# ORDINANCE NO. 2132007

**AN ORDINANCE OF THE CITY OF RIO VISTA, TEXAS, AMENDING ORDINANCE NO. 7202006 ESTABLISHING RULES AND REGULATIONS REGARDING SANITATION AND POLLUTION CONTROL OF THE AREAS IN PROXIMITY TO THE CITY OF RIO VISTA'S PUBLIC WATER SUPPLY WELLS.**

**WHEREAS,** the City of Rio Vista, Texas, owns and operates water supply facilities within the City Of Rio Vista, Including water wells and related facilities, which provide potable water to the residents of the City; and

**WHEREAS,** because maintenance of sanitary conditions around such Wells is vital to the protection of the Wells and to the protection of the health and safety of the residents of the City, the City Council deems it necessary and proper to establish rules and regulations governing the control of sanitary conditions around existing and future Wells and intake points; now, therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIO VISTA, TEXAS**

## Section 1. Purpose

A. This Ordinance sets forth uniform requirements for the use and construction of facilities in or on land within one hundred fifty feet (150') of the Wells in order to promote sanitary conditions in and around such Wells, to secure all such land from pollution hazards, and to enable the City to comply with all applicable state and local regulations

B. The objective of this Ordinance is to prevent certain uses and the construction of facilities in or on land surrounding the Wells, which might create a danger of pollution to the water produced from such Wells.

## Section 2. Definitions

Unless the content requires otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated :

A. *City Council* shall mean the City Council of the City of Rio Vista, Texas

B. *City* shall mean the City of Rio Vista, Texas

C. *Ordinance* shall mean this Ordinance Establishing Rules and Regulations Regarding Sanitary and Pollution Control of the Area in Proximity to the City's Public Water Supply Wells

D. *Person* shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, successors, or assigns.

E. *Well* shall mean the water wells owned and operated by the City, which are more specifically identified and described in the Exhibits attached hereto and made a part hereof.

**Section 3. Prohibited Activities**

The following activities are prohibited within the designated areas of land surrounding the Wells:

A. Construction and /or operation of any underground petroleum and/or chemical storage tank, liquid transmission pipeline, stock pen, feedlot, dump grounds, privy, cesspool, septic tank, sewage treatment plant, sewage wet well, sewage pumping station, drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems, solid waste disposal site, land on which sewage plant or septic tank sludge is applied, land irrigated by sewage plant effluent, septic tank perforated drain field, absorption bed, evapotranspiration bed, area irrigated by low dosage, low angle spray on-site sewage facility, military facility, industrial facility, liquid petroleum and petrochemical production, storage, and/or transmission facility, Class 1, 2, 3, and/or 4 injection well, pesticide storage and/or mixing facility, abandoned well, inoperative well, improperly constructed well of any depth, and all other construction or operation that could create an unsanitary condition is prohibited within, upon, or across all areas of land within a 150-foot radius of the Wells. For the purposes of this Ordinance, improperly constructed wells are those that do not meet the surface and subsurface construction standards for a public water supply.

B. Construction and/or operation of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically prohibited within, upon, or across any area of land within a 150 –foot radius of the Wells.

C. Construction of homes or building upon any area of land within a 150-foot radius of the Wells is permitted, provided the restrictions described in items A and B above are met.

D. Normal farming and ranching operations are not prohibited by this Ordinance; provided, however, livestock shall not be allowed within a 50-foot radius of the Wells.

**Section 4. Right of Entry**

City employees, or authorized representatives of the City, bearing proper credentials and identification, shall be permitted to immediately enter upon any premises located within a 150-foot radius of any Well to conduct any inspection or observation necessary to enforce this Ordinance.

**Section 5. Penalty**

Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $500.00 each day of violation shall constitute a separate offense.

**Section 6. Required Removal**

Any person who shall violate any provision of this Ordinance shall be required to remove the prohibited construction or potential source of contamination within 30 days after notification that they are in violation of this Ordinance

**Section 7. Superceding Regulation or Statute**

Whenever any applicable statute, regulation, or permit of any state, federal, or other agency, having jurisdiction over the subject matter of this Ordinance, is in conflict herewith, the stricter requirement shall apply, unless mandated otherwise.

**Section 8. Severability**

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair ,or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City Of Rio Vista, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**PASSED AND APPROVED on the first reading this 9 th day of January, 2007.**

**PASSED, APPROVED, AND ADOPTED on the second and final reading this 13 th day of February, 2007.**

**APPROVED:**

**Mayor**

**ATTEST:**

Brenda Marbut

**City Secretary**

# ORDINANCE NO. 19-6-11

AN ORDINANCE PROHIBINTING AND REGULATING WEED, GRASS, BRUSH AND RUBBISH IN THE CITY LIMITS OF THE CITY OF RIO VISTA OF RIO VISTA., TEXAS PROVIDING FOR NOTICES, PROVIDING FOR PROCEDURES AND HEARINGS BEFORE THE CITY COUNCIL: PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES: PROVIDING A PENALTY: REPEALING ORDINANCES IN CONFLICT HEREWITH AND DELCARING AN EMERGENCY.

THIS ORDINANCE TO SUPERCEDE ORDINANCES 94-1-15 , 93-11-16, & 19-5-14.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIO VISTA, TEXAS.

SECTION 1. WEEDS, GRASS, BRUSH AND RUBBISH DECLARED A NUISANCE.
It shall be unlawful for any owner, lessee, occupant, or any person in charge of any premises in the City to allow weeds, grass or brush to grow above the height of 10" (10 inches) upon the premises and trash or rubbish to create a fire hazard or to become injurious to the health of the Citizens of the City, and either condition is hereby declared to constitute a publice nuisence.

SECTION II. NOTICE OF FAILURE TO COMPLY.
If the Owner, Lessee, Occupant, or person in charge of premises with the the City shall fail to comply with the provisions of Section I or II, the City shall give notice to the Owner of the premises, informing him of his duty to comply with such requirements of Section I or II as may be necessary and appropriate in the particular case.
Such notice may be give by letter, mailed by certified or registered mail, return

receipt requested, to such Owner at his post office address, or by publication in a paper of general circulation in the City two (2) times within ten (10) consecutive days, if personal service may not be had or the Owner's address be not known. Such notice shall inform the Owner of his right to appeal to the City Council.

SECTION III. PROCEDURE ON APPEAL TO THE CITY COUNCIL.

If the Owner refuses to comply with the regulations of Section I or II, he shall have ten (10) days after service of such notice to appeal to the City Council by filing with the City Secretary notice of appeal and specifying the grounds therefor. The City Secretary shall, at the next meeting of the Council, transmit to the Council the findings of the City, a true copy of the notice to the Owner, a certification of it's serviceon the Owner, and the Notice of Appeal as filed by the Owner. An appeal shall stay all proceedings in the furtherance of the action appealed from from until a hearing onn the Appeal be had by the Council.

SECTION IV. HEARING BEFORE THE COUNCIL.

The City Council shall hear evidence and determine whether or not the growth of weeds, grass, or brush, or the acumulation of rubbish or trash, or both, is sufficient to constitute a nuisance: and if they so find, they may declare that the condition on the property constitutes a public nuisance, and shall order same removed by the Owner within five (5) days from the date notice is given.

SECTION V. ABATEMENT OF NUISANCE BY CITY.

If an Owner fails or refuses to comply with the provisions of this article on the notice given by the City and fails or refuses to excercise his right of appeal therefrom within the time prescribed therefor, or if he fails or refuses to comply with the order of the City Council on appeal, then such nuisance shall be abated by the City, and the

expense incurred, which shall include salary and wages of all employees, and reasonable charge for machinery, tools and vehicles used in abating such nuisance shall be a personal charge against the Owner of such premises and shall be assessed as lien against the property from which the nuisance was abated, and shall be due and payable to the City Tax Collector on or before the first day of March following the date at which such nuisance is abated. Failure to pay same when due shall cause the charge to bear interest from the date same is due at the rate of ten (10) per cent per annum.

**SECTION VI: PENALTY FOR FAILURE TO COMPLY.**

Failure of the Owner or Ocupant to cut weeds, grass or brush or remove trash or rubbish that is unsightly when notified to do so by the City under the provisions of this article, shall be punished by a fine in the amount of $100.00 each day, not to exceed $500.00 for each offense and each day that such nuisance shall continue after the time for abatement as herein set out shall constitute a separate offense.

**PASSED AND APPROVED THIS THE** 11th **DAY OF** June, **2019.**

**MAYOR**

**ATTEST:**

**CITY SECRETARY** **CITY ATTORNEY**

1-10-2021

COPY

## Maintenance of City Easements

Generally, a city receives easements, or rights to the use of others' property for limited purposes, from property owners and developers for streets, sidewalks, utilities, and other public rights-of-way. *See, e.g., City of Corpus Christi v. Unitarian Church of Christ of Corpus Christi*, 436 S.W.2d 923, 930 (Tex. Civ. App.—Corpus Christi 1968, writ ref'd n.r.e.). With streets and other dedications, the city does not usually gain ownership of the property itself, but only easements to use the property. The underlying property ownership is usually retained by the property owner who offers the dedication and easement, and the property owner retains a private easement that includes a right of access. *Dykes v. City of Houston*, 406 S.W.2d 176 (Tex. 1966); *State v. Meyer*, 403 S.W.2d 366, 370 (Tex. 1966).

Every city has broad nuisance authority as well as specific weedy lot authority, and many cities regulate the maintenance of city easements on private property, including the abatement of nuisance and weeds, to protect the safe use of the easement by the public. A city's authority to require maintenance of a property owner's land that is subject to an easement includes the ability to abate the nuisance, require abatement by the property owner, charge fines, and charge the property owner for abating the nuisance, such as cutting the grass. TEX. LOC. GOV'T CODE §§ 217.002; 217.022; 217.042; TEX. HEALTH & SAFETY CODE § 342.004.

If a city has an easement, the city has authority to maintain the easement in a way that protects the city's property rights while still allowing some use by the property owner. The easement holder also has the duty to maintain the easement. *Roberts v. Friendswood Dev. Co.*, 886 S.W.2d 363, 365 (Tex. App.—Houston [1 Dist.] 1994). Cities, even with their duty to maintain the easement, can require the landowner to maintain the easement because the landowner has a duty to keep his property free from nuisance and in a reasonably safe condition. See, e.g., TEX. LOC. GOV'T CODE ch. 217; TEX. HEALTH & SAFETY CODE § 3442.004; *State v. Meyer*, 403 S.W.2d 366 (Tex. 1966). Also, courts have held that the landowner also has his own easement as part of a right of way, which would give the landowner similar obligations to maintain the easement as the city. *See Meyer*, 403 S.W.2d 366. The city can enforce city and state nuisance law and require maintenance on the landowner's property regardless of the presence of a city easement. Also, a general law city can require a landowner to keep "weeds, unclean matter, or trash from the street, sidewalk, or gutter in front of the person's premises." TEX. TRANSP. CODE § 311.003. A city can also require the landowner to keep the sidewalk itself in good repair. *Id.*

In most cases, the city does not perform an unconstitutional taking of the landowner's property by requiring this maintenance. Abating, or requiring the abatement, of a nuisance does not necessarily constitute a taking even if some action is taken and property value could be viewed as diminished. *See Sheffield Dev. Co., Inc. v. City of Glenn Heights*, 140 S.W.3d 660, 670, 672 (Tex. 2004). First, the use of police power, such as nuisance abatement, must follow substantive due process principles and cannot be arbitrary and unreasonable. *City of San Antonio v. TPLP Office Park Prop.*, 218

S.W.3d 60, 64-65 (Tex. 2007). A city's ordinance requiring maintenance will be upheld if there is evidence that the ordinance is reasonably related to a legitimate government interest. *Id.* at 65. In the case of easement maintenance, the ordinance may require mowing of an owner's property, an action which is clearly related to the legitimate public interest of protecting the public's health and welfare. Because requiring the maintenance of a right of way easement is: (1) a reasonable use of police power; (2) does not require the use of property for a public purpose; and (3) does not diminish the value of the property, requiring a landowner to maintain his property is generally not considered a taking.

Occasionally, cities will receive the entire property interest in a street or other right of way as opposed to only receiving an easement, but the city still desires to require the abutting landowner to maintain the right of way. No authority exists under the Health and Safety Code or the Local Government Code for a city to require a property owner to maintain property that does not belong to the person, i.e. city property that is a right-of-way in which the landowner has no property interest. In the Transportation Code, cities are given some authority to charge the cost of streets and sidewalks to the property owners, but requiring property owners to put in sidewalks or streets occurs when the underlying property is still owned by the property owner. *See* TEX. TRANSP. CODE ch. 313. Requiring maintenance of city property may also be hampered by the city's nondelegable duty to maintain streets and by the possibility of unconstitutional takings. *See* TEX. TRANSP. CODE ch. 311; *Weaver v. City of Waco*, 575 S.W.2d 426, 429-30 (Tex. Civ. App.—Waco 1978); *see, e.g., DeSoto Wildwood Dev., Inc. v. City of Lewisville*, 184 S.W.3d 814 (Tex. App.—Fort Worth 2006); *Dolan v. City of Tigard.* 512 U.S. 374 (U.S. 1994).

# ORDINANCE 2020-1208

**AN ORDINANCE OF THE RIO VISTA CITY COUNCIL REGULATING FATS, OILS AND GREASE (FOG); ADOPTING A FEE; PROVIDING FOR CIVIL PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR NOTICE OF THIS ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Rio Vista, Texas (City) recognizes that the wastewater treatment capacity available to its residents is limited; and

**WHEREAS**, the City further recognizes that due to natural limitations, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted wastewater treatment facility for all purposes at all times; and

**WHEREAS**, pursuant to the Texas Water Code Section 26.176 and the regulations of the Texas Commission on Environmental Quality (TCEQ), it is advisable that the City adopt a Fats, Oils, and Grease plan (FOG); and

**WHEREAS**, the City has determined an urgent need in the best interest of the public to adopt this ordinance; and

**WHEREAS**, pursuant to the Texas Local Government Code Chapters 51 and 54, the City is authorized to adopt any such ordinances necessary to preserve and protect its wastewater resources; and

**WHEREAS**, the Rio Vista City Council desires to adopt a FOG ordinance for the City for nondomestic users of the City's wastewater treatment works; and WHEREAS, the Rio Vista City Council has determined that a FOG ordinance will be advantageous and beneficial to the citizens of the City and will protect the public health, safety, and welfare of its citizens.

**NOW THEREFORE, BE IT ORDAINED BY THE RIO VISTA CITY COUNCIL FINDS:**

**Section 1. Findings**

The recitals above are hereby found to be true and correct and are hereby adopted by the Rio Vista City Council and made part hereof for all purposes as finding of fact.

**Section 2. Applicability and Prohibitions**

The measures included in this FOG Ordinance ate intended to provide non-domestic users of the City's Publicly Owned Treatment Works (POTW) standards, education, and guidelines for grease interceptors to protect the public wastewater system for the City.

**Section I. Applicability and Prohibition**

(a) This ordinance shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW), as defined in Section II of this Ordinance.

(b) Grease traps or grease interceptors shall not be required for residential users.
(c) Facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service shall install, use, and maintain appropriate grease traps or interceptors as required in Section II of this Chapter. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels and motels, prisons, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption.
(d) No user may intentionally or unintentionally allow the direct or 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 into the environment.

**Section II. Definitions**
(a) Act means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
(b) BOD means the value of the 5-day test for Biochemical Oxygen Demand, as described in the latest edition or 'Standard Methods for the Examination of Water & Wastewater."
(c) COD means the value of the test for Chemical Oxygen Demand, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."
(d) EPA means the United States Environmental Protection Agency.
(e) Fats, oils, and greases (FOG) means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."
(f) Generator means any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.
(g) Grease trap or interceptor means 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 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. Grease traps and interceptors are also referred to herein as "grease traps/interceptors."
(h) Grease Trap Waste means material collected in and from a grease trap/interceptor 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.
(i) Indirect Discharge or Discharge means the introduction of pollutants into a POTW from any non-domestic source.
(j) Interference means a discharge which 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, or is a cause of a violation of the city's TPDES permit.

(k) **pH** means the measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base I 0) of the hydrogen ion concentration.

(l) **POTW or Publicly Owned Treatment Works** means a treatment works which is owned by a state or municipality as defined by section 502(4) of the Clean Water Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes and other conveyances that convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For purposes of this ordinance, the terms "sanitary sewer system" and "POTW" may be used interchangeably.

(m) TCEQ means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.

(n) Transporter means 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.

(o) TSS means the value of the test for Total Suspended Solids, as described in the latest edition of "Standard Methods for the Examination of Water & Wastewater."

(p) User means any person, including those located outside the jurisdictional limits of the city, who contributes, causes, or permits the contribution or discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources.

**Section III. Installation and Maintenance Requirements**

(a) Installations

1) 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 trap/interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.

2) Existing Facilities. Existing grease traps/interceptors must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these Model Standards, unless specified in writing and approved by the POTW. If required by the POTW, the Facility shall be required to install a grease trap/interceptor within one (1) year days of the effective date of notification.

3) Existing food processing or food service facilities that change in ownership, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist or where there is

an inadequately sized grease interceptor, shall be required to design, install, operate and maintain a grease interceptor in accordance with locally adopted plumbing codes, or other applicable ordinances. Grease interceptors shall be installed and inspected prior to the issuance of a certificate of occupancy and a health permit. If required by the POTW, the Facility shall be required to install a grease trap/interceptor within one (1) year of the effective date of notification.

4) All grease trap/interceptor waste shall be properly disposed of at a facility in accordance with federal, state, or local regulation.

(b) Cleaning and Maintenance

1) Grease traps and grease interceptors shall be maintained in an efficient operating condition at all times.

2) Each grease trap pumped shall be fully evacuated unless the trap 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 trap is fully evacuated within a 24-hour period, in accordance with 30 TEXAS ADMINISTRATIVE CODE §312.143.

(c) Cleaning

1) Grease trap self-cleaning operators must receive approval from the POTW annually prior to removing grease from their own grease trap(s) located inside a building, provided:

(A) the grease trap is no more than fifty (50) gallons in liquid/operating capacity;

(B) proper on-site material disposal methods are implemented (e.g. absorb liquids into solid form and dispose into trash);

(C) the local solid waste authority allows such practices;

(D) grease trap waste is placed in a leak proof, sealable container(s) located on the premises and in an area for the transporter to pump-out; and

(E) detailed records on these activities are maintained.

2) Grease trap self-cleaning operators must submit a completed self-cleaning request to the POTW for approval. The written request shall include the following information:

(A) Business name and street address;

(B) Grease trap/interceptor operator name, title, and phone number;

(C) Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease trap/interceptor; and

(D) Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.

3) Self-cleaners must adhere to all the requirements; procedures and detailed record keeping outlined in their approved application, to ensure compliance with this ordinance. A maintenance log shall be kept by self-cleaning operators that indicates, at a minimum, the following information:

(A) Date the grease trap/interceptor was serviced;

(B) Name of the person or company servicing the grease trap/interceptor;

(C) Waste disposal method used;
(D) Gallons of grease removed and disposed of;
(E) Waste oil added to grease trap/interceptor waste; and
(F) Signature of the operator after each cleaning that certifies that all grease was removed, disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all parts were replaced and in operable condition.

4) Violations incurred by grease trap self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.

(d) Cleaning Schedules

1) Grease traps and grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap/interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge.

2) Grease traps and grease interceptors subject to these standards shall be completely evacuated a minimum of every ninety (90) days, or more frequently when:
(A) twenty-five (25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils, or greases; or
(B) the discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the POTW; or
(C) if there is a history of non-compliance.

3) Any person who owns or operates a grease trap/interceptor may submit to the POTW a request in writing for an exception to the ninety (90) day pumping frequency of their grease trap/interceptor. The POTW may grant an extension for required cleaning frequency on a case-by-case basis when:
(A) the grease trap/interceptor owner/operator has demonstrated the specific trap/interceptor 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 POTW, or
(B) less than twenty-five (25) percent of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils, or greases.

4) In any event, a grease trap and grease interceptor shall be fully evacuated, cleaned, and inspected at least once every 180 days.

(e) Manifest Requirements

1) Each pump-out of a grease trap or interceptor must be accompanied by a manifest to be used for record keeping purposes.

2) Persons who generate, collect and transport grease waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:
(A) name, address, telephone, and commission registration number of transporter;
(B) name, signature, address, and phone number of the person who generated 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 the waste;
(E) date and place where the waste was deposited;
(F) identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
(G) name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;
(H) the volume of the grease 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 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 party before distribution of the manifest.
(C) One part of the manifest shall go to the receiving facility.
(D) One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.
(E) One copy of the manifest shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.
(F) One part of the manifest shall go to the local authority.

4) Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the POTW.

(f) Alternative Treatment
1) A person commits an offense if the person introduces, or causes, permits, or suffers the introduction of any surfactant, solvent, or emulsifier into a grease trap. Surfactants, solvents, and emulsifiers are materials which allow the grease to pass from the trap into the collection system, and include but are not limited to enzymes, soap, diesel, kerosene, terpene, and other solvents.

2) It is an affirmative defense to an enforcement of Section Ill. (f) (I) that the use of surfactants or soaps is incidental to normal kitchen hygiene operations.

3) Bioremediation media may be used with the POTW's approval if the person has proved to the satisfaction of the POTW that laboratory testing which is appropriate for the type of grease trap to be used has verified that:
(A) The media is a pure live bacterial product which is not inactivated by the use of domestic or commercial disinfectants and detergents, strong alkalis, acids, and/or water temperatures of 160F (71 C).
(B) The use of the media does not reduce the buoyancy of the grease layer in the grease trap and does not increase the potential for oil and grease to be discharged to the sanitary sewer.
(C) The use of the bioremediation media does not cause foaming in the sanitary sewer.
(D) The BOD, COD, and TSS discharged to the sanitary sewer after use of the media does not exceed the BOD, COD, and TSS which would be discharged if the product were not being used and the grease trap was being properly maintained. pH levels must be between 5 and 11.

4) All testing designed to satisfy the criteria set forth in Section III (f) (3) shall be scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD, COD, pH, and other pollutant levels shall use appropriate tests which have been approved by the Environmental Protection Agency and the Texas Commission on Environmental Quality and which are defined in Title 40, Code of Federal Regulations, Part 136 or Title 30, TEXAS ADMINISTRATIVE CODE §319.11. Testing shall be open to inspection by the POTW and shall meet the POTW's approval.

**Section IV. Schedule of Penalties**

(a) If the POTW determines that a generator is responsible for a blockage of a collection system line the generator shall owe a civil penalty of $1,000 for the first violation, $1,500 for a second violation, and $2,000 for the third violation within a two-year period. Continuous violations shall result in an increase in penalty by $500.
(b) Any person violating any of the provisions of this Ordinance shall be subject to a written warning for the first violation, a $1,000 civil penalty for the second violation, a $1,500 civil penalty for the third violation, and a $2,000 civil penalty for the fourth violation within a two- year period. Consistent violations will result in a $500 increase in civil penalty.
(c) Notice of violations and assessments of penalties made pursuant to this Ordinance shall be sent to the generator or account holder informing them of the violation and assessment of penalties. Notice provided herein shall be deemed delivered within three (3) business days after their placement with the United State Postal Service, hand delivery or courier.
(d) Administrative fees assessed pursuant to this Ordinance shall be added to a wastewater account holder's regular monthly utility bill from the City or be billed separately to the generator, as determined by the City. Any cost to

repair sewer lines, street or any other city property caused by not following this Ordinance will be billed to the generator according to the city fee schedule.

(e) Unpaid administrative fees related to the violation of this Ordinance shall incur late payment penalties in compliance with the City's fee schedule and may result in the termination of services.

**Section V. Repealer**

All orders, ordinances and resolution, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict;, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**Section VI. Severability Clause**

It is hereby declared to be the intention of the Rio Vista 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 unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such 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 Rio Vista City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section VII. Effective Date**

This ordinance shall become effective fourteen ( 14) days from the date of its passage. The City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the official newspaper for the city of Rio Vista, Johnson County, Texas, within ten (I 0) days of the date of its passage.

**Section VIII. Open Meeting**

It is hereby officially found and determined that the meeting in which this Ordinance is passed was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Section 551.041 and Section 551.043 of the Texas Government Code.

**PASSED AND APPROVED** on this the 8th day of Dec, 2020.

Tim Dalan, Mayor

**Attested to:**

Denise Nix, City Secretary

**Approved as to form:**

Bill Conover, City Attorney