

DIVISION 2. RECLAIMED WATER

Sec. 20.06.031. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this division, except where the context clearly indicates a different meaning:

Reclaimed water : Effluent owned or controlled by the city that is produced from the treatment of the city's wastewater through a wastewater treatment plant and treated to the standards required in 30 Texas Admin. Code § 210 et seq.

Reclaimed water system : The distribution, transmission and storage facilities designed to meet the requirements of 30 Texas Admin. Code § 210 et seq. as described in this division for the distribution of reclaimed water to users.

Users : Entities or individuals that purchase reclaimed water from the city through the city's reclaimed water system.

Sec. 20.06.032. Prohibitions.

- (a) It shall be unlawful to tap into, connect, or obtain reclaimed water from the reclaimed water system except in accordance with the terms of an executed reclaimed water use agreement with the city and this division.
- (b) It shall be unlawful to use reclaimed water in a manner that violates this division or the rules and regulations of the Texas Commission on Environmental Quality.

Sec. 20.06.033. Construction standards for reclaimed water system.

The reclaimed water system shall be constructed in accordance with the following standards:

- (1) Transmission lines. Any reclaimed water transmission lines shall be constructed with a minimum separation from potable waterlines of nine feet whenever possible. When it is not possible to maintain such separation, the reclaimed waterlines shall be constructed in accordance with 30 Texas Admin. Code ch. 290 concerning separation of potable and nonpotable water piping. A nondegradable warning tape shall be placed in the trench above the pipe to reduce the possibility of inadvertent connections. Pipe used for the construction of any additional reclaimed waterlines shall be purple, covered with a purple polywrap bag, or marked with purple tape. Construction plans for any additional reclaimed waterlines shall be submitted to the Texas Commission on Environmental Quality for review and approval in accordance with 30 Texas Admin. Code § 210.25(h).
- (2) Internal lines. Users shall be responsible for the design of any internal reclaimed water distribution piping or irrigation piping. The user shall design all piping in accordance with 30 Texas Admin. Code § 210.25.
- (3) Storage ponds. All reclaimed water storage ponds shall be designed and constructed in accordance with 30 Texas Admin. Code § 210.25(c).

Sec. 20.06.034. User responsibilities.

Reclaimed water users shall comply with the following requirements:

- (1) Users shall post signs at all storage areas, hose bibs, faucets and other points of access to the reclaimed water that comply with the requirements of 30 Texas Admin. Code 210.25b.
- (2) Users shall design all hose bibs, faucets, and valves in accordance with 30 Texas Admin. Code § 210.25a.
- (3) Users shall ensure that irrigation activities occur during times that will minimize the risk of inadvertent human exposure.
- (4) Users shall operate irrigation systems in a manner that will not cause any surface or airborne discharge of reclaimed water.
- (5) Users shall not operate irrigation systems when the earth is frozen or saturated with water.
- (6) Users shall utilize operational procedures for irrigation systems that will minimize wet grass conditions in unrestricted landscape areas during the periods the areas could be in use.
- (7) Users shall maintain transmission mains, storage pond, pumping facilities and internal irrigation piping beyond the point of delivery.
- (8) Users shall design a routine maintenance schedule that includes a routine check of the sprinkler heads, distribution piping, pumps, valves, and other mechanical equipment and shall conduct repairs as necessary. Preventive maintenance on all mechanical equipment shall be as specified by the manufacturer.

Sec. 20.06.035. Judicial enforcement remedies applicable to reclaimed water use.

- (a) Criminal penalty. Any person who has violated any provision of this division regarding the use of reclaimed water shall be strictly liable for such violation and shall, upon conviction, be subject to a fine of not more than \$2,000.00 per violation per day.
- (b) Pursuant to Texas Local Government Code section 552.0025, the compensation due to the city shall be a delinquent cost of providing utility services, and the city may impose a lien on the landowner's real property, unless the property is a homestead as protected by the state constitution.
- (c) Remedies nonexclusive. The remedies provided for in this division are not exclusive of any other remedies that the city may have under state or federal law or other city ordinances. The city may take any, all, or any combination of these actions against a violator. The city is empowered to take more than one enforcement action against any violator. These actions may be taken concurrently.
- (d) Supplemental enforcement action.
 - (1) Whenever a user has violated or continues to violate any provision of this division, reclaimed water service to the user may be severed. Service will only recommence, at the user's expense, after he has satisfactorily demonstrated his ability to comply.
 - (2) The misuse of reclaimed water in violation of this division is hereby declared a public nuisance and shall be corrected or abated as directed by the city public works director. Any person creating a public nuisance shall be subject to the provisions of this code governing such nuisances, including reimbursing the city for any costs, including but not limited to, attorneys fees and costs of court, incurred in removing, abating, or remedying said nuisance.

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- (3) In addition to prohibiting certain conduct by natural persons, it is the intent of this division to hold a corporation or association legally responsible for prohibited conduct performed by an agent acting on behalf of a corporation or association and within the scope of his office or employment.
 - (4) Any user that violates any provision of this division and thereby causes the city to violate a rule or regulation of the Texas Commission on Environmental Quality or any other state or federal agency, and as a consequence causes the city to incur any civil or criminal penalty, shall be liable to the city for the amount of any such civil or criminal penalty, as well as any costs of compliance with any order issued by the Texas Commission on Environmental Quality or any state or federal court and, additionally, any costs and/or attorneys fees incurred by the city in defense or compliance with such judicial or administrative action.

Secs. 20.06.036—20.06.060. Reserved.