CITY COUNCIL WORKSHOP
CITY OF BAY CITY

Tuesday, December 01, 2020 at 5:00 PM
COUNCIL CHAMBERS | 1901 5th Street

COUNCIL MEMBERS

Mayor: Robert K Nelson
Mayor Pro Tem: Jason W. Childers
Council Members: Brent P. Marceaux, Becca Sitz, Floyce Brown, Jim Folse

Bay City is committed to developing and enhancing the long-term prosperity, sustainability, and health of the community.

AGENDA

THE FOLLOWING ITEM WILL BE ADDRESSED AT THIS OR ANY OTHER MEETING OF THE CITY COUNCIL UPON THE REQUEST OF THE MAYOR, ANY MEMBER(S) OF COUNCIL AND/OR THE CITY ATTORNEY:

ANNOUNCEMENT BY THE MAYOR THAT COUNCIL WILL RETIRE INTO CLOSED SESSION FOR CONSULTATION WITH CITY ATTORNEY ON MATTERS IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT (TITLE 5, CHAPTER 551, SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE).

CALL TO ORDER

CERTIFICATION OF QUORUM

PUBLIC COMMENTS

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND / OR APPROVAL

1. **Discuss, consider, and/or review revisions to the City of Bay City, Texas Code of Ordinances, Chapter 114 "Utilities", providing rules and regulations in compliance with State law for efficient and safe operations of the City's utility water and wastewater systems.**
   Barry Calhoun, Public Works Director

2. **Discuss, consider, and/or review revisions to the City of Bay City Fee Ordinance, Chapter 18 "Aviation".**
   James Mason, Airport Manager

ADJOURNMENT

CERTIFICATION OF POSTING

This is to certify that the above notice of a Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on **Friday, November 27, 2020**

before 5:00 p.m. Any questions concerning the above items, please contact Mayor Robert K. Nelson at (979) 245-2137.

Chapter 114 - UTILITIES[1]

Footnotes:

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Charter reference— Public utilities, art. XIII.

State Law reference— Water and other utilities, V.T.C.A., Local Government Code 551.001 et seq.

ARTICLE I. - IN GENERAL

Secs. 114-1—114-18. - Reserved.

ARTICLE II. - ADMINISTRATION

Sec. 114-19. - Director of department of public works.

There is hereby created the office of director of the department of public works. The director shall be appointed by the ~~mayor~~ City Manager and confirmed by the city council. The director of the department of public works shall be the administrative officer of the utilities system. The director of the department of public works shall attend to and control the water supply and at all times see to the sufficiency thereof. He shall notify the community, unless emergency requires otherwise, of the necessity of shutting off any pipeline for the purpose of making repairs, extensions, connection, etc., should he know beforehand the necessity to so shut off the water from any line or lines of the system.

(Code 1985, § 30-1; Code 2000, § 114-1)

Sec. 114-20. - Penalty and costs of collection.

(a) Any person violating any of the provisions of this chapter is guilty of a Class C misdemeanor and, upon conviction, shall be fined not more than $2,000.00. Each day a violation of this chapter continues shall be a separate offense.

(b) In any suit under this chapter for enforcement or collection, the unsuccessful party shall be responsible for the city's reasonable attorney's fees, costs of court and other reasonable expenses.

(Code 1985, § 30-2; Code 2000, § 114-2)

Sec. 114-21. - Written agreement with customer.

The city may elect in the future to only provide city utilities to a customer who has executed a standard written agreement with the city to abide by all city utility ordinances as in effect or hereafter amended.

(Code 1985, § 30-3; Code 2000, § 114-3)

Sec. 114-22. - Water and sewer deposits.

The following deposit fees shall be effective:

(1) *Deposits.* See appendix B for fees, rates and charges.

(2) *Waiver of deposit.* Customers may apply to the ~~director of public works~~City Manager or his/her designee for a waiver of deposits which shall be based solely upon prior positive utility payment history with the city.

(3) *Outside of the city limits.* The deposit for customers outside of the city limits shall be two times the deposit for customers within the city.

(4) Deposits are refundable at the time service is disconnected; and will be applied first to any outstanding balance.

(5) The City shall refund security deposits for residential customers that have paid utility bills for 12 consecutive billings without having been delinquent.

(4) *Termination of service fees.*

a. *Reconnection fees.* Water service shall be terminated for nonpayment by closing the curbstop. If service to an account that has been terminated is restored without approval from the water department, the city may, at its sole discretion, pull or lock the meter for the discontinued service and charge a tampering fee. If the meter is damaged due to the service being restored without approval from the water department the customer shall be responsible for all repair costs. Water service shall not be restored after termination until all amounts due on the account have been paid, together with the required reconnection fee. The reconnection fee shall be as set out in appendix B, fee schedule.

b. *Required deposit.* The deposit amount required before restoring water service to any residential customer whose account with the city has been terminated in accordance with section 114-90 shall be as set out in appendix B, provided that the total of all deposits required under this section shall not exceed the amount set out in appendix B. ~~A homeowner will not be required to pay a deposit as set out in appendix B if the account has not been terminated in the previous 12 months.~~ Any commercial customer whose account with the city has been terminated in accordance with section 114-90 will be required to pay deposit as set out in appendix B, per occurrence of account termination, provided that the total of all deposits on the account shall not exceed an amount equal to an average of the previous three months of billing on the account.

(5) *Lien.*

a. Pursuant to V.T.C.A., Local Government Code ch. 552, there is hereby imposed a lien on each property that is served by the city's water and/or wastewater system to secure payment of delinquent municipal accounts. This lien does not attach to property that is a homestead as protected by the Texas Constitution. This lien shall not apply to bills for service connected in a tenant's name after notice by the property owner to the municipality that the property is rental property. This lien shall not apply to bills for service connected in a tenant's name prior to the effective date of the ordinance imposing the lien.

b. The ~~mayor~~ City Manager or his/her designee shall perfect the city's lien by recording a notice of lien in the real property records of Matagorda County, Texas, that includes:

1. The name of the owner of the property;
2. The name of the person who received the service, if different than the owner;
3. The legal description of the property;
4. The amount owed to the city, including penalty, interest, and collection costs; and
5. The type of service of which the payment is delinquent.

c. The city's lien shall be inferior to a bona fide mortgage lien that is recorded prior to the date the city's lien is recorded in the real property records of Matagorda County, Texas, but shall be superior to all other liens including previously recorded judgment liens and all liens recorded after the city's lien.

Commented [BC1]: The Fee Schedule does not identify a security deposit. Need clarification. Suggest removing this policy.

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(Code 1985, § 30-4; Code 2000, § 114-4; Ord. No. 1337, § V, 11-9-2006; Ord. No. 1625, 9-27-2018)

Sec. 114-23. - Statement of accounts furnished manager.

The ~~director of public works~~City Manager or his/her designee shall be furnished a statement monthly showing the status and conditions of all delinquent accounts and the deposits held thereon.

(Code 1985, § 30-5; Code 2000, § 114-5)

Sec. 114-24. - Tapping sewer and waterlines.

Only authorized employees of the city may make the actual sewer and water taps. It is a violation of this chapter for anyone to make an unauthorized tap and punishable as a Class C misdemeanor under section 114-20. The director of public works or his/her designate may authorize, but is not required by this section to authorize, a qualified contractor to make water and sewer taps to residential and commercial facilities, so long as such taps are inspected by the city and meet city specifications.

(Code 1985, § 30-6; Code 2000, § 114-6)

Sec. 114-25. - Sewer and water tap fees and surcharges.

(a) Sewer and water tap fees or quantity cost control capital recovery fees must be paid in full or a valid written contract executed with the city prior to the city connecting the customer into either the city's water or sewer system. If a ~~citizen~~ customer or user fails to pay any water or sewer tap fee, quantity cost control capital recovery fee or monthly payment as due, the city is authorized to immediately disconnect ~~him~~ the customer or user from both the city's water and sewer facilities though the ~~citizen~~ customer or user is only in arrears in ~~his~~ the customer's payment for one facility and not both water and sewer facilities.

(b) It is a violation of this article and a Class C misdemeanor to fail to pay tap fees prior to tapping into the water and sewer lines of the city.

(Code 1985, § 30-7; Code 2000, § 114-7; Ord. No. 1337, § VIII, 11-9-2006)

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Sec. 114-26. - Late payment fees.

A late payment fee is hereby fixed and required to be paid by all utility customers who have charges not paid by the fifth day after the statement due date. The late fee shall be as set out in appendix B, and shall be included in on the customer's utility billing statements. To avoid late charges, payment must be received in the utility billing and collections office located at city hall, (1901 5th Street) by 5:00 p.m. on the fifth day after the statement due date. Payments left in the night drop box after 5:00 p.m. on the fifth day after the statement due date shall be considered a late payment. Payments made online shall be posted when funds are actually received and are subject to late penalty if not timely received.

Note— Late payment fees for solid waste services shall remain under the purview of Ordinance No. 1374, passed and approved on September 14, 2009.

(Ord. No. 1442, § 3, 10-11-2012; Ord. No. 1625, 9-27-2018)

Sec. 114-27. - ~~Annual consumer price index adjustment~~Rate Changes.

~~On September 1st of each year, all rates and fees of the city's utility shall be adjusted by the average of the most recent prior 12 average of the annual consumer price index adjustment that has been posted by the United States Department of Labor, Bureau of Labor Statistics. This average CPI adjustment shall be calculated by the city's director of finance.~~ City Council approves by ordinance all rate or fee changes to the water, sewer, and garbage fees.

~~**Note** — Annual consumer price index adjustments for solid waste services shall remain under the purview of Ordinance No. 1374, passed and approved on September 14, 2009.~~

~~(Ord. No. 1442, § 4, 10-11-2012)~~

Secs. 114-28—114-53. - Reserved.

ARTICLE III. - WATER[2]

Footnotes:

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State Law reference— Water control, V.T.C.A., Local Government Code 551.001 et seq.

DIVISION 1. - GENERALLY

Sec. 114-54. - Service to premises outside city.

No premises located outside the city limits shall be furnished water by the city, unless the owner of such premises agrees to petition for annexation if the city requests him to do so. The owner of such premises shall be financially responsible for extending utilities to said premises.

(Code 1985, § 30-21; Code 2000, § 114-41)

Sec. 114-55. - Tapping charges.

(a) The tapping charges for connections with the city water mains and laterals shall be as set out in appendix B.

(b) If field verification is required to located City utilities, a fee shall be charged as set forth in Appendix B Fee Schedule.~~location is not provided to the city, then there will be an additional charge of $200.00 for the city to locate. Additional charges may apply for any locates longer than four hours.~~

(Code 1985, § 30-22; Code 2000, § 114-42; Ord. No. 1377, § II, 11-9-2006; Ord. No. 1625, 9-27-2018)

Sec. 114-56. - Service application.

(a) Any person desiring water service from the city, ~~waterworks system~~ shall make application therefor to the director of public works or his/her designate on forms provided for such purpose. The following information shall be required:

(1) The uses for which water is desired.

(2) The name of the person, or the owner of the premises, to be served.

(3) The location of the premises to be served, including the number of the lot and block, name of the street and the house number.

(b) Upon the approval of the application for water service, the director of public works or his/her designate shall issue a permit therefor.

(c) The City reserves the right to inspect plumbing on premises to which the connection is to be made and determine if it complies with all city ordinances, American Water Works Association (AWWA) standards, and Texas Commission on Environmental Quality (TCEQ) rules and regulations prior to opening new service.

(d) Any person knowingly furnishing the city with false or fraudulent information, shall be guilty of an offense and, upon conviction thereof, shall be fined as provided in section 114-20 of this Code. Each day that such violation continues shall constitute a separate offense and be punishable as such. This penalty shall be in addition to any other remedy, penalty or sanction provided for herein.

(Code 1985, § 30-23; Code 2000, § 114-43)

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Sec. 114-57. - Connection fees.

See appendix B for connection fees.

(Code 1985, § 30-24; Code 2000, § 114-44; Ord. No. 1337, § VI, 11-9-2006; Ord. No. 1442, § 1, 10-11-2012; Ord. No. 1625, 9-27-2018)

Sec. 114-58. - Notice of discontinuance by consumer.

Any person wishing to discontinue the use of water supplied from the city~~'s waterworks system~~ must give notice thereof to the ~~director of public works~~City Manager or his/her designee~~ate~~; otherwise, the charge will be entered until such notice has been given.

(Code 1985, § 30-25; Code 2000, § 114-45)

Sec. 114-59. - Taps.

Upon the payment of the required tapping fee, the director of public works or his/her designate shall make or cause to have made, the necessary connections for water service. Every premises connected to the waterworks system of the city, or otherwise being served thereby, shall have a separate service connection, ~~and,~~ curbstop, and box, ~~and curb cock~~. ~~Each separate consumer of water must have a separate connection and meter for each house; provided, however, that where a residence is not in reach of the waterworks system, arrangements may be made to secure water from another consumer of water upon City approval.~~

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(Code 1985, § 30-26; Code 2000, § 114-46)

Sec. 114-60. - Use of fire hydrants.

It shall be unlawful for any person to open or close any fire hydrant or end of the line blow off valve~~stopcock~~ connected with the city's waterworks system, or lift or remove the covers of any gate valve or shutoffs thereof, without the permission of the director of public works or his/her designate, except in case of fire, and then only under the direction of officers of the fire department.

(Code 1985, § 30-27; Code 2000, § 114-47)

Sec. 114-61. - Meters.

All meters~~, whether privately owned or belonging~~ connected to the City's waterworks system shall be set by the employees of the city. Privately owned meters shall be installed by a licensed contractor or plumber and shall be inspected by the City and meet City specifications. If the meter becomes defective and fails to register, the consumer will be charged at the average daily consumption, as shown by the meter when in order. All water that passes through the meter shall be charged for, whether used or not. All services shall be properly metered by a standard water meter, except for fire lines, which shall be metered by a city-approved leak detector meter. All meters shall be the property of the city and shall be kept in repair by the city.

(Code 1985, § 30-38; Code 2000, § 114-48)

Sec. 114-62. - Covering meters, boxes.

It shall be unlawful for any person to cover over or conceal from view any water valve box, service or meter box. The customer shall keep the space occupied by the meter and the meter box or vault free from rubbish, animals or obstructions of any kind. In the event the water meter box or vault is buried or obstructed, the department may give written notice to the customer requiring such person to uncover or remove obstructions from the meter box or vault within ~~14~~10 (~~fourteen~~ten) days of the notice. If the customer does not remove the obstruction, the city may remove the obstruction and charge the customer or property owner the city's cost for such work. If the customer or property owner fails to make payment, the city may file a lien against the property as provided in section 114-22(5) of this Code.

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(Code 1985, § 30-29; Code 2000, § 114-49)

Sec. 114-63. - Unauthorized resumption of service.

It shall be unlawful for any person to turn on the water supply to any building or to any supply pipe where the supply has been turned off for the nonpayment of the monthly water charge, an inactive account, or for the violation of any applicable ordinance or regulation. If it is determined by inspection of the utility department that terminated water service has been restored without such consent, the customer in whose name the account appears or the owner of the property, if the account is inactive, shall be assumed to have restored the water service and will be subject to penalties identified in the ordinance and fees identified in Appendix B Fee Schedule.

(Code 1985, § 30-30; Code 2000, § 114-50)

Sec. 114-64. - Drought contingency plan and water conservation plan adopted.

That the city drought contingency plan attached hereto the ordinance from which this section is derived as exhibit "A" and water conservation plan attached hereto the ordinance from which this section is derived as exhibit "B" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the city.

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(Code 2000, § 114-51; Ord. No. 1251, § 1, 8-26-1999; Ord. No. 1524, § 1, 11-20-2014)

Editor's note— Ord. No. 1524, § 1, adopted November 20, 2014 , amended § 114-64 to read as set out herein. Previously § 114-64 was titled drought contingency plan adopted.

Secs. 114-65—114-86. - Reserved.

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Sec. ~~144-65~~114-65 – Right of entry; time; purposes

Every person receiving water from the city shall, at all times, permit the city water employee, or other officer or agent of the city, to enter ~~his~~the premises or building to examine ~~his~~the pipes and fixtures, the manner in which the water is used and for the purpose of repairing, reading or testing the meters.

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Sec. ~~144-66~~114-66. – City's reserved rights; liability exemption

(a) *Shutting off all water; purposes.* The city reserves the right at any time to turn off the water in its mains for the purpose of cleaning, repairing or making any connections or extensions, or for the purpose of repairing machinery, reservoir or any part of the waterworks system.

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(b) *Exemption from liability.* The city shall not be liable for any damages on account of leakage or breakage of pipes on any premises.

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(c) *Proof of ownership.* Whenever ownership is a prerequisite to any right in this article, the city reserves the right to consider any reasonable proof thereof.

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(d) *Right to make other rules.* The city reserves the right to make such other rules and regulations as may be necessary for the preservation, protection and economical administration of its water system.

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Sec. ~~144-67~~114-67. – Control of water service connection

The city shall own and maintain that part of the water service connection extending from the main to the meter, including the service line, meter, meter box, vault enclosure, and attached electronic devices. No person may remove, repair or tamper with any of the elements of the water service connection except with the consent of the utility official. Violation of this section shall be punishable by a fine not to exceed $500.00. Provided, however, this section does not prohibit the resident or custodian of the property from shutting off the water at the meter if necessary, to prevent water loss due to frozen water pipes and other emergencies. All connections to the City's water system shall have a private shut off valve.

Sec. 114-68. - City's installation and maintenance.

(a) The city will install and maintain its lines and equipment on its side of the meter according to the city's design standards, but the city is not required to install or maintain any lines or equipment on the customer's side of the meter. If loss or damage to the property of the city is caused by the negligence or misuse of the customer, the customer is liable for the costs of repairs.

(b) The customer must protect the city's potable water supply by installing, operationally testing and maintaining backflow assemblies and methods as required, approved and accepted by the city.

Sec. ~~144-68~~114-69. – Customer's installation

(a) The customer is responsible for installing, providing, repairing, and maintaining all water service facilities located on the customer's side of the meter.

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(b) To receive city service, the customer must convey to the city any property rights necessary to extend the city's lines or extensions thereof or other equipment necessary or incidental to the supplying of service to the customer, without reimbursement from the city.

(c) The customer must maintain the premises so that city's agents have safe and unobstructed access to all portions hereof for the purpose of maintaining, removing, or replacing the city's property, reading meters, inspecting plumbing systems, and backflow methods and assemblies and other apparatus on new and remodeled installation, and all other purposes incident to the supplying of service to the customer.

(d) The customer's service connections are to be located at a point readily accessible to the city's service facilities. The service connection point is to be determined by the city, using the most direct route to city facilities, and the point may be relocated if deemed necessary by the city.

(e) All installations must conform with city plumbing, building, mechanical, energy conservation, fire, and electrical codes, and with any other city ordinance governing the customer's installation.

(f) Where and as required by the city's ordinance, backflow prevention assemblies, devices and methods must be installed, maintained and operationally tested by a licensed plumber or backflow assembly tester at the expense of the customer~~the customer~~, provided water service is directly or indirectly connected, or interconnected to the city's potable water distribution system.

(g) The customer will install and maintain operable a ~~city appointed~~ water ~~cut~~shut off valve ~~at an approved location~~ on the customer's side of the meter.

(h) If the customer's plumbing fixtures are lower than the castings onto the city's mains, the customer must install the necessary backflow protection equipment.

Sec. 114-~~69~~70. – Private water well

It shall be unlawful for any person to drill or repair any water well within the city limits or the extraterritorial jurisdiction of the city when city water is available if such property is situated within 300 feet of a city water main. In the event city water is not available, the Director of Public Works may issue a serviceability letter permitting the water well.

Sec. 114-~~70~~71. – Wellhead protection

(a) The following requirements have been adopted to prevent pollution of water pumped from the wellheads of city-owned wells, as set out below:

(1) It shall be unlawful for any person to construct a tile or concrete sanitary sewer, sewer appurtenance, septic tank, storm sewer, or cemetery within 50 feet of a city water well. With respect to sanitary or storm sewers, it is an affirmative defense to prosecution under this item (1) that the sanitary or storm sewer is located ten feet or more from the city water well, is constructed of ductile iron or PVC pipe that meets American Water Works Association standards, has a minimum working pressure of 150 psi or greater, and is equipped with pressure type joints.

(2) It shall be unlawful for any person to allow livestock in pastures within 50 feet of a city water well.

(3) It shall be unlawful for any person to construct an on-site sewage facility tank perforated drain field, tank absorption bed, or tank evapotranspiration bed, or to construct a petroleum or chemical storage tank or liquid transmission pipeline within 150 feet of a city water well.

(4) It shall be unlawful for any person to irrigate an area within 150 feet of a city water well with spray from an on-site sewage facility.

(5) It shall be unlawful for any person to construct a water well within 150 feet of a city water well unless the well complies with all applicable state regulations.

(6) It shall be unlawful for any person to construct a sewage wet well or sewage pumping station within 300 feet of a city water well.

(7) It shall be unlawful for any person to construct a drainage ditch for industrial waste or sewage treatment waste within 300 feet of a city water well.

(8) It shall be unlawful for any person to construct a sewage treatment plant, animal feed lot, or solid waste disposal site within 500 feet of a city water well.

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(9) It shall be unlawful for any person to apply sludge or effluent from a septic tank or sewage treatment plant on land with 500 feet of a city water well.

(10) It shall be unlawful for any person to drill an oil or gas well, including an injection well for recovery of oil or gas within 500 feet of a city water well.

(b) It is a defense to prosecution under subsection (a) of this section that the actor has obtained a variance in writing from the utility official. The utility official shall grant a variance upon a showing by the applicant that: (1) the facility or activity will not contaminate the groundwater, and (2) the facility or activity is not prohibited under any other provision of this Code.

(c) The department shall investigate existing facilities whether located within or without the distance requirements of subsection (a) and determine if those facilities are a pollution hazard to city well water. The department shall recommend acquisition of such facilities in the event the department determines that the facilities are a pollution hazard to city well water and the owner refuses to take action necessary to abate the pollution hazard.

(d) Any person who violates any provision of this section shall be guilty of an offense and upon conviction thereof shall be subject to a fine of not less than $500.00 nor more than $2,000.00 for each violation. Each day in which a violation occurs shall constitute a separate offense. In addition to criminal prosecution, the legal department may seek appropriate judicial remedies to protect city ground water from contamination.

Sec. 114-~~71~~72. – Misuse of water; damage to waterworks system.

(a) No person shall apply water furnished by the city to any use different from that named in the application or contract for water service, nor shall any customer supply water to other persons or to other families or permit them to take water, nor shall any person, after the water is introduced to any building or upon any property make any tap or connection upon such property for the purpose of altering, repairing, or making extensions or attachments to furnish water to other families on such property. Misuse of water also includes theft of water service, making an unauthorized connection, construction of a by-pass of the water meter or use of any other device or arrangement that would prevent the water meter from correctly measuring the customer's water supply from the city. Any waste or misuse of water shall be an offense.

(b) It shall be an offense for any person to use water from a connection to a city water main except through a meter properly measuring the flow.

(c) In any case of misuse of water or customer damage to any property of the city waterworks, the city will bill the customer for previously unbilled utility costs for all water not recorded on the meter, and any wastewater service based thereon. The city may also bill the customer for any other city costs, including personnel costs, incurred in investigating and correcting the unlawful use or damage to city property.

(d) The city may terminate a customer's utility service for any misuse or damage to city waterworks system.

(e) It is prima facie evidence that a person has misused water or tampered with the meter if the person is the customer or owner of the property and:

(1) Water is prevented from passing through the city's meter;

(2) The City's meter is prevented from correctly registering the quantity of water supplied to the property unless the faulty measurement is due to age, normal wear and tear or natural causes;

(3) Water is diverted or bypassed around the meter;

(4) The city's meter or service connection to the property is removed; or

(5) Wastewater is prevented or diverted from flowing from the property into the city's wastewater system.

Sec. 114-73. – Customer Service Inspection prior to connection, reconnection or transfer of service.

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Prior to the original connection, reconnection or transfer of water and/or sewer service to a tenant or property owner, the city at its option shall perform a Customer Service Inspection of the customer's private system and verify the integrity thereof. Any defects discovered in the private line shall be repaired by the property owner or his/her agent prior to obtaining the original connection, reconnection or transfer of city water and/or sewer service.

(Code 1985, § 30-143; Code 2000, § 114-203)

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DIVISION 2. - RATES AND CHARGES

Sec. 114-87. - Definitions.

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

Billing period means any period of 30 consecutive days during which period a consumer of the city waterworks system is billed.

Account Types:

~~*Commercial consumer* means any nonresidential enterprise; however, multi-unit buildings (e.g., apartment complexes) are considered to be commercial consumers.~~ *Residential- single family or single unit dwelling*

Multi-Family- means any residential housing consisting of two or more separate living units (one meter servicing multiple living units)

Non-Residential (Commercial)- all other uses, excluding single-family residential, multi-family residential and industrial

Industrial Customers- a user who has a reasonable potential to adversely affect the discharge process to the wastewater treatment plant

~~*Domestic consumer* means any building (customarily) used for residential purposes, excluding apartment complexes.~~

(Code 1985, § 30-46; Code 2000, § 114-76)

Sec. 114-88. - Schedule.

See appendix B for monthly rate schedules.

Sec. 114-88.1 Methodology for Utility Rates.

(a) Monthly Service Charges are fees for being connected to the water utility and vary based on the size of the meter. Consumption charges are billed separately.

1. Single -family residential customers will be billed monthly rate by meters size which includes 2,000 gallons of water.
2. Multi-Family customers will be billed a monthly rate based on meter size. Rates shall be the same as non-residential users (commercial).

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3. Non-Residential (Commercial) customers will be billed a monthly rate by meter size.

4. Irrigation meters shall be charged a per month charge based on meter size and type of rates (residential or commercial) shall be based on customer account type. No sewer charge shall be charged.

5. Fire Sprinklers shall be charged a per month charge based on meter size and type of rates (residential or commercial) shall be based on customer account type, No sewer shall be charged.

(b) Consumption Charges are based on monthly water consumption and may include rates that increase with higher consumption (known as conservation rates) or higher peak demand requirements that increase system costs. Consumption charges vary by account type.

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(Code 1985, § 30-47; Code 2000, § 114-77; Ord. No. 1337, § I, 11-9-2006; Ord. No. 1625, 9-27-2018)

Sec. 114-89. - Due date and payment.

All rates and charges for water service furnished or rendered by the city waterworks system to any consumer thereof shall be due and payable within ten days after the date the bill therefor was mailed. Such rates and charges shall be paid at the office of the water department.

(Code 1985, § 30-48; Code 2000, § 114-78)

Sec. 114-90. - Termination of service for nonpayment of charge.

If all rates and charges for water service furnished any consumer by the city are not paid within ten days after the billing date thereof, the city may cut off and discontinue water service to such consumer. In such event, such service shall not be reconnected and no further water shall be furnished such consumer until all past-due rates and charges have been paid in full.

(Code 1985, § 30-49; Code 2000, § 114-79)

Secs. 114-91—114-108. - ~~Reserved.~~Leased Properties

1) Accounts for Multi -Family Units shall be the responsibility of the property owner and the account shall be in the name of the property owner.

2) The City reserves the right to inspect property prior to activation of service.

ARTICLE IV. - SEWERS AND SEWAGE DISPOSAL[3]

Footnotes:

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State Law reference— General authority to enact rules regulating sewage disposal, V.T.C.A., Water Code § 26.176; municipal utilities, V.T.C.A., Local Government Code § 552.001 et seq.; sanitation and environmental quality, V.T.C.A., Health and Safety Code § 341.001 et seq.

DIVISION 1. - GENERALLY

Sec. 114-109. - Fees for sewer taps.

The tapping fees for connection to the city sewer system shall be as set out in appendix B, fee schedule.

(Code 1985, § 30-65; Code 2000, § 114-101; Ord. No. 1337, § IV, 11-9-2006; Ord. No. 1625, 9-27-2018)

Sec. 114-110. - Certain connections prohibited.

It shall be unlawful for any person to connect any cesspool or privy vault with any sanitary sewer or drain in the city.

(Code 1985, § 30-71; Code 2000, § 114-102)

Secs. 114-111—114-133. - Reserved.

Sec. 114-111. – Required connections to public sewers.

All owners of real property inside the city limits shall ascertain the availability of city sewer service for the owner's property. If such property is situated within 300 feet of a city sewer main, the owner shall within 60 days of notice from the department apply for a sewer tap permit and pay any fee due the city for the permit including Quantity cost capitol recovery fee if applicable. The connection must be completed six months after the date of the application for the permit, unless the utility official, because of extraordinary circumstances, grants additional time. After expiration of the six-month period, the department shall charge the owner's account for sewer service unless the utility official grants additional time.

During the same six-month time period the owner must also remove all septic tanks from the property, or in the alternative, may leave any tanks in place and fill them with sand or dirt after the waste has been removed. The owner must ensure all remediation is in accordance with requirements established by the department.

In addition to other remedies available to the department, in the event the owner fails to comply with this section, the department may terminate water service to the property. Provided, however, in the event the department terminates water service, it must provide notice to the owner.

Any person owning such property, who after notice from the department fails the comply with these requirements within the time period specified herein, shall be guilty of an offense punishable by a fine not to exceed $2,000.00. Each day the violation continues shall constitute a separate offense.

Sec. 114-112. – Metering water not furnished by city to determine charge.

Any customer discharging waste from any property or premises into the sanitary sewers of the city who has a private source of water supply or who receives the customer's water supply from a source other than the city shall install a meter of the type and standard approved by the department for the purpose of measuring the amount of wastewater discharged. Such meter shall be installed in a location approved by the department and accessible to the water meter readers of the city at all times during city business hours. The wastewater consumption indicated by such meter shall be the basis of determining the sewer charge provided for in this article, to be billed at the applicable rate as stated in section 114-134 of this Code.

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DIVISION 2. - RATES AND CHARGES

Sec. 114-134. - Schedule.

See appendix B for monthly rate schedules.

~~Sec. 114-XXX. – Metering water not furnished by city to determine charge.~~

~~Any person discharging waste from any property or premises into the sanitary sewers of the city who has a private source of water supply or who receives his water supply from a source other than the city shall install a meter of the type and standard approved by the department for the purpose of measuring the amount of wastewater discharged. Such meter shall be installed in a location approved by the department and accessible to the water meter readers of the city at all times during city business hours. The wastewater consumption indicated by such meter shall be the basis of determining the sewer charge provided for in this article, to be billed at the applicable rate as stated in section 114-134 of this Code.~~

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(Code 1985, § 30-86; Code 2000, § 114-126; Ord. No. 1337, § III, 11-9-2006; Ord. No. 1625, 9-27-2018)

Sec. 114-135. - Quantity cost capitol recovery fee (surcharge).

(a) *Authorization.* The director of public works, or his/her designate, is authorized to make additional sewer charges which will be designated as quantity cost capitol recovery fees to any customer who places into the sewer system any effluent which either:

(1) Is potentially harmful to the system or likely to create stoppage, require cleaning or reduce efficiency of the system or

(2) Requires, or is likely to require, additional treatment, observation or testing.

(b) *Quantity of effluent.* See appendix B for quantity cost capitol recovery fees.

(c) *For other applications or industrial wastes.* Quantities or qualities shall be reasonably substantiated by the director of public works or agreed upon in writing by the customer and the director of public works.

(d) *Quality of effluent.* If the quality of the effluent is other than domestic by definition, it shall be regulated by division 5 of this article.

(e) *Low-to-moderate income surcharge exemption.*

(1) *Homeowner financial eligibility.* Annual income, regardless of source, is based upon the United States Department of Housing and Urban Development Housing Assistance Program income guidelines.

(2) *Eligible deductions.* Only those deductions allowed by the United States Department of Housing and Urban Development Housing Assistance Program shall apply.

(3) *Legal eligibility.*

a. Homeowners of single-family structures shall only be eligible.

b. Homeowners must possess title to the property and improvements (fee simple or mortgage) for which the exemption is being sought.

c. The structure must be the homestead residence of the homeowner.

d. The structure must remain in the homeowner's possession for a year following the date of issuance of exemption.

(4) *Denial and appeal.*

a. Denial or exemption shall be the decision of the city and will be based on the guidelines listed under financial and legal provisions.

b. An appeal by the exemption applicant shall first be made to the director of public works and finally to the city council.

(Code 1985, § 30-87; Code 2000, § 114-127; Ord. No. 1337, § VII, 11-9-2006; Ord. No. 1625, 9-27-2018)

Secs. 114-136—114-153. - Reserved.

DIVISION 3. - USES

Sec. 114-154. - Definitions.

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

Approving authority means the ~~mayor~~ City Manager of the city, or his/her duly authorized representative.

Biochemical oxygen demand (BOD) means the quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees centigrade.

Building sewer means the extension from the building drain to the public sewer or other place of disposal (also called "house lateral" and "house connection").

Chemical oxygen demand (COD) means the measure of the oxygen-consuming capacity of inorganic and organic matter present in the water or wastewater, expressed in mg/l, as the amount of oxygen consumed from a chemical oxidant in a specific test but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

City means the City of Bay City, Texas, or any authorized person acting in its behalf.

Control manhole means a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

Control point means a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

Director means the director of public works (including water and wastewater) of the city, or his/her duly authorized deputy, agent or representative.

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

Industrial waste means waste resulting from any process of industry, manufacturing, trade or business from the development of any natural resource; or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater.

Industrial waste charge means the charge made on those persons who discharge industrial wastes into the city's sewerage system.

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

Natural outlet means any outlet into a watercourse, ditch, lake or other body of surface water or groundwater.

Normal domestic wastewater means wastewater, excluding industrial wastewater, discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than 250 mg/l and the BOD is not more than 250 mg/l.

Overload means the imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity.

Person includes the corporation, organization, government or governmental subdivision or agency, business trust, estate trust, partnership association and any other legal entity.

pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration.

Public sewer means pipe or conduit, carrying wastewater or unpolluted drainage, in which owners of abutting properties shall have the use, subject to control by the city.

Sanitary sewer means a public sewer that conveys domestic wastewater or industrial wastes, or a combination of both, and into which stormwater, surface water, groundwater and other unpolluted wastes are not intentionally passed.

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Slug means any discharge of water, wastewater or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration or flows during normal operation.

Standard methods means the examination and analytical procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater, as prepared, approved and published jointly by the American Public Health Association, the American Water ~~works~~ Works Association and the Water Pollution Control Federation.

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Storm sewer means a public sewer which carries storm and surface waters and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

Stormwater means rainfall or any other forms of precipitation.

Suspended solids means solids, measured in mg/l, that either float on the surface of or are in suspension in water, wastewater or other liquids, and which are largely removable by a laboratory filtration device.

To discharge includes to deposit, conduct, drain, emit, throw, run, allow to seep or otherwise release or dispose of, or to allow, permit or suffer any of these acts or omissions.

Trap means a device designed to skim, settle or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.

Unpolluted wastewater means water containing:

(1) No free or emulsified grease or oil;

(2) No acids or alkalis;

(3) No phenols or other substances producing taste or odor in the receiving water;

(4) No toxic or poisonous substances in suspension, colloidal state or solution;

(5) No noxious or otherwise obnoxious or odorous gases;

(6) Not more than an insignificant amount in mg/l each of suspended solids and BOD, as determined by the Texas Commission on Environmental Quality (TCEQ);

(7) Color not exceeding 50 units, as measured by the platinum-cobalt method of determination, as specified in the "standard methods."

Waste means rejected, unutilized or superfluous substances in liquid, gaseous or solid form, resulting from domestic, agricultural or industrial activities.

Wastewater means a combination of the water-carried waste from residences, business buildings, institutions and industrial establishments, together with any groundwater, surface water and stormwater that may be present.

Wastewater facilities includes all facilities for collection, pumping, treating and disposing of wastewater and industrial wastes.

Wastewater service charge means the charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater.

Wastewater treatment plant means ~~any city-owned facilities, devices and~~ structures used for the receiving, processing and treating of wastewater~~, industrial waste and sludges from the sanitary sewers~~.

Watercourse means a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

(Code 1985, § 30-112; Code 2000, § 114-151)

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Sec. 114-155. - Prohibited discharges.

(a) No person may discharge to the public sewers any waste which, by itself or by interaction with other wastes, may:

(1) Injure or interfere with wastewater treatment processes or facilities;

(2) Constitute a hazard to humans or animals; or

(3) Create a hazard in receiving waters of the wastewater treatment plant effluent.

(b) All discharges shall conform to the requirements of this division.

(Code 1985, § 30-113; Code 2000, § 114-152)

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Sec. 114-156. - Chemical discharges.

(a) No discharge to public sewers may contain:

(1) Cyanide greater than one mg/l;

(2) Fluoride other than that contained in the public water supply;

(3) Chlorides in concentrations greater than 250 mg/l;

(4) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas; or

(5) Substances causing an excessive chemical oxygen demand (COD).

(b) No waste or wastewater discharged to public waters may contain:

(1) Strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not;

(2) Fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit or (zero and 65 degrees Celsius);

(3) Objectionable or toxic substances exerting an excessive chlorine requirement to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority for such materials; or

(4) Obnoxious, toxic or poisonous solids, liquids or gases in quantities sufficient to violate the provisions of section 114-155(a).

(c) No waste, wastewater or other substance may be discharged into the public sewers which has a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel at the wastewater facilities.

(d) All waste, wastewater or other substance containing phenols, hydrogen sulfide or other taste- and odor-producing substances shall conform to concentration limits established by the approving authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal or other agencies with jurisdiction over discharges to receiving waters.

(Code 1985, § 30-114; Code 2000, § 114-153)

Sec. 114-157. - Heavy metals and toxic materials.

(a) No discharges may contain concentrations of heavy metals greater than the amount specified in subsection (b) of this section.

(b) The allowable concentrations of heavy metals, stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with the standard methods" for discharge to inland waters, are as follows:

Metal	Average	Not to Exceed Daily Composite	Grab Sample
Arsenic	0.1	0.2	0.3
Barium	1.0	2.0	4.0
Cadmium	0.05	0.1	0.2
Chromium	0.5	1.0	5.0
Copper	0.5	1.0	2.0
Lead	0.5	1.0	1.5
Manganese	1.0	2.0	3.0
Mercury	0.005	0.005	0.01
Nickel	1.0	2.0	3.0
Selenium	0.05	0.1	0.2

Silver	0.05	0.1	0.2
Zinc	1.0	2.0	6.0

(c) No other heavy metals or toxic materials may be discharged into public sewers without a permit from the approving authority, specifying the conditions of pretreatment, concentrations, volumes and other applicable provisions.

(d) Prohibited hazardous materials include, but are not limited to:

(1) Antimony;

(2) Beryllium;

(3) Bismuth;

(4) Cobalt;

(5) Molybdenum;

(6) Uranyl ion;

(7) Rhenium;

(8) Strontium;

(9) Tellurim;

(10) Herbicides;

(11) Fungicides; and

(12) Pesticides.

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(Code 1985, § 30-115; Code 2000, § 114-154)

Sec. 114-158. - Particulate size.

(a) No person may discharge garbage into public sewers, unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half inch in any dimensions are prohibited.

(b) The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater.

(Code 1985, § 30-116; Code 2000, § 114-155)

Sec. 114-159. - Stormwater and other unpolluted drainage.

(a) No person may discharge to the public sanitary sewers:

(1) Unpolluted stormwater, surface water, groundwater, roof runoff or subsurface drainage;

(2) Unpolluted cooling water;

(3) Unpolluted industrial process waters;

(4) Other unpolluted drainage; or

(5) Make any new connections from inflow sources.

(b) In compliance with the Texas Water Quality Act and other statutes, the approving authority may designate storm sewers and other watercourses into which unpolluted drainage described in subsection (a) of this section may be discharged.

(Code 1985, § 30-117; Code 2000, § 114-156)

Sec. 114-160. - Temperature.

No person may discharge liquid or vapor having a temperature higher than 150 degrees Fahrenheit (or 65 degrees Celsius), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten degrees Fahrenheit or more per hour, or a combined total increase of plant influent temperature to 110 degrees Fahrenheit.

(Code 1985, § 30-118; Code 2000, § 114-157)

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Sec. 114-161. - Radioactive wastes.

(a) No person may discharge radioactive wastes or isotopes into public sewers without the permission of the approving authority.

(b) The approving authority may establish, in compliance with applicable state and federal regulations, regulations for the discharge of radioactive wastes into public sewers.

(Code 1985, § 30-119; Code 2000, § 114-158)

Sec. 114-162. - Impairment of facilities.

(a) No person may discharge into the public sewers any substance capable of causing:

(1) Obstruction to the flow in sewers;

(2) Interference with the operation of the treatment processes of the facilities; or

(3) Excessive loading of the treatment facilities.

(b) Discharges prohibited by subsection (a) of this section include, but are not limited to, materials which exert or cause concentrations of:

(1) Inert suspended solids greater than 250 mg/l, including, but not limited to:

a. Fuller's earth;

b. Lime slurries; and

c. Lime residues;

(2) Dissolved solids greater than 500 mg/l greater than the concentration in the public water supply, including, but not limited to:

a. Sodium chloride; and

b. Sodium sulfate;

(3) Excessive discoloration, including, but not limited to:

a. Dye wastes; and

b. Vegetable tanning solutions; or

(4) Biochemical oxygen demand (BOD), Chemical oxygen demand (COD) or chlorine demand in excess of normal plant capacity.

(c) No person may discharge into the public sewers any substance that may:

(1) Deposit grease or oil in the sewer lines in such manner as to clog the sewers;

(2) Overload skimming and grease-handling equipment;

(3) Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the nonamendability of the substance to bacterial action; or

(4) Deleteriously affect the treatment process due to excessive quantities.

(d) No person may discharge any substance into the public sewers which is:

(1) Not amenable to treatment or reduction by the processes and facilities employed; or

(2) Amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.

(e) The approving authority shall regulate the flow and concentration of slugs when they may:

(1) Impair the treatment process;

(2) Cause damage to collection facilities;

(3) Incur treatment costs exceeding those for normal wastewater; or

(4) Render the waste unfit for stream disposal ~~or industrial use~~.

(f) No person may discharge into the public sewers solid or viscous substances which may violate subsection (a) of this section if present in sufficient quantity or size, including, but not limited to:

(1) Ashes;

(2) Cinders;

(3) Sand;

(4) Mud;

(5) Straw;

(6) Shavings;

(7) Metal;

(8) Glass;

(9) Rags;

(10) Feathers;

(11) Tar;

(12) Plastics;

(13) Wood;

(14) Unground garbage;

(15) Whole blood;

(16) Paunch manure;

(17) Hair and fleshings;

(18) Entrails;

(19) Paper products, either whole or ground by garbage grinders;

(20) Slops;

(21) Chemical residues;

(22) Plant residues; or

(23) Bulk solids.

(Code 1985, § 30-120; Code 2000, § 114-159)

Sec. 114-163. - Compliance with existing authority.

(a) Unless exception is granted by the approving authority, the public sanitary sewer system shall be used by all persons discharging:

(1) Wastewater;

(2) Industrial waste; or

(3) Polluted liquids.

(b) Unless unauthorized by the Texas Commission on Environmental Quality (TCEQ), no person may deposit or discharge any waste included in subsection (a) of this section on public or private property in or adjacent to any:

(1) Natural outlet;

(2) Watercourse;

(3) Storm sewer; or

(4) Other area within the jurisdiction of the city.

(c) The approving authority shall verify, prior to discharge, that waste, which is authorized to have discharges, will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments.

(Code 1985, § 30-121; Code 2000, § 114-160)

Sec. 114-164. - Approving authority requirements.

(a) If discharges or proposed discharges to public sewers may deleteriously affect wastewater facilities, processes, equipment or receiving waters; create a hazard to life or health; or create a public nuisance; the approving authority shall require:

(1) Pretreatment to an acceptable condition for discharge to the public sewers;

(2) Control over the quantities and rates of discharge; and

(3) Payment to cover the cost of handling and treating the wastes.

(b) The approving authority is entitled to determine whether a discharge or proposed discharge is included under subsection (a) of this section.

(c) The approving authority shall reject wastes when it determines that a discharge or proposed discharge is included under subsection (a) of this section.

(Code 1985, § 30-122; Code 2000, § 114-161)

Sec. 114-165. - Approving authority review and approval.

(a) If pretreatment or control is required, the approving authority shall review and approve the design and installation of equipment and processes.

(b) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.

(c) Any ~~person~~ customer responsible for discharges requiring pretreatment, flow-equalizing or other facilities shall provide and maintain the facilities in effective operating condition at ~~his~~ customer's own expense.

(Code 1985, § 30-123; Code 2000, § 114-162)

Sec. 114-166. - Requirements for grease traps and grease interceptors.

Section I. Applicability and Prohibitions

(a) This ordinance sets forth uniform requirements for domestic and nondomestic wastewater users of the Publicly Owned Treatment Works (POTW) for the City of Bay City, as defined in Section II of this Ordinance, and enables the city to comply with all applicable state and federal laws. ~~Discharges requiring a trap include:~~

~~(1) Grease or waste, containing grease in excessive amounts that will impede or stop the flow in the public sewers;~~

~~(2) Oil;~~

~~(3) Sand;~~

~~(4) Flammable wastes; and~~

~~(5) Other harmful ingredients.~~

(b) This ordinance works together with the city's building permit process through code enforcement and the city's pretreatment and general sewer use regulations to do the following:

- Authorize the implementation of a grease and grit trap/interceptor maintenance program;
- Authorize the establishment of minimum grease and grit trap size requirements and pumping schedules;
- Provide for inspections;
- Monitor compliance and enforcement activities;
- Establish administrative review procedures;
- Require user recordkeeping and reporting;
- Providing for the setting and allocation of fees; ~~Any person responsible for discharges requiring a trap shall, at his own expense and as required by the approving authority:~~

~~(1) Provide equipment and facilities of a type and capacity approved by the approving authority;~~

~~(2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and~~

~~(3) Maintain the trap in effective operating condition.~~

(c) The Public Works Department will have the primary role of administering and enforcing the interdepartmental implementation of this ordinance. Unless otherwise specified in this ordinance, the Director of Public Works, or his/her designated representative, shall administer, implement, and enforce the provisions of this ordinance.

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(d) 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.

(e) No user may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, nonbiodegradable 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.

(f) Any Grease trap and/or grit trap/interceptor lawfully in existence and in use, at the time of the adoption of this ordinance, shall be permitted to have their use and maintenance continued, if the use and maintenance is in accordance with the original design and no additional wastewater load is added to the trap, above the original design capacity and no hazard to life, health or property is created by such use.

(g) All references to Grease Traps or Grease Interceptors shall also apply to Grit Traps, as applicable.

Section II. Definitions

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(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) Best management practices (BMPs). Scheduling activities, prohibiting practices, enforcing maintenance procedures, and implementing other management practices to prohibit the introduction of any pollutant into a POTW, as described in 40 CFR Chapter I, Subchapter N, 403.5 (a)(1) and (b).

(c) BOD means the value of the 5-day test for Biochemical Oxygen Demand, as described in the latest edition of “Standard Methods for the Examination of Water & Wastewater.”

(d) 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.”

(e) EPA means the United States Environmental Protection Agency.

(f) 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."

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(g) Food processing/food service establishments (FPSEs) means any establishment that serves, prepares, and handles food whether it is on an occasional, temporary, or permanent basis.

(h) Generator means any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.

(i) 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."

(j) Grease Trap Waste means material collected in and from an 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.

(k) Grit means sediment such as sand, gravel, cinders, or other heavy materials.

(l) Indirect Discharge or Discharge means the introduction of pollutants into a POTW from any non-domestic source.

(m) 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.

(n) pH means the measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.

(o) 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 (City of Bay City). For purposes of this ordinance, the terms “sanitary sewer system”, “POTW”, “City”, or “City of Port Lavaca” may be used interchangeably.

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

(q) Transporter/Hauler 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, and is registered as a licensed grease and/or grit trap transporter/hauler with the City of Bay City.

(r) 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.”

(s) 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.

    i. Food processing or food service facilities (FPSEs) 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, maintain, and register with the City a grease trap/interceptor in accordance with the currently adopted plumbing codes and other applicable ordinances. Grease traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.

    ii. All permanent car washes and wash bays which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a car wash or wash bay, where such facility did not previously exist, shall be required to design, install, operate and maintain and register with the City a grit trap/interceptor in accordance with the currently adopted plumbing codes and other applicable ordinances. Grit traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.

2. Existing Facilities.

    i. Existing grease and/or grit 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.

3. Waivers.

    i. Waivers to new and existing facilities.

        1) Based upon a request by and consultation with the FPSE, the City may determine that the new FPSE or and existing FSPE is not a potential significant FOG discharger, in which case the City may grant a waiver from the required grease trap/interceptor license and installation.

        2) With the designation of a non-significant discharger waiver, the FPSE is required to implement FOG Best Management Practices (BMPs) and to install a wastewater discharge sample port for jar method grab sampling at the facility's own expense. The sample port shall be installed with ease of accessibility for city monitoring purposes, at the facility's own expense.

    ii. Existing facilities with space constraint waivers.

        1) The City may grant an exception to requiring FPSE or other entity to install a grease trap/interceptor if there is no feasible installation location, for example, infeasibility due to historical landmarks.

        2) In the event of this space-constraint type waiver, the city will changer an annual waiver fee, the FPSE discharger must implement FOG BMPs; and the FPSE must install a wastewater discharge sample port at the facility's own expense. The sample port shall be installed with ease of accessibility for city monitoring.

iii. Based upon inspection and/or monitoring of the facility, the City reserves the right to revoke or reevaluate a previously approved waiver.

iv. All waivers require a completed waiver form to be submitted and approved by the Director of Public Works.

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

i. Grease and/or grit trap/interceptor inspections: The City shall have a right of entry to inspect grease and/or grit trap/interceptors upon showing proper identification. City grease and/or grit trap/interceptor inspections will be unannounced and are to be performed at a minimum of once per year per installation.

ii. Cleaning and Maintenance.

1) Grease and/or grit trap/ interceptors shall be maintained in an efficient operating condition at all times.

2) Each grease and/or grit trap/interceptor 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.

iii. Self-Cleaning.

1) Grease and/or grit 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.

iv. 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.

v. 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.

vi. 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 III. (f) (1) 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 (71C).

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 Fees

(a) When the City grants a trap waiver due to space constraints and/or historical landmarks and requires a waiver fee, the FPSE shall pay an annual waiver fee of $200.00. The City Council shall make the final decisions with regard to authorizing a waiver.

Section V. Schedule of Penalties

(a) If the City 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 and may also result in termination of services.

(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 and may result in termination of service.

(Code 1985, § 30-124; Code 2000, § 114-163)

Sec. 114-167. - Requirements for building sewers.

Any ~~person~~ customer responsible for discharges through a building sewer carrying industrial wastes shall, at ~~his~~ the customer's own expense and as required by the approving authority:

(1) Install an accessible and safely located control manhole;

(2) Install meters and other appurtenances to facilitate observation sampling and measurement of the waste;

(3) Install safety equipment and facilities, including but not limited to, ventilation, steps, etc.) where needed; and

(4) Maintain the equipment and facilities.

(Code 1985, § 30-125; Code 2000, § 114-164)

Sec. 114-168. - Sampling and tests.

(a) Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works and determining in the existence of hazards to health, life, limb and property.

(Note: The particular analysis involved will determine whether a 24-hour composite sample from all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, biochemical oxygen demand (BOD) and suspended solids analyses are obtained from 24-hour composites of all outfalls. Where applicable, 16-hour, eight-hour or some other period may be required. Periodic grab samples are used to determine pH and oil and grease).

(b) Examination and analysis of the characteristics of waters and wastes required by this division shall be:

(1) Conducted in accordance with the latest edition of the standard methods; and

(2) Determined from suitable samples taken at the control manhole provided or other control point authorized by the city.

(c) Biochemical oxygen demand (BOD) and suspended solids shall be determined from composite sampling, except to detect unauthorized discharges.

(d) The city shall determine which users or classes of users may contribute wastewater which is of greater strength than normal domestic wastewater. All users or classes of users so identified shall be sampled for flow, BOD, TSS and pH as directed by the City~~t least annually~~.

(e) The city may select an independent firm or laboratory to determine flow, BOD and suspended solids if necessary. Flow may alternately be determined by water meter measurements if no other flow device is available and no other source of raw water is used.

(Code 1985, § 30-126; Code 2000, § 114-165)

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Sec. 114-169. - User charge system.

(a) Persons making discharges of industrial waste into the city's system shall pay a charge to cover all costs of collection and treatment.

(b) When discharges of any waste into the city's system are approved by the approving authority, the city or its authorized representative shall enter into an agreement or arrangement providing:

(1) Terms of acceptance by the city;

(2) Payment by the person making the discharge, in accordance with the sewer user charge system, as established in subsection (d) of this section;

(3) New sewer construction and sewer connection procedures and requirements shall be in accordance with chapter 98, subdivisions and section 22-266 (the plumbing code);

(4) A sewer application approved with connection fee paid; and

(5) Construction of sewer connections shall be approved by city inspectors prior to sewer use.

(c) The city will apply excess revenues collected from users of the wastewater treatment system to the wastewater system depreciation reserve.

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(d) The user charge system shall be computed annually, based on the following formula:

$$C_u = (C_t \div V_t) \times V_u$$

The symbols in the equation of this subsection are defined as follows:

C_u = User's charge for operation and maintenance costs of wastewater facilities of the city.

C_t = Total operation and maintenance costs of wastewater facilities of the city.

V_u = Total volume contributed from all users.

V = Total volume contributed from the user.

The annual rate, established by the formula, is set forth in division 5 of this article and will become effective on the 60th day following the close of the city's fiscal year.

(Code 1985, § 30-127; Code 2000, § 114-166)

Sec. 114-170. - Continuation of discharge of industrial waste.

A ~~person~~ customer discharging industrial wastes into public sewers prior to the effective date of the ordinance from which this division is derived may continue without penalty, so long as ~~he~~ the customer does not increase the quantity or quality of discharge without the permission of the approving authority.

(Code 1985, § 30-128; Code 2000, § 114-167)

Sec. 114-171. - Conditions of permits.

(a) The city may grant a permit to discharge to persons meeting all requirements of the savings clause, provided that the person:

(1) Submit an application within 60 days after the effective date of the ordinance from which this division is derived on forms supplied by the approving authority;

(2) Secure approval by the approving authority of plans and specifications for pretreatment facilities when required; and

(3) Has complied with all the requirements for agreements or arrangements, including but not limited to provisions for the:

a. Payment of charges;

b. Installation and operation of pretreatment facilities; and

c. Sampling and analysis to determine quantity and strength; and

(4) Provides a sampling point subject to the provisions of this division and approval of the approving authority.

(b) A person applying for a new discharge shall:

(1) Meet all conditions of subsection (a) of this section; and

(2) Secure a permit prior to discharging any waste.

(Code 1985, § 30-129; Code 2000, § 114-168)

Sec. 114-172. - Power to enter property.

(a) The director and other duly authorized employees of the city, bearing proper credentials and identification, are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this division.

(b) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security and fire protection.

(c) Except when caused by negligence or failure of the person to maintain safe conditions, the city shall indemnify the company against loss or damage to its property for personal injury or property damage asserted against the person and growing out of the sampling operation.

(d) The director and other duly authorized employees of the city, bearing proper credentials and identification, are entitled to enter all private properties through which the city holds a negotiated easement for the purposes of:

(1) Inspection, observation, measurement, sampling or repair;

(2) Maintenance of any portion of the sewerage system lying within the easements; and

(3) Conducting any other authorized activity.

All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.

(e) No person acting under the authority of this provision may inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point, having a direct bearing on the kind and source of discharge to the public sewers.

(Code 1985, § 30-130; Code 2000, § 114-169)

State Law reference— Entry powers and inspections, V.T.C.A., Water Code §§ 26.171, 26.173.

Sec. 114-173. - Authority to disconnect service.

(a) The city may terminate water and wastewater disposal service and disconnect an industrial customer from the system when:

(1) Acids or chemicals damaging to sewer lines or treatment processes are released to the sewer, causing accelerated deterioration of these structures or interfering with the proper conveyance and treatment of wastewater;

(2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment; or

(3) The customer:

a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;

b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;

c. Fails to pay monthly bills for water and sanitary sewer services when due; or

d. Repeats a discharge of prohibited wastes to public sewers in violation of sections 114-155 through 114-162.

(b) If service is disconnected pursuant to subsection (a)(2) of this section, the city shall:

(1) Disconnect the customer;

(2) Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and

(3) Continue disconnection until such time as the industrial customer provides pretreatment/additional treatment or other facilities designed to remove the objectionable characteristics from ~~his~~ customer's wastes.

(Code 1985, § 30-131; Code 2000, § 114-170)

Sec. 114-174. - Notice.

The city shall serve persons discharging in violation of this division with written notice, stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.

(Code 1985, § 30-132; Code 2000, § 114-171)

Sec. 114-175. - Continuing prohibited discharges.

No person may continue discharging in violation of this division beyond the time limit provided in the notice.

(Code 1985, § 30-133; Code 2000, § 114-172)

Sec. 114-176. - Violations and penalties.

(a) Any person violating any of the provisions of this division is guilty of a misdemeanor and, upon conviction, shall be fined not more than $2,000.00. Each day a violation of this division continues shall be a separate offense.

(b) The city council, by majority vote, may direct legal counsel to pursue an injunction or writ of mandamus or other valid legal remedy in district, state or appellate courts to enforce this division.

(c) In addition to proceeding under the authority of subsection (a) of this section, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of statutes or other ordinances against a person's continuing prohibited discharges.

(Code 1985, § 30-134; Code 2000, § 114-173)

Sec. 114-177. - Failure to pay.

In addition to sanctions provided for by this division, the city is entitled to exercise sanctions provided for by the other ordinances of the city for failure to pay the bill for water and sanitary sewer service when due.

(Code 1985, § 30-135; Code 2000, § 114-174)

Sec. 114-178. - Penalty for criminal mischief.

The city may pursue all criminal and civil remedies to which it is entitled under the authority of statutes and ordinances against a person negligently, willfully or maliciously causing loss by tampering with or destroying public sewers or treatment facilities.

(Code 1985, § 30-136; Code 2000, § 114-175)

State Law reference— Criminal mischief, V.T.C.A., Penal Code § 28.03.

Secs. 114-179—114-209. - Reserved.

DIVISION 4. - REPAIR OF SANITARY SEWER LEAKS ON PRIVATE PROPERTY

Sec. 114-210. - Responsibility and application.

(a) Maintaining the integrity of the city's sanitary sewer system shall be the responsibility of the director of public works or his/her designee for the city.

(b) This division applies to all customer sewer service lines on private property which flow into public lines in city streets, alleys and easements, including, but not limited to single-family or duplex residences, mobile homes and/or trailer parks, apartments, places of business, schools, hospitals, churches, structures of any kind, vacant buildings or vacant land.

(c) The customer shall be responsible for the installation, maintenance and repair of the sewer service line from the foundation of the house or commercial building to the sewer line owned by the city.

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(Code 1985, § 30-141; Code 2000, § 114-201)

Sec. 114-211. - Definitions.

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

Infiltration (as defined by the Federal Environmental Protection Agency) means the water entering a sewer system and service connections from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls.

Inflow (as defined by the Federal Environmental Protection Agency) means the water discharged into a sewer system and service connections from such sources as, but not limited to, roof leaders, cellars, swimming pool and/or spa drains, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers and combined sewers, catchbasins, stormwaters, surface runoff, and street washwaters or drainage.

Sanitary sewer means a public sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which stormwater, surface water, groundwater and other unpolluted wastes are not intentionally passed.

Sewer service line means the sewer from the foundation of the house or commercial building to the sewer line owned by the city.

Storm sewer means a public sewer which carries stormwater and surface waters and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

(Code 1985, § 30-142; Code 2000, § 114-202)

Sec. 114-212. -- Customer Service Inspection prior to connection, reconnection or transfer of service.

Prior to the original connection, reconnection or transfer of water and/or sewer service to a tenant or property owner, the city at its option shall ~~inspect~~ perform a Customer Service Inspection of the customer's private ~~sanitary sewer service line~~ system and verify the integrity thereof. Any defects discovered in the private line shall be repaired by the property owner or his/her agent prior to obtaining the original connection, reconnection or transfer of city water and/or sewer service.

(Code 1985, § 30-143; Code 2000, § 114-203)

Sec. 114-213. - Notification to property owners.

(a) The public works department of the city will notify in writing by registered mail, return receipt requested, each property owner on whose property a source of inflow or infiltration of water into the city's sanitary sewer system exists, as well as the nature and location of the sources. The property owner shall, within ten (10)~~three~~ calendar ~~months~~ days of date of notification, have the sources repaired at ~~his~~ the property owner's expense.

~~(b) A reminder notice will be sent in one month if the repairs have not been satisfactorily completed.~~

(~~c~~b) A cut-off notice will be sent on the eleventh (11th) day ~~in two months~~ if the repairs have not been satisfactorily completed.

(~~d~~c) Penalties provided for in this division ~~may~~ shall be enforced as set forth in this ordinance~~at the end of the third calendar month from the original notice~~.

(Code 1985, § 30-144; Code 2000, § 114-204)

Sec. 114-214. - Repairs by licensed plumber or homeowner; inspection and approval or disapproval by city.

(a) If the line in question is vitreous clay pipe and cannot be satisfactorily repaired, the property owner may be required to replace the entire private clay sewer service line with PVC pipe Schedule 40.

(b) All repairs must be made by a plumber licensed by the state or by a resident property owner. A resident homeowner may install or maintain plumbing and/or sewer equipment within ~~his~~ the property owner's own property boundaries, provided that the work is done by ~~himself~~ the property owner and used exclusively by ~~him or his~~the property owner and the property owner's family. Such privilege does not convey the right to violate any provision of this Code nor is it to be construed as exempting any such property owner from obtaining a permit and paying the required fees therefor. Both the plumber or owner must have a valid city plumbing permit for these specific repairs prior to work commencing. (See section 22-266, licensing and regulation of plumbers.)

(c) After the repair has been completed and before it has been covered, the city plumbing inspection department shall be notified to inspect and approve its adequacy and workmanship. If the city plumbing inspector leaves a green tag signifying a satisfactory repair, the plumber or owner may replace the cover.

(d) However, if the city plumbing inspector leaves a red tag, the plumber or owner must contact the designated city official on the red tag and correct the repairs as specified and then notify the city plumbing inspection department to reinspect the corrected repairs. No cover may be replaced until a green tag is attached to the repairs by the city plumbing inspection department. Otherwise, owner and/or plumber shall be required to excavate, and the city shall reinspect the repairs and if still defective, turn off water and/or sewer service.

(Code 1985, § 30-145; Code 2000, § 114-205)

Sec. 114-215. - Penalties for failure to make repairs.

(a) Should the property owner fail to make the necessary repairs within the ~~three-month~~ten (10) day period as set out in section 114-213, the city shall have the option of thereafter assessing a surcharge fee to ~~his~~ the property owner's monthly wastewater charge (the charge shall be determined by the city's existing formula for calculating domestic wastewater charges with exclusion of the 25,000 gallon maximum charge) or terminating water and/or sewer service to the property.

(b) If after exercising reasonable diligence, the city is unable to locate the property owner or his/her agent or the property owner or his/her agent refuses to make the necessary repairs, the city or its agent shall have the right to go on the land or property upon which the source of inflow or infiltration exists and make such repairs and inspection as provided in section 114-214. The owner of the

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property shall be liable to the city for the cost of such work and shall pay such cost upon demand, which cost may be included upon the property owner's next monthly wastewater charge with a reasonable service charge added for each month the bill remains unpaid or the city may cut off the water and/or sewer upon 30 days written notice to the customer.

~~(c) Within 30 days after notification that the water and/or sewer will be cut off, the customer may:~~

~~(1) Arrange with the public works department to extend his payout period without interest up to 60 months with such monthly payment added to his regular water/sewer bill; or~~

~~(2) Appeal to the city council for a hardship variance. Such appeal shall be submitted in writing to the mayor's City Manager's office for hearing at a regular scheduled council meeting.~~

(~~d~~c) If the property owner is unknown or does not pay the charge, the city shall file a lien upon the land for the cost of the repair and a fine for the extraneous water disposed of through the city's sanitary sewer system and wastewater treatment plant.

(Code 1985, § 30-146; Code 2000, § 114-206)

Sec. 114-216. - Appeals.

Appeals shall be according to the procedure as provided in section 2-267.

(Code 1985, § 30-147; Code 2000, § 114-207)

Secs. 114-217—114-240. - Reserved.

DIVISION 5. - USER CHARGE SYSTEM

Sec. 114-241. - Purpose and intent.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the citizens of the city to collect charges from all users who contribute wastewater to the city's public-owned treatment works (POTW). The proceeds of such charges so derived will be used for the purposes of operating, maintaining and the administration of the public-owned treatment works (POTW).

(Code 1985, § 30-155; Code 2000, § 114-231)

Sec. 114-242. - Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in this division shall be as defined in this section, in section 114-154 and/or as follows:

Commercial user means all retail stores, restaurants, office buildings, laundries and other private business and service establishments.

Director of public works means the director of public works (including water and sewer) of the city or his/her duly authorized deputy, agent or representative.

Governmental user includes legislative, judicial, administrative and regulatory activities of federal, state and local government.

Industrial user shall include any nongovernmental, nonresidential user of publicly owned treatment works, which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

(1) Division A: Agriculture, forestry and fishing;

(2) Division B: Mining;

(3) Division D: Manufacturing;

(4) Division E: Transportation, communication, electric, gas and sanitary; and

(5) Division I: Services.

Institutional user includes social, charitable, religious and educational activities, such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

Multifamily user means any contributor to the city's treatment works whose lot, parcel of real estate or building is used for domestic purposes by two or more users.

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Operation, maintenance and administrative means those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and for which such works were designed and constructed. The term "operation and maintenance" includes the term "replacement," as defined in this section.

Private water meter means a water-volume measuring and recording device, furnished, maintained and/or installed by or for a user and approved by the director of public works or his/her duly authorized deputy, agent or representative.

Public-owned treatment works (POTW) means any devices and systems for the storage, treatment, transport, recycling or reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These devices and systems include:

(1) The intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances;

(2) Extensions, improvements, remodeling, additions and alterations thereof;

(3) Elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities; and

(4) Any works, including the site acquisition of land that will be an integral part of the treatment process or is used for ultimate disposal of residue resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or

(5) Any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined stormwater and sanitary sewer systems.

Public water meter means a water-volume measuring and recording device furnished, maintained and installed by the city.

Replacement means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

Residential user means any contributor to the city's treatment works whose lot, parcel of real estate or building is used for domestic dwelling purposes only.

Shall is mandatory; *may* is permissive.

Useful life means the estimated period during which a treatment works will be operated.

User charge means that portion of the total wastewater service charge (billing) which is levied in a proportional and adequate manner for the cost of operation, maintenance, administration and replacement of the wastewater treatment works.

User charge calculation means the user charge system rate of the city, as calculated under section 114-169 and this division, exclusive of any monies for debt service or funds required to be generated by the wastewater system in addition to operation, maintenance and administration costs.

(Code 1985, § 30-156; Code 2000, § 114-232)

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Sec. 114-243. - Disposition of revenues.

(a) The revenues collected, as a result of the user charges levied, shall be credited to the utility general sewer receipts account, a separate nonlapsing account for the operation, maintenance and administration of the wastewater collection and treatment systems.

(b) Fiscal year-end balances in the operation, maintenance and administration sewer receipts fund shall be used for no other purposes than those designated. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and administration funds shall be returned to their respective accounts upon the appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rates shall be adjusted such that the transferred monies will be returned to their respective accounts within six months of the fiscal year in which the monies were borrowed. The city will apply excess revenues collected or deficits associated with the user charge to the cost of the operation, maintenance and administration attributable to that class for the next year and adjust the rate accordingly.

(c) Each user account of the wastewater treatment system will be notified at least annually, in conjunction with a regular sewer bill of the rate and that portion of the sewer bill user charges which are attributable to the operation, maintenance and administrative costs of the wastewater treatment system.

(Code 1985, § 30-157; Code 2000, § 114-233)

Sec. 114-244. - Rates.

(a) Each user shall pay for the services provided by the public-owned treatment works (POTW) based on ~~his~~ the customer's use of the treatment works, as determined by water meter readings (or other appropriate volume determinations) and then calculated in accordance with the user charge calculation in section 114-169(d) and approved by the director of public works or his/her duly authorized deputy, agent or representative.

(b) For residential and multiresidential units, industrial, institutional, governmental and commercial users, monthly user charges will be based on actual water usage (in accordance with the user charge calculation). If a residential or multiresidential unit, commercial, institutional or industrial user has a consumptive use of water or, in some other manner, uses water which is not discharged into the POTW, the user charge for that contributor may be based on readings of a wastewater meter or separate water meter (or other appropriate volume determination), installed and maintained at the user's expense and approved by the director of public works or his/her duly authorized deputy, agent or representative.

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(c) Each user shall pay a user charge rate for the operation, maintenance and administrative costs. Such rate shall be established annually in an amendment to sections 114-57, 114-134 and 114-135, establishing new utility rates.

(d) For those users whose wastewater has a greater strength than normal domestic sewage, a surcharge, in addition to the normal user charge, will be collected (Regulatory Citation, 40 CFR part 35.2140, section 301, of the Act). The surcharge for operation, maintenance and replacement shall be proportional to the strength of normal domestic wastewater.

(e) Any user which discharges any toxic pollutants (as defined in sections 114-154, 114-156 and 114-157) which cause an increase in the cost of managing the effluent of the sludge from the public-

owned treatment works (POTW), or any user which discharges any substance which, singly or by interaction with other substances, causes identifiable increases in the cost of the operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be determined by the director of public works or his/her duly authorized deputy, agent or representative.

(f) The user charge rates established by this section shall apply to all users of the public-owned treatment works (POTW).

(Code 1985, § 30-158; Code 2000, § 114-234)

Sec. 114-245. - Monthly report submitted by certain users.

All users contributing more than 1,500,000 gallons per month and/or whose water strength is greater than normal domestic wastewater shall prepare and file with the director of utilities a report that shall include pertinent data relating to the user's wastewater characteristics, including the methods of sampling and measurement, to obtain these data; and these data shall be used to calculate the user charge for that user. The director of public works or his/her duly authorized deputy, agent or representative shall have the right to gain access to the user's waste stream and ~~take his own samples~~collect samples as necessary. Should the director of public works do so, and should the results be substantially different, as determined by the director of public works, from the data submitted by the user, the user charge for that user shall be revised for the next available billing cycle/period.

(Code 1985, § 30-159; Code 2000, § 114-235)

Sec. 114-246. - Appeals; review by ~~mayor~~City Manager.

(a) Any user who feels ~~his~~ the user charge is unjust, in error or inequitable shall make appeal by written application to the office of the ~~mayor~~City Manager, requesting a review of ~~his~~ the user charge. Such written request shall show the actual or estimated average flow and/or strength of his wastewater in comparison with the value upon which the charge is currently based, including how the measurements or estimates were made.

(b) Review of the request shall be made by the ~~mayor~~ City Manager of the city or his/her duly authorized deputy, agent or representative; and, if substantiated, the user charges for that user shall be recomputed, based on the revised flow and/or strength data, and the charges shall be applicable to the next billing cycle/period.

(Code 1985, § 30-160; Code 2000, § 114-236)

Sec. 114-247. - Annual review of charges.

(a) The director of public works and the city finance director will review the user charges at least annually (Regulatory Citation, 40 CFR 35.2140(A), (B)) and recommend, based on the "user charge calculations," to the city council revisions necessary to ensure that adequate revenues are generated to pay the operation, maintenance and administrative costs; and that the system continues to provide for the proportional distribution of operation, maintenance and administrative costs, including replacement costs among users and user classes.

(b) Upon approval of the user charge rate by the city council, the director of public works shall notify each user (by public notice or other appropriate method) (Regulatory Citation, 40 CFR 35.2140) of any revisions to ~~his~~ the user charge rate for the operation, maintenance and administrative costs, including the replacement of the public-owned treatment works (POTW).

(Code 1985, § 30-161; Code 2000, § 114-237)

Sec. 114-248. - Severability; precedence of this division.

If any provision, section, subsection, sentence, clause or phrase of this division, or the application of to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining proportions or set of circumstances shall not be affected hereby, it being the intent of the city council in adopting this division that no portion thereof or provisions or regulation contained in this section shall become inoperative or fail by reason of an unconstitutionality; and all provisions of this division are declared to be reasonable. This user charge system division shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of sections 204(b)(1)(A) and 35.2140 of the Federal Clean Water Act.

(Code 1985, § 30-162; Code 2000, § 114-238)

Secs. 114-249—114-274. - Reserved.

ARTICLE V. - CROSS CONNECTION CONTROL POLICY

DIVISION 1. - GENERALLY

Sec. 114-275. - Definitions.

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

Air gap means a physical separation between the ~~free flowing~~free-flowing discharge end of a potable water supply pipeline and an open or nonpressure receiving vessel. An approved air gap shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel; in no case less than one inch. ~~(2.54 cm).~~

Approved.

(1) The term "approved," as used in this article in reference to a water supply, means a water supply that has been approved by the health agency having jurisdiction.

(2) The term "approved," as used in this article in reference to an air gap, a double check valve assembly, a reduced pressure principle backflow prevention assembly or other backflow prevention assemblies or methods means an approval by the administrative authority having jurisdiction.

Auxiliary water supply means any water supply on or available to the premises other than the purveyor's approved public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, harbor, etc., or used waters or industrial fluids. These waters may be contaminated or ~~polluted~~polluted, or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Backflow means the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources. See *Backsiphonage* and *Backpressure.*

Backpressure means any elevation of pressure in the downstream piping system (by pump, elevation of piping, or stream and/or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

Backsiphonage means a form of backflow due to a reduction in system pressure which causes a subatmospheric pressure to exist at a site in the water system.

Backflow preventer means an assembly or means designed to prevent backflow.

Chief ~~building inspector~~ executive officer of the public water system means the person in charge and invested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this article.

Contamination means an impairment of the quality of the water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, etc.

Cross connection means any unprotected actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross connections.

(1) The term "direct cross connection" means a cross connection which is subject to both backsiphonage and backpressure.

(2) The term "indirect cross connection" means a cross connection which is subject to backsiphonage only.

Cross connection control by containment. The term "service protection" means the appropriate type or method of backflow protection at the service connection, commensurate with the degree of hazard of the consumer's potable water system.

Cross connection, controlled, means a connection between a potable water system and a nonpotable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

Double check valve backflow prevention assembly means an assembly composed of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. (See Specifications, for additional details.) This assembly shall only be used to protect against a nonhealth hazard (i.e., pollutant).

Hazard, degree of, means either a ~~pollutional~~pollution (nonhealth) or contamination (health) hazard and is derived from the evaluation of conditions within a system.

Hazard, health, means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

Hazard, plumbing, means an internal or plumbing-type cross connection in a consumer's potable water system that may be either a ~~pollutional~~pollution or a contamination type hazard. This includes, but is not limited to cross connections to toilets, sinks, lavatories, wash trays and lawn sprinkling systems. Plumbing type cross connections can be located in many types of structures, including homes, apartment houses, hotels and commercial or industrial establishments. Such a connection, if permitted to exist, must be properly protected by an appropriate type of backflow prevention assembly.

Hazard, ~~pollutional~~pollution, means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to tile system or its appurtenances.

Hazard, system, means an actual or potential threat of severe danger to the physical properties of the public or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

Industrial fluids means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system,

~~pollutional~~pollution or plumbing hazard if introduced into an approved water supply. The term "industrial fluids may include, but not be limited to:

(1) Polluted or contaminated used waters;

(2) All types of process waters and "used waters" originating from the public potable water system which may deteriorate in sanitary quality;

(3) Chemicals in fluid form;

(4) Plating acids and alkalies;

(5) Circulated cooling waters connected to an open cooling tower and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances;

(6) Contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc.; and

(7) Oils, gases, ~~glycerine~~glycerin, paraffins, caustic and acid solutions and other liquid and gaseous fluids used industrially, for other processes, or for firefighting purposes.

Pollution means an impairment of the quality of the water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

Public water system means a system for the provision of water to the public as defined in Title 30 of the Texas Administrative Code, Section 290.38.

Reduced *pressure principle backflow prevention assembly* means an assembly containing two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a nonhealth (i.e., pollutant) or a health hazard (i.e., contaminant). This assembly shall not be used for backflow protection of sewage or reclaimed water.

Water, nonpotable, means a water supply which has not been approved for human consumption by the health agency having jurisdiction.

Water, potable, means any public potable water supply which has been investigated and approved by the health agency. The system must be operating under a valid health permit. In determining what constitutes an approved water supply, the health agency has final judgment as to its safety and potability.

Water, service connection means the terminal end of a service connection from the public potable water system (i.e., where the water purveyor may lose jurisdiction and sanitary control of the water at its point of delivery to the consumer's water system). If a water meter is installed at the end of (the service connection, then the service connection means the downstream end of the water meter.

Water, used, means any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water purveyor.

(Code 2000, § 114-261)

Sec. 114-276. - Purpose.

The purpose of this article is to:

(1) Protect the public potable water supply of the city from the possibility of contamination or pollution by isolating within the consumer's internal distribution system or the consumer's private water system such contaminants or pollutants which could backflow into ~~tile~~ the public water systems;

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(2) Promote the elimination or control of existing cross connections, actual or potential, between the consumer's in-plant potable water system and non-potable water system, plumbing fixtures and industrial piping systems; and

(3) Provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

(Code 2000, § 114-262)

Sec. 114-277. - Responsibility.

The chief ~~building inspector~~executive officer of the public water system shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the chief ~~building inspector~~executive officer of the public water system, an approved backflow prevention assembly is required at the ~~consumer's~~property owner's water service connection; or, within the ~~consumer's~~property owner's private water system for the safety of the water system, the chief ~~building inspector~~executive officer or his/her designated agent shall give notice in writing to ~~such consumer to~~ install such an approved backflow prevention assembly at a specific location on ~~his~~ the premises. The ~~consumer~~ property owner shall immediately install such an approved backflow prevention assembly at the ~~consumer's his~~property owner's own expense; and failure, refusal or inability on the part of the ~~consumer~~ property owner to install, have tested and maintained such assembly shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

(Code 2000, § 114-263)

Secs. 114-278—114-302. - Reserved.

DIVISION 2. - REQUIREMENTS

Sec. 114-303. - Water system.

(a) The water system shall be considered to be made up of two parts: The ~~water purveyor's~~public water system and the ~~consumer's~~ property owner's system.

(b) The ~~water purveyor's~~public water system shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under the complete control of the ~~purveyor~~public water system, up to the point where the ~~consumer's~~ property owner's system begins.

(c) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.

(d) The distribution system shall include the network of conduits used for the delivery of water from the source to the ~~consumer's~~ property owner's system.

(e) The ~~consumer's~~ property owner's system shall include those parts of the facilities beyond the termination of the ~~water purveyor's~~public water system's distribution system which are utilized in conveying potable water to points of use.

(Code 2000, § 114-286)

Sec. 114-304. - Policy.

No water service connection to any premises shall be installed or maintained by the ~~water purveyor~~public water system unless the water supply is protected as required by city laws and regulations and this article. Service of water to any premises shall be discontinued by the ~~water purveyor~~public water system if a backflow prevention assembly required by this article is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

(Code 2000, § 114-287)

Sec. 114-305. - Inspection.

The ~~consumer's~~ property owner's system should be open for inspection at all reasonable times to authorized representatives of the chief ~~building inspector~~executive officer of the public water system to determine whether unprotected cross connections or other structural or sanitary hazards, including violations of these regulations exist. When such a condition becomes known, the chief ~~building inspector~~executive officer or authorized representatives shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the ~~consumer~~ property owner has corrected the condition in conformance with the city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

(Code 2000, § 114-288)

Sec. 114-306. - Installation.

An approved backflow prevention assembly shall also be installed on each service line to a ~~consumer's~~ property owner's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line wherever the following conditions exist:

(1) In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source as determined by the chief ~~building inspector~~executive officer, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard.

(2) In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard. This shall include the handling of process waters and waters originating from the ~~water purveyor's~~public water system which have been subject to deterioration in quality.

(3) In the case of premises having:

a. Internal cross connections that cannot be permanently corrected or protected against; or

b. Intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist;

the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line.

(Code 2000, § 114-289)

Sec. 114-307. - Protective assembly required.

The type of protective assembly required under section 114-306 shall depend upon the degree of hazard which exists as follows:

(1) In the case of any premises where there is an auxiliary water supply as stated in section 114-306(1) and it is not subject to any of the following rules, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly.

(2) In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve backflow prevention assembly.

(3) In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.

(4) In the case of any premises where there are unprotected cross connections, either actual or potential, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly at the service connection.

(5) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross connection survey, the public water system shall be protected against backflow from the premises by either an approved air gap or an approved reduced pressure principle backflow prevention assembly on each service to the premises.

(6) In the case of premises with lawn irrigation systems, the public water system connected to lawn irrigation systems shall be protected against backflow by a pressure vacuum breaker or a reduced pressure principle assembly. A double check valve shall not be used. Where chemicals are introduced into the irrigation system, the public water system shall be protected against backflow by a reduced pressure principle assembly.

(Code 2000, § 114-290)

Sec. 114-308. - Backflow prevention standards.

1. Any backflow prevention assembly required in this article shall be a make, model and size approved by the chief ~~building inspector~~executive officer of the public water system. The term "approved backflow prevention assembly" means an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association entitled ~~A~~AWWA/ANSI C510-92 Standard for Double Check Valve Backflow Prevention Assemblies and AWWA/ANSI C511-92 Standard for Reduced Pressure Principle Backflow Prevention Assemblies and have met completely the laboratory and field performance specifications of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California (USC FCCCHR) established in Specifications of Backflow Prevention Assemblies, Section 10 of the most current edition of the Manual of Cross-Connection Control.

2. Such AWWA and USC FCCCHR standards and specifications have been adopted by the ~~chief building inspector~~ City of Bay City Public Works Department. Final approval shall be evidenced by a "Certificate of Compliance" for the said AWWA standards, or "Certificate of Approval" for the USC FCCCHR specifications, issued by an approved testing laboratory.

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(Code 2000, § 114-291)

Sec. 114-309. - Testing laboratory.

Backflow preventers which may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by a qualified laboratory and are listed on the laboratory's current list of approved backflow prevention assemblies may be used without further test or qualification.

(Code 2000, § 114-292)

Sec. 114-310. - Field tests required.

~~It shall be the duty of the consumer at any premises where backflow prevention assemblies are installed to have a field test performed by a certified backflow prevention assembly tester upon installation and at least once per year. In those instances where the chief building inspector deems the hazard to be great enough he may require field tests at more frequent intervals. These tests shall be at the expense of the water user and shall be performed by city personnel or by a certified tester approved by the chief building inspector. It shall be the duty of the chief building inspector to see that these tests are made in a timely manner. The consumer shall notify the chief building inspector in advance when the tests are to be undertaken so that an official representative may witness the field tests if so desired. These assemblies shall be repaired, overhauled or replaced at the expense of the consumer whenever such assemblies are found to be defective. Records of such tests, repairs and overhaul shall be kept and made available to the chief building inspector.~~

1. It shall be the duty of the property owner or property owner's designee where backflow prevention assemblies are installed to have a field test performed by a state licensed backflow prevention assembly tester upon installation and at least annually. Instances where the chief executive officer deems the hazard to be great enough field tests may be required at more frequent intervals.
2. Field tests shall be at the expense of the property owner or property owner's designee and shall be performed by a state licensed backflow prevention assembly tester.
3. Backflow prevention assemblies that fail testing shall be repaired or replaced and retested at the expense of the property owner before returning the backflow prevention assembly to service.
4. The backflow prevention assembly tester that performs the inspection and testing shall complete a report on a form approved by the public water system for each assembly tested. The original signed and dated form must be submitted to the public water system within ten (10) days of performing the test. Only City of Bay City Backflow Prevention Assembly Test and Maintenance Report or an approved Texas Commission on Environmental Quality Backflow Prevention Assembly Test and Maintenance Report form will be accepted.
5. Property owners shall retain a copy of all test and maintenance reports for at least three (3) years after the date of any such tests.
6. Property owners that fail to have backflow prevention assemblies tested within thirty (30) days of the annual field test date may have water service terminated. Service will not be restored until the backflow prevention assembly passes field tests.

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(Code 2000, § 114-293)

Sec. 114-311. - Exemptions.

All presently installed backflow prevention assemblies which do not meet the requirements of this article but were approved ~~devices~~ assemblies for the purposes described in this article at the time of installation and which have been properly maintained, shall, except for the testing and maintenance requirements under section 114-310, be excluded from the requirements of these rules so long as the chief ~~building inspector~~executive officer is assured that they will satisfactorily protect the ~~water purveyor's~~public water system. Whenever the existing ~~device~~ assembly is moved from the present location or requires more than minimum maintenance or when the chief ~~building inspector~~ executive officer finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section.

(Code 2000, § 114-294)

Sec. 114-312. - Rules and policies.

The chief ~~building inspector~~executive officer is authorized to make all necessary and reasonable rules, standards and policies with respect to the enforcement of this article. All such rules and policies shall be consistent with the provisions of this article and all other policies of the city in regard to water quality and the protection of public health and safety.

(Code 2000, § 114-295)

Sec. 114-313 – Enforcement

(a) The failure to perform any action that is required by this division, or the performance of any action that is prohibited by this division shall constitute a violation of this division.

(b) Criminal penalty. A conviction for a violation of any provision of this division shall constitute a Class C misdemeanor. A person convicted of a violation of this division shall be fined an amount of not less than two hundred dollars ($200.00) per violation and a maximum of not more than two thousand dollars ($2,000.00) per violation. Each violation of this division shall constitute a separate offense, and each day a violation continues shall be considered a new offense. A culpable mental state is not required to prove an offense under this division.

(c) Civil penalty. A civil penalty may be imposed for each violation of any provision of this division in an amount not to exceed five thousand dollars ($5,000.00) per violation. Each violation of any provision of this division shall constitute a separate violation, and each day a violation continues shall be considered a new violation.

(d) Authorization to enforce. The City of Bay City Public Works Department is authorized to take any action authorized by this division against any person committing a violation of this division within the City of Bay City service area. The grant of authority set out in this section does not in any way diminish the authority of the office of the city attorney to take any action necessary to enforce the terms of this division, to prosecute violations of this division, and to defend the legality of this division, if challenged.

(e) Should the City of Bay City Public Works Department give written notice of a violation of this division to a property owner and the violation is not fully remedied within thirty (30) days after the date of the notice, the City of Bay City Public Works Department may terminate water, sewer and/or sanitation service to the location where the violation occurred.

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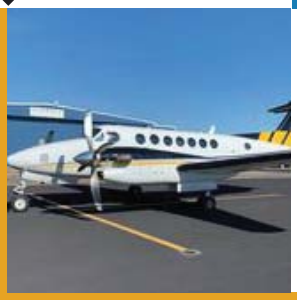

Bay City
REGIONAL AIRPORT

RATES AND CHARGES ANALYSIS

RATES AND CHARGES STUDY

For

BAY CITY REGIONAL AIRPORT (BYY)
Bay City, Texas

Prepared for

City of Bay City

By

Coffman Associates
Airport Consultants

NOVEMBER 2020

BAY CITY REGIONAL AIRPORT RATES AND CHARGES STUDY

INTRODUCTION

This Rates and Charges Analysis for Bay City Regional Airport (BYY) has been undertaken to evaluate the rates and charges structure at BYY and compare those rates to those currently in effect at several comparable airports and to assess the adequacy of the rates and fee structure for BYY based on this information. Recommendations for updating the rates and charges structure at BYY are made to assist the airport in competing in a fair and equitable manner with other airports, while maintaining fiscal responsibility and oversight of the airport.

For this study, rates and charges were examined from several airports located regionally and nationally for use as a comparison to the existing rates and charges in place at BYY. This information serves as a basis to identify opportunities for the airport to balance their rates and charges structure to industry standards for similarly positioned airports. Specific rates and charges examined in this study include, but are not limited to the following:

- Tie-down Fees
- Ramp Space Fees
- Rental / Lease Rates for T-Hangars
- Rental / Lease Rates for Main Hangar
- Courtesy Car Rates
- After Hours Services Fee (per hour)
- Full-service fueling add-on cost (per gallon)
- Lease rates for office space (aviation use)
- Ground lease rates (undeveloped land)

The preparation of this study is evidence that the City of Bay City recognizes the importance of the airport to the region and the associated challenges inherent in providing for its unique operating needs. Having an effective and balanced rates and charges program in place will allow the airport to move toward the goal of financial self-sufficiency and to potentially assist in generating funding to support capital improvements for the overall growth and development of the airport.

AIRPORT RATES AND CHARGES POLICY

The City of Bay City has the responsibility to manage Bay City Regional Airport in a fiscally responsible manner. The Federal Aviation Administration (FAA), by way of its airport grant assurances associated with various capital development projects, requires any airport to operate for the use and benefit of the public and for the airport to be made available to all types, kinds, and classes of aeronautical activity on fair and reasonable terms and without unjust discrimination. As the sponsor of the airport, the City of Bay City has received federal airport development funding recently and is, therefore, federally obligated to abide by the grant assurances which require compliance with various FAA policies, including policies related to airport rates and charges as published in Federal Register, Volume 78, No. 175, dated September 10, 2013, *Policy Regarding Airport Rates and Charges*.

FAA GUIDANCE - AIRPORT RATES AND CHARGES

The FAA places several stipulations on rates and charges establishment and collection; however, two primary considerations need to be addressed. First, the rates and charges must be fair, equally applied, and resemble fair market value. Second, the rates and charges collected must be returned to and used only by and/or for the airport. In other words, the revenues generated by airport operations cannot be diverted to the general use of the Sponsor. The FAA requires funds to be used at airports, as these funds are many times needed to either support the day-to-day operational costs or offset capital improvement costs.

Airport sponsors receiving FAA federal grant assistance through the Airport Improvement Program (AIP) are obligated to comply with various federal laws, assurances, and regulatory requirements. These requirements extend to city procedures and policies related to the use of airport property and the establishment of lease rates and user fees. There are currently 39 grant assurances the City is obligated to meet for receipt of AIP grant funding. The *Airport Compliance Manual (Order 5190.6B)* outlines five principles for airport sponsors to follow when establishing and implementing airport rates and charges:

Fair and Reasonable - Federal law, as implemented by the FAA Rates and Charges Policy, requires that the rates, rentals, landing fees, and other charges that airports impose on aeronautical users for aeronautical use be fair and reasonable. FAA policy allows airport sponsors to set their rates and charges through a host of mechanisms including by ordinance, statute, resolution, regulation, or agreement.

Not Discriminatory - Aeronautical fees may not unjustly discriminate against aeronautical users. FAA will look to the consistent application of an airport sponsor's methodology to determine discriminatory practices. Reasonable distinctions are permitted in setting fees. For instance, the waiver of fees in the event an airport user purchases other goods or services such as fuel.

Self-sustaining - Sponsors must maintain a fee and rental structure that makes the airport as financially self-sustaining as possible. Although it is the objective and intent of an airport sponsor to establish its fee structure in a manner to recoup its operating expenditures and cost of capital, the FAA recognizes that not all airports can achieve this objective. Some airports do not have the revenue generating capacity to approach a breakeven posture; nonetheless, the City is obligated to take a long-term approach and set its fees and charges to reflect market conditions and current rates.

Allowable Use - A sponsor may only use its airport revenue for airport capital and operating costs and certain other facilities directly related to air transportation, as permitted by 49 U.S.C. §§ 47107(b) and 47133. The airport must ensure that revenue generated by aeronautical activity by an airport sponsor is solely dedicated to the operation, maintenance, administration, and development of the airport. Implementing accounting policies and procedures that document airport revenues, transfers, and expenditures of revenue greatly enhance an airport sponsor's ability to demonstrate compliance with this obligation.

International Operations - Fees imposed on international operations must comply with the international obligations of the United States Government under international agreements. The FAA is seeking to ensure that airport sponsors comply with previously established obligations of the United States related to international flights and carriers using its airspace and airport facilities. It should be noted that BYY is not an international airport.

BASELINE ASSUMPTIONS

A study such as this typically requires baseline assumptions that will be used throughout the analysis. The baseline assumptions for this study are as follows:

- Bay City Regional Airport will continue to operate as a city-owned general aviation airport.
- The airport will continue to seek opportunities to further enhance the growth and development of the airport.
- The airport will continue to meet their grant assurances by striving toward financial self-sufficiency in both operating and capital costs.

AIRPORT PROFILE

It is important to gain an understanding of the role of the airport and the facilities and services offered. This element examines several facets of the airport, including background information, the role of the airport in the national and state aviation systems, and the existing facilities and services offered.

AIRPORT SYSTEM ROLE

At the national level, BYY is included in the FAA's *National Plan of Integrated Airport Systems* (NPIAS), which supports the FAA's strategic goals for safety, system efficiency, and environmental compatibility by identifying specific airport improvements. The NPIAS identifies 3,321 public-use airports that are significant to national air transportation and are, therefore, eligible to receive grants under the FAA's Airport Improvement Program (AIP). There are 380 primary commercial service airports and 2,941 non-primary general aviation airports in the NPIAS. An airport must be included in the NPIAS to be eligible for federal grant-in-aid funding assistance from the FAA. Bay City Regional Airport is classified as one of the 2,941 non-primary general aviation airports in the NPIAS.

Non-primary general aviation airports are further classified as National, Regional, Local, or Basic, in descending order of capability. BYY is classified as one of 1,278 Local general aviation airports. Local general aviation airports support regional economies by connecting communities to local and regional markets. Local airports average about 34 based propeller aircraft and do not typically have frequent activity by turboprop and jet aircraft. This level of activity is very similar to BYY's typical activity.

At the state level, Bay City Regional Airport is included in the *Texas Airport System Plan* (TASP). The purpose of the TASP is to ensure that the state has an adequate and efficient system of airports to serve its aviation needs. The TASP defines the specific role of each airport in the state's aviation system and identifies funding needs. The TASP classifies airports as Primary and Non-Primary Commercial Service airports, Relievers, General Aviation (GA) airports, and heliports. Bay City Regional Airport is classified as a GA – Business / Corporate airport in the TASP. **Table A** shows the national and state classification of airports in the State of Texas.

TABLE A
National and State Airport Classification

National Classification (FAA)[1]		No. in TX State
Primary Commercial Service		24
Non-Primary General Aviation		186
National	Very high levels of activity with many jets and turboprops. Averaging 200 based aircraft, including 30 jets.	11
Regional	High levels of activity with some jets and turboprops. Averaging 90 based aircraft, including 3 jets.	37
Local	**Moderate levels of activity with some turboprops. Averaging 33 based aircraft and no jets.**	**77**
Basic	Moderate to low levels of activity. Averaging 10 small based aircraft and no jets.	44
Unclassified	Yet to be classified.	17
State Classification (Texas)[2]		**No. in TX State**
Primary Commercial Service	Supports scheduled passenger service by large and medium transport aircraft; enplanes at least 10,000 passengers annually	26
Non-Primary Commercial Service	Supports scheduled passenger service by smaller transport aircraft; enplanes fewer than 10,000 but more than 2,500 passengers annually	1
Reliever	Relieves congestion at Commercial Service airports by providing alternative general aviation facilities.	24
GA - Business / Corporate	**Provides community access by business jets.**	**67**
GA - Community Service	Provides community access by single and light twin-engine aircraft, and a limited number of business jets.	106
GA – Basic Service	Provides air access for communities less than 30 minutes drive from Commercial Service, Reliever, Business/Corporate, and Community Service airports; and/or supports essential but low level activity.	68
GA – Heliport	Accommodates helicopters used by individuals, corporations, and helicopter air taxi services. Scheduled passenger service may be available if sufficient demand exists.	2

[1]*National Plan of Integrated Airport Systems 2021-2025 (NPIAS)*
[2]*Texas Airport System Plan 2010*
BYY is listed as a Local Airport by the FAA and a GA – Business Corporate Airport by the state.

AIRPORT BACKGROUND AND EXISTING SERVICES

Bay City Regional Airport is located five miles east of Bay City, Texas and is owned by the City of Bay City. The airport was originally constructed by the City of Bay City in late 1966. The airport consists of approximately 141 acres of property and has been in operation as a public use general aviation facility since it opened in 1969. The airport began as a transport facility (a formerly used term for general aviation airports – now most closely related to basic service under current classifications) with a 5,107-foot paved runway and 16,000 square yard apron area. Present day airport information is depicted in **Table B**, as published in the FAA's Airport Master Record Form 5010-1.

Today, the Airport is an active general aviation facility home to approximately 41 based aircraft. According to the FAA *Terminal Area Forecast* (TAF), BYY experiences approximately 14,150 aircraft operations on an annual basis. These operations can be broken down into local and itinerant operations. A local operation is a take-off or landing performed by an aircraft that operates within sight of the airport, or which executes simulated approaches or tough-and-go operations at the airport. Itinerant operations are those performed by aircraft with a specific origin or destination away from the airport. Of the total annual operations at BYY, the FAA TAF estimates that BYY experiences 7,000 local general aviation operations, 7,000 itinerant general aviation operations, and 150 itinerant military operations. Actual operational levels may vary up or down from the TAF estimate; however, the TAF operational estimates serve as a reasonable measure for purposes of this study.

TABLE B
Bay City Regional Airport

Airport Information	
Ownership	Publicly owned
Airport Sponsor	City of Bay City
Service Level	General Aviation
Based Aircraft	41
Elevation	44.9 feet
Acreage	141 acres
Runway Length	5,107 feet
Runway Width	75 feet
Runway Surface	Asphalt in good condition
Runway Lighting	Medium Intensity Runway Lighting
Instrument Approach	Yes
General Aviation Aircraft Services	FS/SS Fuel, Aircraft Tie-down, Hangar Rental

Source: FAA - Airport Master Record Form 5010 - 1
FS: Full-Service
SS: Self-Service

General aviation aircraft services such as fueling, courtesy car, aircraft tiedown, and hangar storage are offered at BYY through the city. The airport has several general aviation facilities, which are owned and operated by the city. Aircraft hangar storage facilities at the airport consist of a large conventional hangar (greater than 10,000 square feet) as well as four separate T-hangars with 11 units each. It should be noted that an additional 11-unit T-hangar is currently under construction. The airport has a dedicated fuel farm that accommodates 100LL and Jet A self-service tanks. In addition, full-service fueling services are available for 100LL and Jet A fuel types.

REGIONAL AND NATIONAL AIRPORTS ANALYZED

Airport sponsors will occasionally compare fee structures with other airports supporting similar activity levels. This strategy helps determine the reasonableness of their own rates and charges for general aviation. Straight comparisons of airport rates and charges are not necessarily appropriate as each airport has different infrastructure and business environments. Rates such as land leases, hangars, landing fees, and fuel flowage can be influenced by issues such as the degree to which airports are self-sufficient, age of infrastructure, airport capital, maintenance and operational expenses, number of FBOs and their investment in facilities, general aviation growth, public vs. private ownership of facilities, competition from other airports, and local/state taxes. As mentioned, fees are normally established by an airport based on market conditions in the area and may vary from airport to airport. Thus, fees assessed at airports located within or in proximity to a large metropolitan area may charge higher rates when compared to more rural airports. All rates and charges should be fair and reasonable, but priced to be equitable for the airport.

RATES AND CHARGES COMPARISON

As a point of comparison, **Table C** presents published rates and charges imposed by other Texas airports offering general aviation services. In addition, **Exhibit A** (presented at the end of this document) provides a more detailed summary of rates and charges currently in place at multiple airports within the State of Texas as well as airports of similar size and service level located throughout the nation. This information can serve as a barometer to which the City of Bay City can measure the rates and fees to ensure market rates are being charged.

TABLE C
Comparable General Aviation Airport Statistics

			Hangars	
Airport	2019 Operations	Tie-Down	Size	Monthly Rent
Waco Regional Airport Waco, TX	47,000	$10.00 $20.00 $50.00	T-hangar #1 T-hangar #11 Executive T-hangars all others Executive T-hangars #7, 13, 16	$125.00 $135.00 $160.00 $200.00
Terrell Municipal Airport Terrell, TX	33,700	$5.00 NC with Fuel	T-hangars 1,000 sq. ft. 44' door opening with bi-fold doors City Hangar @ 6,000 sq. ft.	 $150.00 $290-$420 $1,000.00
Granbury Regional Airport	33,200	$5.00 $10.00 $25.00	T-hangars New enclosed hangars New enclosed end hangars Older city hangars Open T-hangars	 $285.00 $325.00 $225.00 $215.00
Cleburne Regional Airport Cleburne, TX	33,427	NC	T-hangars – small T-hangars – large	$200.00 $250.00
Mid-way Regional Airport Midlothian, TX	49,700	$50.00	T-hangar 39 x 33 47 x 33 45 x 39 Box hangar – 3,111 sq. ft. Box hangar – 4,620 sq. ft. powered doors Box hangar – 4,225 sq. ft. power doors & sprinkler	 $255.00 $300.00 $388.00 $774.00 $900.00 $1,545.00
La Porte Municipal Airport La Porte, TX	29,200	$40.00	T-hangar	$300.00
Midland Airpark Midland, TX	40,900	NC	T-hangar 1,127 sq. ft. 1,312 sq. ft.	 $300.00 $350.00
Curtis Field Brady, TX	13,000	$50.00	Single Engine Multi-Engine Above Cabin Class Twins	$70.00 $150.00 $400.00
Brownwood Regional Airport Brownwood, TX	10,100	$25.00	Hangar G (executive) Hangar G (large) Hangar D Hangar A, F, G (small) Hangar C – Twin Plane Hangar C – Single Engine Plane Hangar E T-shed	$300.00 $200.00 $180.00 $140.00 $140.00 $120.00 $110.00 $70.00
Burnet Municipal Airport Burnet, TX	21,000	$35.00	T-hangar Large T-hangar Sun Shelters	$250.00 $350.00 $100.00
Smithville Crawford Municipal Airport Smithville, TX	16,800	$25.00	Single hangar Twin hangar	$140.00 $160.00

TABLE C (continued)

Gillespie County Airport Fredericksburg, TX	14,800	NC	T-hangar	$200.00
Lockhart Municipal Airport Lockhart, TX	15,600	NC	T-hangar Clear 45 x 41 Corner Tee 42 x 30	$250.00 $350.00 $275.00
Llano Municipal Airport Llano, TX	10,000	$5.00	T-hangar Units 2-9, 11-12 Unit 13 Units 1, 15-22 Units 14 and 23 (single occupancy) Units 14 and 23 (double occupancy) Box Hangar 42 x 34 Hangar 50 x 34 Hangar 75 x 75	 $95.00 $110.00 $160.00 $215.00 $300.00 $250.00 $550.00 $1,000.00
Scholes International Airport Galveston, TX	29,300	$15.00- $80.00	T-hangar Box Hangar Executive Hangar	$125.00- $350.00 $300.00- $1,600.00 $2,500.00- $3,000.00
Texas Gulf Coast Regional Airport Angleton/Lake Jackson, TX	78,000	$10.00- $100.00	T-hangar Box/Executive Hangar	$200.00- $280.00 $220.00- $1,500.00
Sherman Municipal Airport Sherman, TX	8,250	$25.00/mo	T-hangar Box Hangar	$350.00- $420.00 $205.00- $235.00

Sources: FAA *Terminal Area Forecast* January 2020, www.airnav.com, and airport websites
Legend: SS = self-serve, FS = full serve, NC = no charge, N/A = not available, sq. ft. = square feet

AIRPORT REVENUE PRACTICES

General aviation airports have opportunities to generate revenue which offsets operating costs and, in some cases, capital improvement costs. Assurances associated with FAA grants indicate that it should be a goal of every airport to strive toward financial self-sufficiency. To that end, there are several common categories of revenue generation that general aviation airports can implement. The following section describes these common methods of revenue generation for general aviation airports.

Airport management should establish standard base rates for each category of fee assessment. The base rates established within each category should vary based on desirability. For example, it is reasonable to charge more for a new T-hangar with electric bi-fold doors as compared to an old T-hangar of the same size without electricity or electric doors.

The discussion to follow outlines methods of revenue generation and prior analysis documented the rates and charges program at a multitude of regional and nationally located general aviation airports. These fees are normally established by and airport based on market conditions in the area and may vary from airport to airport. Based upon this analysis recommended rates for BYY are presented below. It should be noted that these recommendations are the starting point for any fee to be imposed or lease negotiation. It is assumed that the standard basis rates would be further examined or negotiated to take into consideration potential tenant improvements, airport improvements (safety, security, fencing, etc.), condition, and other factors.

AIRCRAFT PARKING/TIEDOWNS

Aircraft parking fees, also referred to as tiedown fees, are typically assessed to those aircraft utilizing a portion of an aircraft parking area that is owned by the airport. These fees are most generally assessed on a daily or monthly basis, depending upon the specific activity of a particular aircraft.

Aircraft parking fees can be established in several different ways. Airport sponsors can establish the rate and schedule at which fees are assessed as long as they are fair and reasonable. Typically, airports impose aircraft parking fees in accordance with an established schedule in which an aircraft within a designated weight and/or size pays a similar fee (i.e., small aircraft, single engine aircraft). The schedule at which fees are assessed must be fair and reasonable but must also balance what the market will bear. For example, an airport sponsor could charge a prorated hourly tiedown fee up to a certain threshold, beyond which the full daily rate would be levied; or a flat-rate fee could be charged regardless of time spent at the airport. Aircraft parking fees may also be charged according to a "cents per 1,000 pounds" basis in which larger aircraft with increased weights would obviously pay more for utilizing the aircraft parking apron. There are also instances in which aircraft parking fees are not assessed on an airport. Regardless of how the sponsor chooses to charge fees, a balance must be struck to ensure the fee structure and rate is not a deterrent to users.

An airport sponsor may also include in a lease agreement with an aviation-related commercial operator at the airport to collect aircraft parking fees on portions of an aircraft parking apron in which the airport does not own or is leasing to a commercial operator, such as a specialty aviation service operator (SASO). As a result, the airport could directly collect parking fees from an aircraft utilizing this space or allow the commercial operator to collect the parking fee, in which the agreement may allow the commercial operator to retain a portion of the parking fee as an administrative or service fee.

As previously discussed, aircraft parking fees can be assessed on a daily or monthly basis. Daily aircraft parking fees are typically assessed to transient aircraft utilizing the airport on a short-term basis, while monthly fees are charged to aircraft that utilize a particular parking area for the permanent storage of their aircraft. Monthly aircraft parking fees are often assessed at airports that contain a waiting list for aircraft hangar storage space. It is also common practice at many airports to waive a daily aircraft parking fee in the event the aircraft purchases fuel prior to departing the airport.

Previous rates and charges analysis conducted by the consultant outside this study, as well as information provided in **Table C** and **Exhibit A**, indicate that daily aircraft parking fees can vary from $0 to $100 depending on the type of aircraft, and monthly aircraft parking fees can range between $20 to $1,200 per month depending on the type and size of the aircraft.

At present, BYY charges daily tiedown fees of $10 for single engine piston aircraft, $20 for multi-engine piston aircraft, and $30 for turboprops and jets. The first calendar day of tiedown fees will be waived with the purchase of fuel. Current monthly tiedown fees set at $100 for single engine piston aircraft, $200 for multi-engine piston aircraft, and $300 for turboprops and jets.

In addition to tiedown fees, the airport also collects a ramp fee. The ramp fee is charged to any operator utilizing the ramp at BYY; however, the fee is waived with the purchase of fuel as well as for operators using the ramp to pick up or drop off passengers. All others using the ramp will be charged a ramp fee

on the calendar day. The current rate for the BYY ramp fee is $10 for single engine piston aircraft, $20 for multi-engine piston aircraft, and $30 for turboprops and jets. Similar to aircraft parking and tiedown fees, the airport sponsor could charge a prorated hourly tiedown fee up to a certain threshold, beyond which the full daily rate would be levied; or a flat-rate fee could be charged regardless of time spent at the airport. Regardless, a balance must be struck to ensure the fee structure and rate is not a deterrent to users. **Table D** provides the existing and recommended tiedown and ramp fees for the airport.

TABLE D
Existing BYY Charges and Recommended Rates: Tiedown and Ramp Fees
Bay City Regional Airport

Aircraft Parking Tiedown[1]	Existing Rate: Daily/Monthly	Recommended Rate: Daily/Monthly
Single Engine	$10/$100	Same
Twin Engine	$20/$200	Same
Turboprop/Jet	$30/$300	Same/$350-400 for aircraft ≥ 12,500 Lbs[2]
Aircraft Ramp Fee[1]	**Existing Rate: Daily**	**Recommended Rate: Daily**
Single Engine	$10	Same
Twin Engine	$20	Same
Turboprop/Jet	$30	Same
Fractional Operator	N/A	$40-50

Source: Airport Records; Coffman Associates Analysis
[1]Daily tiedown and ramp charges could be prorated based upon length of use, should the sponsor choose.
[2]Rather than weight, aircraft could also be classified by number of seats. For example, 1-4, 5-9, 10+.

AIRCRAFT STORAGE HANGARS

There are several types of aircraft storage hangars that can accommodate aircraft on an airport. In order to establish hangar fees, an airport typically factors in such qualities as hangar size, location, and utilities. Aircraft hangar fees are most often charged on a monthly basis.

Common aircraft storage hangars are typically categorized as shade hangars, T-hangars, box hangars, and conventional hangars. Shade hangars consist of tiedown spaces with a protective roof covering. T-hangars provide for separate, single-aircraft storage areas. Box hangars provide a slightly larger storage space than T-hangars and can sometimes accommodate more than one aircraft. Conventional hangars provide a large, enclosed space that can accommodate larger multi-engine piston or turbine aircraft and/or multiple aircraft storage. Conventional hangars, which can sometimes contain office space, can also be utilized by aviation-related commercial operators for their business activities on an airport.

Location can also play a role in determining hangar rates. Aircraft storage hangars with direct access to improved taxiways/taxilanes and adjacent to aviation services being offered at an airport can oftentimes be more expensive to rent. In addition, the type of utility infrastructure being offered to the hangar can also help determine storage fees. Smaller aircraft storage hangars, such as a T-hangar or small box hangar, can either be granted access through a manual sliding door or electric door. It is common for hangars that provide electric doors to have higher rental fees, as the cost associated with constructing these hangars would exceed the cost associated with simpler structures.

At some airports, hangar facilities are constructed by the airport sponsor, while at other airports, hangars are built by private entities. In some cases, airports have both public and private hangar facilities available.

Hangars can be expensive to construct and offer minimal return on investment in the short-term. In order to amortize the cost of constructing hangars, lease rates should be developed at a minimum to recover development and finance costs.

T-hangars often range from approximately $100 to $450 per month depending on several factors previously listed. Larger box and conventional-style hangars can be leased per aircraft space or for the entire hangar. Monthly rates similar to those for individual T-hangar units often apply to leased aircraft space in a box or conventional hangar. Depending upon the hangar location, amenities, and size, monthly box hangar rates can range from approximately $200 to more than $1,500, while monthly conventional hangar rates can range from anywhere up to approximately $6,000 per month. Overnight hangar storage fees can range from $30 to $120 for piston and turboprop aircraft, while overnight jet hangar storage fees can range up to nearly $400.

At BYY, the city charges a lease/rental rate based on the hangar type on all hangars, which are city-owned. Currently, T Hangars are leased at a monthly rate of $185. A conventional hangar on the field known as the "Main Hangar" can be leased daily or monthly and the rate varies based on aircraft type. The main hangar daily fee is $25 for single engine piston aircraft, $50 for multi-engine piston aircraft, and $100 for turboprops and jets. Current monthly rates for the main hangar are $225 for single engine piston aircraft, $300 for multi-engine piston aircraft, $350 for turboprops, and $450 for jets. **Table E** presents the existing and recommended hangar rates for the airport.

TABLE E
Existing BYY Charges and Recommended Rates: Hangar Rates
Bay City Regional Airport

Main/Conventional Hangar	Existing Rate: Daily/Monthly	Recommended Rate: Daily/Monthly
Single Engine	$25/$225	Same
Twin Engine	$50/$300	Same
Turboprop	$100/$350	Same/$375-$450
Jet	$100/$450	$150/$500-$550
T-Hangar	**Existing Rate: Monthly**	**Recommended Rate: Monthly**
Single/Twin Engine	$185	$200-$250
New Construction T-Hangar	N/A	$225-$250
New Construction T-Hangar Suite	N/A	$250-$300

Source: Airport Records; Coffman Associates Analysis

GROUND RENTAL/LEASE

Ground rentals can be applied to aviation and non-aviation development on an airport. Also known as a land lease, a ground lease can be structured to meet the particular needs of an airport operator in terms of location, terrain features, amount of land needed, and type of facility infrastructure included.

One of the single most valuable assets available to an airport is the leasable land with access to the runway/taxiway system. For aviation-related businesses, it is critical that they be located on an airport. Airport property is available for long-term lease but, in most cases, it cannot be sold. At the expiration of the lease and any extensions, the improvements on the leased land revert back to the airport sponsor. In order for this arrangement to make financial sense, most ground leases are at least 20 years in length and include extension opportunities. Those who lease land on an airport are typically interested in constructing

a hangar for their own private use, for sub-lease, or for operation of an airport business. Therefore, the long-term lease arrangement is important in order to obtain capital funding for the construction of a hangar or other type of facility. It should also be noted that ground leases should include the opportunity to periodically review the lease and adjust the rate according to the consumer price index (CPI). Typical lease agreements range from 20 to 30 years with options for extensions.

Ground leases are typically established on a yearly fee schedule based upon the amount of square feet leased. The amount charged can vary greatly depending on the level of improvements to the land. For example, undeveloped land with readily accessible utilities and taxiway access can generate more revenue than unimproved property. Previous surveys at other airports across the country conducted by the consultant have determined ground lease rates to range from $0.08 per square foot per year to more than $1.00 per square foot per year. Typically, airports in larger metropolitan areas set land lease rates at approximately $0.25 cents per square foot per year. At present, BYY does not currently have any ground leases, but will consider potential leases as the opportunities present themselves, following the current City ordinance(s). **Table F** presents recommended ground lease rates the airport could use as a guideline should ground leased be made available.

Some airports will have other leasable space available. For example, airports with a terminal building may have office or counter space available for aviation and non-aviation related businesses. Some example businesses could include SASOs, aircraft sales, flight instruction, aircraft insurance, and a restaurant. Lease rates for finished office space can range from anywhere around $5 per square foot per year to upwards of $40 per square foot per year.

Under certain circumstances, an airport sponsor may utilize portions of the airport for non-aeronautical purposes, such as commercial and/or industrial development if certain areas are not needed to satisfy aviation demand or are not accessible to aviation activity. Prior to an airport pursuing a ground lease with a commercial operator for non-aeronautical purposes, the sponsor must formally request TxDOT – Aviation Division and the FAA release the land in question from its federal obligations. Plus, revenues generated on airport property must remain with the airport funds.

TABLE F
Existing BYY Charges and Recommended Rates: Ground Lease Rates
Bay City Regional Airport

Ground Lease	Existing Rate: Sf per Year	Recommended Rate: Sf per Year
Aviation Related Land: Improved	N/A	$0.15
Aviation Related Land: Unimproved	N/A	$0.10
Non-Aviation Related Land	N/A	$0.25
Office/Terminal Lease	**Existing Rate: Sf per Year**	**Recommended Rate: Sf per Year**
Office/Terminal Space	N/A	$2.50-$15

Source: Airport Records; Coffman Associates Analysis

FUEL SALES AND FLOWAGE

Fuel sales are typically managed at an airport in one of two ways: the airport sponsor acts as the fuel distributor or fueling operations are sub-contracted to an FBO. If the airport sponsor acts as the fuel distributor, then the airport receives revenues equal to the difference between wholesale and retail prices.

At BYY, the City owns and operates the fuel farm, thus profiting on the difference between wholesale and retail price. It should be noted that the airport currently does have a fuel flowage fee in place for any private, individual self-fueling deliveries of $0.15 per gallon. Self-fueling deliveries can be typical of publicly owned airports with a commercial or private tenant who is a frequent operator. Previous surveys conducted by the consultant have determined fuel flowage rates to generally range from $0.08 per gallon to approximately $0.20 per gallon and in some cases higher. **Table G** presents the existing and recommended private self-fuel flowage fee.

TABLE G
Existing BYY Charges and Recommended Rates: Private Fuel Flowage
Bay City Regional Airport

Fueling Fees	Existing Rate: Cents per Gallon	Recommended Rate: Cents per Gallon
Private Self-Fuel Delivery	$0.15	Same

Source: Airport Records; Coffman Associates Analysis

FULL-SERVICE FUEL ADD-ON

Many airports offer two levels of service with regard to fueling. Self-serve which is usually provided via an electronic pay fuel dispenser or full service fueling. Full service fueling typically refers to fuel delivered by truck and pumped by an airport or FBO employee, allowing fuel to be delivered to aircraft parked on the apron or in an aircraft storage hangar. Full service fueling provides a level of convenience to the operator by allowing fuel order service without being physically present at the airport either before or after a flight. Based upon previous surveys, full-service fees typically adds to self-serve fuel cost in the range from $0.20 to $0.50 per gallon. The airport currently charges a full service fueling at a rate of .40 cents per gallon of fuel purchased. **Table H** presents the existing and recommended rate for the full-service fuel add-on.

TABLE H
Existing BYY Charges and Recommended Rates: Full-Service Fuel
Bay City Regional Airport

Fueling Fees	Existing Rate: Cents per Gallon	Recommended Rate: Cents per Gallon
Full-Service Add-On	$0.40	Same

Source: Airport Records; Coffman Associates Analysis

AFTER HOURS SERVICES

After Hours Services refer to times when the airport and FBO would otherwise be closed. If a customer requests services outside of regular hours for any reason an additional service fee is charged to that customer. Previous analysis indicates that after hours service fees can range upwards of $100 per hour. Rather than hourly after-hours fees, some airports charge flat rate after hours fueling fees which can range up to $200. According to the current fee schedule at BYY, customers requesting services or assistance after hours will be charged $55 per hour with a two-hour minimum. This fee also applies to customers requesting services that require employees to work overtime or beyond normal working hours. **Table J** presents the airport's existing and recommended after hours service rates.

TABLE J
Existing BYY Charges and Recommended Rates: After Hours Service
Bay City Regional Airport

After Hours/Overtime	Existing Rate: Per Hour	Recommended Rate: Per Hour
After Hours Services	$55[1]	Same

Source: Airport Records; Coffman Associates Analysis
[1]This fee currently has a two-hour minimum.

COURTESY CAR RATES

At most general aviation airports around the country, a form of courtesy transportation is provided for pilots and airport facility users. This type of transportation is generally provided as a complementary service for transient operators under certain provisions. At most airports, courtesy transportation is provided free of charge to pilots using the vehicle within the local area. In general, if users desire a vehicle for a longer term of use, a rental car service will be used in lieu of a courtesy car. Fees for courtesy car use generally range up to approximately $25. If a fee is levied for the use of a courtesy car, it is generally waived with the purchase of fuel. At BYY, the courtesy car can be used for a period of up to two hours by fly-in visitors who purchase fuel. Beyond two hours of use, a $15 charge is applied for each additional hour. Any visitor that does not purchase fuel may also use the courtesy car at a rate of $20 per hour. Overnight use of the vehicle may be authorized with a flat rate fee of $100 per night. This is reasonable as the courtesy car is designated for short-term use only. It should be noted that Bay City has limited rental car availability and there are not ride-share options available, resulting in some pilots being left without ground transportation upon arrival. As a result, BYY could consider the acquisition of an additional courtesy car or cars. In addition, the City could seek increased rental car service or the potential for ride-share services. **Table K** presents the existing and recommended courtesy car rates for the airport.

TABLE K
Existing BYY Charges and Recommended Rates: Courtesy Car
Bay City Regional Airport

Courtesy Car	Existing Rate: Per Hour/Overnight	Recommended Rate: Per Hour/Overnight
Courtesy Car Rate	$0-$20/$100	Same[1]

Source: Airport Records; Coffman Associates Analysis
[1]If there is high demand for the courtesy car, the airport could seek options for improved rental car service/ride-share programs or consider the addition of another courtesy car.

CUSTOMS AND BORDER PROTECTION

Some airports are certified ports of entry, which means that U.S. Customs and Border Protection service is available. U.S. Customs provides screening of foreign visitors, imported cargo that enters the U.S. at the airport, and returning American citizens. At general aviation airports, this is typically available when operators pre-arrange their arrival time with Customs and is only offered as an on-demand service. This capability expands the potential users of the airport to international flights. While there is a Customs clearance fee charged by Customs for their service, airports making the service available may also charge a fee. The fee structure that airports charge is typically based on the size or weight of the aircraft. Some

airports do not charge a Customs fee to encourage use of their airport. Airports that do charge for Customs and Border Protection services generally range from $50-$100 per use for small single and twin aircraft, $200-$500 for light to medium turboprop and jet aircraft, and $500-$750 for medium to large jet aircraft. **Table L** presents the recommended Customs and Border Protection service fees that could be used as a guideline should the airport pursue these services.

TABLE L
Existing BYY Charges and Recommended Rates: Customs and Border Protection
Bay City Regional Airport

Customs/Border Protection	Existing Rate: Per Use	Recommended Rate: Per Use
Single Engine	N/A	$50-$60
Twin Engine	N/A	$60-$100
Small Turboprop/Jet	N/A	$100-$350
Medium-Large Turboprop/Jet	N/A	$350-$600

Source: Coffman Associates Analysis

SUMMARY

It is important that Bay City Regional Airport carefully consider each element of its overall general aviation revenue strategy. This pricing strategy must consider the revenue potential across a range of various sources. Beyond providing funds for the continued operation and maintenance of the airport, the chosen strategy can seek to maximize funding for airport-funded development or can seek to encourage private investment in airport facilities. For example, BYY could implement a strategy which encourages private investment. Examples of significant private investment can include general aviation terminal buildings, aviation fuel farms, and hangar development projects.

The revenue strategy must balance the need for increasing revenues while not alienating tenants or customers. It is important that the airport remain competitive regarding the local landscape as well as relative to peer airports. Currently, BYY compares reasonably to peer airports across a variety of metrics. It is recommended that BYY periodically evaluate their rates and charges annually or biannually to ensure market rates are being charged. Depending upon the level of detail required, rates and charges evaluations can be carried out by the airport sponsor through market research or a formal rates and charges analysis.

Airport/FAA ID/State	Airport FAA Classification[1]	Longest Runway	Based Aircraft/ TP & Jets[2]	Annual Operations[2]	Aircraft Parking Rates	Hangar Storage Rates	Ground Lease Rates	Fuel Flowage Fees	Landing Fees	Auto Parking Fees	Customs Fees	Commercial Operators License	Percentage of Gross Sales	Typ. Lease Term/Reversion
Bay City Regional /BYY/TX	Local GA	5,107'	41/0	14,150	Tie-Down/Piston/ $100/mo.; $10/overnight Tie-Down/Twin Piston/$200/mo.; $20/overnight Tie-Down/TP and Jet/$300/mo.; $30/overnight Ramp/Piston/$10 Ramp/Twin piston/$20 Ramp/TP and Jet/$30	T-Hangars/$185/mo./$50 late fee T-Hangar End Cap/$55/mo. Main Hangar/Single Engine Piston/$225/mo.;$25/overnight Main Hangar/Twin Engine Piston/$300/mo.;$50/overnight Main Hangar/TP/$350/mo.; $100/overnight Main Hangar/Jet/$450/mo.; $100/overnight	NA	City is the fuel vendor thus they profit on the difference between wholesale and sale price. $0.15/gallon for any outside fuel deliveries	NA	NA	NA	NA	NA	NA
Scholes International/GLS/TX	Regional GA Reliever	6,001'	133/8	29,300	Tie-Down/Piston and Heli./ $50/mo. Tie-Down/Sm and Md Twin/ $75/mo. Tie-Down/Lg Twin and Jet. ≤ 12,500lb/ $200/mo./$15/day Tie-Down/Lg Twin and Jet. > 12,500lb/ $400/mo./$25/day Tie-Down/Lg Twin and Jet. > 60,000lb/ $800/mo./$50/day Tie-Down/Lg Twin and Jet. > 100,000lb/ $1,200/mo./$80/day	T-Hangars/$125-$350/mo./$30 overnight Box Hangars/$300-$1,600/mo./$30 overnight Executive Hangars/$2,500-$3,000/mo.	Office Space in Terminal/$13.55-$38.95/sf/yr Primary Airside Ground Lease/$ 0.23-$0.25 sf/yr Secondary Airside Ground Lease/$ 0.16-$0.18 sf/yr	Subject to current rates and charges	NA	$50/mo. $420/yr	NA	Yes	NA	Subject to terms of lease
Texas Gulf Coast Regional/LBX/TX	Regional GA Reliever	7,000'	69/5	78,000	Tie-Down/Piston/ $55/mo.; $10/overnight Tie-Down/Twin piston/$80/mo.; $20/overnight Tie-Down/Small TP/$100/mo.; $30/overnight Tie-Down/Large TP/$150/mo.; $40/overnight Tie-Down/Jets/$200/mo.; $100/overnight	T-Hangars/$200-$280/mo. Box and Conv. Hangars/$220-$1,500/mo. Overnight Hangars/Piston-TP/$60-$120 Overnight Hangars/Jets/$110-385	Aviation/Improved/$0.16/sf/yr. Aviation/Unimproved/$0.10/sf/yr.	$0.09/gallon	NA	NA	NA	NA	10% rental cars	20yr+10yr+10yr/ reversion
Georgetown Municipal Airport/GTU/TX	National GA Reliever	5,004'	312/32	97,000	Tie-Down/$75/mo. Tie-Down/$5/Overnight.	T-Hangars/$230-$400/mo. Box Hangars/$500-$925/mo. Conventional Hangar/Up to $6,000/mo.	Improved/$0.35/sf/yr. Unimproved/$0.20/sf/yr.	Avgas/$0.675/gallon JetA/$0.6542/gallon	NA	NA	NA	NA	NA	20yr+10yr/ reversion
Scottsdale Airport/SDL/AZ	National GA Reliever	8,249'	378/153	184,000	Tie-Down/$35-$110/mo. Transient/$5-$75/overnight Transient/$1.50/1,000 lbs. > 12,500 lbs.	T-Hangar/$450/mo. Shade Hangar/$200-$250/mo. Box Hangar/$2,700/mo.	Aviation Land/$0.48/sf/yr	$0.08/gallon	$1.50/1,000 lbs. > 12,500 lbs.	NA	Piston-TP/$50-$225/use Small Jet/$350/use Medium - Large Jet/$600-$750/use	Yes	Yes	20yr+10yr+10yr/ reversion
Buchanan Field Airport/CCR/CA	National GA Reliever	5,001'	400/35	120,000	Tie-Down/Based on Wingspan/$35-$85/mo. Transient/Based on Wingspan/$5-$25/day Transient Hangar/$65-$110/day	Shade Hangar/$140-$165/mo. T-Hangar/$350-$640/mo Box Hangar/$470-$510/mo.	Portable Hangar Ground Rent /$130/mo. Aviation Land/ $0.62-$1.13/sf/yr. Non-Aviation/$1.06-$3.05/sf/yr. Golf Course/$0.09/sf/yr.	$0.09/gallon	<12,500 lbs./$10 >12,500 lbs./$25	NA	NA	NA	FBOs/ 1% gross income Non-FBOs/ 2% gross income Rental cars/2.5%/gross income	30yr+10yr+10yr/ reversion
Hollister Municipal Airport/CVH/CA	Local GA	6,350'	115/5	57,000	Tie-Down/$50/mo./Piston; $70/mo./Twin Transient: $5/day/Piston; $10/day/Twin; $25/day/Jets	T-Hangar/$402/mo. Box Hangar (50'x50')/$2,192/mo. Box Hangar (60'x60')/$2,865/mo.	Negotiable	$0.08/gallon	<12,500 lbs./$20 >12,500 lbs. $40	NA	NA	NA	NA	30yr/Negotiable
Watsonville Municipal Airport/WVI/CA	Regional GA	4,501	258/5	60,000	Piston/Tie-Down/$106/mo./ Twin/<12,500 lbs./$175/mo. >12,500 lbs./$675/mo. Transient/Overnight/$10-Single Piston/$15-Twin/$30-Jet/$100-Jet > 12,500 lbs. Transient/Weekly/$40-Single Piston/$60-Twin/$120-Jet/$400-Jet > 12,500 lbs.	T-Hangar/900sf/$266/mo. T-Hangar/975sf/$294/mo. T-Hangar/1,000sf/$380/mo. T-Hangar/1,100sf/$370/mo. Box Hangar/2,200sf/$860/mo. Corporate Hangar/3,300/$1,640/mo. Mini Hangar/500sf/$264/mo.	Finished Terminal Building Space/$0.60/sf/mo.	City is the fuel vendor thus they profit on the difference between wholesale and sale price.	NA	$5/day $30/week $75/mo.	NA	$100/yr. Special event permit: $300/event	NA	20yr or 30yr/reversion
Skagit Regional Airport/BVS/WA	Regional GA	5,478'	133/3	33,500	Tie-Down/Single Piston/$51/mo. Tie-Down.twin/$56/mo. Transient/$6/day/First 72 hours free	T-Hangars/$312-$344/mo. Box Hangar/$489-$610/mo. Community Hangar/FBO Managed	Unimproved on Primary Flightline/$0.386/sf/yr Unimproved on Crosswind Rwy/$0.162/sf/yr	$0.93/gallon	NA	$5/day $15/week	Customs available/no airport fee	NA	NA	10yr/10yr/10yr/reversion

[1]National Plan of Integrated Airport Systems (NPIAS)
[2]Airport Master Record - Form 5010

Bay City REGIONAL AIRPORT

RATES A
CHARGES ANALYSIS

Airport/FAA ID/State	Airport FAA Classification[1]	Longest Runway	Based Aircraft/ TP & Jets[2]	Annual Operations[2]	Aircraft Parking Rates	Hangar Storage Rates	Ground Lease Rates	Fuel Flowage Fees	Landing Fees	Auto Parking Fees	Customs Fees	Commercial Operators License	Percentage of Gross Sales	Typ. Lease Term/Reversion
Topeka Regional Airport/FOE/KS	Regional GA	12,803	35/6	17,000	Tie-Down/Single Piston/$50/mo. Tie-Down/Twin/$60/mo. Transient/$10/day/Free with gas	T-Hangars/$100-$230/mo. Old Military Hangar/$1.00/sf/yr. Renovated Old Military Hangar/$2.50/sf/yr. Terminal space/$16/sf/mo. Community Hangar: Based on wingspan+5 feet square/$0.07/sf/mo.	Non-Aviation Building-Office/$2.50/sf/yr Unimproved Ground Lease/$0.11-$0.13/sf/mo. Business Park Ground Lease/$0.17/sf/mo.	$0.06/gallon/FBO	Charter aircraft only based on weight.	Free	NA	NA	NA	15yr/15yr/reversion; Annual lease rate adjustment based on CPI.
Grant County International Airport/MWH/WA	Local GA	13,503'	35/0	77,000	Tie-Down/Piston or Twin/$70/mo./FBO Ramp Transport Aircraft Storage/$600/acre	All Hangars Provately Owned/Rates Vary Community Hangar/FBO Managed/Approx. $200/mo.	Unimproved Aviation Land/$600/acre/mo. Unimproved Non-Aviation Land/$325/acre/mo.	$0.07/gallon/FBO	<12,500/Free >12,500/$1.10/per 1,000 lbs.	NA	Yes	County Business License	NA	30yr/reversion or return to initial condition (demo)
Salinas Municipal Airport/SNS/CA	Regional GA Reliever	6,004'	113/6	70,000	Piston/$55/mo. Twin/$110/mo. Jet/$600/mo. Helo/$61/mo.	T-Hangars/900sf-1,070sf/$172-$288/mo. Box Hangars/1,610-4,230sf/$574-$1,507/mo.	Aviation/$0.33-$0.36/sf/yr. Non-Aviation/$1.00/sf/yr.	Avgas/$0.10/gallon Jet A/$0.13/gallon	NA	$100/mo./RV or car	NA	Yes/Waived with lease. $150/yr. for a sublet business.	7% restaurant	30yr+10yr+10yr/ reversion
Marina Municipal Airport/OAR/CA	Local GA	3,478'	50/3	30,000	Overnight parking: $10/day/waived with fuel purchase Tie-down: $25/mo.	Community Hangar (based on wingspan) <38'=$175/mo. 38'-45';=$250/mo. 46'-50'=$500/mo. >50'=(negotiable)/mo. Certain Existing Hangars/$0.17-$0.19/sf/mo.	Undeveloped Aviation Land/$0.03/sf/mo. Developed Aviation Land/0.05/sf/mo. Non-Aviation Land/$0.0043-$0.0087/mo.	City is the fuel vendor thus they profit on the difference between wholesale and sale price.	$25/<12,500 lbs. (waived with a fuel purchase)	NA	NA	City Business License Required (approx. $200)	NA	30yr/10yr/10yr/reversion

[1]National Plan of Integrated Airport Systems (NPIAS)
[2]Airport Master Record - Form 5010

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APPENDIX B - FEE SCHEDULE

Section Number	Subject	Fee Amount
Chapter 18 - Aviation		
18-6(a)	Aerial Advertising - City limits permit	$15.00 per flight
18-6(a)	Aerial Advertising - City limits, 7-day permit	$25.00
18-	Aerial Applicator Operating Permit	$500.00 per aircraft (30-day period) $250.00 for each additional aircraft
18-135	Fuel Flowage Fee	$0.15 per gallon
~~*Daily*~~ *Nightly* *Tie Down Fees*		
18-	Single Engine	$10.00
18-	Twin Engine	$20.00
18-	Turbo/Jet Engine	$30.00
First night free with fuel purchase		
Monthly Tie Down Fees ~~First calendar day free WITH fuel purchase. Tie down fees are calculated on the calendar day. (Example: "Calendar Day" 1 minute to 24 hours equals 1 calendar day.)~~		
18-	Single Engine	$100.00
18-	Twin Engine	$200.00
18-	Turbo/Jet Engine	~~$300.00~~$350.00
18-	Turbo/Jet Engine 12,500 lbs. and greater	$400.00
No discount offered with purchase of fuel. Tie down fees are calculated on the calendar day. (Example:		

"Calendar Day" 1 minute to 24 hours equals 1 calendar day)		
Main Hangar Daily Fees		
18-	Single Engine	$25.00
18-	Twin Engine	$50.00
18-	Turboprop/~~Jet Engine~~	$100.00
18-	Jet Engine	$150.00
~~18-~~	~~T Hangar Monthly Fee~~	~~$185.00 per month with a $185.00 Deposit~~
~~18-~~	~~End Cap Monthly Fee~~	~~$55.00 per month~~
No discount offered with purchase of fuel. Fees are calculated on the calendar day.		
Main Hangar Monthly Fees		
18-	Single Engine	~~$225.00~~$250.00
18-	Twin Engine	$300.00
18-	Turbo Prop	~~$350.00~~$400.00
18-	Jet Engine	~~$450.00~~ $500.00
18-	Deposit	Equal to one month's rent
T-Hanger Monthly Fees		
18-	T-Hanger	$200.00
18-	T-Hanger Suite	$245.00
18-	T-Hanger Bi-fold doors and 1,000 Sf	$225.00
18-	T-Hanger Bi-Fold doors and 1,210 Sf	$250.00

18-	T-Hanger Bi-fold doors and 1,450 Sf	$260.00
18-	Deposit	Equal to one month's rent
18-	End-Cap monthly rate	$70.00
18-	Late Fee assessed for all payments not received by the 11th of each month	$50.00
Ramp Fees		
18-	Single Engine	$10.00
18-	Twin Engine	$20.00
18-	Turbo/Jet Engine	~~$30.00~~$50.00
Customers using our ramp to drop off or pick up passengers/cargo and purchasing aviation fuel are not charged a ramp use fee. ~~All others will be charged a ramp fee on the calendar day.~~		
18-	Courtesy Vehicle for Fly-in visitors w/aviation fuel purchase	First 2 hours: No charge; then $15.00/hour
	Courtesy Vehicle for Fly-in visitors w/out aviation fuel purchase	$20.00/hour
	(a) Fly in visitors with no fuel purchase: A surcharge of $20.00 will be charged regardless of how much fuel was used in the vehicle, if the vehicle is returned without the fuel being replaced.	
	(b) The overnight use of the vehicle may be approved at the cost of a flat rate fee of $100.00 (after 5:00 p.m. until 8:00 a.m.). The charges as stated above will then apply between the hours of 8:00 a.m. to 5:00 p.m.	
After Hour's Services – Customers requesting services or assistance after business hours, weekends and holidays		
18-	Call Out Fee	$55.00/hour (2-hour minimum)
18-	Overtime Fee	$55.00/hour

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		Customers requesting services that require employees to work past business hours.
18	Fuel Service Fees	.40 cents per gallon of fuel
18	Fuel additive	.05 cents per gallon plus posted fuel price
18	Fueling Fee for private self-fuel delivery	.15 cents per gallon
18	Catering Fee	Based on the size of the order, time spent coordinating the order and delivery.
18	Office/Terminal lease	$2.50 - $15.00 Sf per year
Ground Lease		
18	Aviation related land – Improved	.15 cents Sf per year
18	Aviation related land – Unimproved	.10 cents Sf per year
18	Non-aviation related land	.25 cents Sf per year

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