

Ordinance amending the Code of Ordinances by adding Article XIX, Recycled Water to Chapter 55 to provide for recycled water service, recycled water rates, recycled water delivery; providing for penalties; providing for severance; and providing for publication.

WHEREAS, water reuse is an important component of our region's future water supply;

WHEREAS, the City of Corpus Christi has received authorization from the Texas Commission on Environmental Quality for the use and delivery of recycled water;

WHEREAS, the City Council adopted the Corpus Christi Water Conservation Plan which recommends implementation of numerous best management practices, including water reuse;

WHEREAS, City Council desires to adopt rates for recycled water service to be effective August 1, 2013;

WHEREAS, the City has completed a cost-of-service study for recycled water to determine how much it costs to serve recycled water users;

WHEREAS, the recycle water rate is intended to strive toward meeting the City's goals of providing incentives to encourage the use of recycled water; implementing the City's Water Conservation Plan recommendations to conserve water; and recovering from the recycled water user the costs to the City in order to provide recycled water to the recycled water user; and

WHEREAS, staff has calculated a recycled water rate that is fair, reasonable, and uniform in accordance with applicable law;

WHEREAS, with the start-up of the recycled water service rates anticipated in August 1, 2013, the City should adopt more specific terms and conditions and regulations for which recycled water may be provided to users within the City's recycled water service area as needed;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. The Corpus Christi Code of Ordinances is amended to add a new article titled "Article XIX, Recycled Water" to Chapter 55 as follows:

CHAPTER 55 UTILITIES

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ARTICLE XIX. RECYCLED WATER

DIVISION 1. IN GENERAL

Sec. 55 – 550. Purpose.

The purpose of this Article is to define the terms and conditions for which recycled water may be provided to users within areas approved for recycled water use.

Sec. 55 – 551. Definitions.

In this Article:

Approved Use means the use of recycled water as authorized by a recycled water agreement with the city.

Approved Use Area means a site authorized by law and designated approved in a recycled water agreement to receive recycled water for an approved use.

Chapter 210 refers to Chapter 210 of Title 30 of the Texas Administrative Code, titled "Use of Recycled Water," as amended.

Cross Connection means any physical arrangement where a potable water supply is actually or potentially connected with any non-potable water system, used water system or auxiliary water supply, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp cooler, air conditioning unit, fire protection system, or any other assembly which contains, or may contain, contaminated water, domestic sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change over assemblies, or other temporary or permanent assemblies through which, or because of which, backflow may occur are considered to be cross connections.

Department refers to the City's Wastewater Department.

Design Standard means a design criterion or standard issued or required by the City Engineer or the Texas Commission on Environmental Quality (TCEQ), or as provided under the City's Design Standards Manual, the City's Unified Development Code (UDC), or Chapter 210 of the Texas Administrative Code, as amended from time to time.

Director means the City Manager or designee, the Director of the City's Wastewater Department.

Delivery Main means a recycled water delivery main offsite that delivers recycled water to a user. A Delivery Main is constructed at the expense of the recycled water user and connects one or more users to a city delivery main of recycled water. Delivery Mains terminate at (1) the point of connection with a user's recycled water meter; and (2) the point of connection with the City's Delivery Mains. All Delivery Mains (including the recycled water meter connecting to a user's onsite recycled water main) accepted by the City become the property of the City at the time the City accepts the Delivery Main.

Drawings mean plans; working drawings; detail drawings; technical profiles, exhibits or sketches; typical cross sections; or reproductions that show locations, character, dimensions, or details of work related to a recycled water system and its components.

Offsite Facilities means any Delivery Main and as defined herein.

Onsite Facilities means any recycled water delivery or distribution lines on the user's side of the recycled water meter. Onsite recycled water mains are built by the user and subject to permitting, the City's regulations and inspection, and Chapter 210's minimum standards.

Point of Connection means a location where Offsite Facilities connect to Onsite Facilities and, unless otherwise set forth in the Recycled Water Agreement, is the point at the downstream end of the City's recycled water service.

Recycled Water means wastewater that is collected through a City-owned wastewater treatment plant and treated to a quality that meets or exceeds the TCEQ's authorization to the City and/or Chapter 210 requirements. Recycled Water is synonymous with the term "reclaimed water," as that term is defined under Chapter 210.

Recycled Water Delivery System means that system of pipes and related facilities for the delivery, use and sale of Recycled Water by the City or the City's contractors.

Recycled Water Service means the furnishing of Recycled Water to a user, through a metered connection, to Onsite Facilities.

Recycled Water Agreement means a standard agreement, between a user and the City that establishes the conditions and terms for delivery and use of Recycled Water.

Recycled Water Service Area or Service Area means the territory within the City and within its Extraterritorial Jurisdiction (ETJ).

Recycled Water Storage Facility means an impoundment or structural tank that receives and stores Recycled Water and complies with applicable requirements under Chapter 210.

TAC refers to the Texas Administrative Code.

TCEQ refers to the Texas Commission on Environmental Quality and its successor agencies.

UDC refers to the City's Unified Development Code.

User means a person who uses or receives Recycled Water pursuant to a Recycled Water Agreement with the City.

Wastewater Department means the City's Wastewater Department.

Water Department means the City's Water Department.

Water Right means a real property right to divert, use, or consume water flowing to, over, or under land.

Secs. 55-552—55- 554. Reserved.

DIVISION 2. RECYCLED WATER SERVICE

Sec. 55-555. Availability of Recycled Water Service.

(a) The Director may make Recycled Water available to persons who execute a Recycled Water Agreement with the City under the terms of this Article.

(b) The Director shall prescribe the method of operation and conditions of service.

(c) The City Engineer shall prescribe design requirements for recycled water facilities and the manner of construction.

(d) The Director may refuse to provide service for the following reasons:

- (1) Recycled Water Service would be detrimental to the potable water system;

- (2) the City's supply of treated wastewater is inadequate to meet the anticipated needs of the proposed use area;
- (3) required fees have not been paid;
- (4) Recycled Water Service to the area would not benefit the City;
- (5) the proposed use is inappropriate for Recycled Water; or
- (6) known safeguards are not in place to protect the public health or the environment.

(e) In determining whether to provide Recycled Water Service to an applicant, the Director may consider the following factors:

- (1) the existence of a Recycled Water Delivery Main adjacent to or near the premises of an applicant;
- (2) the applicant's offer to pay the cost of service extension; and
- (3) the applicant's intent to enter into the required Recycled Water Agreement.

Sec. 55-556. Provision of Recycled Water Service.

(a) Upon the Director's recommendation that the provision of Recycled Water is feasible, the City Manager or designee is authorized to execute a standard form Recycled Water Agreement with the City for the provision of Recycled Water to properties within the Recycled Water Service Area upon an application and agreement in compliance with this Article and other applicable laws and regulations.

(b) A person who requests Recycled Water Service from the City must file an application that meets the requirements of this Article, and must meet or exceed the minimum design, construction and operation standards for recycled water facilities.

Sec. 55-557. No grant or transfer of Water Right or ownership interest.

The delivery of Recycled Water by the City and the acceptance and use of the Recycled 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 Facilities.

Secs. 55-558—560- . Reserved.

DIVISION 3. REQUEST FOR RECYCLED WATER SERVICE

Sec. 55-561. Application for Recycled Water Service, determination of feasibility.

(a) The Director shall prescribe an application form for Recycled Water Service.

(b) To request Recycled Water Service, a person must own or manage the property for which the service is to be provided.

(c) An applicant for a subdivision plat, building permit, site plan, water service extension, or water connection within the service area may submit an application to use Recycled Water.

(d) A person must submit an application to the Director and agree to abide by all requirements for Recycled Water Service as described in this Article. If a person meets the requirements described herein, then that person must enter into a standard Recycled Water Agreement prior to the delivery of Recycled Water.

(e) The Director shall review each submitted application and investigate the proposed service, such investigation to include site visits, as is reasonably necessary to determine if such service is feasible.

Sec. 55-562. Proof of compliance with the minimum design and operation standards.

(a) A person making an application for Recycled Water Service shall submit the following information to the Director for his approval, prior to construction or retrofit of an onsite facility that will use or receive Recycled Water:

- (1) Design drawings and specifications which must be in compliance with the UDC, the Plumbing Code, Chapter 210, and other TCEQ regulations and applicable laws;
- (2) Design drawings and specifications must be in compliance with the City's Design Standards Manual issued by the City Engineer;
- (3) Drawings of the final installed onsite facility and the entire proposed use area;
- (4) Proof that the User will be compliant with Chapter 210, the UDC, and other city codes, rules and regulations, and that the User has the required backflow prevention assembly on the recycled water service line and sufficient air gap; and

- (5) Proof, as requested by the Director, that the User has sufficient Storage Facilities for the Recycled Water and will be in compliance with Chapter 210.

(b) The Director may issue written notice to the applicant to proceed with construction and/or retrofit upon satisfaction that the applicant meets or shall meet the minimum design and operation standards for Recycled Water Service.

(c) After completion of the construction or retrofit of the Onsite Facilities for Recycled Water Service, the applicant must make a written request for inspection by the City. The inspection shall include the cross connection control and an operational test.

(d) The Director shall grant the User approval of Recycled Water Onsite Facilities if:

- (1) the Director determines that the applicant meets the City's minimum design and operation standards; and
- (2) the system passes the inspection and the operational tests of the cross connection control.

Secs. 55-563—55-565. Reserved.

DIVISION 4. SYSTEMS AND CONSTRUCTION OF DISTRIBUTION MAINS

Sec. 55-566. Cross Connections with potable water mains prohibited.

(a) It shall be unlawful for any person to make or to maintain any Cross Connection or to allow any Cross Connection to exist at any place under the control of any person.

(b) Any switchover system potentially allowing use of potable water as a temporary substitute for Recycled Water if Recycled Water is not available shall be built to ensure that Recycled Water does not back flow into the potable water system.

(c) To ensure the complete separation of a User's onsite potable water system from the lines supplying Recycled Water, the City shall inspect or cause to be inspected by a third party contractor, the User's onsite potable water system prior to supplying Recycled Water. Any recommended piping modifications shall be completed prior to commencement of the Recycled Water Service. A re-inspection shall be conducted every year or as deemed necessary by the Director.

Sec. 55-567. Recycled Water Delivery Mains—Construction.

(a) Any person who desires the extension of Recycled Water Delivery Mains for the provision of Recycled Water Service shall bear all costs of extending the Delivery Main to the User's property line and comply with the City's policies and requirements as they relate to Recycled Water Service. The size of Delivery Mains are to be determined by the City, based on the User's expected recycled water consumption.

(b) The User shall install a water meter that meets or exceeds the Director's requirements.

(c) The City will not pay for Offsite Facilities improvements and infrastructure. The User shall dedicate to the City the Offsite Facilities improvements and infrastructure, that the City approves and accepts, and such Offsite Facilities improvements and infrastructure shall become the property of the City upon the City's acceptance of the dedication.

Sec. 55-568. Reserved.

DIVISION 5. RECYCLED WATER AGREEMENT

Sec. 55-569. Recycled Water Agreement.

(a) Upon approval of the Recycled Water Service Onsite Facilities, the applicant must execute a standard Recycled Water Agreement with the City to receive Recycled Water Service.

(b) The Recycled Water Agreement shall incorporate the requirements of this Article, Chapter 210, the UDC, the Corpus Christi Code of Ordinances, and any other terms and conditions prescribed by the City.

(c) The Recycled Water Agreement shall be reviewed periodically at a minimum of every five years and revised to be fully compliant with all TCEQ permits and regulatory requirements.

(d) Prior to delivery of Recycled Water, the applicant must sign the Recycled Water Agreement acknowledging that the applicant, as the User, is now responsible for Onsite Facilities and related activities; that the User shall comply with all applicable laws and regulations, including but not limited to Chapter 210.

(e) Every User shall agree to indemnify, hold harmless, and defend the City of Corpus Christi, its officers, agents, employees, representatives, consultants and contractors from and against any and all claims and actions, and all expenses incidental to the investigation of and defense of all claims and actions, based upon or arising out of damages or injuries to person or property in

any way related to or in connection with the use or delivery of Recycled Water and the operation and maintenance of the Onsite Facilities and related activities.

(f) Every User shall provide proof of and shall maintain in force a policy of comprehensive general liability insurance in the amount specified by the City's Risk Manager under Section 17-19; or shall maintain a policy of general business liability insurance in the same or greater amount with a contractual liability endorsement; and shall maintain any other policy set by law or the City's Risk Manager under Section 17-19. The City must be named as an additional insured on the general liability insurance policies by endorsement.

Sec. 55-570. Discontinuance of Recycled Water Service.

(a) The City may discontinue Recycled Water Service if the City Manager determines that continuing to provide Recycled Water Service would compromise the City's ability to comply with any law, rule, regulation, or order issued by TCEQ, the United States Environmental Protection Agency, the United States Department of Justice, or any other legal authority of competent jurisdiction.

(b) The Director may discontinue Recycled Water Service if a User:

- (1) violates the terms of the Recycled Water Agreement or this Article;
- (2) fails to pay any and all fees assessed on the User's water bill;
- (3) tampers with any facilities related to the service, including the meter;
- (4) cross-connects the Recycled Water System with a potable water source;
- (5) refuses to permit an authorized representative of the City to enter his or her premises to inspect the User's Recycled Water System; or
- (6) performs an act that the Director determines may be detrimental to the Water, Wastewater, or Recycled Water Systems, or detrimental to the health and safety of the public.

(c) A User shall pay for the Recycled Water provided by the City until the Recycled Water Service is properly disconnected.

(d) A User may not reconnect a discontinued service without the Director's approval.

(e) If a User reconnects a discontinued service without the Director's approval, the Department may remove the service and charge an additional fee.

(f) A User may apply for reinstatement of service after paying all fees or charges assessed.

(g) The Director shall charge a fee for reinstatement of Recycled Water Service.

Sec. 55-571. City's responsibilities.

(a) The City and its authorized agents, employees, or contractors are responsible for the operation, management, and control of the Offsite Facilities and the oversight of Recycled Water Service.

(b) The City shall:

- (1) Obtain necessary TCEQ authorizations for the offsite use of Recycled Water under Chapter 210;
- (2) Conduct recycled water quality assessments as may be required by Chapter 210; and
- (3) Have the right to take any action at such times that it deems necessary to safeguard the public health and safety.

Sec. 55-572. User's responsibilities.

A User shall:

- (1) be responsible for constructing the Onsite and Offsite Facilities, with an Onsite Facility service line or Delivery Main constructed to an established point of connection
- (2) be responsible for dedicating to the City the Offsite Facilities improvements and infrastructure after approval and acceptance of the improvements by the Director;
- (2) provide supervision of Onsite Facilities to assure compliance with this Article and the applicable cross connection control provisions of Chapter 210, the City Code, and the UDC.
- (3) provide access to Onsite Facilities at reasonable times for inspections by the City;
- (4) train all Onsite Facilities operations personnel consistent with the worker training and safety plan approved by TCEQ under 30 TAC 210 Section 210.4 (a)(4)(F), as amended; and

- (5) conduct all operations related to Recycled Water Service in compliance with this Article.

Secs. 55-573—55-575. Reserved.

DIVISION 6. RESERVED

Secs. 55-576—55-581. Reserved.

DIVISION 7. USE OF RECYCLED WATER

Sec. 55-582. Use of Recycled Water.

(a) Recycled Water may be used only as provided under Chapter 210, for the following purposes:

(c) A User may use Recycled Water only in locations and for uses as designated and approved in the User's executed Recycled Water Agreement.

(d) Each User of Recycled Water and action related to Recycled Water must comply with Chapter 210 and the provisions of this Article.

(e) Recycled Water Agreements are non-transferrable to subsequent property owners and/or users. Each User must enter into a Recycled Water Agreement for the provision of Recycled Water.

(f) Recycled Water used for cooling or processing must be discharged to a sanitary sewer, in compliance with all applicable permits and laws governing such discharges, or obtain written approval from the Director for any other proposed use, disposal or discharge of such water.

Sec. 55-583. General Requirements.

(a) Reuse of untreated wastewater is prohibited.

(b) The unauthorized use of Recycled Water is prohibited.

(c) Food crops that may be consumed raw by humans shall not be spray irrigated. Food crops including orchard crops that will be substantially processed prior to human consumption may be spray irrigated. Other types of irrigation that avoid contact of Recycled Water with edible portions of food crops are acceptable.

(d) There shall be no nuisance conditions resulting from the distribution, the use, and/or storage of Recycled Water.

(e) Recycled Water shall not be utilized in a way that degrades ground water quality to a degree adversely affecting its actual or potential uses.

(f) Recycled Water managed in ponds for storage must be prevented from discharge into waters in the state, except for discharges directly resulting from rainfall events or in accordance with a permit issued by TCEQ. All other discharges are unauthorized. If any unauthorized overflow of a holding pond occurs causing discharge into or adjacent to waters in the state, the User and the Director, as appropriate, shall report the noncompliance. A written submission of such information shall also be provided to the TNRCC/TCEQ regional office and to the Austin Office, Water Enforcement Section (MC-149), within five working days of becoming aware of the overflow. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

Sec. 55-584. Use of Recycled Water, irrigation; other water supply sources

(a) Recycled Water may be utilized in the irrigation systems if:

- (1) There is a written agreement between the City and the owner/operator of the irrigation system;
- (2) The User complies with Chapter 210;
- (3) There is no direct contact with edible crops, unless the crop is pasteurized before consumption;
- (4) The irrigation system does not spray water across property lines that do not belong to the User and/or irrigation system's owner;
- (5) The irrigation system is installed using purple components;
- (6) The domestic potable water line is connected using an air gap or a reduced pressure principle backflow prevention device and sufficient air gap in accordance with Title 30, Texas Administrative Code, Section 290.47(i); the City's Code of Ordinances, Unified Development Code, and Plumbing Code, any other applicable laws.
- (7) A minimum of an eight-inch by eight-inch sign, in English and Spanish, is prominently posted on/in the area that is being irrigated, that reads, "RECYCLED WATER - DO NOT

DRINK" and "AGUA DE RECUPERACIÓN - NO BEBER";
and

- (8) The backflow prevention on the Recycled Water supply line has sufficient air gap and complies with Chapter 210, the City's Code of Ordinances, the Unified Development Code, the Plumbing Code, and any other applicable laws.

(b) A person may not use or connect any alternative water supply sources, such as but not limited to gray water or harvested rain water without the prior written approval of the City's Water Director.

(c) A person commits an offense if that person uses or causes to be used Recycled Water or any other source or supply of water in violation of this section.

Sec. 55-585. Annual inspection; right of inspection of Recycled Water System Onsite Facilities.

(a) The User shall conduct an annual inspection of the Onsite Facilities, either through the City or through the use of a City-approved third party contractor.

(b) Additionally, the Director may inspect devices installed by the User to control the flow of Recycled Water and may remove, or secure such devices if installed in violation of this Article or any term of the Recycled Water Agreement.

(c) Director may inspect any offsite or Onsite Facilities, as well as use areas and adjoining property belonging to the User and shall be granted access, without prior notice to the User during normal business hours. If access is needed by the Director during non-business hours, the User shall allow access at a reasonable time upon a prior request by the Director.

(d) The User and his/her operators shall cooperate with the City and its authorized representatives and assist in performing inspections and operational tests.

(e) Any modifications to the User's Onsite Facilities must meet all criteria in this Article and is subject to inspection.

Sec. 55-586. Identification of recycled water Onsite Facilities.

A User must identify recycled water Onsite Facilities with signs having a minimum size of eight (8) inches by eight (8) inches posted at all storage areas and on all hose bibs and faucets, in both English and Spanish, the words "Recycled Water, Do Not Drink" or a similar warning in accordance with Section 210.25 of Title 30 of the TAC.

Sec. 55-587. Maintenance of recycled water service pipes.

All persons using Recycled Water shall keep their Onsite Facilities in good repair, so as to prevent leakage. Maintenance is the User's responsibility. All onsite transportation, holding and delivery facilities for Recycled Water shall comply with the standards of Chapter 210.

Sec. 55-588. Violations; prohibited uses.

(a) A person commits an offense if a person:

- (1) violates a provision of this Article or any applicable provision of the Texas Administrative Code, the Texas Water Code, or the Texas Health and Safety Code;
- (2) uses Recycled Water for a purpose not approved by this Article and/or authorized in the Recycled Water Agreement;
- (3) uses or applies Recycled Water for any purpose, including Approved Uses, by direct application or by windblown spray, to an area other than the Approved Use Area;
- (4) uses hose bibs or faucets on a Recycled Water System unless they are designed and installed to prevent connection to a standard water hose, as defined in Chapter 210;
- (5) allows any obstruction to impede access to meter boxes or other Onsite Facilities or Offsite Facilities;
- (6) gives, sells, trades, or transfers Recycled Water to another area without the prior written approval of the Director;
- (7) discharges airborne or surface Recycled Water from the User's property, other than to a wastewater treatment system or wastewater collection system, without notifying the City of its permit granted by TCEQ and authorizing the discharge;
- (8) interrupts Recycled Water Service in a portion of the City's system without the prior written approval of the Director;
- (9) stores or applies Recycled Water in such a way as to cause runoff or ponding. If such conditions occur, in addition to any other corrective action taken or required by law, the User shall immediately alter its method of application to prevent any further runoff or ponding;
- (10) tampers with, works on, or in any way alters or damages any part of the City's Recycled Water System. Tampering or work shall include, but is not limited to, opening or closing of

valves, or causing of any Recycled Water to flow from the system;

- (11) cuts into or makes any improper connection with the system;
- (12) causes or allows their Recycled Water System to have any Cross Connections (between two (2) or more water supplies), any illegal connections or tie-ins, or any discharge of Recycled Water into the public wastewater system;
- (13) takes or uses Recycled Water without payment;
- (14) removes or defaces any warnings, labels or signs pertaining to Recycled Water use;
- (15) commits an offense under applicable state law.

Secs. 55-589—55-590. Reserved.

DIVISION 8. RATES AND CHARGES.

Sec. 55-591. Establishment of rates and charges.

Rates and charges for Recycled Water Service are hereby established, based upon factors that include the cost to the City to provide Recycled Water Service, the savings to the City to be able to produce less potable water, and the value to the City to be able to implement longstanding city policies and goals related to water conservation and drought planning and management. Each User of Recycled Water shall pay a monthly charge for Recycled Water Service at the rates established under this Article.

Sec. 55-592. Periodic review of rates.

The City Council will periodically review the rates for Recycled Water Service and any proposed rate increases in accordance with applicable laws and regulations.

Sec. 55-593. Fees.

The City Council may adopt a schedule of fees to reimburse the City its costs to provide permitting and inspection services in connection with Recycled Water Service.

Sec. 55-594. Schedule.

Users shall pay a monthly charge for Recycled Water Service based on the amount of Recycled Water used by the User according to the following rates:

a. Recycled Water Rates

1. *Rate for Recycled Water.* The rate for Recycled Water is hereby set as follows:

Per 1,000 gallons	\$ 1.00

2. *Initial Service Rate for Recycled Water.* The rate for Recycled Water for the first twenty-four months that a User receives Recycled Water Service is hereby set as follows:

Per 1,000 gallons	\$ 0.75

Sec. 55-595. Calculation of quantity of Recycled Water delivered.

The amount of Recycled Water received by a User are based on monthly meter readings performed by the City.

Sec. 55-596. Inaccurate meter readings.

Should any meter fail to register correctly the amount of Recycled Water used by a User since the previous reading, the Department has a right to charge for Recycled Water Service on the basis of three month's average.

Sec. 55-597. Billing.

Bills for Recycled Water Service are due upon receipt and payable to the City of Corpus Christi, at the office of the Utility Business Office, 1201 Leopard Street, Corpus Christi, Texas, 78701.

Sec. 55-598. City-owned buildings and properties.

City-owned buildings and properties are exempt from charges for Recycled Water Service.

Secs. 55-599. United States Navy and the State of Texas Veteran's Cemetery.

The City Council has determined that charges for Recycled Water Service do not apply to facilities of the United States Navy or the Coastal Bend State Veterans Cemetery.

Secs. 55-600. Reserved.

DIVISION 9. RESERVED

Secs. 55-601—55-619. Reserved.

DIVISION 10. ENFORCEMENT

Sec. 55-620. Purpose.

(a) The purpose of this Division is to provide for the enforcement of this Article and other applicable provisions of state law.

(b) The Director is authorized to enforce this Article.

(c) The purpose of any fine imposed against a person under this Article is to penalize and deter non-compliance with this Article, the Texas Administrative Code, the Texas Water Code, the Texas Health and Safety Code, and other state law and to recover any economic benefit resulting from the non-compliance as the Director determines is appropriate. Specific statutory requirements include the Texas Administrative Code, Chapters 70 and 210; the Texas Water Code, Chapters 5, 7, 11-13, and 16; and the Texas Health and Safety Code, Chapters 341, 366, 369, 371, 374, and 401.

(d) This Article applies to any person who receives or uses Recycled Water, and all persons within the city limits of the City of Corpus Christi.

(e) If some part or parts of this Article cannot be interpreted as consistent with the Texas Water Code, the Texas Health and Safety Code, or the Texas Administrative Code, or where applicable parts of those statutes are not specifically included in this Article, the statutes shall control.

Sec. 55-621. Offenses, violations, and penalties.

(a) A person commits an offense if the person violates any provision of this Article or any applicable state law, including the Texas Administrative Code, the Texas Water Code, the Texas Health and Safety Code.

(b) A person violating any provision of this Article or any applicable state law shall be subject to the penalties as provided under Section 1-6 of this Code of Ordinances.

(c) The commission of a violation of each provision, and each separate violation thereof, shall be deemed a separate offense, in and upon conviction thereof, shall be fined as provided in Section 1-6 of this Code.

(d) If any person or a second person at the same location or premises, is found guilty of a second violation of this Article or any applicable state law, the Director shall be authorized to discontinue Recycled Water Service to the premises where such violation occurs.

(e) Cases filed under this section shall be expedited and given preferential setting in municipal court before all other cases.

(f) Any person who is the party to the Recycled Water Agreement and whose name is on file with the Director or the Utilities Billing Office as the User of the Recycled Water Service for the property where the violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on said premises shall constitute prima facie evidence that the User committed the violation, but said User shall have the right to show that he or she did not commit the violation.

(g) If any person fails to respond to a citation or summons issued for a violation of this Article within the time allowed, upon receipt of notice from the Director or a judge of the municipal courts, the Director is authorized to discontinue Recycled Water Service under the Recycled Water Agreement to the location or premises where such violation occurs.

Sec. 55-622. Authority to enforce.

The City Manager is authorized to make determinations necessary to effectuate the purposes of this Article.

The City Attorney and Assistant City Attorneys are authorized to ensure that this Article is properly and diligently enforced, to prosecute violations of this Article, to defend the legality of this Article if challenged, and to seek legal and/or equitable remedies for violations of this Article, including the filing of criminal charges. A legal proceeding pursued under this Article does not constitute a waiver by the City of any right the City may have to join in a legal action originating from an alternative source of law. The City may commence such actions for appropriate legal and/or equitable relief in courts having proper jurisdiction and may seek civil penalties and any other legal or equitable relief available under common law, V.T.C.A., Local Government Code Chapter 54, under V.T.C.A., Water Code § 26.124, or any other applicable local, state, or federal code or statute.

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SECTION 2. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that

every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

SECTION 3. Publication shall be made one time in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 4. Penalties are as provided in Section 1-6 of the Code of Ordinances.

ATTEST:

CITY OF CORPUS CHRISTI

Armando Chapa
City Secretary

Nelda Martinez
Mayor

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2013, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2013, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

PASSED AND APPROVED this the _____ day of _____, 2013.

ATTEST:

CITY OF CORPUS CHRISTI

Armando Chapa
City Secretary

Nelda Martinez
Mayor