUATED IN THE JOHN H. ORE SURVEY, ABSTRACT NO. 423, TRACT 3901 AND THE MARROQUIN SUBDIVISION BLOCK A, LOTS 2-7, LOCATED NORTH OF BREEZEWAY DRIVE AND THE JUNCTION OF N. US HWY 271 AND US HWY 271 BUSINESS. PP-2024-04**

Motion was made by Council Member Hinton, Seconded by Council Member Hageman to approve a request from Pann Sribhen on behalf of Singha group and owner Roberto Marroquin for approval of a 72-lot preliminary plat of the Junction Addition subdivision situated in the John HA Ore survey, abstract no. 423, tract 3901 and the Marroquin subdivision block A, lots 2-7, located North of Breezeway Drive and the junction of N. US HWY 271 and us HWY 271 business with the below conditions. PP-2024-04

1. The development shall require final approval of engineering plans prior to final platting.

2. Sidewalks on both sides of interior streets will be required to be installed with the construction of homes and a plat note is required to provide notice.
3. TXDOT approvals of final intersections and utility bore locations will be required prior to the final plat submittal.
4. Submittal and approval of the final plat will be required prior to the issuance of any building permits and certificate of occupancy (CO).
5. The development shall meet all building and fire department requirements as adopted.

Upon a vote, the motion carried unanimously.

## **CITY MANAGER'S REPORTS**

### **EXECUTIVE SESSION**

Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, The City Council will recess into executive session (closed meeting) to discuss the following: Discussion of Economic Development Corporation Projects--Deliberations regarding Economic Development Negotiations (Tex Gov't Code 551.087), Deliberations about real property (Tex. Gov't Code 551.072) and Consultation with Attorney (Tex. Gov't Code §551.071) Discussion of pending or contemplated litigation—Consultation with Attorney (Tex. Gov't Code §551.071) Discussion of status of recruitment for City Manager--Consultation with Attorney (Tex. Gov't Code §551.071) and Personnel Matters (Tex. Gov't Code §551.074)

### **RECONVENE INTO THE REGULAR SESSION**

In accordance with the Texas Government Code, Chapter 551, the City Council will reconvene into open session to consider action, if any, on matters discussed in the executive session. The Mayor announced no action was taken in the executive session.

### **ADJOURN: 10:23 P.M.**

Mayor Adjourned the Meeting.

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**TRACY CRAIG, SR, MAYOR**

**ATTEST:**

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**CANDIAS WEBSTER, ASSISTANT CITY MANAGER/CITY SECRETARY**



# AGENDA ITEM REPORT

Meeting: City Council - Feb 04 2025

Department:

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Subject:

**Public Comments:**

The City Council welcomes citizen participation and comments at all Council meetings. Citizen comments are limited to two minutes out of respect for everyone's time. The Council is not permitted to respond to your comments. The Texas Open Meetings Act requires that topics of discussion/deliberation be posted on an agenda not less than 72 hours in advance of the Council meetings. If your comments relate to a topic that is on the agenda, the Council will discuss the topic on the agenda at the time that the topic is discussed and deliberated.

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# AGENDA ITEM REPORT

**Meeting:** City Council - Feb 04 2025

**Staff Contact:** Anthony Rasor, Utilities Director

**Department:** Utilities

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**Subject:** Consider Ordinance 2025-3 Amending sections 51.20 through 51.32, repealing sections 51.32-51.44, and adding section 51.61 to the Pre-Treatment Program. Related to the discharge of industrial waste into the City's Wastewater Collection and Treatment System.

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## **Item Summary:**

The Pre-Treatment Program has been revised to meet State and Federal Regulations. It will allow the City's Environmental Officer and or its designee to maintain the integrity of the current wastewater system and any future growth. This program will require a discharge permit application for any new and existing business. The discharge permit will determine if the new companies can meet the requirements and the impact it could have on the existing wastewater system. This is changing these two sections. This Ordinance has not been updated in the last 20 years.

### **51.23.3 Individual Wastewater Discharge Permitting: Existing Connections**

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 90 days after said date, apply to the Environmental Officer for an individual wastewater discharge permit in accordance with Section 51.23.4 of this ordinance.

### **51.23.4 Individual Wastewater Discharge Permitting: New Connections**

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such a permit before the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with Section 51.23.5 of this ordinance, must be filed at least 60 days prior to the date upon which any discharge will begin or recommence.

## **Recommendation(s):**

motion to approve Ordinance 2025-3 Amending sections 51.20 through 51.32, repealing sections 51.32-51.44, and adding section 51.61 to the Pre-Treatment Program

## **Attachments:**

[Ordinance 2025-3 PreTreatment Program](#)



**ORDINANCE NO. 2025-3**

**AN ORDINANCE OF THE CITY COUNCIL REVISING THE REQUIREMENTS, PROHIBITIONS, AND CHARGES RELATING TO THE DISCHARGE OF INDUSTRIAL WASTE INTO THE CITY'S WASTEWATER COLLECTION AND TREATMENT SYSTEM BY AMENDING SECTIONS 51.20 THROUGH 51.32 OF THE CITY CODE OF ORDINANCES; REPEALING SECTIONS 51.32 THROUGH 51.44; ADDING SECTION 51.61 ADOPTING SCHEDULE D FOR INDUSTRIAL WASTE RELATED CHARGES; INCORPORATING THE ORDINANCE CAPTION AND RECITALS; PROVIDING FOR SEVERABILITY; REPEALING ANY OTHER CODE PROVISIONS, ORDINANCES, OR PARTS OF ORDINANCES, AND OTHER PROVISIONS IN CONFLICT HEREWITH; INCORPORATING RECITALS; ADOPTING AN EFFECTIVE DATE ESTABLISHING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, in order to promote public health, safety, and welfare, the City Council of the City of Mount Pleasant (the "City") hereby finds that a public necessity exists to revise the City's existing requirements and prohibitions relating to the discharge of industrial waste into the City's wastewater collection and treatment system and requirements; and

**WHEREAS**, in order to promote efficiency and transparency, adopt a schedule of industrial waste related charges.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT PLEASANT, TEXAS**, as follows:

**Section 1.** The above caption and recitals are incorporated herein for all purposes.

**Section 2.** That sections 51-20 through 51-32 of the City Code of Ordinances, relating to Industrial Waste, are amended to read as follows:

**SECTION 51.20 GENERAL PROVISIONS**

**51.20.1 PURPOSE AND POLICY**

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) operated by the City of Mount Pleasant (City) and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The City is not currently required to have an approved pretreatment program pursuant to 40 CFR 403.8(a). The objectives of this ordinance are:

To prevent the introduction of pollutants into the POTW that will interfere with its operation;

To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters or the sludge application area, or otherwise be incompatible with the POTW;

To protect both POTW personnel who may be affected by wastewater and sludge in the course of their

employment and the general public;

To promote reuse and recycling of industrial wastewater and sludge from the POTW;

To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and

To enable the City to comply with its Texas Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This ordinance shall apply to all Users of the POTW. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and describes User reporting requirements. As defined by this ordinance, the term "User" excludes domestic

#### 51.20.2 ADMINISTRATION

Except as otherwise provided herein, the City, or a designee shall administer, implement, and enforce the provisions of this industrial waste ordinance (IWO). Any powers granted to, or duties imposed upon the City Manager may be delegated to duly authorized employees or authorized representatives.

#### 51.20.3 ABBREVIATIONS

The following abbreviations, when used in this ordinance, shall have the designated meanings:

- ADA American Dental Association
- ANSI American National Standards Institute
- BMP – Best Management Practice
- BMR – Baseline Monitoring Report
- BOD – Biochemical Oxygen Demand
- CFR – *Code of Federal Regulations*
- CIU – Categorical Industrial User
- COD – Chemical Oxygen Demand
- CWA Clean Water Act
- EPA – U.S. Environmental Protection Agency
- FOG Fats, oils and greases
- FSE Food service establishment
- gpd – gallons per day
- IU – Industrial User
- IWO – Industrial Waste Ordinance
- l Liter
- mg Milligram
- mg/l – milligrams per liter
- NPDES – National Pollutant Discharge Elimination System
- O&M Operations and maintenance
- POTW – Publicly Owned Treatment Works
- RCRA – Resource Conservation and Recovery Act

- SIU – Significant Industrial User
- SNC – Significant Noncompliance
- TCEQ – Texas Commission on Environmental Quality
- TPDES – Texas Pollutant Discharge Elimination System
- TSS – Total Suspended Solids
- U.S.C. – United States Code

#### 51.20.4 DEFINITIONS

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

A. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq. and any law adopted after the Effective Date of this ordinance that amends, restates, or replace the Act.

B. Administrator. The Administrator of the U.S. Environmental Protection Agency, or representatives of the Administrator such as the EPA Region 6 Administrator, located in Dallas, Texas.

C. Amalgam process wastewater. Wastewater indirectly discharged from a dental user containing dental amalgam.

D. Amalgam separator. Collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility with a removal efficiency of at least 95 percent and meeting the ANSI/ADA criteria as outlined in 40 C.F.R. § 441.

E. Approval authority. The executive director of the Texas Commission on Environmental Quality ("TCEQ"). The TCEQ has authority to delegate "approval authority" status to local POTWs that have approved pretreatment programs, which the City of Mount Pleasant has not obtained.

F. Authorized or Duly Authorized Representative of the User.

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their

designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Environmental Officer.

G. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sections 51.21.1 and 51.21.2 [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

H. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

I. Building sewer. A sewer extension lateral conveying wastewater from the premises of a user to the POTW.

J. Categorical Industrial User. An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

K. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

L. City. The City of Mount Pleasant together with all of its governing and operating bodies.

M. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand (BOD).

N. Control Authority. The Executive Director of TCEQ or the Environmental Officer or his or her designee.

O. Cooling water.

(1)Uncontaminated: Water used for cooling purposes which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectably higher than that of the intake water.

(2)Contaminated: Water used for cooling purposes which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.

P. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Q. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements

taken that day.

R. Dental amalgam. A mixture of metals, consisting of liquid (elemental) mercury and a powdered alloy composed of silver, tin, and copper that is used in the practice of dentistry.

S. Dental/amalgam waste. Amalgam that is no longer suitable for use in making dental repairs such as excess mix leftover at the end of a dental procedure and amalgam removed as part of a dental repair or replacement. Removed teeth with fillings can contain amalgam and is included as waste in the definition.

T. Dental facility. A facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by federal, state or local governments, that indirectly discharges wastewater to a publicly owned treatment works (POTW).

U. Direct discharge. The discharge of treated or untreated wastewater directly to the waters of either the State of Texas or the United States of America (as distinguished from an "indirect discharge").

V. Director. The Executive Director of the Texas Commission on Environmental Quality (TCEQ).

W. Domestic holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and/or vacuum-pump tank trucks generated from a domestic source.

X. Environmental Officer. The Director of Utilities of the City, or his duly authorized deputy, agent, or representative.

Y. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or a duly authorized official.

Z. Existing Source. Any source of discharge that is not a "New Source."

AA. Fats, oils, and greases (FOG). Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. All are sometimes referred to herein as "grease" or "greases."

BB. Flow proportional composite sample. A sampling method which combines discrete aliquots of a sample collected over time, based on the flow of the waste stream being sampled. There are two methods used to collect this type of sample. One method collects a constant sample volume at time intervals which vary based on the stream flow [e.g., 200 milliliters (ml) sample collected for every 5,000 gallons discharged]. The other method collects aliquots of varying volume, based on stream flow, at constant time intervals. Composite sampling should not be used where the pollutants being sampled, such as cyanide and phenol, may not be held for an extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.

CC. Garbage. Animal and vegetable wastes and residue from preparation, cooking, and dispensing of food; and from handling, processing, storage and sale of food products and produce.

DD. Generator. A person whose actions or inactions causes, creates, generates or otherwise produces waste.

EE. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

FF. Grease interceptor. A device designed to use differences in specific gravities to separate and retain light

density liquids, waterborne fats, oils, and greases prior to the wastewater indirectly entering the sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the interceptor and indirectly entering the sanitary sewer collection system.

GG. Grease interceptor or grease trap waste. Material collected in and from a grease interceptor or grease trap in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from de-watering processes.

HH. Grease trap. An under-the-sink device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases prior to the wastewater indirectly entering the sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection system.

II. Grit interceptor. A device designed to use the differences in specific gravities to separate and retain high-density liquids, automotive and industrial oils and greases, and solids prior to the wastewater indirectly entering the sanitary sewer collection system.

JJ. Grit interceptor waste. Sand, grit, petroleum products and other inorganic particles collected in an interceptor in the sanitary sewer service line of a commercial or industrial automotive repair service or washing establishment, such as car washes, automotive repair and body shops and other industrial washing facilities.

KK. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.

LL. Industrial holding tank waste. Any non-domestic waste from holding tanks such as vessels, septic tanks, and/or vacuum-pump tank trucks generated from an industrial user.

MM. Industrial user (IU). An industrial source of indirect discharge.

NN. Industrial user pretreatment permit. As set forth in this ordinance.

OO. Industrial waste. Waste resulting from any process of industry, manufacturing, trade, institution or business from the development of any natural resource, or any mixture of the waste with potable and/or storm water, or normal domestic strength wastewater, rendering the wastewater distinct from normal domestic strength wastewater.

PP. Industrial waste charge. The financial charge(s) assessed by the City on those persons who indirectly discharge commercial/institutional and/or industrial strength or high volume of wastes into the city's sanitary sewer system.

QQ. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

RR. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's TPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any

State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

SS. Local Limit. Specific discharge limit developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Section 51.21 of this ordinance.

TT. Maximum allowable discharge limit. The maximum concentration of a pollutant allowed to be indirectly discharged to the POTW at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

UU. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

VV. *Milligrams per liter (mg/l)*. Means the same as parts per million and is a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

WW. Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

XX. Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

YY. National categorical pretreatment standard or categorical standard. Any regulation containing pollutant indirect discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317(b) and (c)), as may be periodically amended) which applies to a specific category of industrial users. This term includes prohibitive indirect discharge limits established pursuant to 40 C.F.R. § 403.5, as may be periodically amended.

ZZ. National Pollutant Discharge Elimination System or NPDES. The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing discharge permits from point sources to waters of the United States, and imposing and enforcing pretreatment requirements, under CWA sections 307, 402, 318, and 405.

AAA. National pollutant discharge elimination system or NPDES permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342), as may be periodically amended.

BBB. National pretreatment standard. Pretreatment standards shall mean prohibited indirect discharge standards, categorical pretreatment standards, and local limits.

CCC. Natural outlet. Any outlet for the flow of non-contaminated water into a watercourse, ditch, lake, or other body of surface water or groundwater.

DDD. NELAC or National Environmental Laboratory Accreditation Conference. A cooperative association of states and federal agencies, formed to establish and promote mutually acceptable performance standards for the operations of environmental laboratories. The standards cover both analytical testing of environmental samples and the laboratory accreditation process. The goal of NELAC is to foster the generation of environmental laboratory data of known and acceptable quality on which to base public health

and environmental management decisions.

EEE. New connection. An industrial user that connects to the POTW after the effective date of the ordinance from which this article is derived.

FFF. New Source.

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
  - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
  - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Subsection (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
  - (a) Begun, or caused to begin, as part of a continuous onsite construction program
    - i. any placement, assembly, or installation of facilities or equipment; or
    - ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

GGG. Noncontact Cooling Water. Cooling water that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

HHH. Non-domestic user. Any wastewater source, (commercial/institutional/industrial) or any person who indirectly discharges, causes or permits the indirect discharge of wastewater from other than residential unit(s). This includes any liquid waste haulers that combine domestic and non-domestic waste(s).

III. Normal domestic wastewater. Wastewater, excluding non-domestic



commercial/institutional/industrial wastewater indirectly discharged by a person into city sanitary sewers containing an average concentration of total suspended solids (TSS) of not more than 200 mg/l, and BOD not more than 200 mg/l.

- JJJ. Oil/water separator. A device designed to use the differences in specific gravities to separate and retain non-soluble, non-emulsified petroleum and allied petroleum products prior to the wastewater indirectly entering the sanitary sewer collection system.
- KKK. Oil/water separator waste. Petroleum or allied petroleum products collected in a separator device in the sanitary sewer service lateral of a commercial, institutional, or industrial establishment.
- LLL. Overload. The indirect discharge(s) of excessive organic or hydraulic loading on a wastewater conveyance and/or treatment facility beyond its engineered design capacity.
- MMM. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's TPDES permit, including an increase in the magnitude or duration of a violation.
- NNN. 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 representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- OOO. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- PPP. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, total suspended solids (TSS), turbidity, color, BOD, COD, toxicity, or odor).
- QQQ. Pollution. The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.
- RRR. POTW treatment plant. That portion of the POTW (not pipelines, lift stations and other conveyances) designed to provide remedial wastewater treatment (including recycling and reclamation) of municipal sewage and sludge.
- SSS. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- TTT. Pretreatment Requirements or Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- UUU. Pretreatment Standards or Standards. Pretreatment Standards includes any prohibited

discharge standards, Categorical Pretreatment Standards, and Local Limits.

- VVV. *Process wastewater*. Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, by-product, or waste product.
- WWW. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 51.21 of this ordinance.
- XXX. *Public sewer*. A pipe or conduit designed and constructed to carry either wastewater or unpolluted stormwater drainage, but not both, into which owners of abutting properties may discharge certain type water flows, subject to control by the city
- YYY. Publicly Owned Treatment Works or POTW. The treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a WWTP.
- ZZZ. Regional administrator. The appropriate federal EPA Region 6 Administrator located in Dallas, Texas.
- AAAA. Sanitary sewer. A public sewer that conveys domestic strength wastewater or pre-treated non-domestic commercial/institutional/industrial wastewater, or a combination of both to a treatment facility, and into which potable water, stormwater, surface water, groundwater, and other unpolluted waters are not intentionally conveyed.
- BBBB. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- CCCC. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- DDDD. “*Shall* is mandatory; *may* is permissive or discretionary.
- EEEE. Significant Industrial User (SIU). A Significant Industrial User is:
- (1) An Industrial User subject to Categorical Pretreatment Standards; or
  - (2) An Industrial User that:
    - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
    - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - (c) Is designated as such by the Environmental Officer on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement.
- FFFF. Significant noncompliance (SNC). The term significant noncompliance shall be applicable

to all significant industrial users or any other industrial user that violates (3), (4), or (8) of this Subsection and shall mean:

(1) Chronic violations of wastewater indirect discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;

(2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by 40 C.F.R. 403.3(1) (as may be periodically amended) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the pretreatment manager determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel, the general public, or the environment;

(4) Any direct or indirect discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the pretreatment manager's exercise of his/her emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within 90 calendar days of the scheduled date, a compliance schedule milestone contained in an individual wastewater indirect discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(6) Failure to provide within 30 calendar days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report ordinance or permit noncompliance; or

(8) Any other violation(s), which may include a violation of best management practices, which the pretreatment manager determines will adversely affect the operation or implementation of the local pretreatment program.

GGGG. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 51.21 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or TPDES Permit conditions.

HHHH. Standard industrial classification (SIC). A classification pursuant to the Federal Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972 and any amendments thereto.

- III. Standard methods. The examination and analytical procedures set forth in the most current edition, (at the time of analysis), of "Standard Methods for the Examination of Water and Wastewater," as prepared, approved, and published jointly by: the American Public Health Association, the American Water Works Association; and the Water Environment Federation.
- JJJJ. State. State of Texas.
- KKKK. Storm sewer. A public drainage line, channel or conduit which is intended only for conveying stormwaters, surface waters and shallow groundwater drainage to a natural outlet, into which domestic wastewater or industrial wastewater discharges or flows are prohibited.
- LLLL. Storm water. Any surface water flow and runoff resulting from or following any form of natural precipitation, including condensation, rainfall, hail, ice and snowmelt.
- MMMM. Texas Pollutant Discharge Elimination System or TPDES. The delegation of the NPDES program to the State of Texas administered by the Texas Commission on Environmental Quality.
- NNNN. Time proportional composite sample. A sampling method which combines discrete sample aliquot of constant volume collected at constant time intervals (e.g., 200 milliliter (ml) samples collected every half-hour for a 24-hour period). This method provides representative samples only where the sampled stream flow is constant, or where the volume is manually adjusted based on stream flow variation prior to being added to the composite sample container.
- OOOO. Total Suspended Solids or TSS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
- PPPP. Toxic pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts, as may be periodically amended.
- QQQQ. Transporter. A person who is registered with and authorized by the TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste in accordance with 30 Texas Administrative Code § 312.142.
- RRRR. Trap. A device designed to skim, settle, or otherwise remove animal fats, oils, greases, sand, flammable wastes or other harmful substances prior to their indirect discharge into the POTW.
- SSSS. Unpolluted wastewater. Water containing:
- (1) No free or emulsified greases or oils;
  - (2) No acids or alkalis;
  - (3) No phenols or other substances producing taste or odor in receiving water;
  - (4) No toxic or poisonous substances in suspension, colloidal state, or solution;
  - (5) No noxious or otherwise obnoxious or odorous gases;

- (6) Not more than ten mg/l each of suspended solids and BOD; and
- (7) Color not exceeding 50 units as measured by the platinum-cobalt method of determination as specified in "standard methods."

TTTT. User or Industrial User. A source of indirect discharge to the POTW.

UUUU. *Waste.* Rejected, abandoned, discarded, unutilized or superfluous substances having no further useful value or purpose to the owner in liquid, gaseous, or solid form resulting from domestic, agricultural, institutional, commercial or industrial activities.

VVVV. *Wastewater.* Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

WWWW. *Wastewater Treatment Plant or WWTP.* That portion of the POTW which is designed to provide treatment of municipal wastewater and industrial wastewater.

XXXX. *Wastewater service charge.* The monthly charge(s) on all users of the public sanitary sewer system (POTW) whose liquid wastes do not exceed in strength the concentration values established as representative of normal domestic wastewater.

YYYY. *Water of the state.* Water of the ordinary flow, underflow, and tides of every flowing river, natural stream or lake, and of every bay of the Gulf of Mexico, or every river, natural stream, canyon, ravine, depression, and other continuous or intermittent flowing watershed in the state which are the property of the state.

## 51.21 GENERAL SEWER USE REQUIREMENTS

### 51.21.1 PROHIBITED DISCHARGE STANDARDS

- A. *General Prohibitions.* No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- B. *Specific Prohibitions.* No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  - (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
  - (2) Wastewater having a pH less than 5.5 or more than 9.0 standard units, or otherwise causing corrosive structural damage to the POTW or equipment;
  - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference;
  - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by

interaction with other pollutants, will cause Interference with the POTW;

- (5) Wastewater having a temperature sufficient to cause acute worker health and safety concerns or inhibit biological activity in the WWTP resulting in Interference, but in no case wastewater exceeding 120 degrees Fahrenheit, unless otherwise authorized by the City;
  - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
  - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  - (8) Trucked or hauled pollutants, except at discharge points designated by the Environmental Officer in accordance with Section 51.22.4 of this ordinance;
  - (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
  - (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the WWTP's effluent, thereby violating the City's TPDES permit;
  - (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
  - (12) Wastewater causing, alone or in conjunction with other sources, the WWTP's effluent to fail toxicity test;
  - (13) Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;
- C. Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.
- D. When the Environmental Officer determines that a user(s) is indirectly discharging to the POTW any of the above-enumerated substances in such amounts as to cause pass through or interference, the Environmental Officer shall:
- (1) Advise the user(s) of the impact of the indirect discharge on the POTW; and
  - (2) Impose effluent limitation(s) for such user to correct the pass through or interference with the POTW. These administrative options will not in any way exempt the user from any enforcement action resulting from any violation.

#### 51.21.2 NATIONAL CATEGORICAL PRETREATMENT STANDARDS

Users must comply with the Categorical Pretreatment Standards and the requirements in 40 CFR 403.6.

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the pretreatment manager may impose equivalent

concentration or mass limits in accordance with 40 C.F.R. § 403.6(c), as may be periodically amended.

(2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the pretreatment manager shall impose an alternate limit using the combined wastewater formula in 40 C.F.R. § 403.6(e), as may be periodically amended.

(3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 C.F.R. § 403.13, (as may be periodically amended) that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 C.F.R. § 403.15, as may be periodically amended.

All reports, applications, or other documentation which is required to be sent to the Control Authority shall also be sent to the Environmental Officer.

#### 51.21.3 STATE PRETREATMENT STANDARDS

Users must comply with State Pretreatment requirements codified at Texas Administrative Code Title 30 Chapter 305, Subchapter P.

#### 51.21.4 LOCAL LIMITS

- A. The City is authorized to establish Local Limits pursuant to the powers granted to by its Charter, and other applicable laws.
- B. No industrial user shall discharge pollutants in amounts greater than allowed by limitations established by the City in a document titled: City of Mount Pleasant – Local Limits. The list of pollutants and the limits will be updated as necessary to protect the POTW.
- C. Local limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The City may impose the limits as either one, two, or all three of the following:
  - (1) Concentration-based limits.
  - (2) Mass-based limits.
  - (3) BMP requirements
- D. No person shall indirectly discharge wastewater containing in excess of:

Daily Average Unit	Parameter
498.43 mg/l	Aluminum
0.2 mg/l	Arsenic
1.06 mg/l	Cadmium

1.03	mg/l	Chromium
0.5	mg/l	Copper
0.26	mg/l	Cyanide
4.86	mg/l	Lead
0.0002	mg/l	Mercury
1.87	mg/l	Nickel
0.29	mg/l	Selenium
3.07	mg/l	Silver
270.31	mg/l	Sulfide
1.71	mg/l	Zinc

The above limits apply at the point where the wastewater is indirectly discharged to the POTW. Metal pollutant limits refer to "total," unless indicated otherwise. The Environmental Manager may impose mass limitations in addition to the concentration-based limitations above.

E. The Environmental Manager may develop best management practices (BMPs), by ordinance or in individual wastewater indirect discharge permits to implement local limits and the requirements of sections 102-374 and 102-375. BMPs will be applicable only when required by a categorical pretreatment standard per 40 C.F.R. § 403.6 (as may be periodically amended) and shall be fully enforceable. In such cases, the CA shall include in the CIU control mechanism the following conditions:

- (1) effluent limits, including BMPs, based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law.
- (2) Requirements for the installation of treatment.
- (3) Requirements for or prohibitions on certain practices, activities, or discharges.
- (4) Requirements for operation and maintenance (O&M) of treatment units.
- (5) Reporting requirements.
- (6) IU records retention timeframe.
- (7) Any other requirements as determined by the CA and specified in writing.
- (8) Timeframes associated with key activities.
- (9) Compliance certification.
- (10) Provision for re-opening or revoking the BMPs conditions.



#### 51.21.5 RIGHT OF REVISION

The City reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance. The issuance of a an individual wastewater discharge permit, as authorized herein, does not convey any property right of any sort, or any exclusive privilege, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

#### 51.21.6 DILUTION

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Environmental Officer may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

### **51.22 PRETREATMENT OF WASTEWATER**

#### 51.22.1 PRETREATMENT FACILITIES

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 51.21 of this ordinance within the time limitations specified by EPA, the State, or the City, whichever is more stringent.

Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Environmental Officer for review and shall be acceptable to the Environmental Officer before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.

#### 51.22.2 ADDITIONAL PRETREATMENT MEASURES

- A. Whenever deemed necessary, the Environmental Officer may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.
- B. The Environmental Officer may require any User discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the

Environmental Officer, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Environmental Officer and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.

- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

### 51.22.3 ACCIDENTAL DISCHARGE/SLUG DISCHARGE CONTROL PLANS

The Environmental Officer may require any User to develop, submit for approval, and implement an accidental discharge/slug discharge control plan or other action to control Slug Discharges.

Alternatively, the Environmental Officer may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Environmental Officer of any accidental or Slug Discharge, as required by Section 51.25.6 of this ordinance; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling, and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

### 51.22.4 HAULED WASTEWATER

- A. Septic tank waste may be introduced into the POTW only at designated locations and at times established by the Environmental Officer. Such waste shall not violate Section 51.21 of this ordinance, or any other requirements established by the City. The Environmental Officer may require septic tank waste haulers to obtain individual wastewater discharge permits or prohibit the disposal of hauled waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
- B. The transport and discharge of industrial waste, grease or grit trap waste, or any waste of unknown origin to the POTW is prohibited.
- C. Transporters shall be required to furnish documentation that identifies the source or sources or the waste proposed for discharge.
- D. The Chief Operator or his or her designated representative may collect samples of any load discharged at the POTW to insure compliance with applicable standards. The transporter shall make available a sample port on the vehicle, and bear all cost associated with sampling
- E. A charge of per gallon as set forth in Section 51.61 shall be made for each load of transported

waste delivered to the POTW. This charge is based on the cost of treatment and will be adjusted on an as needed basis to reflect change in the cost to treat such waste. The transporter shall make prompt payment of discharge fees. No transporter shall be allowed to discharge waste to the POTW while delinquent in payment of charges.

- F. Failure to abide by any of the conditions stated in this section or failure to comply with any other ordinance or policy of the City or Mount Pleasant shall result in immediate revocation of discharge privileges.

#### 51.22.5 FATS, OILS AND GREASES (FOG); DENTAL AMALGAM WASTE

##### A. Purpose.

1. The purpose of this subsection is the regulation of the generation and disposal of grease trap waste, grease interceptor waste, grit interceptor waste, dental/amalgam waste and oil/water separator waste for the federal and state compliance and protection of the publicly owned treatment works (POTW) of the City and the environment.
2. The objective of this subsection is to reduce the number of sanitary sewer blockages, overflows, and excess loading at the POTW, and comply with federal and state regulations.

##### B. Applicability and Prohibitions.

1. This subsection shall apply to all non-domestic users of the publicly owned treatment works (POTW) of the city.
  2. Grease traps, grease interceptors, grit interceptors, amalgam separators, and oil/water separators shall not be required for domestic residential users.
  3. Facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service shall install, use, and maintain appropriate grease interceptors or grease traps as required by this section. These facilities include, but are not limited to, restaurants, food manufacturers, food processors, hospitals, hotels and motels, prisons, nursing homes, day care centers, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption.
  4. Smaller grease traps and alternative grease removal devices are prohibited at new construction for new food service establishments.
  5. A food service establishment seeking to open at a facility that requires plumbing renovations may apply (in writing) for installation of a smaller grease trap when:
    - (a) Existing plumbing structure does not provide adequate space for the installation of a larger grease interceptor
    - (b) Interior grease traps or alternative removal devices servicing grease indirect discharge points such as the primary pot-washing sinks, the pre-rinse sink at

dishwashing, the wok range station or the wet-type ventilation canopy in the cooking area, are used as inside isolation and containment devices to supplement a grease interceptor that is located outside.

(c) Less than 20,000 gallons of water is consumed per month, and written approval from the pretreatment manager is received.

6. Facilities indirectly discharging petroleum products, sand, grit, or other inorganic particles as a result of a commercial/institutional/industrial automobile repair service or washing establishment shall install, use and maintain appropriate grit interceptors or oil/water separators as required in this section. These facilities include, but are not limited to, car washes, automotive repair and body shops and other industrial or commercial facilities.

7. Facilities that practice general dentistry or large dental facilities that either use or remove dental amalgam as part of the practice must install, operate, and maintain an amalgam separator as required in this section. These facilities include, but are not limited to, dental institutions, permanent or temporary dental offices, dental clinics, home offices and teaching facilities operated by federal, state or local governments that indirectly discharge wastewater to the POTW.

8. No user may intentionally or unintentionally allow the indirect discharge of any petroleum oil, non-biodegradable cutting oil, mineral oil, or any fats, oils, or greases of animal or vegetable origin into the POTW system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works as a direct discharge into the environment.

9. The following facilities may be considered for exemption from the requirements herein, pending final approval from Environmental Manager: i) snow cones/raspa stands that serve only ice-based desserts; ii) facilities that serve only precooked foods or beverages, and no dish washing is performed at the facility; iii) home care centers with a maximum capacity of 12 customers, as specified in the City certificate of occupancy (not including attendant staff); iv) day care centers provided with catered food brought in from a separate food preparation facility (catering business shall retrieve all kitchenware to be washed at their registered FSE); v) facilities that are not connected to the POTW system of the city.

10. The following dental facilities are exempt from the requirements herein:

i) dental dischargers that do not indirectly discharge any amalgam process wastewater to a POTW, such as dental dischargers that collect all dental amalgam process wastewater for transfer to a centralized waste treatment facility (not POTW) as defined in 40 C.F.R. part 437;

ii) dental dischargers that do not place dental amalgam into patients and do not remove amalgam from patients except in limited emergency or unplanned, unanticipated circumstances and that certify as such to the control authority;

iii) offices that exclusively practice one or more of the following specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.

C. Installation and maintenance requirements for grease traps, grease interceptors, grit interceptors, amalgam separators, and oil/water separators.

1. Installations.

- (a) New facilities. Food processing or food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grease interceptor in accordance with the City's sizing formula and specifications listed in this section, unless the facility is exempt as listed in this section. Commercial/institutional/industrial automotive service and washing facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include an automotive service or washing facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grit interceptor or oil/water separator in accordance with the City's sizing formula and specifications listed in this section. Dental facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a dental service facility, where such facility did not previously exist, shall complete and submit a one-time compliance report and shall be required to design, install, operate and maintain an amalgam separator in accordance with the ANSI/ADA criteria as outlined in 40 C.F.R. § 441, unless the facility is exempt as listed in this section. Additionally, a sample collection point shall be installed according to City specifications for any grease trap, grease interceptor, grit interceptor, amalgam separator or oil/water separator. Grease traps, grease interceptors, grit interceptors, amalgam separators and oil/water separators shall be inspected and approved by the Environmental Manager prior to the City issuing certificate of occupancy.
- (b) Existing facilities. Existing grease traps, grease interceptors, grit interceptors, amalgam separators and oil/water separators must be operated and maintained in accordance with this section, unless specified in writing and approved by the Environmental Manager. Additionally, a sample collection point shall be installed according to City specifications for any grease trap, grease interceptor, grit interceptor or oil/water separator.
- (c) Existing inappropriate for the actual use, undersized, inoperable, or defective grease traps, grease interceptors, grit interceptors, amalgam separators or oil/water separators may be required to be replaced, repaired or upgraded within a reasonable time.
- (d) All grease trap, grease interceptor, grit interceptor, amalgam separator and oil/water separator waste extracted, shall be properly disposed of by a registered waste hauler at a licensed/certified facility in accordance with federal, state, or local regulation.

2. Cleaning and maintenance.

- (a) Grease traps, grease interceptors, grit interceptors, amalgam separators and oil/water separators shall be maintained in an efficient operating condition at all times.
- (b) Each grease trap, grease interceptor, grit interceptor or oil/water separator pumped shall be fully evacuated unless the trap or interceptor volume is greater than the tank capacity on the vacuum truck, in which case the transporter shall arrange for additional transportation capacity so that the grease trap, grease interceptor, grit interceptor or oil/water separator is fully evacuated within a 24-hour period, in accordance with 30 Texas Administrative Code § 312.143(c), as may be periodically amended.
- (c) Amalgam separators shall be maintained in accordance with the manufacturer's operating manual recommendations. The manufacturer's manual must provide instructions for use, including the frequency for inspection and collecting container replacement such that the unit is replaced once it has reached the maximum filling level at which the device can perform to the specified efficiency (at least 95 percent removal efficiency).
- (d) The City encourages the use of approved best management practices (BMPs) for commercial establishments to reduce or eliminate the amount of pollution indirectly discharged into the POTW.

3. Cleaning schedules.

- (a) Grease interceptors, grit interceptors and oil/water separators shall be completely evacuated and cleaned a minimum of every 90 calendar days or more often when necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease interceptor, grit interceptor or oil/water separator; to ensure the indirect discharge is in compliance with local discharge limits; to ensure no visible oil and/or grease is observed in the indirect discharge; or when the following conditions exist:
  - i. Twenty-five percent or more of the wetted height of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases;
  - ii. The indirect discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the City or If there is a history of non-compliance.
- (b) Any person who owns or operates a grease interceptor, grit interceptor or oil/water separator may submit to the Environmental Manager a request in writing for an exemption to the 90 calendar day pumping frequency of their grease interceptor, grit interceptor or oil/water separator. The Environmental Manager may grant a written extension for required cleaning frequency on a case-by-case basis when:
  - i. The grease interceptor, grit interceptor or oil/water separator has been sized according to the City sizing formula and the grease interceptor, grit interceptor or oil/water separator owner/operator has demonstrated the specific grease

- interceptor, grit interceptor or oil/water separator will produce an effluent, based on defensible analytical results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the City, or
- ii. Less than 25 percent of the wetted height of the grease interceptor, grit interceptor or oil/water separator, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.
- (c) In any event, grease interceptors, grit interceptors and oil/water separators shall be fully evacuated, cleaned, and inspected at least once every 180 calendar days.
- (d) Grease traps shall be completely evacuated and cleaned a minimum of every 30 calendar days or more often when necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap; to ensure the indirect discharge is in compliance with local limits; to ensure no visible oil and/or grease is observed in the indirect discharge; or when the following conditions exist:
- i. The indirect discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the City; or
  - ii. If there is a history of user non-compliance.
- (e) Manifest and record keeping requirements.
- (1) Each pump-out of a grease interceptor, grit interceptor, oil/water separator, or grease trap that is not cleaned as described in subsection (c) above, must be accompanied by a manifest to be used for record keeping purposes.
  - (2) Persons who generate, collect and transport grease trap waste, grease interceptor waste, grit interceptor waste, or oil/water separator waste shall maintain a record of each individual collection, deposit to recycler, or disposal. Such records shall be in the form of a manifest. The manifest shall include:
    - a. Name, address, telephone, and TCEQ registration number of transporter;
    - b. Name, signature, address, and phone number of the generator of the waste and the date collected;
    - c. Type and amount(s) of waste collected or transported;
    - d. Name and signature(s) of responsible person(s) collecting, transporting, and depositing or disposing of the waste;
    - e. Date and place where the waste was deposited or disposed;
    - f. Identification (TCEQ permit or site registration number, location, and operator) of the facility where the waste was deposited or disposed;

- g. Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received for recycling or disposal;
  - h. The volume of the grease trap waste, grease interceptor waste, grit interceptor waste or oil/water separator waste received; and
  - i. A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.
- (3) Manifests shall be divided into five parts and records shall be maintained as follows:
- a. One part of the manifest shall have the generator and transporter information completed and shall be given to the generator at the time of waste pickup.
  - b. The remaining four parts of the manifest shall have all required information completely filled out and signed by the appropriate parties before distribution of the manifest.
  - c. One part of the manifest shall be submitted to the receiving facility (recycler or disposer).
  - d. One part of the manifest shall be submitted to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste transported.
  - e. One copy of the manifest shall be returned by the transporter to the generator within 15 calendar days after the waste is received at the disposal or processing/recycling facility.
  - f. One part of the manifest shall be submitted to the Environmental Manager.
- (4) Last three copies of manifests returned to the waste generator shall be kept and be readily available for review by the City.
- (5) One-time compliance report deadlines. For existing sources, a one-time compliance report must be submitted to the control authority within 45 calendar days of the passage of this ordinance, or 90 calendar days after a transfer of ownership. For new sources, a one-time compliance report must be submitted to the control authority no later than 90 calendar days following the introduction of wastewater into a POTW.
- (6) The one-time compliance report shall be retained as long as a dental discharger, subject to this subsection is in operation, or until ownership is transferred. In addition, the dental discharger or an agent or representative of the dental discharger must maintain the one-time compliance report required at paragraph (5) of this subsection and make it available for inspection in either physical or electronic form.



- (7) Persons who generate, collect and transport amalgam waste shall maintain a record of each individual collection, deposit to recycler, or disposal. Such events shall be recorded in a maintenance log and must be available for inspection by City pretreatment personnel.

D. Alternative treatment.

- (1) A person commits a violation if he introduces, causes, permits, or suffers the introduction of a grit or garbage grinder, any surfactant, solvent, bacteria, or emulsifier into a grease trap, grease interceptor, grit interceptor or oil/water separator. Surfactants, solvents, bacteria, and emulsifiers are materials which allow the grease to pass from the grease trap, grease interceptor, grit interceptor or oil/water separator, into the sanitary sewer collection system, and include but are not limited to, enzymes, microbial agents, soap, diesel, kerosene, terpene, and other solvents.
- (2) It is an affirmative defense to an enforcement of subsection (1) immediately above, that the use of reasonable amounts of surfactants or soaps is incidental to normal commercial/industrial kitchen hygiene operations.

D. Sizing and design criteria.

A signed and sealed letter from a professional engineer stating that the capacity of the following facilities or equipment is adequate for the projected flow and size of the proposed operation and satisfy the following minimum design requirements and prohibitions:

(a) Grease traps.

- (1) Grease traps shall have a minimum capacity of 50 gallons, provided, however, an under sink grease trap will require a variance approval either from the City's Environmental Officer.
- (2) Grease traps shall not receive liquid waste from a dishwasher appliance
- (3) Grease traps shall be installed in strict accordance with the manufacturer's instructions. Grease traps shall be equipped with a cover and a mechanism for secure closure.
- (4) Grease traps shall be installed such that they are easily accessible for inspection, cleaning and removal of FOG and solid material.
- (5) A sample collection point shall be installed according to City specifications.

(b) Grease interceptors.

- (1) Grease interceptors must capture liquid waste from dishwasher appliances, pre-rinse/pre-wash sinks or sinks in dishwashing areas, compartment sinks, wok

stoves, self-cleaning ventilation hoods, kitchen floor drains, floor sinks, mop sinks, food preparation sinks, hand sinks, and garbage disposers.

- (2) Grease interceptors shall be sized according to the City sizing formula. Where the sizing formula calculates a grease interceptor size less than 1000 gallons, the size shall be 1,000 gallons, unless a variance is granted by the City'.
- (3) Grease interceptors shall have a minimum of two compartments with fittings designed for grease retention.
- (4) Grease interceptors shall have a manhole for each compartment to provide access for cleaning all areas of the interceptor. Manhole covers shall be gas tight in construction having a minimum opening dimension of 20 inches
- (5) In areas where vehicle traffic exists, the grease interceptor shall be designed for adequate public traffic load bearing capacity.
- (6) Grease interceptors shall be installed such that they are easily accessible for inspection, cleaning and removal of grease interceptor waste.
- (7) A sample collection point shall be installed according to City specifications.

(c) Grit interceptors and oil/water separators.

- (1) Grit interceptors and oil/water separators shall be designed, constructed and installed in accordance with the City sizing formula and specifications.
- (2) Grit interceptors and oil/water separators shall have a manhole for each compartment to provide access for cleaning all areas of the interceptor. Manhole covers shall be gas tight in construction having a minimum opening dimension of 20 inches.
- (3) In areas where vehicle traffic exists, the grit interceptor or oil/water separator shall be designed for adequate public traffic load bearing capacity.
- (4) Grit interceptors and oil/water separators shall be installed such that they are easily accessible for inspection, cleaning and removal of grit and oily waste.
- (5) A sample collection point shall be installed according to City specifications.

(d) Amalgam separators.

- (1) Amalgam separator(s) must be sized to accommodate the maximum indirect discharge rate of amalgam process wastewater.
- (2) Amalgam separator(s) must be inspected in accordance with the manufacturer's operating manual to ensure proper operation and maintenance of the separator(s) and to confirm that all amalgam process wastewater is flowing through the amalgam retaining portion of the amalgam separator(s).
- (3) The amalgam separator must meet the removal efficiency of at least 95 percent of the mass of solids from all amalgam process wastewater. The removal efficiency

specified by the manufacturer must be calculated in grams recorded to three decimal places, on a dry weight.(4)Amalgam separators shall be installed such that they are easily accessible for inspection, cleaning and removal of amalgam waste.

## 51.23 INDIVIDUAL WASTEWATER DISCHARGE PERMITS

### 51.23.1 WASTEWATER ANALYSIS

When requested by the Environmental Officer, a User must submit information on the nature and characteristics of its wastewater within 30 days of the request. The Environmental Officer is authorized to prepare a form for this purpose and may periodically require Users to update this information.

### 51.23.2 INDIVIDUAL WASTEWATER DISCHARGE PERMIT REQUIREMENT

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Environmental Officer, except that a Significant Industrial User that has filed a timely application pursuant to Section 51.23.3 of this ordinance may continue to discharge for the time period specified therein.
- B. The Environmental Officer may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the individual wastewater discharge permittee to the sanctions set out in Sections 51.28 through 51.31 of this ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

### 51.23.3 INDIVIDUAL WASTEWATER DISCHARGE PERMITTING: EXISTING CONNECTIONS

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 90 days after said date, apply to the Environmental Officer for an individual wastewater discharge permit in accordance with Section 51.23.4 of this ordinance.

### 51.23.4 INDIVIDUAL WASTEWATER DISCHARGE PERMITTING: NEW CONNECTIONS

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with Section 51.23.5 of this ordinance, must be filed at least 60 days prior to the date upon which any discharge will begin or recommence.

### 51.23.5 INDIVIDUAL WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS

- A. All Users required to obtain an individual wastewater discharge permit must submit an individual wastewater discharge permit application. The Environmental Officer may require

Users to submit all or some of the following information as part of an individual wastewater discharge permit application:

- (1) Identifying Information.
  - (a) The name and address of the facility, including the name of the operator and owner.
  - (b) Contact information, description of activities, facilities, and plant production processes on the premises;
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (3) Description of Operations.
  - (a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
  - (b) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
  - (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - (d) Type and amount of raw materials processed (average and maximum per day);
  - (e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (4) Time and duration of discharges;
- (5) The proposed location for monitoring all wastes covered by the individual wastewater discharge permit;
- (6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
- (7) Measurement of Pollutants.
  - (a) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
  - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Environmental Officer, of regulated pollutants in the discharge from each regulated process.
  - (c) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

- (d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 51.25.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Environmental Officer or the applicable Standards to determine compliance with the Standard.
- (e) Sampling must be performed in accordance with procedures set out in Section 51.25.11 of this ordinance.
- (8) Any other information deemed necessary by the Environmental Officer to evaluate the individual wastewater discharge permit application.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

**51.23.6 APPLICATION SIGNATORIES AND CERTIFICATIONS**

- A. All individual wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 51.25.14.A.
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Subsection must be submitted to the Environmental Officer prior to or together with any reports to be signed by an Authorized Representative.

**51.23.7 INDIVIDUAL WASTEWATER DISCHARGE PERMIT DECISIONS**

The Environmental Officer will evaluate the data furnished by the User and may require additional information. The Environmental Officer may deny any application for an individual wastewater discharge permit.

**51.24 INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE**

**51.24.1 INDIVIDUAL WASTEWATER DISCHARGE PERMIT DURATION**

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Environmental Officer. Each individual wastewater discharge permit should indicate a specific date upon which it will expire.

**51.24.2 INDIVIDUAL WASTEWATER DISCHARGE PERMIT CONTENTS**

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Environmental Officer to prevent Pass Through or Interference, protect the quality of the water body receiving the WWTP’s effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Individual wastewater discharge permits may contain or address the following:

- (1) A statement that indicates the individual wastewater discharge permit issuance date, expiration date and effective date;
- (2) A statement that the individual wastewater discharge permit is nontransferable without prior notification to the Environmental Officer in accordance with Section 51.24.4 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing individual wastewater discharge permit;
- (3) Effluent limits, including BMPs, based on applicable Pretreatment Standards;
- (4) Self monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
- (5) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;
- (6) Requirements to control Slug Discharge, if determined to be necessary; and
- (7) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit.
- (8) At least once within a year of the IU being designated as "significant," the pretreatment manager shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan or other action to control slug discharges. The pretreatment manager may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. An accidental discharge/slug control plan shall address, at a minimum, the following:
  - (1) Description of discharge practices, including nonroutine batch discharges;
  - (2) Description of stored chemicals;
  - (3) Procedures for immediately notifying the pretreatment manager of any accidental or slug discharge, as required by this ordinance including any discharge that would violate a prohibition under 40 C.F.R. § 403.5(b) (as may be periodically amended) with procedures for follow-up written notification within five calendar days; and
  - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic

pollutants, including solvents, and/or measures and equipment for emergency response.

Upon the Environmental Manager requiring an SIU to develop an accidental discharge/slug control plan, the SIU's plan including all procedures and measures to control potential slug-related discharges shall be evaluated as part of the annual CA inspection. The control authority shall keep records of the activities associated with slug control evaluation and make the results available to the approval authority upon request.

- B. Individual wastewater discharge permits may also contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  - (3) Requirements for the development and implementation of spill control plans or other special conditions including BMPs necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
  - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
  - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices; and
  - (7) Other conditions as deemed appropriate by the Environmental Officer to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

#### 51.24.3 INDIVIDUAL WASTEWATER DISCHARGE PERMIT MODIFICATION

- A. The Environmental Officer may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
  - (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
  - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - (4) Information indicating that the permitted discharge poses a threat to the POTW, the

- City personnel, or the receiving waters;
- (5) Violation of any terms or conditions of the individual wastewater discharge permit;
  - (6) Misrepresentations or failure to fully disclose all relevant facts in the individual wastewater discharge permit application or in any required reporting;
  - (7) Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
  - (8) To correct typographical or other errors in the individual wastewater discharge permit;  
or
  - (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 51.24.4.

#### 51.24.4 INDIVIDUAL WASTEWATER DISCHARGE PERMIT TRANSFER

The Environmental Officer may transfer an individual wastewater discharge permit to a new owner or operator only if the permittee gives at least 30 days notice. The notice to the Environmental Officer must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

#### 51.24.5 INDIVIDUAL WASTEWATER DISCHARGE PERMIT REVOCATION

The Environmental Officer may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Environmental Officer of significant changes to the wastewater quality or quantity prior to the changed discharge;
- B. Failure to provide prior notification to the Environmental Officer of changed conditions pursuant to Section 51.25.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the individual wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Environmental Officer timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fees or fines;



- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the individual wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the individual wastewater discharge permit or this ordinance.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

#### 51.24.6 INDIVIDUAL WASTEWATER DISCHARGE PERMIT REISSUANCE

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete individual wastewater discharge permit application, in accordance with Section 51.23.5 of this ordinance, a minimum of 60 days prior to the expiration of the User's existing individual wastewater discharge permit.

### **51.25 REPORTING REQUIREMENTS**

#### 51.25.1 BASELINE MONITORING REPORTS

Users shall submit a Baseline Monitoring Report (BMR) according to the requirements in 40 CFR Part 403.12, if required. A copy of such a report shall also be submitted to the Environmental Officer.

#### 51.25.2 COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to the compliance schedules required by this ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment or other actions required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed twelve (12) months;
- C. The User shall submit a progress report to the Environmental Officer no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- D. In no event shall more than twelve (12) months elapse between such progress reports to the Environmental Officer.

### 51.25.3 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

Users shall submit reports according to 40 CFR Part 403.12(d), if required. A copy of such report shall also be submitted to the Environmental Officer.

### 51.25.4 PERIODIC COMPLIANCE REPORTS

- A. All Users shall submit reports according to 40 CFR Part 403.12(e), if required. A copy of such reports shall also be submitted to the Environmental Officer.
- B. All permitted Industrial Users must, at a frequency specified in their individual wastewater discharge permit, submit reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Environmental Officer or the Pretreatment Standard necessary to determine the compliance status of the User.
- C. All periodic compliance reports must be signed and certified in accordance with Section 51.25.14.A of this ordinance.
- D. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- E. If a User subject to the reporting requirement in this Subsection monitors any regulated pollutant at the appropriate sampling location more frequently than required by the permit or other requirements and uses the procedures prescribed in Subsection 51.25.11 of this ordinance, the results of all monitoring data shall be reported to the Environmental Officer.

### 51.25.5 REPORTS OF CHANGED CONDITIONS

Each User must notify the Environmental Officer of any significant changes to the User's operations or system which might significantly alter the nature, quality, or volume of its wastewater at least 30 days before the change.

- A. The Environmental Officer may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an individual wastewater discharge permit application under Section 51.23 of this ordinance.
- B. The Environmental Officer may issue an individual wastewater discharge permit under Section 51.25.6 of this ordinance or modify an existing individual wastewater discharge permit under Section 51.25.3 of this ordinance in response to changed conditions or anticipated changed conditions.

### 51.25.6 REPORTS OF POTENTIAL PROBLEMS

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges

of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Environmental Officer of the incident. This notification shall include the location of the discharge, type of waste, concentration, and volume, if known, and corrective actions taken by the User.

- B. Within five (5) days following such discharge, the User shall, unless waived by the Environmental Officer, submit a detailed written report describing the cause(s) 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 might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Environmental Officer immediately of any changes at its facility affecting the potential for a Slug Discharge.

#### 51.25.7 REPORTS FROM UNPERMITTED USERS

All Users not required to obtain an individual wastewater discharge permit shall provide all required reports to the Environmental Officer as the Environmental Officer may require.

#### 51.25.8 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

If sampling performed by a User indicates a violation, the User must notify the Environmental Officer within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Environmental Officer within thirty (30) days after becoming aware of the violation. Resampling by the User is not required if sampling is performed at the User's facility at least once a month, or if sampling is performed at the User between the time when the initial sampling was conducted and the time when the User or the Environmental Officer receives the results of this sampling, or if the Environmental Officer has performed the sampling and analysis in lieu of the Industrial User.

#### 51.25.9 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE

- A. Any User who commences the discharge of hazardous waste shall notify the POTW (through the Environmental Officer), the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the

extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph needs to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 51.25 of this ordinance. The notification requirement in this Subsection does not apply to pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 51.25 of this ordinance.

- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Environmental Officer, the EPA Regional Waste Management Waste Division Director, and the TCEQ Industrial and Hazardous Waste Section of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

#### 51.25.10 ANALYTICAL REQUIREMENTS

All pollutant analyses, including sampling techniques, to be submitted as part of an individual wastewater discharge permit application or report shall be performed in accordance with 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Environmental Officer or other parties approved by EPA.

#### 51.25.11 SAMPLE COLLECTION

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Environmental Officer. Where time-proportional composite sampling or grab sampling is authorized by the Environmental Officer, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Environmental Officer, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, mercury, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 51.25 (40 CFR 403.12(b) and (d)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, mercury and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Environmental Officer may authorize a lower minimum. For the reports required by Section 51.25 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

#### 51.25.12 DATE OF RECEIPT OF REPORTS

Written reports will be deemed to have been submitted on the date postmarked by the carrier.

#### 51.25.13 RECORDKEEPING

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 51.21. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Environmental Officer.

#### 51.25.14 CERTIFICATION STATEMENTS

- A. The following certification statement is required to be signed and submitted by Users submitting individual wastewater discharge permit applications in accordance with Section 51.23; Users submitting baseline monitoring reports under Section 51.25; Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 51.25 and Users submitting periodic compliance reports required by Section 51.25.4.A–B. The following certification statement must be signed by an Authorized Representative as defined in Section 51.20.4.

*“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”*

#### 51.25.15 NOTIFICATION.

The permittee (user) shall immediately telephone and notify the control authority upon the occurrence of an accidental discharge. The notification shall include location of discharge, type of waste, concentration and volume, and corrective action taken. In addition, the permittee shall submit to the control authority a detailed written report within five calendar days following an accidental discharge. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural environmental resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article. The user report shall specify:

- (1) Description and cause of the upset, slug load or accidental discharge, the cause thereof, and the impact on the permittee's compliance status. The description should also include location of discharge, type, concentration and volume of waste.
- (2) Duration of noncompliance, including exact dates and times of non-compliance and, if the noncompliance is continuing, the time by which user compliance is reasonably expected to occur.
- (3) All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such an upset, slug load, accidental discharge, or other conditions of noncompliance.

#### 51.25.16 NOTICE TO EMPLOYEES.

A notice shall be permanently posted in the user's payroll distribution area or other prominent employee routine gathering place in the user's facility, advising employees whom to call in the event of a dangerous indirect or direct discharge. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

### **51.26 COMPLIANCE MONITORING**

#### 51.26.1 RIGHT OF ENTRY: INSPECTION AND SAMPLING

Environmental Officer shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow Environmental Officer ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, Environmental Officer shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Environmental Officer shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The Environmental Officer may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at an interval recommended by the manufacturer (at least annually) to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Environmental Officer and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing Environmental Officer access to the User's premises shall be a violation of this ordinance.

#### 51.26.2 SEARCH WARRANTS

If the Environmental Officer has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued

hereunder, or to protect the overall public health, safety and welfare of the community, the Environmental Officer may seek issuance of a search warrant from an appropriate legal authority.

### **51.27 CONFIDENTIAL INFORMATION**

Information and data on a User obtained from reports, surveys, in wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from inspection and sampling activities authorized by this ordinance, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Environmental Officer, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to the TPDES permit program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

### **51.28 ADMINISTRATIVE ENFORCEMENT REMEDIES**

#### **51.28.1 NOTIFICATION OF VIOLATION**

When the Environmental Officer finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Environmental Officer may serve upon that User a written Notice of Violation. Within 30 days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Environmental Officer. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Environmental Officer to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

#### **51.28.2 CONSENT ORDERS**

The Environmental Officer may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 51.28.4 and 51.28.5 of this ordinance and shall be judicially enforceable.

#### **51.28.3 SHOW CAUSE HEARING**



The Environmental Officer may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Environmental Officer and show cause why the proposed enforcement action should not be taken. Notice shall be served to the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 51.20.4 and required by Section 51.23. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

#### 51.28.4 COMPLIANCE ORDERS

When the Environmental Officer finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Environmental Officer may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### 51.28.5 CEASE AND DESIST ORDERS

When the Environmental Officer finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Environmental Officer may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease-and-desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### 51.28.6 EMERGENCY SUSPENSIONS

The Environmental Officer may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Environmental Officer may also immediately suspend a User's discharge, after notice and

opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Environmental Officer may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Environmental Officer may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Environmental Officer that the period of endangerment has passed unless the termination proceedings in Section 51.28.7 of this ordinance are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Environmental Officer prior to the date of any show cause or termination hearing under Sections 51.28.3 or 51.28.7 of this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

#### 51.28.7 TERMINATION OF DISCHARGE

In addition to the provisions in Section 51.24 of this ordinance, any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 51.21 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 51.28.3 of this ordinance why the proposed action should not be taken.

Exercise of this option by the Environmental Officer shall not be a bar to, or a prerequisite for, taking any other action against the User.

### **51.29 JUDICIAL ENFORCEMENT REMEDIES**

#### 51.29.1 INJUNCTIVE RELIEF

When an Environmental Officer finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other

Pretreatment Standard or Requirement, the Environmental Officer may petition a court with jurisdiction through the Environmental Officer's Attorney for the insurance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. An Environmental Officer may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

#### 51.29.2 CIVIL PENALTIES

- A. A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the Environmental Officer for up to the maximum civil penalty allowed by state law but not less than one thousand dollars (\$1,000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Environmental Officer may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Environmental Officer.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

#### 51.29.3 CRIMINAL PROSECUTION

- A. A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than two thousand dollars (\$2,000.00) nor less than one thousand dollars (\$1,000.00) per violation per day, or imprisonment, or both.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least two thousand dollars (\$2,000), or be subject to imprisonment, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring

device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than two thousand dollars (\$2,000) per violation, per day, or imprisonment, or both.

- D. In the event of a second conviction, a User shall be punished by a fine of not more than two thousand dollars (\$2,000) per violation, per day, or imprisonment, or both.

#### 51.29.4 REMEDIES NONEXCLUSIVE

The remedies provided for in this ordinance are not exclusive. The Environmental Officer may take any, all, or any combination of these actions against a noncompliant User. The Environmental Officer is empowered to take more than one enforcement action against any noncompliant User.

#### 51.29.5 **PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.**

The pretreatment manager shall publish annually in the largest newspaper in Mount Pleasant, Texas, a list of the users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall be applicable to all significant industrial users or any other industrial user that violates subparagraphs (c), (d) or (h) of this Section and shall mean:

- (1) Chronic violations of wastewater indirect discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter taken during a six-month period equals or exceeds (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement as defined by 40 C.F.R. 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the pretreatment manager determines has caused, alone or in combination with other indirect discharges to the POTW, interference or pass through, including endangering the health of POTW personnel, the general public or damage to the environment;
- (4) Any direct or indirect discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the pretreatment manager's exercise of his/her emergency authority to halt or prevent such direct or indirect discharge;
- (5) Failure to meet, within 90 calendar days after the schedule date, a compliance schedule milestone contained in an individual wastewater indirect discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 30 calendar days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment

standard deadlines, periodic self-monitoring reports, and reports on meeting compliance schedules;

- (7) Failure to accurately report user noncompliance; or
- (8) Any other ordinance or permit violation(s), which may include a violation of best management practices, which the pretreatment manager determines will adversely affect the operation or implementation of the local control authority pretreatment program.

### **51.30 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

#### **51.30.1 UPSET**

- A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with Pretreatment Standards if the requirements of paragraph (C), below, are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and the User can identify the cause(s) of the upset;
  - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - (3) The User has submitted the following information to the Environmental Officer within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
    - (a) A description of the indirect discharge and cause of noncompliance;
    - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Pretreatment Standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power

of the treatment facility is reduced, lost, or fails.

### 51.30.2 PROHIBITED DISCHARGE STANDARDS

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 51.21.1(A) of this ordinance or the specific prohibitions in Sections 51.21.1.B.3 through 51.21.1.B.13 of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
- B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its TPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

### 51.30.3 BYPASS

- A. For the purposes of this Section,
  - (1) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
  - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.
- C. Bypass Notifications
  - (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Environmental Officer, at least ten (10) days before the date of the bypass, if possible.
  - (2) A User shall submit oral notice to the Environmental Officer of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Environmental Officer may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass

- (1) Bypass is prohibited, and the Environmental Officer may take an enforcement action against a User for a bypass, unless
  - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (c) The User submitted notices as required under paragraph (C) of this Subsection.
- (2) The Environmental Officer may approve an anticipated bypass, after considering its adverse effects, if the Environmental Officer determines that it will meet the three conditions listed in paragraph (D)(1) of this Subsection.

**51.31 INDUSTRIAL WASTEWATER CHARGES AND FEES.**

51.31.1 INDUSTRIAL WASTE CHARGE

- A. All persons making discharges of industrial waste (except manufacturers of ice, processors of bottled drinking water and bottlers of soft drinks) shall pay a monthly charge for sewer use for bathrooms, restrooms, fixtures and machines as set forth in § 51.59, plus the industrial waste charges based upon the amount of water used in their operations set forth in Schedule D under § 51.61.
- B. All persons whose sewage originates in whole or in part from outside the corporate limits of the city shall be charged 50% more than those inside the corporate limits.

51.31.2 HIGH STRENGTH WASTEWATER SURCHARGES

- A. Unless specifically authorized by the Environmental Officer, Users are prohibited from discharging high strength wastewater. High strength wastewater thresholds shall be determined by the Environmental Officer based on treatment capacity and design of the WWTP.
- B. The Environmental Officer may agree to accept high strength wastewater on a continuing basis. In such cases, a surcharge based on cost of treatment will be assessed for each 1000 gallons of high strength wastewater. Accepted high strength wastewater shall not violate any prohibitions described in Section 51.23.1 of this ordinance.
- C. Any generator indirectly discharging sewage that has a concentration of TSS and/or BOD in excess of the normal strength concentration shall be assessed a monthly surcharge fee, based on the analytical results for the six-month surcharge period and monthly water consumption. The excess strength waste surcharge shall be calculated by the following formula:

$$[(\text{BOD} - \text{nBOD}) \times \text{A} + (\text{TSS} - \text{nTSS}) \times \text{B}] \times 8.34 \times \text{VOL}$$

Where:

BOD: BOD strength concentration in mg/L.

TSS: TSS strength concentration in mg/L.

nBOD: Normal strength sewage BOD concentration of 200 mg/L.

nTSS: Normal strength sewage TSS concentration of 200 mg/L.

A: BOD charge per pound of excess strength BOD as set forth in Section 51.61.

B: TSS charge of per pound of excess strength TSS as set forth in Section 51.61.

VOL: Volume in million gallons.

The values for nBOD, nTSS (200 mg/L), A and B (per pound) stated above are subject to change from time to time as the City adopts and amends its schedule of charges. The values stated above shall be in effect until superseded by the adoption of different values as set forth in the then-most recent schedule of charges.

To determine BOD and TSS concentrations, the City will sample the facility at the sampling port. The sampling frequency will be at a minimum once every six months.

If the facility lacks a sampling port, then the surcharge will be determined by averaging the analytical results for BOD and TSS concentrations from all facilities.

If a facility does not agree with the City's analytical results, then the facility has the option of hiring an independent professional environmental engineer and employ a TCEQ and/or NELAC certified laboratory to collect and analyze one additional sample at the user's expense. The City pretreatment department must be notified at least five business days before the additional sampling event to make arrangements for witnessing the sampling procedure and obtain split samples for City independent analysis. The results from the additional sampling will be averaged with the routine City six-month surcharge period results as soon as the additional sampling results become available. The averaged results will be used from the month the average was calculated to the end of the six-month surcharge period.

The City may assess monitoring fees associated with sampling events, cost of analyses, sample shipping and any other related fees deemed necessary to carry out the regulatory monitoring requirements.

51.31.3 ADDITIONAL FEES TO RECOVER OTHER COSTS. The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Industrial Wastewater Program, which may include:

- A. Fees for individual wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;



- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs (not included in Sections 51.28 and 51.29 associated with the enforcement activity taken by the Environmental Officer to address IU noncompliance; and
- F. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

**Section 3.** Sections 51.32 and 51.44 are repealed and the section numbers are reserved for future use.

**Section 4.** A new Section 51.61 is added to read as follows:

51.61 SCHEDULE D; RATES RELATING TO INDUSTRIAL WASTE.PURPOSE.

In addition to the rates in Schedules B and C in Sections 51.59 and 51.60, persons discharging industrial waste into the City’s wastewater collection and treatment system shall pay the following charges:

- (A) Hauled Waste per Section 51.22.4: \$0.04 per gallon.
- (B) Industrial Waste per Section 51.31.1: \$0.20 per 1,000 gallons
- (C) High Strength Surcharge per Section 51.31.2, if discharge is allowed:

- (1) Biological Oxygen Demand (BOD) in excess of 200 mg/L: the higher of either (i) \$0.26051 per pound or (ii) for each 1,000 gallons of water used, a charge of \$0.05 per 1,000 gallons of water for each 100 ppm over 200 mg/L of BOD content

- (2) Total Suspended Solids (TSS) in excess of 200 mg/L: the higher of either (i) \$0.2153 per pound or (ii) for each 1,000 gallons of water used, a charge of \$0.05 per 1,000 gallons of water for each 100 ppm over 200 mg/L of TSS. content.

- (3) Acidity (Ph) under 5.5 or over 9.0. For each 1,000 gallons of water used, a charge of \$0.05 for each ½ of pH either above or below the above-stated range.

- (D) All persons whose industrial wastewater originates in whole or in part from outside the corporate limits of the city shall be charged 50% more than those inside the corporate limits.

Charges based upon volume will be determined by metered wastewater discharges. If wastewater discharges are not metered, then charges will be based upon water delivered through the water meter to the customer.

**Section 5.** If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose .

**Section 6.** All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

**Section 6.** This Ordinance shall be effective immediately upon passage by the City Council.

**Section 7.** It is hereby found and determined that the meeting at which this Ordinance was passed was open to the public and that advance public notice of the time, place and purpose of said meeting was given as required by law.

**PASSED AND APPROVED** the \_\_\_\_\_ day of \_\_\_\_\_ **2025.**

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**Tracy Craig, Sr., Mayor**

**ATTEST:**

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**Candias Webster, City Secretary**

**APPROVED AS TO FORM:**

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**Lea Ream, Attorney for the City**



# AGENDA ITEM REPORT

**Meeting:** City Council - Feb 04 2025

**Staff Contact:** Lynn Barrett, Director of Development Services

**Department:** Planning

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**Subject: Consider Resolution 2025-1 in support of Mount Pleasant Trails for a Proposed Affordable Rental Senior Housing Development in Association with its Texas Department of Housing and Community Affairs application.**

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## **Item Summary:**

Mount Pleasant Trails, LP has proposed a 52-unit three story development for affordable rental housing for adults 55 and older at the N side of Tension Rd, approximately 2150 ft East of S Jefferson Ave. The group has requested the city issue a resolution of support for its application to the Texas Department of Housing and Community Affairs and pledge a \$250 permit fee waiver should it receive TDHCA funding through the competitive selection process.

## **Recommendation(s):**

Motion to approve Resolution 2025-1 to support Mount Pleasant Trails LP for affordable rental housing and to pledge a \$250 permit fee waiver should it receive TDHCA funding.

## **Attachments:**

[Mount Pleasant Presentation](#)

[Map of Mount Pleasant Trails Location](#)

[Resolution 2025-1 Mount Pleasant Trails Tax Credit](#)



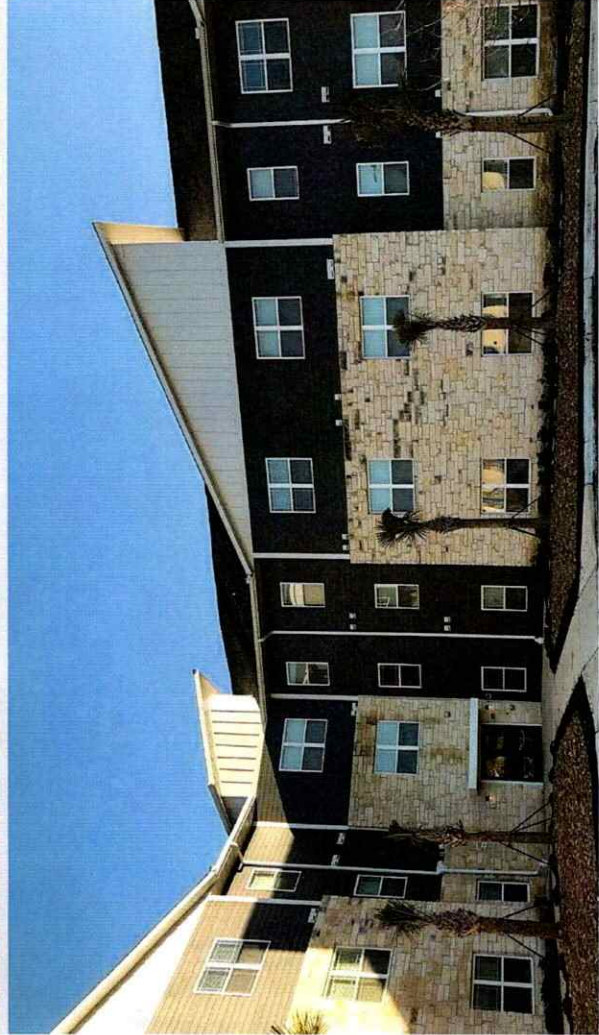
## HOUSING DEVELOPMENT

MOUNT PLEASANT TRAILS  
PROPOSED SENIOR MIXED-INCOME  
COMMUNITY, MOUNT PLEASANT, TX



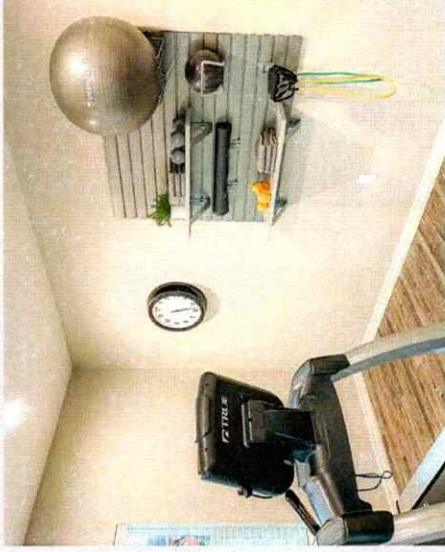
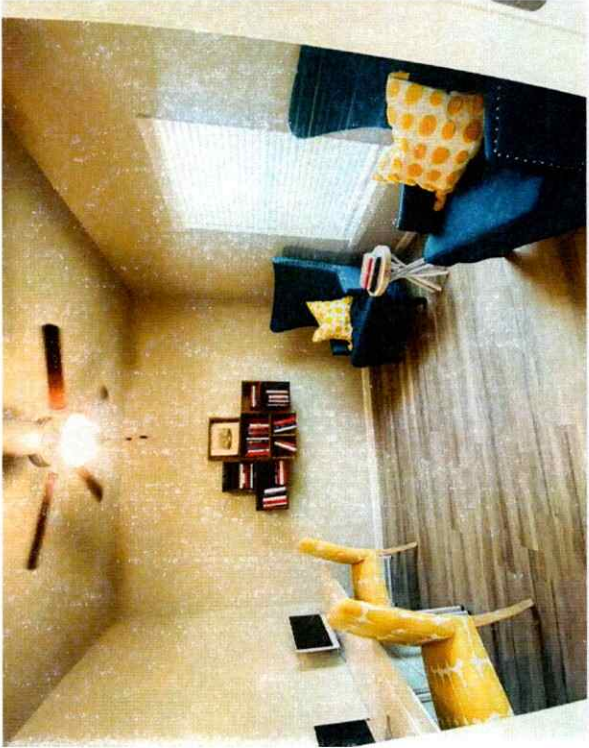
# TRINITY HOUSING DEVELOPMENT

Trinity is a workforce development group that builds senior and family mixed-income communities throughout Texas, with local offices in Tyler and Houston.



## COMMUNITY AMENITIES

Communities include onsite amenities for residents including community kitchens, fitness centers, cyber lounges, BBQ areas, shared greenspace, and leasing centers.



## UNIT AMENITIES

Units typically include solid-surface countertops, vinyl plank flooring, fully equipped kitchens with high efficiency appliances, ample storage, washer/dryer hookups.



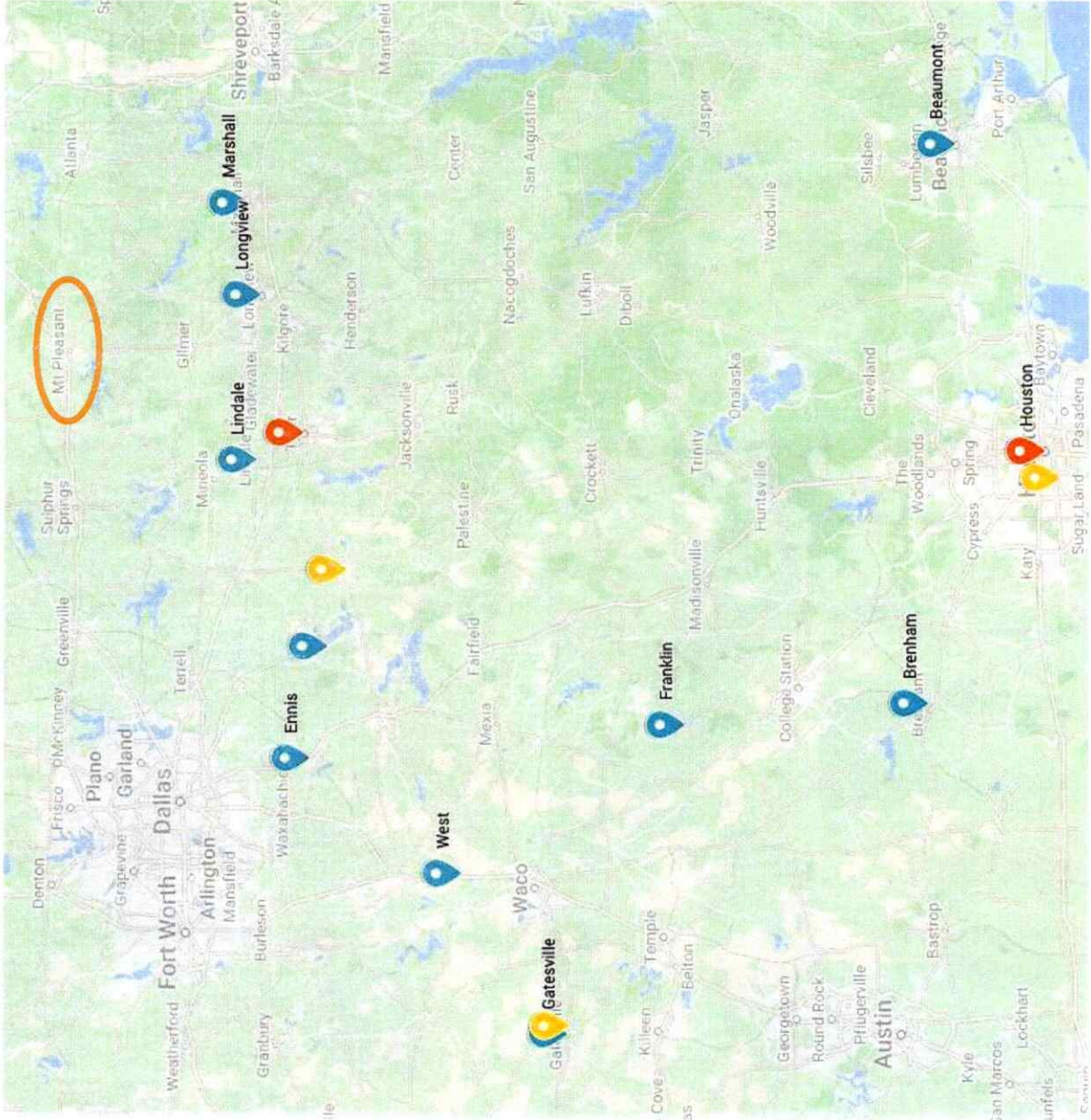
# TRINITY DEVELOPMENTS

## Local offices: Houston & Tyler Existing Communities:

- Beaumont
- Brenham
- Ennis
- Franklin
- Gatesville
- Lindale
- Longview
- Marshall
- San Angelo
- Tool
- West

## Communities in Development:

- Houston
- Gatesville
- Athens



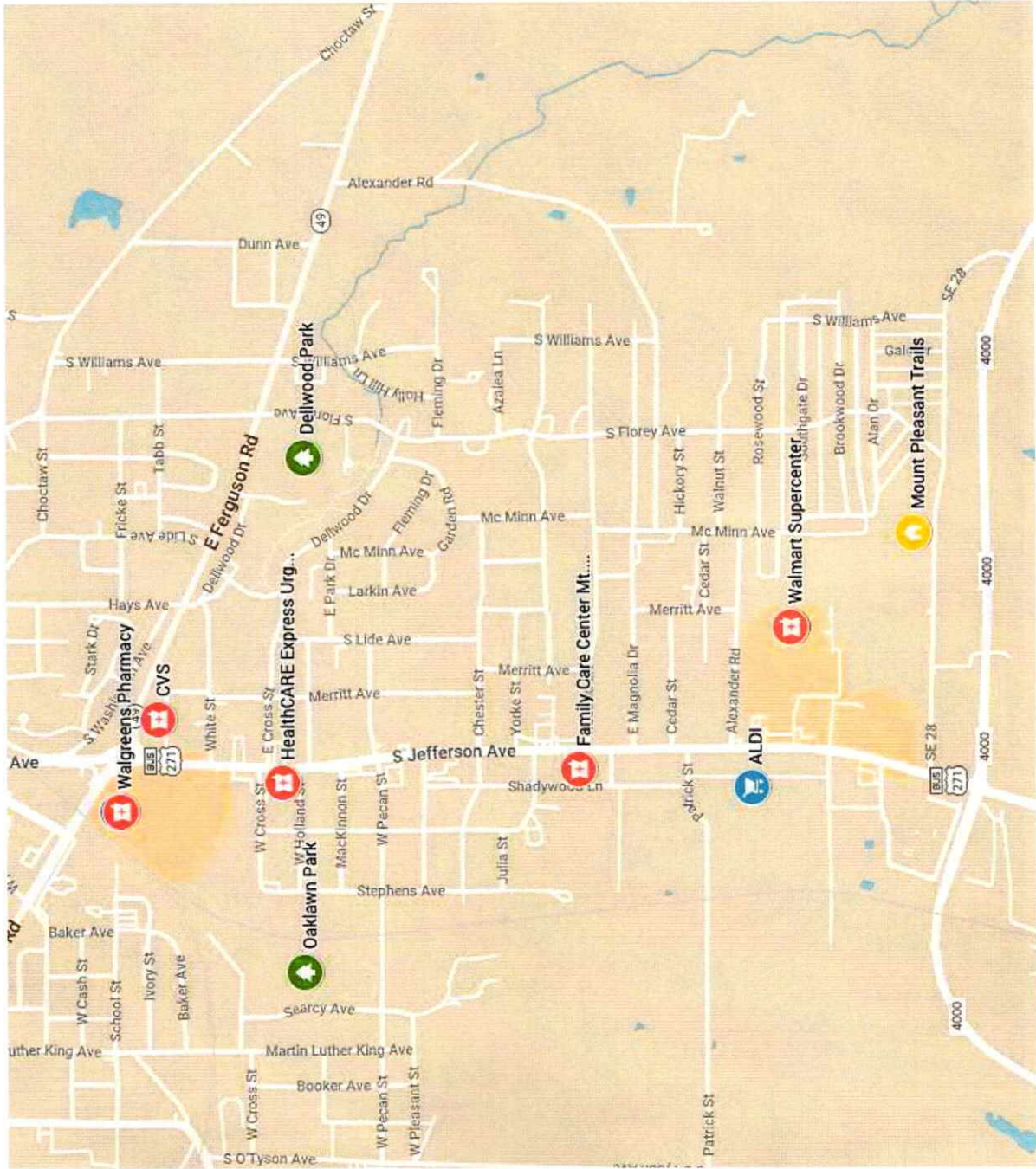


# SITE LOCATION

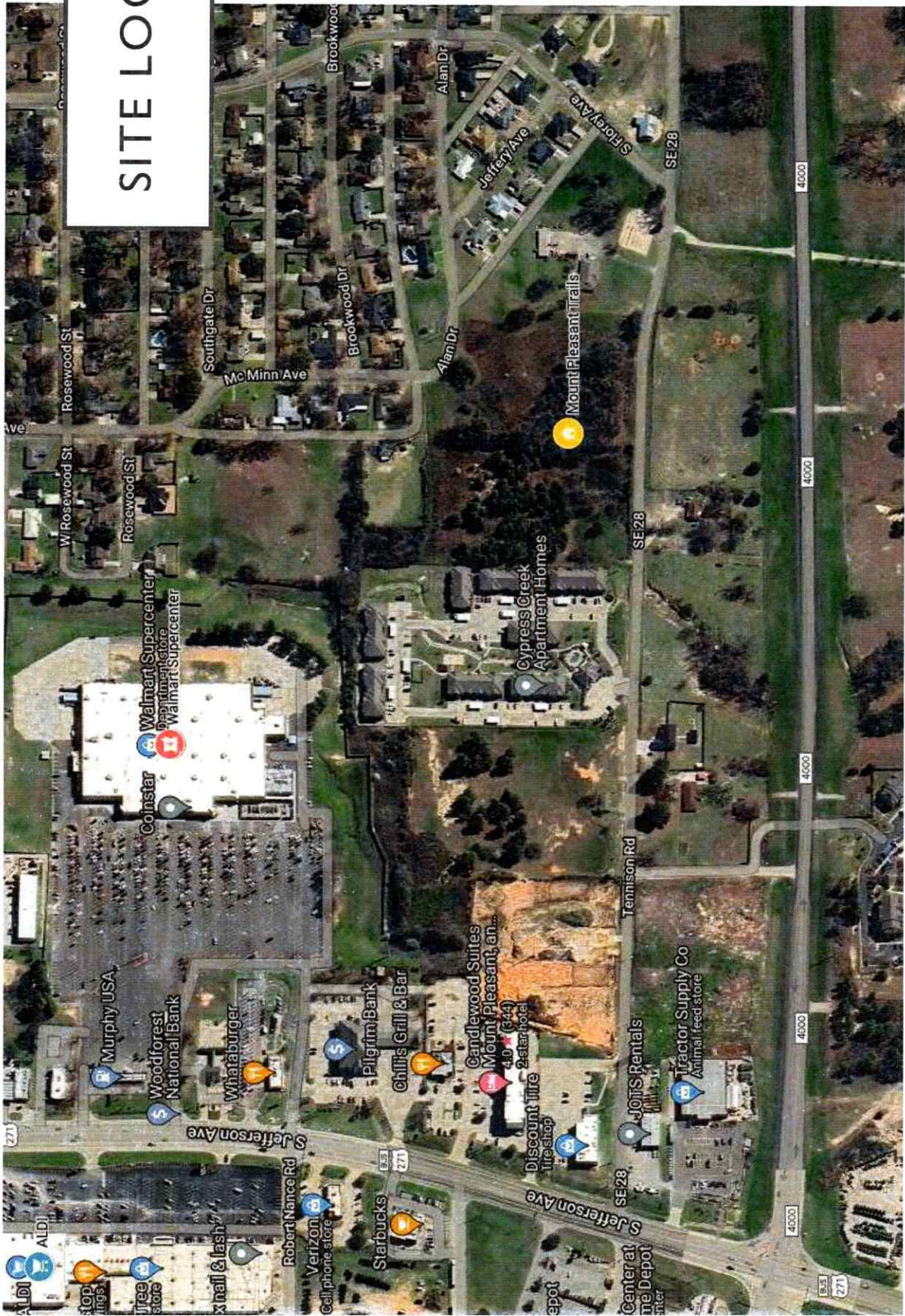
N side of Tenneson Rd, Approx  
2150 ft East of S Jefferson Ave

Ideal location for a senior housing  
community:

- Proximity to grocery stores including Kroger and ALDI
- Proximity to pharmacies and medical clinics
- Proximity to Delwood Park and Oaklawn Park



# SITE LOCATION





## PROJECT SPECIFICS

- Approximately 52 units (estimate, subject to change until time of tax credit application on March 1, 2025)
- 1- and 2-bedroom units for independent seniors
- Rents between \$405 and \$811 (depending on income level) for 1-bedroom units, between \$486 and \$973 for 2-bedroom units
- No property tax abatement requested
- Trinity Housing Development to maintain long-term ownership of community

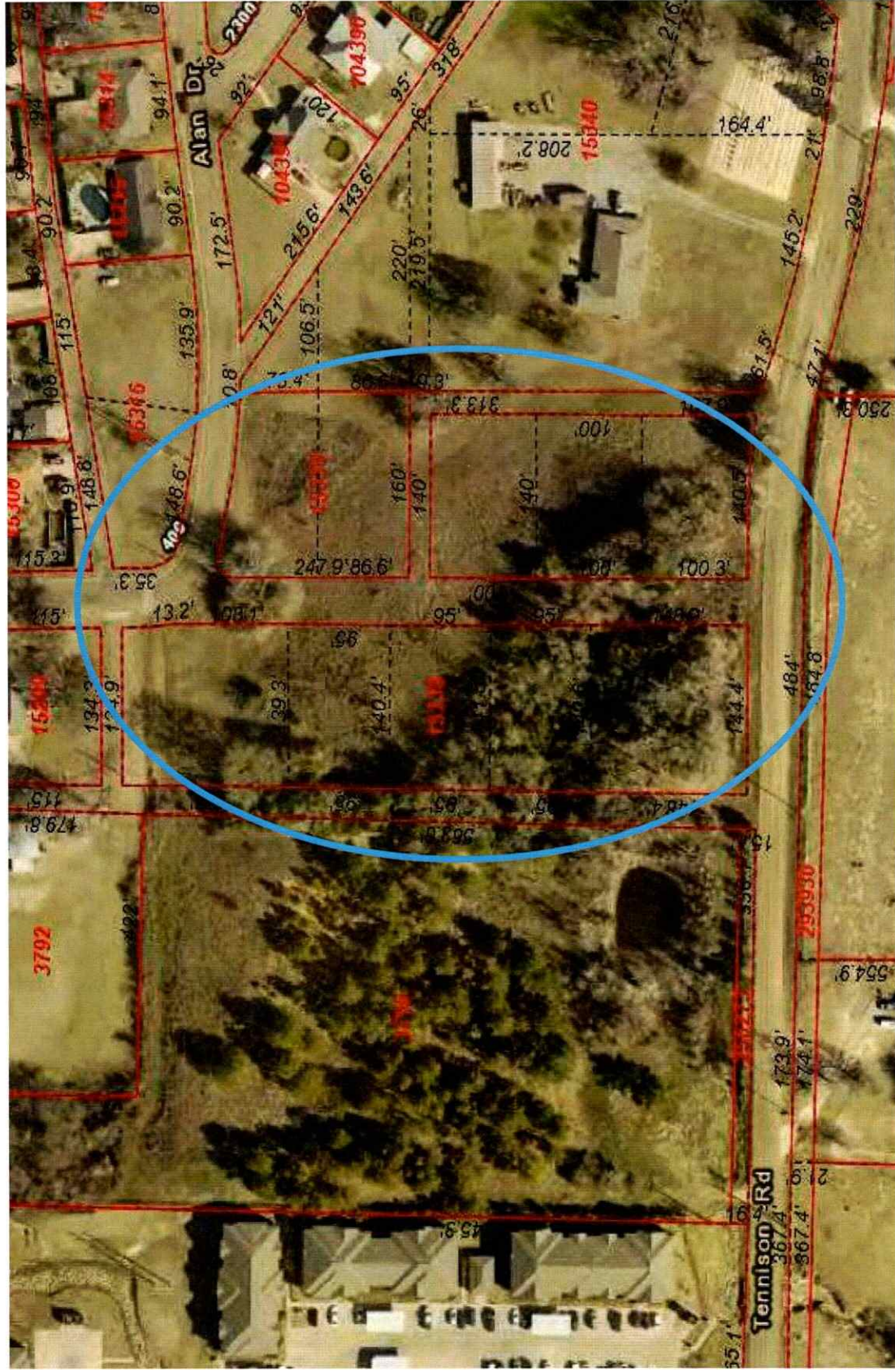


THANK YOU

Questions? Please reach out to:

Michael Fogel, Vice President

[mfogel@trinityhousingdevelopment.com](mailto:mfogel@trinityhousingdevelopment.com)



Map of Mount Pleasant Trails Location

**RESOLUTION NO. 2025-1**

**A RESOLUTION OF THE CITY OF MOUNT PLEASANT, TEXAS, INDICATING SUPPORT FOR THE APPLICATION OF MOUNT PLEASANT TRAILS, AND ITS AFFILIATES, TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS [TDHCA] FOR THE 2025 COMPETITIVE LOW INCOME HOUSING TAX CREDIT PROGRAMS, AND APPROVING A WAIVER OF DEVELOPMENT AND PERMIT FEES.**

**WHEREAS**, Mount Pleasant Trails, LP has proposed a development for affordable rental housing for adults 55 and older at the N side of Tennison Rd, Approx 2150 ft East of S Jefferson Ave named Mount Pleasant Trails in the City of Mount Pleasant; and

**WHEREAS**, there is a need for affordable housing for the City of Mount Pleasant’s older citizens of modest means; and

**WHEREAS**, Mount Pleasant Trails, LP intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2025 Low Income Housing Tax Credit Program funds for Mount Pleasant Trails, and

**WHEREAS**, there is a requirement for a de minimus commitment of development funding by the Local Political Subdivision.

**THEREFORE**, Be It **RESOLVED**, that this resolution affirms the City of Mount Pleasant’s support for the above named development; and

**FURTHER**, that the City of Mount Pleasant, acting through its governing body, hereby confirms it shall provide a financial contribution in the form of reduced building or development permit fees in the amount of Two Hundred Fifty Dollars (\$250.00) for the proposed development, if the Texas Department of Housing and Community Affairs [TDHCA] awards Low Income Housing Tax Credits to Mount Pleasant Trails, LP; and,

**FURTHER RESOLVED**, that the City of Mount Pleasant for and on behalf of the Governing Body, are hereby authorized, empowered, and directs the City Manager to certify this resolution to the Texas Department of Housing and Community Affairs [TDHCA].

This **RESOLUTION** was duly passed and approved by the City of Mount Pleasant on February 4, 2025.

ATTEST:

\_\_\_\_\_  
Candias Webster, City Secretary

\_\_\_\_\_  
Tracy Craig, Sr., Mayor



# AGENDA ITEM REPORT

**Meeting:** City Council - Feb 04 2025

**Staff Contact:** Mark Buhman, Police Chief

**Department:** Police Dept

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**Subject: Consider Resolution 2025-2 applying for Operation Lone Star Grant.**

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**Item Summary:**

The MPPD is seeking grant funding through the State grant portal, through the funding source Operation Lone Star Grant, to receive funding for 4 license plate reader (LPR) devices. The total cost of the project is approximately \$51,500.

License plate readers are cameras mounted on patrol vehicles that capture data from license plates and return alerts to the officer. The purpose of the LPR system is to identify stolen, wanted, or suspect vehicles, to locate suspects with criminal arrest warrants, and to locate children (AMBER alerts), the elderly (SILVER alerts), or endangered and missing persons. MPPD previously had access to LPR's but those devices were antiquated and are no longer in use. The goal of the MPPD is to install an LPR system on each of the K9 patrol units and on two patrol officer vehicles.

**Financial Impact:**

N/A there is no match required

**Recommendation(s):**

Motion to approve Resolution 2025-2 applying for the Operation Lone Star Grant for four (4) license plate readers.

**Attachments:**

[Resolution 2025-2 Operation Lonestar Grant](#)

**RESOLUTION NO: 2025-2**

**WHEREAS**, The City of Mount Pleasant finds it in the best interest of the citizens of Mount Pleasant, Texas, to provide authorization as the governing body for the submission of an application to the Office of the Governor for funding through Public Safety Office (PLS) - Operation Lone Star grant operated for the budget year 2026; and

**WHEREAS**, The City of Mount Pleasant agrees to provide applicable matching funds for the said project as required by the Office of the Governor for funding through Public Safety Office (PLS) - Operation Lone Star grant application; and

**WHEREAS**, City of Mount Pleasant agrees that in the event of loss or misuse of the Office of the Governor, Public Safety Office funds, The City of Mount Pleasant assures that the funds will be returned in full.

**WHEREAS**, The City of Mount Pleasant City Council designates the City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

**NOW THEREFORE, BE IT RESOLVED** that the City of Mount Pleasant approves the submission of the grant application to the Office of the Governor for funding through the Public Safety Office (PLS) - Operation Lone Star grant.

Grant Application Number: 5402001

**PASSED AND APPROVED THIS THE 4<sup>TH</sup> DAY OF FEBRUARY 2025.**

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TRACY CRAIG, MAYOR

ATTEST:

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CANDIAS WEBSTER, CITY SECRETARY





# AGENDA ITEM REPORT

**Meeting:** City Council - Feb 04 2025

**Staff Contact:** Mark Buhman, Police Chief

**Department:** Police Dept

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**Subject: Consider Ordinance 2025-4 Amending Chapter 97 Animals of Code of Ordinance adding sections 97.11, 97.13, and 97.16 and amending section 97.49.**

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## **Item Summary:**

Four section changes have been submitted under Chapter 97, ANIMALS, for Council review.

**Section 97.11** is a new ordinance requiring that dog and cat owners microchip their animals if the animal is kept within city limits. New pet owners and residents would have 30 days after pet ownership or moving into the city limits. The ordinance further requires the microchip information to be registered with the owner's current information. This will assist us in identifying the owners of animals at large and possibly reduce the number of impounded animals. We also intend to make those owner encounters an opportunity to give out information, if the animal is not impounded, on why they should spay/neuter their pet.

**Section 97.13** is a new ordinance making it unlawful for someone to sell or give away animals within the city limits and further makes it unlawful for property owners to allow individuals to sell or give away animals on their property. Those sales do not require microchipping, sterilization, or any vaccinations upon exchange. We hope to reduce this activity that we see each weekend in the city.

**Section 97.16** is a new ordinance prohibiting the feeding of stray animals or leaving out food for stray animals. Attracting stray and wild animals to one's residence is a hazard to those living around that neighbor and puts others, and their pets, in danger.

**Section 97.49** is a modification to the ordinance, adding language requiring sterilization of an animal that is impounded prior to redemption by the owner at the owner's cost. Owners who have an animal impounded will have 30 days, similar to adoptions, to have their dog/cat spayed or neutered. Animals impounded are typically found at large and, while at large, contribute to unwanted puppy/kitten litter. With the combination of microchipping, used to track the animals and pet owners we encounter, with this ordinance, we believe it will have a reducing effect on our stray animal population.

## **Financial Impact:**

N/A

## **Recommendation(s):**

motion to approve Ordinance 2025-4 Amending Chapter 97 Animals of Code of Ordinance and adding sections 97.11, 97.13, and 97.16 and amending section 97.49.

## **Attachments:**

[Ordinance 2025-4 Amending Chapter 97 Code of Ordinance - Animal](#)

**ORDINANCE NUMBER 2024-5**

**AN ORDINANCE AMENDING CHAPTER 97 OF TITLE IX OF THE CODE OF ORDINANCES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT PLEASANT, TEXAS:**

**SECTION 1**

That from and after the effective date of this Ordinance Chapter 97 of Title IX of the Code of Ordinances of the City of Mount Pleasant, Texas is hereby amended to read as follows:

**Chapter 97: Animals**

**§ 97.01 DEFINITIONS.**

When used in this chapter the following words and terms, unless the context indicates a different meaning, will be interpreted as follows:

**ABANDON.** Fail to adequately provide an animal with one (1) or more of the necessities of life, including but not limited to, air, food, potable water, sanitary conditions, shelter, protection from the heat, cold, or other environmental conditions, or under other circumstances that may cause bodily injury, serious bodily injury, or death of the animal, for twenty-four (24) or more hours, or to leave an animal in the care, custody, or control of another person without his or her consent.

**ANIMAL.** Any vertebrae creature, excluding human beings.

**ANIMAL CONTROL AUTHORITY.** The Mount Pleasant Chief of Police or his or her authorized designee(s).

**ANIMAL CONTROL OFFICER.** Any person designated by the City Manager to represent and act for the city in the capture, care, and confinement of animals.

**ANIMAL SHELTER.** Any facility designated by the City Manager to temporarily contain, house and care for domestic animals held under authority of this chapter.

**AT-LARGE.** An animal not confined within a building, wall, or fence of sufficient strength and construction to restrain the animal except when the animal is on a leash, cord, rope, or chain of sufficient length and strength to control the actions of the animal. An animal held within the arms of the owner or harbored or contained within the cabin of a vehicle of its owner or harbored shall not be deemed *AT-LARGE*.

**CAT.** Any member of the animal species *Felis Catus*.

**DOG.** Any member of the animal species *Canis Familiars*.

**DOMESTIC ANIMAL.** Cat, dog, ferret.

**FOWL.** A female chicken that lays eggs. "Chicken" or "hen" may also be used. "Fowl" does not include turkeys, roosters, ducks, peacocks, geese, or other fowl species are prohibited.

**HARBORER/HARBORING.** The person or act of keeping and caring for an animal for 72 consecutive hours or of providing a premises to which the animal returns regularly, (more than three occasions).

**LIVESTOCK.** Any cow, horse, mule, jack, jennet, goat, sheep, swine or any other form of *LIVESTOCK*.

**MICROCHIP.** A passive electronic device that is injected into an animal by means of a hypodermic-type syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for purposes of animal identification and recovery by the animal's owners.

**OWNER/HARBORER.** Any person, firm or corporation having right of property to any animal, or who harbors, or who causes or permits to be harbored any animal on or about their property.

**Rescue Organization.** The term "rescue organization shall mean a group that has filed a certificate of formation with the Texas Secretary of State; and, are deemed tax exempt by the Texas Comptroller of Public Accounts and Federal Internal Revenue Service; and, provides such documented proof for review and holding.

**Rescue Organization Member.** An authorized member representing a rescue organization.

**QUARANTINE FACILITY.** Facility approved by the Texas Department of Health for the strict confinement of an animal for rabies observation.

**VACCINATED.** Injection of a rabies vaccine approved by the United States Department of Agriculture and administered in accordance with the Tex. Administrative Code, §§ 169.21 *et seq.* by a licensed veterinarian.

### **§ 97.02 ENFORCEMENT.**

(A) The Animal Control Officer shall have police powers in the enforcement of this chapter and no person shall interfere with, hinder, molest, or abuse this officer in the exercise of such powers.

(B) The Animal Control Officer or any police officer shall have the authority to issue citations for any violation of this chapter. If the person is not present, the Animal Control Officer or police officer may mail the citation to the alleged violator by certified mail, return receipt requested.

(C) The Animal Control Officer or any police officer shall have the privilege to enter upon any premises where any violation or suspicion of a violation of this chapter occurs and use such reasonable means as may be necessary to abate violation.

(D) In addition to imposing a monetary penalty against a person convicted of an offense under this section, a court or City Council may do one or more of the following:

(1) Order the impoundment of any animal owned by a person, forfeit the person's ownership of the animal and award the animal to the city; and/or

(2) Suspend the person's right to own an animal in the city for a period of time specified by the court.

### **§ 97.03 ANIMALS AT-LARGE.**

(A) It shall be unlawful for any person or persons who own or harbor any animal to permit any animal to run at-large, as defined in this chapter, within the corporate limits of Mount Pleasant.

(B) The Animal Control Officer or police officer is authorized to impound any animal running at-large and to enter upon private property for that purpose.

Penalty, see § 97.99

### **§ 97.05 KEEPING OF LIVESTOCK**

(A) No person or persons shall keep or pen any livestock, except swine provided for in § 97.06, in any enclosure of less than two acres in total area, and within 200 feet of any building or structure used as a residence, meeting place, public property, or business except such of the owner of such livestock; and

(B) Provided that said enclosure be restricted to no more than one such animal for each ½ acre of land contained in the enclosure and owned or leased by person or persons.

(C) This article does not apply to the temporary possession of livestock at packing houses, veterinary clinics, or duly authorized stock show, rodeo, fair, circus, carnival, or livestock auction barn. Temporary possession shall not exceed 72 hours.

### **§ 97.06 KEEPING OF SWINE PROHIBITED.**

No person or persons shall keep any swine, including Asian Potbellied Pigs within the corporate city limits. This section does not apply to the temporary possession of swine at a packing house, veterinary clinic, or duly authorized stock show, rodeo, fair, or livestock auction barn. Temporary possession shall not exceed 72 hours.

### **§ 97.07 KEEPING OF FOWL**

It is unlawful to own, keep, or harbor any fowl within the corporate city limits except as follows. This section does not apply to commercial poultry operations duly authorized by the city to conduct such business.

#### **A. Restraint and Housing of Fowl**

a) No more than (6) fowl may be kept per household on any one lot or parcel.

- b) All fowl kept under this section shall be confined in a pen, coop, or other enclosed structure with secure sides, top, and a secure bottom sufficient not to allow fowl to run at large. It shall also be built in a manner to prevent intrusion from burrowing animals and access from predatory animals. The pen, coop, or enclosed structure shall provide protection from the weather.
- c) The pen, coop, or other enclosed structure shall be maintained in a clean and sanitary condition. Manure and dropping shall be removed and properly disposed of as to keep the premises free of any public nuisance. The accumulation of waste on the property is prohibited.
- d) Any electrical installation for a pen, coop, or enclosed structure must comply with current electrical codes.
- e) It shall be unlawful for any person to permit poultry to run at large on the streets, sidewalks or any other public place.

**B. Location of Fowl Pens, Coops, or Structures:**

- a. No fowl shall be kept in an enclosure within the city limits when any part of which enclosure is within (25) twenty-five feet of any adjoining property within the city other than the building or dwelling occupied by the owner of the fowl.
- b. All locations of pens, coops, or structures shall be located to the rear of the main dwelling or in an interior side yard. There shall be no visible evidence of chickens from neighboring properties from ground level.
- c. Fowl may be kept on properties containing a single-family dwelling only.

**C. Sanitation**

- a. It shall be unlawful for any person to maintain pens, coops, or structures in which fowl are confined in a manner that causes odors offensive to persons of ordinary sensibilities residing in the vicinity, or that is unclean, unsanitary, unpleasant, or obnoxious.
- b. All animal food storage shall be completely secured from rodents and other vermin.
- c. Clean water shall be available to the chickens at all times.
- d. Dead fowl shall be removed within 10 hours and disposed of in a sanitary manner.

**D.** Any person keeping fowl shall remain in compliance with City Ordinance § 97.09 NOISES. It shall be unlawful and constitute a public nuisance for any owner, occupant, or other person to harbor any fowl which by any loud, frequent, long, continuous, or unusual sound or cry shall disturb the peace, comfort, or quiet of the neighborhood or the occupants of adjacent premises.

**E.** It is unlawful to keep fowl for commercial purposes.

**§ 97.08 KEEPING OF RABBITS.**

(A) No person or persons may keep more than four rabbits within the corporate city limits except for pet shops, veterinary clinics, or animal kennels. Rabbits must be kept within an enclosure upon owners or harborer's property.

(B) *ENCLOSURE* shall mean a structure with four secure sides, a secure bottom, and secure top. The structure shall provide protection from the weather.

(C) The enclosure shall not be located within 200 feet of any building or structure used as a residence, meeting place, public property or business, other than that of the owner or harborer.

(D) This section does not apply to veterinary clinics, animal kennels, or pet shops.

**§ 97.09 PUBLIC NUISANCES**

The following shall be considered a public nuisance and shall be unlawful:

(A) It is unlawful for any person or persons in possession of any animal to maintain any structure, barn, stable, pen, enclosure, yard, or place in which animals are confined, in a manner that causes odors offensive to

persons of ordinary sensibilities residing in the vicinity, to breed or attract flies, mosquitoes, or other insects, to provide, convenient food for rodents or wildlife, or that is unclean, unsanitary, unpleasant, or obnoxious.

(B) It shall be unlawful and constitute a public nuisance for any owner, occupant, or other person in control of a premises to knowingly suffer, permit or maintain the presence of a dead or decaying animal carcass upon any such premises within the city, whether public or private, for more than 24 hours.

(C) It shall be unlawful and constitute a public nuisance for any owner or other person to harbor any animal, or fowl or bird which by any loud, frequent, long, continuous, or unusual sound or cry shall disturb the peace, comfort, or quiet of the neighborhood or the occupants of adjacent premises.

(D) It shall be unlawful and constitute a public nuisance for any owner or person to allow an animal in their care or custody to damage the property of another or to run at large on the property of another.

**§ 97.10 NUMBER OF DOGS AND CATS LIMITED.**

(A) Limitations. It shall be unlawful for any person or persons to keep or harbor more than four dogs, cats, or ferrets of any combination over the age of two months. This section shall not apply to veterinary clinics, animal kennels, pet shops or rescue organizations.

(B) Rescue Organization Permit Required to House Rescue Animals

1. Any rescue organization approved by the Animal Control Authority shall apply with the Department for a multiple pet permit and may house more than (4) animals as determined by a city permit. The city permit shall note the maximum number of approved animals to be harbored, as determined by an inspection and be granted.

a. *Inspection required.* An Animal Control Officer, prior to issuance of such permit, shall on-site inspect the premises, facilities, kennels, and A permit shall not be issued or can be immediately revoked if a permit has been given, by the Chief of Police or designee if an inspection determines:

1. That the requested number of animals cannot be maintained without creating noise or odor nuisances;
2. That the requested number of animals cannot be maintained in a healthy and sanitary environment.
3. The number of animals harbored exceeds that allowed by a city permit.
4. Animals are not kept secured by a fence or kennel or are found to be tethered.
5. Animals are not receiving adequate shelter, food, water or medical treatment.
6. Animals housed by rescue organization members for another rescue organization are kept longer than 90 days, counting the day of release from the Mount Pleasant Animal Shelter.

b. *No inspection required.* Applicants who provide proof of having a current multiple pet permit, and who have not obtained additional animals since their last inspection and have had no enforcement actions for violating this chapter during the preceding twelve (12) months, may be issued a permit without inspection as determined by the department. The department may require an inspection during reasonable hours at its discretion regardless of the applicant's history.

(C) All multiple pet permits issued under this section shall be valid for one (1) year from the date of issuance and shall be valid only as to the applicant and location for which it was originally issued.

(D) A person commits an offense if the person is a holder of a multiple pet permit and refuses, upon request by an animal control officer during reasonable hours, to make the animals, premises, facilities, equipment, and any necessary registrations or permits available for inspection.

(E) A person commits an offense if the person is a holder of a multiple pet permit and refuses to show a permit upon request by an animal control officer.

(F) A person commits an offense if the holder of a multiple pet permit harbors more animals than authorized in a permit.

(G) A person commits an offense if the person is a holder of a multiple pet permit and is found in violation of this section and fails to return an assigned rescue animal to the shelter upon receiving verbal or written notice from an animal control officer.

(H) A person commits an offense each day they are in violation of this section.

#### **§ 97.11 DOG AND CAT MICROCHIPPING REQUIRED**

- a) All dogs and cats, four months of age and older, kept, harbored, or maintained within city limits must be implanted with a microchip that is registered with the owner's current information.
- b) All residents of the city with newly acquired dog(s) and cat(s) shall ensure they are implanted with a microchip within 30 days of ownership and registered with the owner's current information.
- c) New residents of the city shall ensure their dog(s) and cat(s) are implanted with a microchip within 30 days of moving to the city and registered with the owner's current information.

The animal services manager is authorized to exempt an animal's owner from the requirements of subsection (a) if the animal is determined to be medically unsuitable for microchipping by a licensed veterinarian, in writing, provided that:

- a) Proof of medical unsuitability for microchipping along with the owner's or keeper's name, address and telephone number is provided to animal services within 30 days of the unsuitability determination;
- a) If there is a change in contact information, the owner or keeper of an unsuitable animal shall update the contact information with animal services within 30 days.

It is a defense to prosecution under this section that:

- a) At the time of the offense the dog or cat was being fostered by the resident, and has a microchip that is registered to the organization responsible for the animal;
- b) The dog or cat owner is a nonresident of this city and is keeping the animal in the city for fewer than 30 days;
- c) The dog or cat owner has been a resident of this city for fewer than 30 days; or
- d) The dog or cat had been abandoned or lost and the temporary custodian has had the animal for fewer than 30 days.

Nothing in this section shall be construed as permitting microchipped dogs to run at large.

#### **§ 97.12 HUNTING AND/OR TRAPPING.**

(A) It shall be unlawful for any person to hunt, trap or pursue any animal inside the corporate city limits. No person shall use firearms, including an air gun, or other weapon potentially harmful to wildlife or humans to pursue or hunt any animal within the corporate limits of Mount Pleasant. This section does not apply to live trapping authorized by the Police Department or Animal Control Officer, or the trapping of rats, mice, gophers, or moles.

(B) This section is not to be construed to prevent the Mount Pleasant Police Department, Animal Control Officer, duly authorized agent of the city or a citizen from killing or trapping animals in order to protect life or property, or to comply with the provisions of this chapter.

#### **§ 97.13 DISPLAYING AND EXCHANGING ANIMALS IN A PUBLIC PLACE**

- a) It shall be unlawful for any person to advertise, display for purposes of sale or ownership change, transfer ownership, offer to transfer ownership, lease, sell, rent, or give away any animal, regardless of age, on any roadside, public right of way, commercial parking lot, garage sale, flea market, festival, park, community center or outdoor public place within the city limits of Mount Pleasant.

- b) It shall be unlawful for any manager, operator or property owner within the city limits of Mount Pleasant to allow the conduct described in subsection (a).
- c) This section shall not apply to city owned animal facilities, properly licensed pet stores or to tax exempt non-profit organizations founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals.

This section does not apply to an event primarily for the sale of agricultural livestock such as hooved animals or animals or fowl commonly raised for food, dairy or fiber products

#### **§ 97.14 CRUELTY TO ANIMALS.**

It is unlawful for any person to intentionally or knowingly:

- (A) Torture an animal;
- (B) Fail unreasonably to provide necessary food, clean water, care, and shelter for an animal in the person's custody;
- (C) Abandon unreasonably an animal in person's custody;
- (D) Transport or confine an animal in a cruel manner;
- (E) Kill, seriously injure, or administer poison to an animal belonging to another without legal authority or the owner's effective consent, except when an animal is discovered on the person's property in the act of or immediately after injuring or killing livestock or fowl;
- (F) Cause one animal or fowl to fight with another;
- (G) Use a live animal as a lure in dog race training or in a dog coursing on a racetrack;
- (H) Trip a horse; or
- (I) Seriously overwork an animal;
- (J) Leave an animal in or on a motor vehicle in which any motor vehicle is moving, standing, or parked in such a way to endanger the animal's health, safety, or welfare. An animal services officer or police officer is authorized to use reasonable force to remove the animal from the vehicle whenever it appears that the animal's health, safety or welfare is or will be endangered. The animal shall be taken to the shelter or to a veterinarian if the animal is in distress. A written notice bearing the name of the officer removing the animal, a telephone number where he can be contacted and the location where the animal may be claimed by the owner shall be attached to the vehicle if the owner is not present. Any person violating this section shall bear the full cost and expense incurred by the city in the care, medical treatment, impoundment cost and disposal of said animal, including removal from and damage done to the vehicle.

#### **§ 97.15 Unlawful Restraint of an Animal.**

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COLLAR.** Means any collar constructed of nylon, leather or other similar material, specifically designed to be used for a dog.

**PROPERLY FITTED.** Properly fitted means, with respect to a collar, a collar that measures the circumference of a dog or cat's neck plus at least one inch.

**RESTRAIN/TETHER.** Means a rope, leash, cable, chain, pulley system or other similar tethering devices.

(B) A person commits an offense if he uses a chain, rope, tether, leash, cable, or other device to attach a dog to a stationary object or trolley system. This section does not prohibit a person from walking a dog with a hand-held leash.

(C) It is a defense to prosecution under this section that:

- (1) The dog is being tethered during a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity;
- (2) The dog tethering is required to protect the safety or welfare of a person or the dog, and the dog's owner maintains direct physical control of the dog;

- (3) The dog tethering is due to force majeure and the dog is tethered for less than one hour within a 24-hour period; or
- (4) The dog tethering:
  - a. Occurs while the dog is within the owners direct physical control; and
  - b. Prevents the dog from advancing to the edge of any public right-of-way.
- (E) Outdoor kennels used to house and contain an animal must be at a minimum no less than 50 square feet per animal providing for adequate movement of each animal. Nursing animals under three months of age may be kenneled together.

#### **§ 97.16 Feeding of Stray Animals Prohibited**

- (a) It shall be unlawful for any person to feed, or to place food of any kind, with the intent to feed stray animals, including stray cats.
- (b) It shall be unlawful for any person to leave, store, or maintain food of any kind in a manner or area accessible to stray animals; including stray or community cats.
- (c) This section shall not apply to:
  - 1. Animal Control Officers or police officers during the course of their official duties.
  - 2. Approved zoological parks performing animal exhibitions or licensed circuses; primary and secondary schools, colleges and universities or zoological parks owned or operated by a governmental entity, provided that such wildlife is kept in a secure manner and in accordance with all other city ordinances and state laws.
  - 3. Any person who is using food as an attractant to live trap a wild animal or a stray animal in a legally authorized and permitted manner.

### **DANGEROUS WILD ANIMALS**

#### **§ 97.20 DEFINITIONS.**

- (A) The term dangerous wild animal means any:
  - (1) Poisonous reptile;
  - (2) Any animal of the crocodilian order;
  - (3) Lion;
  - (4) Tiger;
  - (5) Ocelot;
  - (6) Cougar;
  - (7) Leopard;
  - (8) Cheetah;
  - (9) Jaguar;
  - (10) Bobcat;
  - (11) Lynx;
  - (12) Serval;
  - (13) Caracal;
  - (14) Hyena;
  - (15) Bear;
  - (16) Coyote;
  - (17) Jackal;
  - (18) Nonhuman primate;
  - (19) Wolf;



- (20) Fox;
- (21) Camel;
- (22) Raccoon;
- (23) Skunk;
- (24) Bat; and
- (25) Any hybrid of an animal listed herein.

(B) It shall be unlawful for any person to import, offer for sale or trade, keep, or harbor in the city any dangerous wild animal as defined herein.

(C) This section does not apply to:

- (1) A county, municipality, or agency of the state or an agency of the United States or an agent or official of a county, municipality, or agency acting in an official capacity;
- (2) An organization that is an accredited member of the American Zoo and Aquarium Association;
- (3) An injured, infirm, orphaned, or abandoned dangerous wild animal while being transported for care or treatment;
- (4) An injured, infirm, orphaned, or abandoned dangerous wild animal while being rehabilitated, treated, or cared for by a licensed veterinarian, an incorporated humane society or animal shelter, or a person who holds a rehabilitation permit issued under Tex. Parks and Wildlife Code, §§ 42.021 *et seq.* for the species of animal being rehabilitated;
- (5) A dangerous wild animal owned by and in the custody and control of a transient circus company if:
  - (a) The animal is used as an integral part of the circus performances; and
  - (b) The animal is kept within this city only during the time the circus is performing in this city.
- (6) A dangerous wild animal while in the temporary custody or control of a television or motion picture production company during the filming of a television or motion picture production in this city;
- (7) A dangerous wild animal owned by and in the possession, custody, or control of a college or university solely as a mascot for the college or university; and
- (8) A dangerous wild animal while being transported in interstate commerce through the state in compliance with the Animal Welfare Act, 7 USC 2131 *et seq.* and its subsequent amendments and the regulations adopted under that Act.

## **DANGEROUS DOGS**

### **§ 97.25 DEFINITIONS.**

*DANGEROUS DOG* means a dog that:

- 1) Makes an unprovoked attack on a person that causes bodily injury and occurs while the dog is at-large;
- 2) Commits unprovoked acts while dog is at-large and those acts cause a person to reasonable believe that the dog will attack and cause bodily injury to that person; or
- 3) Injures or kills a domestic animal without provocation while at-large.

### **§ 97.26 DANGEROUS DOGS PROHIBITED.**

As a public safety requirement, it shall be unlawful for any person to keep or harbor any dangerous dog within the corporate limits of the city without complying with the provisions listed herein and/or state law requirements to keep a dangerous dog on the owner's premises.

### **§ 97.27 DETERMINATION THAT A DOG IS DANGEROUS.**

(A) The Animal Control Authority shall be notified of a dangerous dog investigation when initiated by Animal Control Officers. Once the investigation is complete, the case and all evidence will be forwarded to the Animal Control Authority for review. Upon review of the facts of the investigation, a complaint may be forwarded to the appropriate court so that a hearing may be held in order to make a determination if the dog is dangerous.

(B) Once a complaint is filed with the court, a **Notice of Complaint Filed** shall be given to the owner of the animal which is the subject of the complaint. The owner shall also be given a Notice of Hearing, which shall be set not later than the 10<sup>th</sup> day after which the dog is seized or delivered.

(C) Upon receipt of the complaint of a dangerous dog, the Animal Control Authority or, an Animal Control Officer with a city Police Officer shall immediately seize and impound the dangerous dog with a seizure order issued by the Municipal Judge or Magistrate if the owner does not deliver the animal by the fifth day after receiving notice a complaint was filed with the court

(D) A hearing will be held by the appropriate court and a judgment will be made as to whether or not the dog will be deemed dangerous

(F) The Municipal Court Judge may also require the attendance of the complainant, any known witnesses, the animal owner against whom the complaint was filed, and the Animal Control Authority or his or her representative.

(G) Once the owner is notified that a dog owned by the owner has been deemed dangerous, the dog owner must notify the Animal Control Authority, either verbally or in writing, of his or her intent to appeal the dangerous dog declaration within 72 hours. The owner must then appeal the determination not later than the 10<sup>th</sup> calendar day from the date of the municipal courts decision. If notified of the intention to appeal within 72 hours of the dangerous dog declaration, the Animal Control Authority shall suspend further action involving the dog until an appeals court has rendered a final decision. The owner of the dangerous dog shall pay to the city all fees and expenses associated with keeping the dog impounded during the investigation and during any of the appeals process. Upon initial finding that a dog is deemed dangerous, or subsequent to any appeals process and finding, each day following the finding will constitute a violation of this section if the owner fails to comply with state law requirements for dangerous dogs

#### **§ 97.28 REQUIREMENTS FOR OWNER OF DANGEROUS DOG.**

(A) When a person learns that the person is the owner of a dangerous dog, the owner shall comply with Texas Health and Safety code § 822.042. For purposes of the section, a person learns that the person is the owner of a dangerous dog when:

- 1) The owner knows of conduct by the dog described under the definition of a dangerous dog in § 97.25 of this subchapter; or
- 2) The owner knows of conduct by the dog described in Texas Health and Safety Code § 822.041(2)(B); or
- 3) The owner is informed by the Animal Control Authority that a determination has been made that the dog is a dangerous dog; or
- 4) The owner is informed after an appeal hearing by the Municipal Court Judge that the dog is a dangerous dog.

(B) If a person outside the city limits wants to move inside the city limits and is an owner of a dog declared dangerous by another city or jurisdiction, the owner must notify the Animal Control Authority before moving the dog inside the city limits. The Animal Control Authority will determine if the dog will be allowed to be kept at a residence inside the city and the dog owner shall be held to all rules and regulations per this subchapter and state law regarding dangerous dogs.

(C) *Declaration by Municipal Court Judge.* Not later than the 30<sup>th</sup> day after a person learns by the Municipal Court Judge at the appeal hearing that the person is the owner of a dangerous dog:

1. The dangerous dog shall be euthanized if so, ordered by the court; or
2. If the dangerous dog is not ordered to be euthanized, the person shall have the dangerous dog returned to him or her when the following requirements are met:

- a. Register the dangerous dog with the Animal Control Authority for the area in which the dog is kept and pay an annual registration fee of \$250 to the city plus the cost of a dangerous dog tag; and
- b. Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure. Such dog shall not be leashed to an inanimate object such as a tree, post, building, and the like. Each dangerous dog on a leash outside the animal's secure enclosure must be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals but will not harm the dog itself; and
- c. Obtain (and show proof annually to the Animal Control Authority) liability insurance coverage or financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person.

### **§ 97.29 REGISTRATION.**

- (A) An owner of a dangerous dog must annually register with the Animal Control Authority for the area in which the dog is kept and the owner:
- (1) Presents proof of:
    - (a) Liability insurance or financial responsibility, as required by Tex. Health and Safety Code, § 822.042; and
    - (b) Current rabies vaccination of the dangerous dog; and
    - (c) The approved secure enclosure in which the dangerous dog will be kept; and
  - (2) Pays an annual registration fee of \$250.
- (B) The Animal Control Authority shall provide to the owner registering a dangerous dog a registration tag at the owner's expense. The owner must place the tag on the dog's collar.
- (C) The dog must be spayed or neutered within ten days of being declared a dangerous dog.
- (D) The dog must be microchipped with a national registry by a licensed veterinarian at the time the dog was spayed or neutered and the owner must provide such proof to Animal Control.
- (E) The owner of a registered dangerous dog shall provide to the Animal Control Authority two color photographs of the registered animal in two different poses showing the color and approximate size of the dog.
- (F) If an owner of a registered dangerous dog sells or moves the dog to a new address inside the city limits, the owner, not later than the fourteenth day after the date of the sale or move, shall notify the Animal Control Authority for this area in which the new address is located. On presentation by the current owner of the dangerous dog's prior registration tag and payment of a \$125 fee, the Animal Control Authority shall issue a new registration tag to be placed on the dangerous dog's collar. If the owner moves the dog to another location outside the city limits, the owner shall notify the local Animal Control Authority of the dangerous dog's new location within 15 days of moving. If the dog is transferred to a new owner, the former owner is required, within ten days, to notify the Animal Control Authority of the new owner's address and name and the official date of transfer of ownership of the dangerous dog.
- (G) An owner of a registered dangerous dog shall notify the office in which the dangerous dog was registered of any attacks the dangerous dog makes on people.
- (H) If the owner of a dangerous dog fails to register the dog as required by this section, such failure shall constitute a Class C misdemeanor punishable as allowable by law.

### **§ 97.30 ATTACK BY DANGEROUS DOG.**

- (A) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.
- (B) An offense under this section is a Class C misdemeanor, but state law allows for more serious charges to be filed if the owner is found negligent in keeping the dangerous dog secured as required by law.
- (C) If the dangerous dog attacks and seriously injures or causes the death of a human, city Animal Control Officers or police officers may seize the animal and it will be euthanized as soon as possible and practical. If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed by a person listed in Tex. Health and Safety Code, § 822.003.

(D) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty as determined by statute. The City Attorney or an assistant may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this section shall be retained by the city.

**§ 97.31 OFFICER SAFETY.**

There is no provision in this subchapter requiring an Animal Control Officer or a police officer to place his or her personal safety at risk attempting to capture, impound, trap or otherwise detain a known dangerous dog or dog suspected to be vicious and/or dangerous by its actions or demeanor. For their safety, officers of the Police Department and city Animal Control Officers are authorized to use force, including deadly force, to stop a current or imminent attack upon themselves or a third person by a dog, whether or not the dog has been declared to be a dangerous dog.

**§ 97.32 GUARD DOGS.**

(A) It shall be unlawful to place or maintain any dog solely for the protection of persons and/or property unless the dog is physically confined to a specific enclosed area. The enclosed area in which the dog is confined must be within a chain link fence of at least six feet in height and is reasonably certain to prevent the dog from leaving the enclosure on its own.

(B) The area in which the dog is confined must be conspicuously posted with warning signs bearing letters not less than two inches high, stating "Guard Dog" and placed not less than every 25 feet, on each side of the structure or barrier confining dog(s). No less than one warning sign shall be posted.

**DOGS DANGEROUS TO PERSONS**

**§ 97.35 DEFINITIONS.**

*SERIOUS BODILY INJURY* means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

**§ 97.36 RESERVED**

**§ 97.37 RESERVED**

**§ 97.38 DESTRUCTION OF DOG.**

The destruction of a dog under this subchapter must be performed by:

(A) A licensed veterinarian;

(B) Personnel of a recognized animal shelter or humane society who are trained in the humane destruction of animals; or

(C) Personnel of a governmental agency responsible for animal control who are trained in the humane destruction of animals.

**§ 97.39 PROVOCATION OR LOCATION OF ATTACK IRRELEVANT.**

This subchapter applies to any dog that causes a person's death or serious bodily injury by attacking, biting, or mauling the person, regardless of whether the dog was provoked and regardless of where the incident resulting in the person's death or serious bodily injury occurred.

*Statutory reference:*

*Dogs that are a danger to persons, see Tex. Health and Safety Code, §§ 822.001 et seq.*

**IMPOUNDMENT**

**§ 97.45 ANIMAL SHELTER.**

A facility designated by the City Manager to temporarily contain, house and care for domestic animals held under authority of this chapter.

#### **§ 97.46 IMPOUNDMENT.**

Any animal found in violation of the terms of this ordinance or law of the State of Texas may be seized and impounded by the Animal Control Officer, police officer, or duly authorized agent of the city.

#### **§ 97.47 AUTHORITY TO INDIVIDUALS TO IMPOUND.**

(A) If any animal shall be found to be at-large upon the premises of any person, other than the owner or harborer of such animal, that person shall have the right to confine animal in a humane manner until an Animal Control Officer or police officer can be notified.

(B) Any citizen of the City of Mount Pleasant is hereby authorized to take control of and deliver to the office of the Animal Services any animal that may be found running at large within the territorial limits of the City, other than prohibited animals or animals suspected of being rabid, subject to the applicable provisions of law.

(C) A person commits an offense if he takes control of an animal under this Section and fails to deliver it to an Animal Services employee within seventy-two (72) hours.

#### **§ 97.48 NOTICE OF IMPOUNDMENT.**

Reasonable effort shall be made by the Animal Control Officer to contact the owner or harborer of impounded animal, however the responsibility for an animal rests solely with the owner or harborer of such animal.

#### **§ 97.49 REDEMPTION OR ADOPTION.**

(A) If the owner of any animal impounded pursuant to this subchapter shall appear and claim the animal within 72 hours, excluding Saturday, Sunday and holidays, the Animal Control Officer shall, if satisfied that such person is the true owner, relinquish the animal to that person upon payment of fees for impoundment. The owner or harborer of such animal must provide proof that the animal has been vaccinated within the subsequent 12 months. If proof cannot be shown that animal has been vaccinated within the subsequent 12 months the owner or harborer shall pay to the city an amount equal to the cost of the vaccination of animal and shall receive a receipt which shall be presented to a licensed veterinarian in Mount Pleasant who shall vaccinate the animal and then bill the city for vaccination.

(B) If any animal is not redeemed within 72 hours, excluding Saturday, Sunday, and holidays, and after reasonable effort has been made to locate the owner or harborer, it shall be considered abandoned and becomes the sole property of the City of Mount Pleasant regardless of where the animal was found or who delivered the animal to the city. The animal may be subject to adoption after payment by the prospective owner of all applicable vaccination, sterilization, and/or impoundment fees. Adopted animals are not guaranteed as to health, temperament or longevity and no refund of fees shall be allowed.

(C) A microchip implant in the animal is required before release. If the animal is not already identifiable by microchip, the owner shall pay a fee to have the microchip implanted in the animal prior to release.

(D) **Sterilization of animals is required upon adoption and redemption of an impounded animal.**

**(1) Following adoption of an animal, the owner shall submit proof of having had the animal sterilized. Any animals adopted from the shelter are required to be sterilized within 30 days of their release. The proof shall be a completed sterilization certification form provided by the Animal Services and signed by the sterilizing veterinarian.**

**(2) Upon redemption of an impounded animal from the City of Mount Pleasant animal shelter, the owner or harborer of the animal shall provide proof of sterilization or have the animal sterilized within 30 days at the owner's expense. The proof shall be a completed sterilization certification form provided by the Animal Services and signed by the sterilizing veterinarian.**

**(3) Subsections D,1 and D,2 shall not apply if the owner provides proof that the animal meets met one of the following conditions at the time of impoundment:**

- (a) Either the animal is was registered with a national registry and is a was certified as a member of a local breed club, sporting or hunting club; or
- (b) The animal was a professionally trained assistance or police service animal; or
- (c) The animal was at large due to forces of nature, fire, or the criminal act of a third party who was not residing at the animal owner's residence and there is documented proof from a city or county official stating the fact

#### **§ 97.50 EUTHANIZATION OF ANIMALS.**

(A) If any animal is not redeemed or adopted within a 72-hour period, excluding Saturday, Sunday and holidays and after the animal becomes the sole property of the City by virtue of ordinance, the Animal Control Officer is authorized to humanely destroy the animal and dispose of the carcass.

(B) Any nursing animal impounded without the mother, or where the mother will not or cannot provide nutritious milk, may be euthanized immediately to prevent further suffering.

(C) Any animal impounded and considered by the Animal Control Officer to be feral or of a nature that would cause injury to a person may be euthanized immediately, except when such animal has inflicted a bite to a human during the preceding ten days.

(D) Any animal taken into custody that, in the opinion of the Animal Control Officer, is visibly afflicted with any sign of communicable disease or appears to be mortally injured may be euthanized immediately to prevent future suffering.

(E) Any owner or harbinger may relinquish ownership to any animal in writing to the Animal Control Officer, who shall then have authority to immediately euthanize such animal, except when such animal has inflicted a bite to a human during the preceding ten days or if the animal is viable for adoption.

#### **§ 97.51 FEES.**

The following fees shall be charged for the impoundment of any animal:

- (A) Impoundment fee - first day \$25.00  
2<sup>nd</sup> impound: \$35  
3<sup>rd</sup> impound: \$50
- (B) Each subsequent day \$10.00
- (C) Redemption Impoundment fee, and if necessary, actual cost of vaccination(s)
- (D) Adoption fee Actual cost of vaccination(s) and sterilization.
- (E) Microchip fee \$10.00
- (F) Owner requested and ACO approved euthanasia fee \$35.00
- (G) Dangerous Dog Impound Fee \$50 per calendar day

#### **§ 97.52 LIABILITY OF OWNERS**

The payment of impound fees shall not exempt an owner or harbinger from prosecution under this ordinance.

### **RABIES**

#### **§ 97.60 DESIGNATION OF LOCAL RABIES CONTROL AUTHORITY.**

The city shall designate an officer to act as the "Local Rabies Control Authority" for the purposes of this subchapter.

#### **§ 97.61 VACCINATION OF DOMESTIC ANIMALS.**

(A) The owner or harbinger of any domestic animal shall have such animal vaccinated against rabies by the time such animal is four months of age and within every subsequent 12 months thereafter.

(B) All vaccinations of a domestic animal shall be done by a licensed veterinarian. Upon vaccination, the veterinarian shall give to the owner or harbinger a vaccination certificate which shall include:

- (1) Owner or harboring's name, address and phone number;
- (2) Animal identification;
- (3) Vaccine used, producer of vaccine;
- (4) Date vaccinated;
- (5) Rabies tag number; and
- (6) Veterinarian's signature and license number.

(C) Upon vaccination, the veterinarian shall issue to the owner or harboring a suitable metal tag to be placed on a collar around the animal's neck, and on such tag there shall be stamped an identifying number, and the name, address, and phone number of issuing veterinarian.

#### **§ 97.62 VACCINATION TAG.**

It shall be unlawful for any owner or harboring of any domestic animal to allow such animal to be without a current vaccination tag upon a collar around such animal's neck at any time.

#### **§ 97.63 CONFIDENTIALITY.**

Information that is contained in a rabies vaccination certificate that identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of the vaccinated animal is confidential and not subject to disclosure under Tex. Government Code, §§ 552.001 *et seq.*

#### **§ 97.64 DOMESTIC ANIMALS EXPOSED TO RABIES.**

(A) This section applies only for domestic animals that can be legally vaccinated for rabies and have been exposed, by physical contact, with a rabid animal, or suspected rabid animal.

(B) The owner of such an animal shall notify the local rabies authority or designated agent within 24 hours of an incident, who shall investigate and if investigation warrants, follow the requirements set forth herein.

(C) If the exposed animal was currently vaccinated (more than 30 days prior to bite and within the past 12 months) against rabies at the time of exposure, it must be:

- (1) Humanely destroyed, or
- (2) Vaccinated against rabies immediately and placed in strict isolation for 45 days. *STRICT ISOLATION*

shall be defined as a secure, locked enclosure that would prevent the animal from escaping, prevent access to the animal by the public, and care of animal restricted to one individual.

- (3) The owner or harboring of such animal shall be responsible for all costs associated with this section.

(D) If the exposed animal was not vaccinated against rabies at the time of the exposure it must be:

- (1) Humanely destroyed, or
- (2) Vaccinated against rabies:
  - (a) Immediately after exposure;
  - (b) Given a second vaccination three weeks after exposure; and
  - (c) Given a third vaccination eight weeks after exposure; and

(3) Placed in strict isolation for 90 days from date of exposure. *STRICT ISOLATION* shall be defined as a secure, locked enclosure that would prevent the animal from escaping, prevent access to the animal by the public, and care of animal restricted to one individual.

- (4) The owner or harboring of such animal shall be responsible for all costs associated with this section.

(E) Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in an animal shall immediately notify the local rabies control authority or designated agent for investigation.

#### **§ 97.65 ANIMAL BITES TO HUMANS.**

(A) The owner or harboring of a domestic animal that has bitten any person must report the event to the local rabies control authority or designated agent within 24 hours of such bite for investigation. Every physician or other medical practitioner who treats a person or person(s) for such bites shall, within 12 hours, report such treatment to the local rabies control authority or designated agent for investigation. Bites by birds or reptiles are exempted from this section.

(B) When a domestic animal has bitten any person, the owner or harbinger shall be required to place the animal in quarantine, or the owner or harbinger may sign a release allowing the animal to be humanely destroyed and tested at owners or harbinger's expense. The animal should be placed in quarantine as soon as possible after the bite incident. The ten-day observation period begins on the first day of occurrence of bite.

(1) Unvaccinated animals should not be vaccinated for rabies during the observation period; however, the animal may be treated for unrelated medical problems.

(2) An unowned domestic animal that has bitten a person may be humanely destroyed and tested.

(3) A high-risk animal (bat, raccoon, fox, skunk, or coyote) that has bitten a person must be humanely destroyed and tested.

(4) A low-risk animal that has bitten someone does not have to be tested unless the local rabies control authority or designated agent suspects rabies.

(5) An animal that inflicts multiple wounds to a person may be required by the local rabies control authority or designated agent to be humanely destroyed and tested.

(6) Animals that are not defined herein as domestic animals or high risk animals (as defined in § 97.65(C)(3)), that have bitten a person, may at the discretion of the local rabies control authority, be humanely destroyed and tested, or be quarantined or suitably confined for 30 days for observation.

(7) Currently vaccinated (prior 12 months) therapy or police dogs may not be required to be quarantined.

(8) Any animal that cannot be quarantined properly must be humanely destroyed and tested.

(9) The owner or harbinger of such animal shall be responsible for all costs associated with this section.

*Statutory reference:*

*Rabies control act, see Tex. Health and Safety Code, §§ 826.001 et seq.*

## **DOG AND CAT STERILIZATION**

### **§ 97.70 DEFINITIONS.**

*NEW OWNER.* A person who is legally competent to enter into a binding contract and who is adopting a dog or cat from the animal shelter.

*STERILIZATION.* The surgical removal of the reproductive organs of a dog or cat to render the animal unable to reproduce.

*VETERINARIAN.* A person licensed to practice veterinary medicine by the State Board of Veterinary Medical Examiners.

### **§ 97.71 REQUIREMENTS FOR ADOPTION.**

Except as provided by § 97.80, the animal shelter may not release a dog or cat for adoption unless the animal has been sterilized or the release is made to a new owner who signs an agreement to have the animal sterilized.

### **§ 97.72 STERILIZATION AGREEMENT.**

(A) The sterilization agreement used by the animal shelter must contain:

(1) The date of the agreement;

(2) The names, addresses, and signatures of the releasing agency and the new owner;

(3) A description of the animal to be adopted;

(4) The sterilization due date; and

(5) A statement, printed in conspicuous, bold print, that sterilization of the animal is required under Tex. Health and Safety Code, §§ 828.001 *et seq.* and that a violation of this article is a criminal offense punishable as a Class C misdemeanor.

(B) The sterilization completion date contained in the sterilization agreement must be:

(1) The thirtieth day after the date of adoption in the case of an adult animal;

(2) The thirtieth day after a specified date estimated to be the date an adopted infant female animal becomes six months old, or an adopted infant male animal becomes eight months old.

Penalty, see § 97.99.



### **§ 97.73 STERILIZATION REQUIRED.**

(A) Except as provided by this section, a new owner who signs an agreement under § 97.71 shall have the adopted animal sterilized on or before the sterilization completion date stated in the agreement.

(B) If the sterilization completion date falls on a Saturday, Sunday, or legal holiday, the deadline is extended to the first day that is not a Saturday, Sunday, or legal holiday.

(C) The animal shelter may extend the deadline for 30 days on presentation of a written report from a licensed veterinarian stating that the life or health of the adopted animal may be jeopardized by surgery. There is no limit on the number of extensions that may be granted under this section.

### **§ 97.74 CONFIRMATION OF STERILIZATION.**

(A) Except as provided by §§ 97.75 or 97.76, each new owner who signs a sterilization agreement under § 97.71 shall deliver to the animal shelter from which the animal was adopted a letter signed by the veterinarian who performed the surgery.

(B) The letter must be delivered in person or by mail not later than the seventh day after the date on which the animal was sterilized.

(C) The letter must state that the animal has been sterilized, briefly describe the animal, and provide the date of sterilization.

### **§ 97.75 LETTER CONCERNING ANIMAL'S DEATH.**

(A) If an adopted animal dies on or before the sterilization completion date agreed to under § 97.71, the new owner shall deliver to the animal shelter a signed letter stating that the animal is dead.

(B) The letter must be delivered not later than the seventh day after the date of the animal's death and must describe the cause of death, if known, and provide the date of death.

(C) The letter required by this section is in lieu of the letter required by § 97.74.

### **§ 97.76 LETTER CONCERNING LOST OR STOLEN ANIMAL.**

(A) If an adopted animal is lost or stolen before the sterilization completion date agreed to under § 97.71, the new owner shall deliver to the animal shelter a letter stating that the animal is lost or stolen.

(B) The letter must be delivered not later than the seventh day after the date of the animal's disappearance and must describe the circumstances surrounding the disappearance and provide the approximate date of the disappearance.

(C) The letter required by this section is in lieu of the letter required by § 97.74.

### **§ 97.77 RECLAMATION.**

(A) If the animal shelter does not receive a letter after the expiration of the seventh day after the sterilization completion date agreed, the Animal Control Officer may promptly reclaim the animal from the new owner. The animal will become the sole property of the city at the time of reclamation.

(B) A person may not prevent, obstruct, or interfere with reclamation under this section.

### **§ 97.78 CRIMINAL PENALTY.**

(A) A new owner that violates this chapter commits an offense.

(B) An offense under this section is a Class C misdemeanor.

Penalty, see § 97.99

### **§ 97.79 SURGERY AND OTHER VETERINARY SERVICES.**

Surgery performed in accordance with this chapter must be performed by a veterinarian or a full-time student of an accredited college of veterinary medicine as provided by the Veterinary Licensing Act (Article 8890, Vernon's Texas Civil Statutes).

### **§ 97.80 EXEMPTIONS.**

This subchapter does not apply to:

(A) A dog or cat that is claimed from the animal shelter by a person who already owns the animal;

(B) An institution of higher education that purchases or otherwise procures a dog or cat for the purpose of biomedical research, testing, or teaching.

*Statutory reference:*

*Dog and cat sterilization, see Tex. Health and Safety Code, §§ 828.001 et seq.*

**§ 97.99 PENALTY.**

(A) Any person who violates or fails to comply with any provision of this chapter shall be deemed guilty of a Class C misdemeanor and upon conviction thereof, shall be punished by a fine as provided by the State of Texas or § 10.99 of this code.

(B) A violation of any provision of §§ 97.25 through 97.32 shall constitute an offense punishable as allowable by law. Each day a violation exists shall constitute a separate offense. The owner may instead or also be charged for violation(s) of state law regarding dangerous dogs that may result in a more severe charge and penalty.

**SECTION 2**

That all ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Mount Pleasant, Texas, are hereby repealed to the extent that said ordinances, orders or resolutions, or parts thereof, are in conflict herewith.

**SECTION 3**

If any section, subsection, clause, phrase or provision of this Ordinance is for any reason held unconstitutional or void by a court of competent jurisdiction, such holding shall not affect any valid provision of this or any other ordinance of the City of Mount Pleasant, Texas.

**SECTION 4**

This Ordinance shall take effect and be in full force from and after its adoption.

**SECTION 5**

Only the descriptive caption of this Ordinance shall be published once as provided by the Revised Civil Statutes of the State of Texas.

**PASSED, APPROVED AND ADOPTED THIS THE 4<sup>th</sup> DAY OF FEBRUARY 2025.**

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**TRACY CRAIG, SR, MAYOR**

**ATTEST:**

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**CANDIAS WEBSTER, CITY SECRETARY**

**APPROVED AS TO FORM AND LEGALITY:**

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**LEA REAM, CITY ATTORNEY**



# AGENDA ITEM REPORT

**Meeting:** City Council - Feb 04 2025

**Staff Contact:** Greg Nyhoff, City Manager

**Department:** Administration

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**Subject:** City Manager's Report

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**Item Summary:**

updates from Greg

**Financial Impact:**

N/A

**Recommendation(s):**

no motion needed



# AGENDA ITEM REPORT

Meeting: City Council - Feb 04 2025

Department:

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Subject: EXECUTIVE SESSION

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**Item Summary:**

**Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, The City Council will recess into executive session (closed meeting) to discuss the following:**

Discussion of Economic Development Corporation Projects--Deliberations regarding Economic Development Negotiations (Tex Gov't Code 551.087), Deliberations about real property (Tex. Gov't Code 551.072), and Consultation with Attorney (Tex. Gov't Code §551.071)

Discussion of status of recruitment for City Manager--Consultation with Attorney (Tex. Gov't Code §551.071) and Personnel Matters (Tex. Gov't Code §551.074)

Real Property: discuss the purchase, exchange, lease, or value of real property and consultation with legal counsel regarding the purchase or value of real property. (Tex. Gov't Code 551.071 and 551.072)