

ORDINANCE NO. 2023

AN ORDINANCE AMENDING CHAPTER 86, “UTILITIES”, ARTICLE II, “WATER AND SANITARY SEWER SYSTEMS,” DIVISION I, “GENERALLY,” OF THE CODE OF ORDINANCES OF THE CITY OF EULESS, TEXAS BY PROVIDING REGULATIONS FOR RECLAIMED WATER SERVICE AND THE TRANSPORTATION OF RECLAIMED WATER; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Euless, Texas is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, in order to preserve and protect the public health, safety and welfare of its citizens the City Council has previously adopted regulations governing the operation, maintenance, improvement and extension of the municipally owned water and sewerage system; and

WHEREAS, the City Council has determined that it is in the best interest of the public health, safety and welfare to provide for the use and transportation of reclaimed water within the City and to adopt regulations governing reclaimed water facilities, distribution systems, transportation, and use.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EULESS, TEXAS, THAT:

SECTION 1.

Chapter 86, “Utilities”, Article II, “Water and Sanitary Sewer Systems”, Division I “Generally,” of the Code of Ordinances of the City of Euless is hereby amended by adding Sections 86-38 and 86-39 to read as follows:

Sec. 86-38. Reclaimed Water Service.

(a) *Definitions.*

Approved Use shall mean an application or beneficial use of reclaimed water authorized by a Reclaimed Water Service Agreement.

Approved Use Area shall mean a site designated in a Reclaimed Water Service Agreement to receive reclaimed water for an Approved Use.

Authorized Representative shall mean a representative of a User and may be: (1) an owner; (2) a responsible corporate officer, if the entity submitting the application or report is a corporation, including the president, vice president, secretary, or treasurer of the corporation in charge of the principal business function, or any other person who performs similar policy or decision-making functions for the corporation; (3) an official of an association, nonprofit organization, local governmental entity, or State or Federal installation having direct control of management decisions and fiscal responsibilities; (4) any partner or proprietor if the User is a partnership or proprietorship, respectively; (5) the manager of one or more manufacturing, production, or operation facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; or (6) a duly authorized representative of an individual as specified above if such representative is responsible for the overall operation of the facilities and when written authorization for such representative is submitted to the CITY.

Chapter shall mean Chapter 86, "Utilities" of the City of Euless Code of Ordinances.

Chapter 210 shall mean Chapter 210 of Title 30 of the Texas Administrative Code, titled "Use of Reclaimed Water," as it may be amended from time to time.

Chapter 210 Reclaimed Water Authorization shall mean the written approval received from the TCEQ for implementing the Reclaimed Water Use Notification submitted to TCEQ that defines the Reclaimed Water Service Area and the intended uses of the reclaimed water system.

Chapter 210 Service Area shall mean the same as Reclaimed Water Service Area.

CITY shall mean the City of Euless, Texas.

Container Unit shall mean any container that is used to hold Reclaimed Water during transport from an Offsite Reclaimed Water Facility to an Approved Use Area.

Cross Connection shall mean any connection, physical or otherwise, between a potable water supply system and any plumbing fixture, or any tank, receptacle, equipment or device, through which it may be possible for any non-potable, used, unclean, polluted, and contaminated water, or other substances, to enter into any part of such potable water system under any condition or set of conditions or as described by Chapter 14, Buildings and Building Regulations, of the City of Euless Code of Ordinances.

Director means the Director of the City Public Works Department, as designated and appointed by the City Manager of the CITY, or the City Manager appointed designee charged with the administration and enforcement of this Article.

Offsite Reclaimed Water Facilities shall mean any Reclaimed Water distribution, storage, or delivery facilities upstream of the Point of Connection to an Approved Use Area.

Onsite Reclaimed Water Facilities shall mean any Reclaimed Water distribution, storage, or delivery facilities downstream of the Point of Connection to an Approved Use Area, i.e., on the customer's side of the Reclaimed Water meter.

Reclaimed Water shall mean wastewater, collected and treated at a wastewater treatment plant, which has been treated to a quality that meets or exceeds the requirements of the TCEQ's Chapter 210 Reclaimed Water Authorization to the CITY.

Reclaimed Water Distribution System shall mean a system, for the provision to a User of Reclaimed Water, consisting of pipes and related facilities for the distribution, use, and sale of Reclaimed Water at various points of connection, that may be designed and constructed, or otherwise acquired, and thereafter operated by the CITY.

Reclaimed Water Service shall mean furnishing of Reclaimed Water to a User, through a metered connection, to Onsite Reclaimed Water Facilities.

Reclaimed Water Service Agreement shall mean a contractual agreement between a User and the CITY that establishes the conditions and terms for delivery and use of Reclaimed Water subject to supply to the CITY.

Reclaimed Water Service Area shall mean all territory within the limits of the CITY and/or such additional territories as authorized under the CITY's Chapter 210 Reclaimed Water Authorization.

Reclaimed Water Transportation shall mean the transport of reclaimed water by vehicles to an Approved Use Area.

Standard Specifications shall mean the latest revision of City of Euless's "Standard Specifications for Public Works Construction".

TCEQ shall mean the Texas Commission on Environmental Quality.

User shall mean a party to a Reclaimed Water Service Agreement with the CITY.

User Reclaimed Water Facilities includes all connections and facilities on the User's side of the reclaimed water meter beginning with and including the connection to the reclaimed water meter.

(b) *Reclaimed Water Application and Service.*

- (1) The CITY may make Reclaimed Water available to properties within the Reclaimed Water Service Area upon request or as required by the rules, regulations, policies and procedures adopted pursuant to Section 86-26 of the CITY Code of Ordinances, when it is feasible and when such service is in compliance with this Article and all applicable laws, ordinances, and regulations.
- (2) To request Reclaimed Water Service from the CITY, a person shall submit an application to the Director and shall agree to abide by all requirements for Reclaimed Water Service as described in this Article, including design standards for Reclaimed Water facilities, the manner of construction, the method of operation, and all other conditions for service.
- (3) Upon submittal of an application for Reclaimed Water Service, the Director shall review such application and shall make such investigation as is reasonably necessary to determine if such service is feasible and practicable taking into consideration factors such as the predicted availability of Reclaimed Water, source reliability, and any other competing demands on CITY resources. The investigation may include a visit to the proposed site for Reclaimed Water Service.
- (4) If after careful review of a request for Reclaimed Water Service, the Director determines the request feasible and the Director approves the application, the CITY may enter into a Reclaimed Water Service Agreement with the User, provided the requester meets the minimum system design and operation standards as described herein.
- (5) Upon successful inspection and approval of the Reclaimed Water Service facilities by the CITY, per the requirements of this Article, the requester shall execute a Reclaimed Water Service Agreement with the CITY for Reclaimed Water Service.
- (6) The Reclaimed Water Service Agreement shall incorporate the requirements of this Article, Chapter 210, and other terms and conditions prescribed by the Director.
- (7) Prior to delivery of Reclaimed Water, the requester must sign the Reclaimed Water Agreement acknowledging that as a User, that person is now responsible for Onsite Reclaimed Water Facilities and related activities, that the User shall comply with all applicable laws, ordinances, and regulations, including but not limited to Chapter 210, and shall agree to hold the CITY harmless from claims related to the Reclaimed Water and the operation and maintenance of the Onsite Facilities and related activities.

- (8) The CITY may discontinue Reclaimed Water Service if the User:
 - a. violates the terms of the Reclaimed Water Service Agreement or this Article;
 - b. tampers with any facilities related to the service, including the meter;
 - c. cross-connects the Reclaimed Water system with a potable water source;
 - d. refuses to permit an authorized CITY representative to enter its premises to inspect the User's Reclaimed Water system; or
 - e. performs an act that the Director determines may be detrimental to the water, wastewater, and/or Reclaimed Water system or the health and safety of the public.
- (9) A User who seeks to discontinue service shall pay for the Reclaimed Water used until the service is disconnected.
- (10) A User may not reconnect a discontinued Reclaimed Water service without approval from the Director.
- (11) If a User reconnects a discontinued service without approval of the Director, the Water Utilities Department may remove the service and charge an additional fee as set by the City Council.
- (12) A User may apply for reinstatement of service after paying all fees or charges assessed.
- (13) The Director shall charge a fee as set by the City Council for reinstatement of Reclaimed Water Service.
- (14) The Director shall have the right to temporarily discontinue, disconnect, and re-connect the Reclaimed Water Service without notice to all Users for the purpose of cleaning the system and making repairs, connections, and extensions of the system. The Director shall have the right to temporarily disconnect Reclaimed Water Service without notice to a User having a break on their private line, should that break present a hazard to the general public. The Director shall have the right to discontinue without notice Reclaimed Water Service in an emergency. None of the terms of this Article shall ever be construed as requiring the CITY to maintain a specific constant pressure in its service lines.

(c) *Compliance with Minimum Design and Operation Standards.*

- (1) A requester for Reclaimed Water Service shall submit the following information to the Director for approval, prior to construction or retrofit of an Onsite Reclaimed Water Facility that will use or receive Reclaimed Water:
 - a. Design drawings and specifications in compliance with the CITY's policies and regulations;
 - b. Drawings of the final installed Onsite Reclaimed Water Facility and the entire proposed use area;
 - c. Proof that the User will be compliant with Chapter 14, Buildings and Building Regulations, of the City of Euless Code of Ordinances for Cross Connection Control and other applicable CITY ordinances and laws regarding backflow prevention requirements, and proof that the User has the required backflow prevention assembly on the Reclaimed Water service line; and
 - d. Proof, as requested by the Director, that the User has sufficient storage facilities for the Reclaimed Water and will be in compliance with Title 30, Section 210.23 of the Texas Administrative Code.
- (2) The Director shall issue written notice to proceed with construction and/or retrofit upon satisfaction that the requester will meet the minimum design and operation standards for Reclaimed Water Service.
- (3) The User shall make a written request for inspection by the CITY.
- (4) The Director shall grant the User approval of Onsite Reclaimed Water Facilities if:
 - a. the Director determines that the requester meets the minimum design and operation standards; and
 - b. the system passes the inspection, including the cross-connection control and operational tests.

(d) *Rules and Restrictions on Service.*

- (1) The CITY will conduct the operation, management, and control of Offsite Reclaimed Water Facilities and the oversight of the Reclaimed Water. The CITY will conduct water quality assessments to comply with regulatory requirements applicable to Reclaimed Water it delivers at the

point of connection. The CITY reserves the right to take action at such times it deems necessary to safeguard the public health and safety.

- (2) The User shall be responsible for construction and operation of Onsite Reclaimed Water Facilities up to the established point of connection with the Offsite Reclaimed Water Facilities. The User shall provide supervision and training to operations personnel, and conduct all operations of Onsite Reclaimed Water Facilities in compliance with this Section, Chapter 210, and other applicable laws, ordinances, and regulations; provide access to Onsite Reclaimed Water Facilities at reasonable times for inspections by the CITY.
- (3) The use of Reclaimed Water is restricted to the purposes allowable under Chapter 210 which include: turf and general landscape irrigation; cooling tower, air conditioning or chiller makeup water; non-food processing industrial processes, including natural gas exploration processes; and other lawful uses as authorized by the CITY.
- (4) A User may use Reclaimed Water only as authorized by the CITY and as designated in the Reclaimed Water Service Agreement and in compliance subject to prohibitions of City of Euless Code of Ordinances, Chapter 86, Article II-Water and Sanitary Sewer Systems, Chapter 210 and all applicable laws, ordinances, and regulations.
- (5) The following specific prohibitions or requirements that apply to the use or handling of Reclaimed Water are not inclusive of all restrictions on the use or handling of Reclaimed Water in this Section.
 - a. Reclaimed Water shall not be purposely discharged to any pipeline, channel, gutter, drain, or other conveyance structure that is connected to the storm sewer system.
 - b. Reclaimed Water used for cooling, processing or any other non-consumptive use shall be discharged to a sanitary sewer, in compliance with all applicable permits and laws governing such discharges.
 - c. Reclaimed Water shall only be used for purposes approved by this Section and as stated in the Reclaimed Water Service Agreement.
 - d. Reclaimed Water shall not be used outside of the area approved in the Reclaimed Water Service Agreement. The User shall not discharge airborne or surface Reclaimed Water to another area without prior approval of the CITY.

- e. A User of Reclaimed Water shall employ practices that apply Reclaimed Water in a way that is efficient and avoids excessive application that results in surface runoff, incidental ponding or standing water. If such conditions occur, the User shall immediately alter application methods to prevent any further runoff or standing water.
 - f. A User shall store Reclaimed Water in a way that avoids discharge of Reclaimed Water into waters of the state. The initial holding pond shall not be located within the floodway, and if stored in a pond the lining must be in compliance with Chapter 210 rules and have a certification furnished by a Texas Registered Professional Engineer. Reclaimed Water may be stored in leak-proof, fabricated tanks.
- (6) The Director may inspect devices installed by the User to control the flow of Reclaimed Water and may remove or secure such devices if installed in violation of this Section or any term of the Reclaimed Water Service Agreement.
 - (7) The Director may inspect any Offsite or Onsite Reclaimed Water Facilities, as well as use areas and adjoining property, during normal business hours and shall be granted access, without prior notice to the User.
 - (8) The User and User's operations personnel shall cooperate with the CITY and its authorized representatives and assist in performing operational tests.
- (e) *Standard Specifications for Reclaimed Water Service.*
- (1) The Standard Specifications, as amended, or other applicable laws, adopted for water and sewer systems shall apply to Reclaimed Water system improvements to the extent applicable.
 - (2) The Standard Specifications, as amended, or other applicable laws, shall be incorporated into all contracts for Reclaimed Water system improvements and include standard specifications for Reclaimed Water such as Reclaimed Water specific pipe and labeling of systems.
 - (3) The Director is authorized to alter, amend, add to, or waive all or any part of said specifications with regard to specific Reclaimed Water systems when, in the opinion of the Director, such would be in keeping with sound engineering practice and would provide for the health and safety of the Eules residents, visitors, and businesses.

- (f) *Rules and Regulations for Providing Reclaimed Water Service.*
- (1) The CITY will determine the Reclaimed Water Service Area within the City of Euless and its Chapter 210 Service Area for providing Reclaimed Water with an available Reclaimed Water supply and distribution system.
 - (2) A property owner or User shall:
 - a. Execute an agreement with the CITY prior to extension of any main or any construction of facilities or appurtenances for a Reclaimed Water system and abide by all laws, ordinances, and regulations of the CITY and State to utilize Reclaimed Water.
 - b. Ensure planned extensions of any main or construction of any facilities or appurtenances for a Reclaimed Water system are within the Chapter 210 Service Area or if construction is outside the Reclaimed Water Service Area notify the Director to determine if services may be authorized.
 - (3) Construction of all Reclaimed Water facilities required by these regulations shall be in accordance with the requirements and specifications contained in the CITY Standard Specifications, the CITY Design Policies, and the regulations of the Texas Commission on Environmental Quality.
 - (4) A User must identify Reclaimed Water facilities with signs using a template to be provided by the CITY and having a minimum size of eight inches (8") by eight inches (8") posted on the property, at all storage areas and on all hose bibs and faucets reading, in both English and Spanish, "Reclaimed Water, Do Not Drink" or similar warning in accordance with Section 210.25 of Title 30 of the Texas Administrative Code.
- (g) *Rates, Charges and Billing.* The schedule of fees and monthly rates for reclaimed water shall be as set forth in Chapter 30.
- (h) *Inaccurate Meter Readings.* Chapter 86, Section 86-37 (b), shall govern in instances when a Reclaimed Water Service meter fails to register or registers inaccurately.
- (i) *No Grant or Transfer of Water Right or Ownership Interest.* The delivery of Reclaimed Water by the CITY and the acceptance and use of the Reclaimed Water by the User is not a transfer or an acquisition by the User of a water right or an ownership interest in any of the Offsite Reclaimed Water Facilities.

Sec. 86-39. Transportation of Reclaimed Water.

- (a) *Definitions.* The definitions set forth in Section 86-38(a) shall be applicable to the provisions in this section.
- (b) *General Provisions for Transportation of Reclaimed Water.*
 - (1) The CITY may make Reclaimed Water available for transportation by vehicle to an Approved Use area.
 - (2) Reclaimed Water shall be made available only under the terms and conditions provided herein and only to such persons as are duly permitted by the CITY as USERS as provided in Section 86-38(b).
 - (3) The CITY shall not be obligated to provide such Reclaimed Water to USERS and may discontinue such service at any time, to limit the volume and to establish or alter loading procedures and/or locations as deemed necessary by the Director.
- (c) *Reclaimed Water Transportation Permits.*
 - (1) A Reclaimed Water Transportation permit is required to transport Reclaimed Water by vehicle from a CITY facility to an Approved Use Area. An application must be filed with the Public Works Department to obtain a permit from the Director.
 - (2) An applicant for a Reclaimed Water Transportation permit shall:
 - a. Submit with the application a photocopy of the applicant's driver's license and photocopies of the driver's license of every proposed driver of the Reclaimed Water Transportation vehicles.
 - b. Submit to the Director proof that applicant's vehicles, which will be registered under the permit, are insured in at least the minimum amounts as required by state law, or are self-insured as provided by state law to secure payment of all lawful and proper claims arising out of the operation of each vehicle. A written statement from an authorized agent of the applicant's insurance carrier verifying the issuance of such insurance shall be filed with the Director before a permit is issued. All such verifications of insurance shall provide for a thirty (30) day cancellation notice to the Director.
 - c. Submit for approval a traffic plan to use for routing the vehicles that transport the reclaimed water.

- d. Provide any additional information requested by the Director.
- (3) Before a permit is issued, each vehicle must satisfactorily pass CITY inspection and meet the following requirements:
- a. The business name, telephone number and address of applicant shall be permanently displayed on both sides of the vehicle in letters of a minimum height of three (3) inches, in a color contrasting to their background. An address is sufficient if it states city and state. If applicant's business is not within a municipality, the name of the county and state will be sufficient.
 - b. The vehicle shall display current state vehicle registration tags and inspection certificate.
 - c. The vehicle shall be clean and odor free.
- (4) Before a permit is issued, each Container Unit the applicant proposes to use shall meet the following requirements:
- a. Container Units or tanks shall have a minimum capacity of one thousand (1000) gallons, shall be capable of being closed water tight and shall be so closed during transport of Reclaimed Water; and shall be maintained in a leak-proof condition. Special permits may be issued for Container Units with a capacity of less than one thousand (1000) gallons upon the determination by the Director that all other Container Unit specifications herein required have been met and that the particular Container Unit does not create an increased risk to the public health and safety.
 - b. Container Units shall be identified by labels or signs such as "CAUTION – RECLAIMED WATER DO NOT DRINK" in English and Spanish, similar to labeling required for exposed piping or as in Section 86-38 (f)(4) above. Labels or signs shall be placed, on both sides of container and rear end of container, so that they can be seen readily by all operations personnel using the vehicle and Container Unit.
 - c. Container units or tanks shall have an air gap.
- (5) The permit holder may request a modification to the permit during the permit year to register additional vehicles or Container Units. A request to register additional vehicles or Container Units shall be made to the Director and at a minimum the permit holder shall:

- a. ensure that all vehicles or Container Units meet the requirements of Section 86-39 (c)(4); and
 - b. provide proof of liability insurance or self insurance for such additional vehicles in accordance with Section 86-39(c)(2)(b); and
 - c. remit the required permit fee for each additional Container Unit.
- (6) If the currently permitted transportation route is to be changed, the permit holder must submit the alternate route plan and obtain approval from the Director for the new traffic plan prior to commencement of use.
- (7) If currently permitted and desiring an alternate use area, the permit holder must submit desired alternate use area for approval from the Director prior to commencement of operational use.
- (8) A permit modification may not extend the term of the original permit.
- (9) Upon the filing of the required application, and payment of the permit fee for each Container Unit, the Director shall upon determination that the applicant and vehicles and Container Units are in compliance with all applicable provisions of this Section, issue a permit for each Container Unit.
 - a. The permit shall identify the particular Container Unit for which it is issued and shall be displayed in a prominent place upon the container unit.
 - b. Each Container Unit shall be separately permitted.
- (10) A permit shall be valid for one year unless suspended or revoked.
- (11) A permit shall not be transferable.
- (12) The City Council shall set a base annual fee for a permit, which shall include one Container Unit. For each additional Container Unit, there shall be an additional fee as set by the City Council.
- (13) The Director may deny the issuance of a permit if:
 - a. The applicant, a partner of the applicant, a principal in the applicant's business, or applicant's manager or operator has:
 1. within the five (5) years preceding the date of the application been convicted of a misdemeanor that is punishable by confinement and/or by a fine exceeding \$2,000.00, and

which relates directly to the duty or responsibility of transporting Reclaimed Water or liquid waste.

2. been convicted of a felony which relates directly to the duty or responsibility of transporting Reclaimed Water or liquid waste.
 - b. The applicant fails to provide evidence of liability insurance or self-insurance as required by this Section;
 - c. The applicant had a permit, that was issued under this Section, suspended or revoked within the twelve (12) months preceding the date of the application;
 - d. The application contains a false statement of a material fact;
 - e. The application or all required other information is incomplete;
 - f. The applicant's vehicles or Container Units submitted for inspection do not meet the criteria of this Section;
 - g. The applicant has not shown proof that the applicant and the applicant's drivers are qualified under this Section; or
 - h. The applicant has violated a provision of this Section within the preceding twelve (12) months.
- (14) An applicant whose permit is denied will be notified by the Director, in writing, of the denial and the grounds therefore. Such notice will be sent by certified mail, return receipt requested, to the mailing address listed on the application.
- (15) An applicant whose permit is denied may request a reconsideration within (10) days after service of the notice of denial.
- (16) A person who has been issued a permit by the Director shall comply with the following:
- a. A permit holder shall immediately notify the Director of any management changes in the business during the time the permit is in effect, and shall provide the Director with a photocopy of the new manager's or chief operating officer's driver's license;
 - b. A transporter shall deliver Reclaimed Water only to Users that have been approved by the Director and that have a Reclaimed Water Service Agreement on file with the CITY;

- c. The permit holder shall maintain insurance required by this Section and immediately notify the Director of any changes in its insurance carrier or policy, and insured status or self-insured status;
- d. The permit holder shall maintain all vehicles and Container Units registered under the permit in compliance with the requirements of this Section;
- e. The permit holder shall immediately notify the Director when it sells or otherwise disposes of a vehicle or Container Unit registered under the permit;
- f. A permit holder shall ensure that all of the permit holder's employees collecting and transporting Reclaimed Water in vehicles and Container Units registered under the permit remain sufficiently knowledgeable of such vehicles and Container Units, and of the Reclaimed Water User locations they service, so that they are able to collect and transport Reclaimed Water in a safe and competent manner; and
- g. The permit holder shall ensure that none of the vehicles registered under a permit exceed state weight limits while transporting Reclaimed Water.

(d) *Transporter Responsibilities.*

- (1) Before accepting a load of Reclaimed Water, a transporter shall determine whether the transporter's equipment is sufficient to properly handle the transportation without spillage or leaks.
- (2) A transporter shall not operate a vehicle for the transportation of Reclaimed Water or use Container Units that fail to meet the requirements of this Section.
- (3) A transporter shall deliver Reclaimed Water only to Users that have been approved by the Director and that have a valid Reclaimed Water Service Agreement.
- (4) A transporter shall not commingle Reclaimed Water with any other liquid or waste, including other sources of non-potable water.
- (5) All Container Units used to transport any other liquid or waste, including other sources of non-potable water, shall be cleaned and disinfected prior to being used to transport Reclaimed Water. Required cleaning and

disinfection procedures will be provided by the Director. Any deviation from the required procedures must be approved in writing by the Director.

- (6) A transporter shall insure that Reclaimed Water is delivered to the approved User immediately, but not later than 12 hours following receipt of the Reclaimed Water from the CITY.
- (7) A transporter shall not discharge Reclaimed Water into the municipal sanitary storm sewer system, or into any ponds, streams or rivers.
- (8) Any excess Reclaimed Water shall be disposed of by discharging to a wastewater treatment system or wastewater collection system in compliance with all applicable permits or laws for such treatment or collection systems.
- (9) A transporter shall allow the Director and any authorized peace officer to inspect vehicles and Container Units registered under a permit, upon their request.
- (10) A transporter shall allow the Director and any peace officer to obtain samples of Reclaimed Water from the transporter's Container Units, upon their request.
- (11) A transporter operating under a CITY permit shall use a manifest system book consisting of three-part trip tickets, purchased from the Director for a fee established by the City Council, in the following manner;
 - a. Each manifest system book shall be used exclusively for a single vehicle.
 - b. A transporter will complete one (1) trip ticket for each individual delivery.
 - c. The transporter shall sign the original part of a trip ticket at the time of Reclaimed Water collection.
 - d. The transporter shall have the User sign the original part of the trip ticket at the time the Reclaimed Water is delivered, and shall leave the first copy of the trip ticket with the User.
 - e. The transporter shall retain the second copy of the trip ticket for the transporter's own records.
 - f. The transporter shall deliver to the Director all completed original trip tickets no later than the tenth (10th) day of the month following the month in which they were completed.

- g. The transporter shall retain its copies of all trip tickets for a period of five (5) years, and shall make such copies available to the Director, upon request, for inspection at all reasonable times.

(e) *Offenses.*

- (1) A person commits an offense if the person engages in the transportation of Reclaimed Water and fails to comply with any provision of this Section.
- (2) A person commits an offense if the person operates or causes to be operated a vehicle transporting Reclaimed Water in Container Units not registered under a CITY Reclaimed Water Transportation permit.
- (3) A person commits an offense if the person operates or causes to be operated a vehicle transporting Reclaimed Water and fails to display to the Director or any peace officer upon demand, a copy of a valid CITY permit.
- (4) A person commits an offense if the person operates or allows to be operated a vehicle and/or containers which allows for the leakage or spillage of Reclaimed Water.

(f) *Grounds for Suspension or Revocation of Reclaimed Water Transportation Permit.* The Director may suspend a permit for up to six (6) months or may revoke a permit if the Director determines that:

- (1) The permit holder, a partner of the permit holder, a principal in the permit holder's business, a permit holder's manager or operator, or an officer of permit holder:
 - a. has within the five (5) years preceding the date of the hearing been convicted of a misdemeanor that is punishable by confinement and/or by a fine exceeding \$2,000.00, and which relates directly to the duty or responsibility in operating a Reclaimed Water transportation business; or
 - b. has been convicted of a felony which relates directly to the duty or responsibility in operating a Reclaimed Water Transportation business.
- (2) The permit holder failed to comply with any of the permit conditions stated in Section;
- (3) The permit holder or any agent or employee thereof failed to use the manifest system book in compliance with this Section, or to maintain manifests for five years, or to allow the Director to inspect the manifests;

- (4) The permit holder or any agent or employee thereof improperly disposed of Reclaimed Water;
 - (5) The permit holder or any agent or employee thereof commingled Reclaimed Water with any other liquid or waste, including other sources of non-potable water, in a CITY-permitted Container Unit;
 - (6) The permit holder or any agent or employee thereof refused or failed to allow the Director or a peace officer to inspect a Reclaimed Water transportation vehicle or Container Unit or obtain Reclaimed Water samples from a Container Unit; or
 - (7) The permit holder or any agent or employee thereof, within the twelve months preceding the hearing, was convicted of violating this Section.
- (g) *Reclaimed Water Transportation User Responsibilities.*
- (1) A User of Reclaimed Water delivered by vehicle shall submit a Reclaimed Water Service application and obtain approval for Reclaimed Water Service, per the requirements of this Article.
 - (2) A User of Reclaimed Water delivered by vehicle shall comply with all applicable User responsibilities of this Article.
 - (3) A User of Reclaimed Water delivered by vehicle shall sign the original of a City of Euless trip ticket prepared by a transporter operating under a CITY permit for all Reclaimed Water received on the User's premises from such transporter.
 - (4) The User shall note any significant discrepancies on each copy of the trip ticket.
 - a. Trip ticket discrepancies are differences between the quantity of Reclaimed Water on the trip ticket and the quantity of Reclaimed Water a User actually received
 - b. A significant discrepancy in quantity is any variation greater than fifteen percent (15%), measured in gallons.

- (h) *Additional Reclaimed Water Transportation Permit Holder Responsibilities.*
- (1) A permit holder shall immediately notify the Director in writing when the Reclaimed Water Transportation business is sold or ceases to operate.
 - (2) In addition to the written notification required in subsection (g)(1) above, when a Reclaimed Water Transportation business is sold or ceases to operate the permit holder shall immediately deliver to the Director:
 - a. All completed original trip tickets in the permit holder's possession;
 - b. All unused trip tickets in the permit holder's possession; and
 - c. The permit holder's permit(s).
 - (3) A permit holder commits an offense if the permit holder fails to provide notice to the Director as required by this Section.
 - (4) A permit for the transportation of Reclaimed Water shall be invalid upon the sale or cessation of operation of a Reclaimed Water Transportation business.

SECTION 2.

Chapter 86, "Utilities", Article II, "Water and Sanitary Sewer Systems", Division I "Generally," Section 86-26, "Rules, regulation, policies and procedures", be amended to hereby include 86-26(a) to read as follows:

Sec. 86-26. Rules, regulations, policies and procedures.

(a) The rules, regulations, policies and procedures for the operation, maintenance, improvements and extensions of the municipally owned water, reclaimed water and sewerage systems on file in the office of the city secretary are hereby adopted and shall be enforced by the officers of the city.

SECTION 3.

CUMULATIVE CLAUSE. This Ordinance shall be cumulative of all provisions of the City Code and other ordinances of the City of Euless, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 4.

SEVERABILITY CLAUSE. That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or sections.

SECTION 5.

PENALTY FOR VIOLATION. Any person, firm or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with Chapter 1, "General Provisions", Section 1-12, "General Penalty," Euless Code of Ordinances. Each instance of a violation of any provision of this ordinance is a separate offense.

SECTION 6.

SAVING CLAUSE. All rights and remedies of the City of Euless are expressly saved as to any and all violations of the provisions of the City Code or any other ordinances regulating water and sewer systems that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

PUBLICATION. The City Secretary of the City of Euless is hereby directed to publish in the official newspaper of the City of Euless, as required by Section 12 of Article II of the Charter of the City of Euless.

SECTION 8.

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as required by the City Charter and the laws of the State of Texas.

PRESENTED AND GIVEN FIRST AND FINAL READING AND APPROVED at a regular meeting of the Euless City Council on the 25th day of February 2014 by a vote of ____ ayes, ____ nays, and ____ abstentions.

APPROVED:

ATTEST:

Mary Lib Saleh, Mayor

Kim Sutter, TMRC, City Secretary

APPROVED AS TO FORM:

Wayne K. Olson, City Attorney