



**Monday, September 17, 2018
Regular Combined Meeting**

**3815 Sachse Road, Building B
Council Chambers
6:30 p.m.**

The City of Sachse reserves the right to reconvene, recess or realign the workshop meeting, regular meeting, called Executive Session or order of business at any time prior to adjournment.

As authorized by Section 551.071(2) of the Texas Government Code, these meetings may be convened into closed Executive Session at any time during the City Council workshop or regular meeting for the purpose of seeking confidential legal advice from the City Attorney on any workshop or regular meeting agenda item listed herein.

A. 6:30 PM WORKSHOP MEETING

1. Call to Order: The City Council of the City of Sachse will hold a Workshop Meeting on Monday, September 17, 2018 at 6:30 p.m. in the Council Chambers at Sachse City Hall, 3815 Sachse Road, Building B, Sachse, Texas to consider the following items of business:
2. Discuss the Sachse Community Center project.
3. Discussion of City Council meeting agenda items.
4. Adjournment.

B. 7:30 PM REGULAR MEETING

1. Call to Order: The City Council of the City of Sachse will hold a Regular Meeting on Monday, September 17, 2018 at 7:30 p.m. in the Council Chambers at Sachse City Hall, 3815 Sachse Road, Building B, Sachse, Texas to consider the following items of business:
2. Invocation and Pledges of Allegiance

C. Consent Agenda - All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests.

1. Approve the minutes of the September 4, 2018 combined meeting.
2. Approve the Consent Agenda Items as presented.

D. Special Announcements

1. Mayor and City Council announcements regarding special events, current activities, and local achievements.

E. Citizen Input

1. Citizen Input - The public is invited at this time to address the Council. Please come to the microphone and state your name and address for the record. If your remarks pertain to a specific agenda item, please hold them until that item, at which time the Mayor may solicit your comments. Time limit is 3 minutes per speaker. The City Council is prohibited by state law from discussing any item not posted on the agenda according to

the Texas Open Meetings Act, but may take them under advisement. Issues raised may be referred to City Staff for research and possible future action.

F. Regular Agenda Items

1. Conduct a public hearing to consider and act on a request by Tracy Burns to rezone approximately 1.23 acres of land from R-1 (Residential 1) and R-2A (Residential 2A) to R-15 (Residential 15) for the purposes of building an additional home.
2. Receive a presentation about the findings from the People with Disabilities Community Round Table event.
3. Receive presentation from the Fire Department regarding Fire Safety Week.
4. Consider an ordinance approving and adopting the budget for the fiscal year beginning October 1, 2018 and ending September 30, 2019.
5. Make a motion to ratify the property tax increase in the budget for Fiscal Year 2018-2019.
6. Consider an ordinance levying ad valorem taxes for the year 2018 (Fiscal Year 2018-2019) at a rate of \$0.72 per one hundred dollars (\$100) assessed valuation on all taxable property within the corporate limits of the City of Sachse as of January 1, 2018.
7. Consider a resolution amending the Master Fee Schedule by amending health permits, new home construction/remodel/addition; general contractor registration; preliminary plat application fees; printing/copying charges in library, three inch and above meter installation performed in-house; meter supply costs; refuse service fees; water and wastewater rates; and 5/8" meter deposits and providing an effective date.
8. Consider an ordinance amending the Code of Ordinances, Chapter 10, "Utilities," by amending Section 2 "Sewer Service Fees," by amending Section 3 "Water and Sewer Service Billing Procedures," and by amending Section 6 "Regulating the Discharge of Industrial Wastes into Public Sewers" to provide for service billing policies and procedures.
9. Consider a resolution approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2018 Rate Review Mechanism filings.
10. Conduct a public hearing to consider and act on an ordinance amending Chapter 11 titled "Zoning Ordinance" by amending Exhibit 1 by amending Article 2 titled "Definitions" by adding a definition for Alternate Financial Services and amending the definition for Microbrewery; by amending Article 3 titled "[Districts]" by amending Section 10 titled "Planned Development District" by amending Subsection 10.2 titled "Creation" by removing the required acreage requirement for a Planned Development District; by deleting Section 13 titled "OP Office Park District" in its entirety and renaming Section 13 "Use Designations" to set forth regulations by adding by adding Subsection 13.2 titled "Use Charts Organization" to include Use Chart 13.2.1 titled "Primary Residential Uses", Use Chart 13.2.2 titled "Accessory and Incidental Uses", Use Chart 13.2.3 titled "Institutional and Special Uses", Use Chart 13.2.4 titled "Commercial Uses", Use Chart 13.2.5 titled "Transportation Uses" and Use Chart 13.2.6 titled "Industrial and Utility Uses", by adding Subsection 13.3 titled "Classification of New/Unlisted Uses" and by adding Subsection 13.4 titled "Special Zoning Districts"; by amending Section 14 titled "PGBT Zoning District" by amending Subsection 14.5 titled "Schedule of Uses" by amending table 14.5.1 titled "Schedule of Uses" by amending Section 15 titled "Old Town Zoning District".

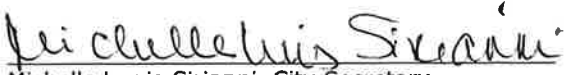
G. Executive Session

1. The City Council shall convene into Executive Session pursuant to Texas Government Code Section §551.087 Economic Development Deliberations: Discussion of a Development Agreement between the City of Sachse and PMB Acquisitions LLC and/or its affiliates to provide incentives related to the development of approximately 119 acres of land within the PGBT Area Zoning District.
2. Consider any action as a result of Executive Session.

H. Regular Meeting Closing

1. Adjournment

I, the undersigned authority, do hereby certify that this notice of meeting was posted in accordance with the regulations of the Texas Open Meetings Act and was posted on the bulletin board, an accessible location at Sachse City Hall.

A handwritten signature in cursive script, reading "Michelle Lewis Sirianni".

Michelle Lewis Sirianni, City Secretary

Accommodation requests for persons with disabilities should be made at least 48 hours prior to the meeting by contacting Lauren Rose, ADA Coordinator, via phone at 972.429.4770, via email at lrose@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.

**Agenda Item Details**

Meeting	Sep 17, 2018 - Regular Combined Meeting
Category	A. 6:30 PM WORKSHOP MEETING
Subject	2. Discuss the Sachse Community Center project.
Access	Public
Type	Discussion

Public Content**BACKGROUND**

On June 7, the City received four bids for the Sachse Community Center project. Due to various reasons including high costs, timelines, and number of bids received, the City Council rejected all bids at the July 16, 2018, meeting. The City Council directed staff and Mr. Hobbs to look at some ideas for cost savings on the project that could be worked into the design and bid packets.

OVERVIEW

Mr. Hobbs is here to discuss the value engineering options, timelines, and bid process options that staff and Mr. Hobbs have come up with. Staff has taken into consideration the current economy, building material pricing, and the overall community needs in the value engineering process.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

Receive direction from the City Council on the value engineering items for Mr. Hobbs to work into the design and bid packets, and determine which direction the City Council would like to go with the bid process.

Accommodation requests for persons with disabilities should be made at least 48 hours prior to the meeting by contacting Lauren Rose, ADA Coordinator, via phone at 972.429.4770, via email at lrose@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.

**Agenda Item Details**

Meeting	Sep 17, 2018 - Regular Combined Meeting
Category	C. Consent Agenda - All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests.
Subject	1. Approve the minutes of the September 4, 2018 combined meeting.
Access	Public
Type	Minutes
Minutes	View Minutes for Sep 4, 2018 - Regular Combined Meeting

Public Content**BACKGROUND**

Minutes of the September 4, 2018 combined meeting.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

Approve the minutes of the September 4, 2018 combined meeting.

[09.04.18 Combined Minutes.pdf \(249 KB\)](#)

Accommodation requests for persons with disabilities should be made at least 48 hours prior to the meeting by contacting Lauren Rose, ADA Coordinator, via phone at 972.429.4770, via email at lrose@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.

CITY COUNCIL OF THE CITY OF SACHSE
MEETING MINUTES
SEPTEMBER 4, 2018

The City Council of the City of Sachse held a combined workshop and regular meeting on Tuesday, September 4, 2018 at 6:30 p.m. at the City Council Chambers, 3815 Sachse Road, Sachse, Texas. Those present were Mayor Mike Felix, Mayor Pro Tem Cullen King, Councilmembers Brett Franks, Michelle Howarth, Paul Watkins, Bill Adams, and Jeff Bickerstaff; City Manager, Gina Nash; City Secretary, Michelle Lewis Sirianni; Assistant to the City Manager, Lauren Rose; Development Services Director, Dusty McAfee; Director of Public Works and Engineering, Greg Peters; Finance Director, Teresa Savage; Accountant, Karen Ramirez; Human Resources Director, Melinda Walter; Parks and Recreation Director, Lance Whitworth; Library Manager, Daniel Laney; Fire Chief, Marty Wade; Assistant Police Chief, Steven Baxter, and Police Chief, Bryan Sylvester.

Mayor Felix opened the workshop meeting at 6:32 p.m.

EXECUTIVE SESSION: The City Council shall convene into Executive Session pursuant to the Texas Government Code, Section §551.074: Personnel – regarding the annual review of the City Secretary.

At 6:32 p.m., the City Council recessed into Executive Session.

At 7:17 p.m., the City Council reconvened back into the workshop meeting.

ADJOURNMENT:

At 7:17 p.m., Mayor Felix adjourned the workshop meeting.

Mayor Felix opened the regular meeting at 7:35 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND STATE FLAG: The invocation was offered by Mayor Pro Tem King and the pledges by Councilman Watkins.

CONSENT AGENDA: All items listed on the Consent Agenda are considered routine and will be acted on by one motion, with no separate discussion of these items unless a City Councilmember or citizen so requests.

A. - Approve the minutes of the August 20, 2018 combined meeting.

B. – Accept the Monthly Revenue and Expenditure Report for the period ending July 31, 2018.

C. – Accept the Quarterly Budget and Investment Reports for the quarter ending June 30, 2018.

Councilman Bickerstaff made a motion to approve items on the Consent Agenda as presented. Councilman King seconded that motion and the motion was unanimously approved.

MAYOR AND CITY COUNCIL ANNOUNCEMENTS REGARDING SPECIAL EVENTS:

Mayor Felix announced upcoming Library events; Public Safety Day on Saturday, September 8 from 10:00 a.m. to 2:00 p.m.; and the Cotton: Farm to Market event being held by the Sachse Historical Society on Saturday, September 22 at 10:00 a.m.

Michelle Queen with the Texas Masonry Council recognized the City Council for earning the Golden Trowel Award. The award honors the City for its masonry guidelines and sustainability practices.

CITIZENS INPUT:

Bobby Tillman, 6314 Ben Road, invited the public and City Council to attend the Sachse Historical Society event on Saturday, September 22 at 10:00 a.m. for the Cotton: Farm to Market event and described the various activities that will be taking place.

REGULAR AGENDA ITEMS:

Consider a Memorandum of Understanding (MOU) between the City of Sachse and the Wylie ISD for the 2018-2019 school year.

Chief Sylvester stated in March 2018, staff approached Wylie ISD Superintendent and proposed adding an SRO to service Whitt and Cox Elementary schools. Staff initiated additional discussions with Wylie ISD in July 2018. The Wylie ISD Board of Trustees approved funding to support shared costs related to a dedicated SRO at its August 20, 2018 meeting. Chief Sylvester outlined the provisions of the Memorandum of Understanding (MOU) and stated due to the timing and finalization of the proposal, staff will utilize an existing police officer position. The funding of the SRO vehicle will come from the Vehicle/Equipment Replacement Fund (VERF). Staff is recommending approval.

The City Council discussed how and if this would affect staffing within the Police Department as well as possible future funding.

Mayor Pro Tem King made a motion to approve a Memorandum of Understanding (MOU) between the City of Sachse and Wylie ISD for the 2018-2019 school year. Councilman Watkins seconded that motion and the motion was unanimously approved.

Consider an ordinance authorizing certain budget amendments pertaining to the fiscal year 2017-2018 budget.

Mrs. Savage stated these budget amendments are to approve funding for four separate transactions related to the 2017-2018 budget. Mrs. Savage provided an overview of each amendment requested. Staff is recommending approval.

Councilman Watkins made a motion to authorize certain budget amendments pertaining to the fiscal year 2017-2018 budget. Councilman Bickerstaff seconded that motion and the motion was unanimously approved.

Conduct a public hearing on the proposed fiscal year 2018-2019 budget.

As part of the proposed budget, Mr. Peters presented an overview of capital improvement projects. His presentation included a review of completed projects in 2017-18 and proposed projects for the 2018-2019 fiscal year. Mr. Peters stated that staff is seeking feedback on the proposed projects list for the 2018-2019 fiscal year, which will be incorporated into the budget. A finalized list will be brought back to the City Council in October.

Mayor Felix opened the public hearing.

No comments were made.

Mayor Felix closed the public hearing.

No further comments were made and no action was taken.

Conduct the second public hearing on the proposed tax rate for the 2018-2019 fiscal year.

Mrs. Savage stated this is the second of two public hearings on the tax rate. Mrs. Savage provided an overview of the General Fund, Truth in Taxation data, Department summaries, the Utility Fund and the Capital budget, which included the projects discussed in the item above by Mr. Peters.

Mayor Felix opened the public hearing.

Dara Jones, 6006 Timber Crest, expressed her concerns over the tax rate. She asked the City Council to consider not raising the taxes due to how high her appraisals have been which is causing financial stress.

Mayor Felix closed the public hearing.

No further comments were made and no action was taken.

Consider appointments to the Tax Increment Financing (TIF) Board.

Mrs. Nash stated the TIF Board needs to meet annually in order to consider their annual report. The Board currently does not have a quorum and would be unable to meet. The City Council may appoint staff or Councilmembers if they so choose.

The City Council discussed if they would be interested in serving until other interested citizens come forward to be appointed.

Councilman Bickerstaff made a motion to appoint Councilmembers Watkins and Howarth and Mayor Pro Tem King to the TIF Board. Councilman Franks seconded that motion and the motion was unanimously approved.

Receive presentation regarding the 2018 National Night Out.

Assistant Chief Baxter provided the City Council with an overview of this year's National Night Out taking place on Tuesday, October 2. Assistant Chief Baxter stated the event was formed in 1984 by the National Association of Town Watch. It was created to provide neighbors with an opportunity to meet one another and increase interaction amongst citizens, local public safety, and City leaders. National Night Out this year includes block parties, visits from Police and Fire, a canned food drive, Public Safety Day, and a Senior Center Safety event. Assistant Chief Baxter expanded on Public Safety Day and the Senior Center Safety event. Citizens are encouraged to register for their block party event and to turn on their front porch lights for National Night Out on Tuesday, October 2.

Discuss and consider a resolution for a 3D Printer Use Policy for the library.

Mr. Laney stated in August 2018, the Friends of the Sachse Public Library voted to fund the purchase of a new 3D printer for the Library, which will be used to offer 3D printing services to Library patrons. Mr. Laney outlined how and what kinds of objects can be printed. The proposed policy provides guidelines for approval of designs by the Library staff. The Library may refuse any request, and patrons must be 18 years or older and have a library card in good standing in order to use the 3D printer. Mr. Laney stated the proposed fee is \$0.15 per gram, with a minimum charge of \$1.50. This fee is in line with other surrounding libraries and also allows the City to recover costs of materials needed to print as well as to cover the future replacement of printer components. The fee will be adopted into the City's Master Fee Schedule at the next meeting.

Councilman Bickerstaff made a motion to approve the 3D Printer Use Policy for the Library. Councilman Adams seconded that motion and the motion was unanimously approved.

EXECUTIVE SESSION:

- A. The City Council shall convene into Executive Session pursuant to Texas Government Code Section §551.072 for the purpose of deliberations regarding the purchase, exchange, lease, or value of real property generally located along Sachse Road, near Merritt Road.
- B. The City Council shall convene into Executive Session pursuant to Texas Government Code Section §551.087 Economic Development Deliberations: Discussion of a Development Agreement between the City of Sachse and PMB Acquisitions LLC and/or its affiliates to provide incentives related to the development of approximately 118 acres of land within the PGBT Area Zoning District.
- C. The City Council shall convene into Executive Session pursuant to the Texas Government Code, Section §551.074: Personnel – regarding the annual review of the City Secretary.

At 9:02 p.m., the City Council recessed into Executive Session.

At 9:58 p.m., the City Council reconvened back into Regular Session.

Councilman Bickerstaff made a motion in regards to item C to increase the City Secretary's annual salary by 2%. Councilwoman Howarth seconded that motion and the motion was unanimously approved.

No action was taken on items A and B.

ADJOURNMENT:

Mayor Felix adjourned the regular meeting at 9:59 p.m.

MIKE J FELIX, MAYOR

ATTEST:

Michelle Lewis Sirianni, City Secretary

**Agenda Item Details**

Meeting	Sep 17, 2018 - Regular Combined Meeting
Category	F. Regular Agenda Items
Subject	1. Conduct a public hearing to consider and act on a request by Tracy Burns to rezone approximately 1.23 acres of land from R-1 (Residential 1) and R-2A (Residential 2A) to R-15 (Residential 15) for the purposes of building an additional home.
Access	Public
Type	Action, Discussion, Information
Fiscal Impact	No
Budgeted	No
Recommended Action	Approve an ordinance amending the comprehensive zoning ordinance and map of the City of Sachse, as heretofore amended, to grant a change of zoning from Residential-1 ("R-1") and Residential 2a ("R-2a") to Residential 15 ("R-15") on approximately 1.23 acres of land, generally located at the southeast corner of Sachse Road and Getha Lane, more commonly known as 4706 Sachse Road.

Public Content**BACKGROUND**

Conduct a public hearing to consider and act on a request by Tracy Burns to rezone approximately 1.23 acres of land from R-1 (Residential 1) and R-2A (Residential 2A) to R-15 (Residential 15) for the purposes of building an additional home.

OVERVIEW

- The subject property is generally located at the southeast corner of Sachse Road and Getha Lane
- The subject property is oddly shaped in the formation of an "L"
- The subject property has split zoning, with the top half being R-1 and the bottom half being R-2A
- The current home on the northern half was constructed in 1960 prior to the adoption of the City's first zoning ordinance

POLICY CONSIDERATIONS

- The project is not eligible for review by the Board of Adjustment
- The requested R-15 zoning has higher standards than the current R-2A zoning
- The Future Land Use Plan supports the rezoning request
- At the August 27, 2018 Planning and Zoning Commission public hearing, some residents spoke in favor of the rezoning request; some in opposition

RECOMMENDATION

- The Planning and Zoning Commission unanimously recommended approval of the proposed rezoning on August 27, 2018
- Staff recommends approval of the requested rezoning and accompanying ordinance

[Staff Presentation.pdf \(611 KB\)](#)[Proposed Ordinance.pdf \(258 KB\)](#)

4706 Sachse Road

CITY COUNCIL

SEPTEMBER 17, 2018



Background

Conduct a public hearing to consider and act on a request by Tracy Burns to rezone approximately 1.23 acres of land from R-1 (Residential 1) and R-2A (Residential 2A) to R-15 (Residential 15) for the purpose of building an additional home, located at 4706 Sachse Road, within city limits.



Overview

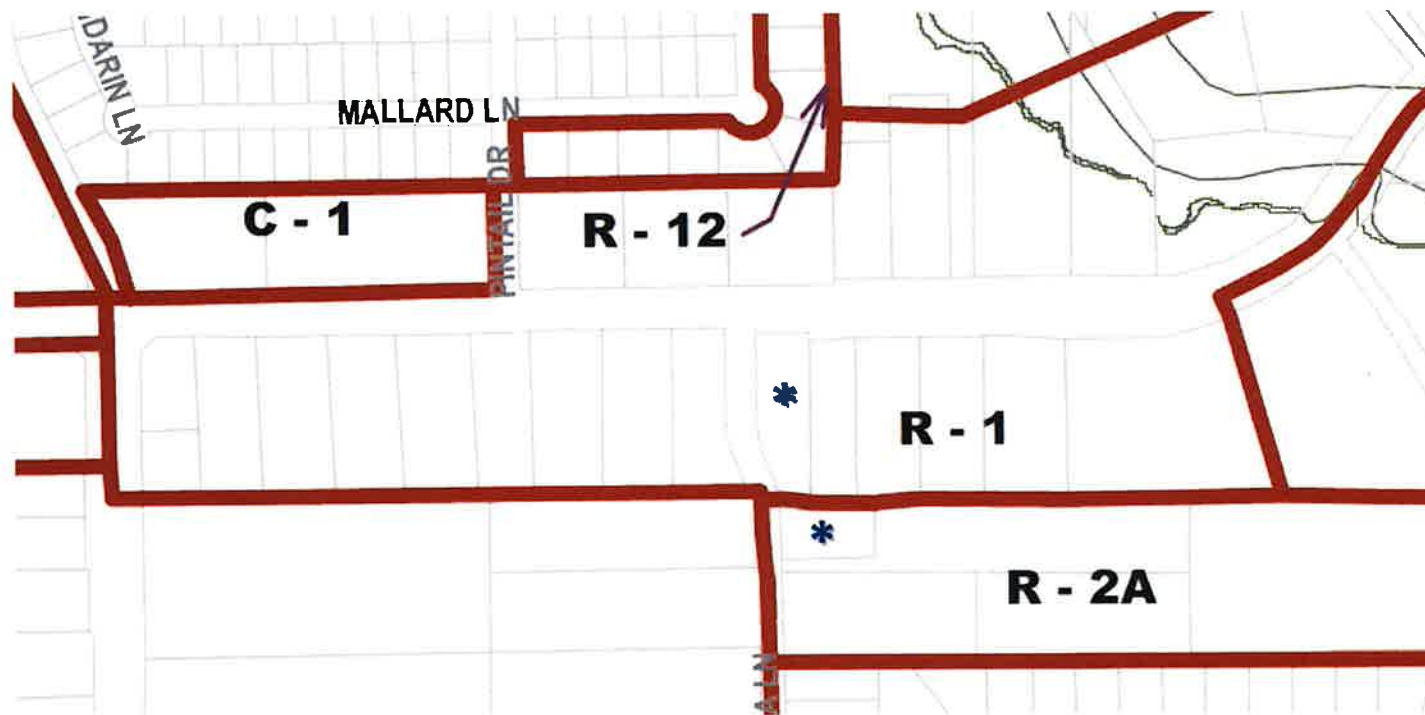
- The subject property is oddly shaped in the formation of an “L”
- The subject property has split zoning
 - The top half is zoned R-1 with a house on it
 - The bottom half is zoned R-2A and is empty
- The home was constructed in 1960 prior to the adoption of the City’s first zoning ordinance
- R-1 and R-2A both are inactive single family zoning districts
- R-15 is an active single family zoning district

Aerial Map

The subject property is generally located at the southeast corner of Sachse Road and Getha Lane.



Zoning Map



The blue dots indicate the subject property and illustrate how it is within 2 different zoning districts.

Applicant's Request

- The applicant desires to rezone the subject property to R-15
- Then the subject property could be legally subdivided into 2 lots, allowing the southern half to build a house
- The northern half barely fails to meet the minimum area regulations for R-1 zoning
- Several neighboring homes also do not meet R-1 area regulations as they too were constructed prior to Sachse's original zoning
- The southern half meets R-2A area regulations

Additional Notes

- The project is not eligible for the Board of Adjustment
 - The City Attorney advised to rezone and then plat as the proper course of action
 - The subject property is greater than 1.23 acres, so it can today erect a large metal barn on the southern half or even an accessory dwelling unit
 - The requested R-15 zoning requires higher standards than the R-2A zoning that is currently governing the lower half of the property
- 

Zoning Chart

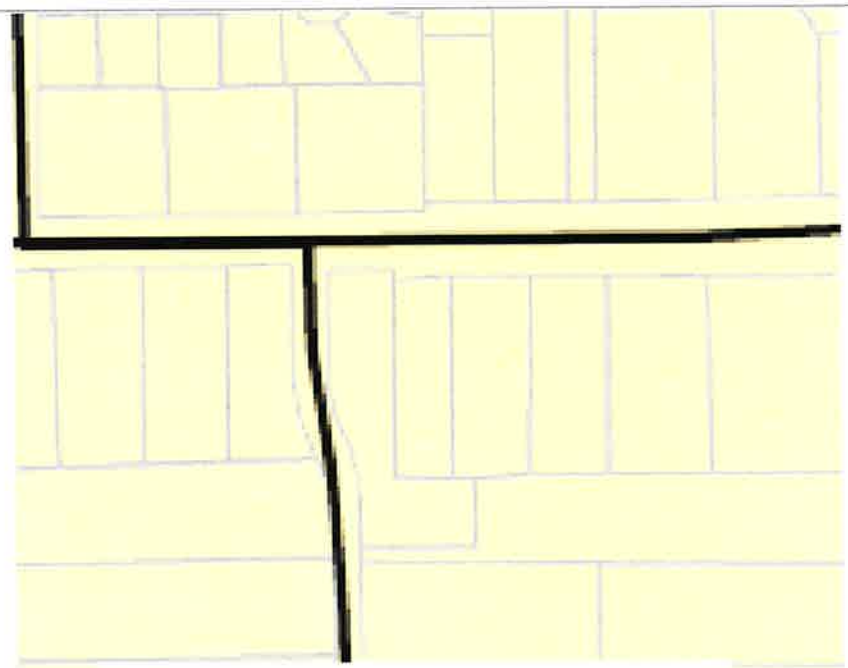
Area Regulation	R-1	R-2A	R-15
Min. Lot Size	39,000 sf	10,000 sf	15,000 sf
Lot Width	130'	80'	100'
Front Setback	90'	30'	40'
Min. SF (House)	1800 sf	1750 sf	2,000 sf

FYI - all new homes and structures must abide by Sachse's architectural standards, regardless of zoning district.



FLUP

- The Future Land Use Plan (FLUP) reserves the subject property for Low Density Residential land uses
- State law requires that zoning decisions *“must be adopted in accordance with a Comprehensive Plan”*
- The FLUP supports the rezoning request



LOW DENSITY RESIDENTIAL

P&Z Recommendation

- The Planning & Zoning Commission unanimously recommended approval of the requested rezoning at its August 27th regular meeting
- Six (6) people spoke during the public hearing:
 - 3 opposed
 - 2 in favor
 - 1 asked if the rezoning was for apartments (*no*)
- Those in opposition cited concerns over property value impacts, loss of privacy, and the importance of maintaining a country feel
- Those in favor generally stated that the request makes sense in that the lower half would still be a large lot even if later subdivided

Vicinity

- The immediate area surrounding the subject property has a healthy mix of housing stock and lot sizes
- The blue rectangle visualizes the placement of a potential future house



Staff Recommendation

- The subject property is unplatted with a house that predates Sachse's first zoning
 - This situation is not eligible for relief from the Board of Adjustment
 - The Future Land Use Plan supports the rezoning request
 - More than 150 property owners were noticed at 1,000 feet with no negative responses received in the office
 - Staff recommends approval of the rezoning request
 - The City Council is the final approval authority for this item
- 

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF SACHSE, AS HERETOFORE AMENDED, TO GRANT A CHANGE OF ZONING FROM RESIDENTIAL-1 ("R-1") AND RESIDENTIAL 2A ("R-2A") TO RESIDENTIAL 15 ("R-15") ON APPROXIMATELY 1.23 ACRES OF LAND, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SACHSE ROAD AND GETHA LANE, MORE COMMONLY KNOWN AS 4706 SACHSE ROAD, CITY OF SACHSE, DALLAS COUNTY, TEXAS, AND AS DEPICTED IN EXHIBIT "A"; PROVIDING A CONFLICTS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Sachse and the governing body of the City of Sachse, in compliance with state laws applying to amending the Comprehensive Zoning Ordinance and Map, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the City of Sachse is of the opinion that said comprehensive zoning ordinance should be amended as provided herein;

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Sachse, Texas, as heretofore amended, be and the same are hereby further amended to grant a change in zoning from Residential-1 ("R-1") and Residential 2A ("R-2A") to Residential-15 ("R-15") on approximately 1.23 acres of land, generally located at the southeast corner of Sachse Road and Getha Lane, more commonly known as 4706 Sachse Road, City of Sachse, Dallas County, Texas, and as depicted in Exhibit "A".

SECTION 2. To the extent of any irreconcilable conflict with the provisions of this ordinance and other ordinances of the City of Sachse governing the use and development of the Property and which are not expressly amended by this ordinance, the provisions of this ordinance shall be controlling.

SECTION 3. That all provisions of the ordinances of the City of Sachse in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Sachse not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so

decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 5. An offense committed before the effected date of this ordinance is governed by the prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Sachse, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas on the _____ day of _____, 2018.

APPROVED:

Mike J. Felix
Mayor

DULY ENROLLED:

Michelle Lewis Sirianni
City Secretary

APPROVED AS TO FORM:

Peter G. Smith
City Attorney
(09-10-2018:TM102539)

**EXHIBIT “A”
DEPICTION**



0 75 150
Feet

AERIAL LOCATION MAP

4706 Sachse Rd
FILE: ZO 18-02 Rezone
Map Created: July 31, 2018

**Agenda Item Details**

Meeting	Sep 17, 2018 - Regular Combined Meeting
Category	F. Regular Agenda Items
Subject	2. Receive a presentation about the findings from the People with Disabilities Community Round Table event.
Access	Public
Type	Information
Goals	Provide excellent government services to Sachse citizens.

Public Content**BACKGROUND**

On August 23, the City co-hosted a People with Disabilities Community Round Table event with the Texas Governor's Committee on People with Disabilities. The purpose of the event was to obtain feedback about the quality of services provided to residents and guests of Sachse with disabilities.

Participants provided feedback through a series of four, topic-based discussion tables. With the help of a facilitator to guide the conversations, attendees commented on Public Safety, Public Infrastructure, Parks and Recreation, and the Library. Staff compiled a summary of the comments derived from facilitators' notes and footage from the recording of the event.

OVERVIEW

Staff categorized the feedback into a report that includes compliments and areas of improvement, as well as short-term, mid-term, and long-term action items garnered from feedback provided at the event.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

There are no recommendations affiliated with this item.

[Community Round Table.pdf \(839 KB\)](#)

Accommodation requests for persons with disabilities should be made at least 48 hours prior to the meeting by contacting Lauren Rose, ADA Coordinator, via phone at 972.429.4770, via email at lrose@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.

Community Round Table

SEPTEMBER 17, 2018



Event Recap

- Thursday, August 23 at 6:30 p.m.
- Combined City Council/Municipal Court Room
- Round table format focused on:
 - Parks and Recreation
 - Library
 - Public Safety
 - Public Infrastructure
- Approximately 12 guests in attendance
- Discussion lasted about two hours



Event Recap



- Co-hosted the event with the Texas Governor's Committee on People with Disabilities
- Also supported with representatives from the following agencies:
 - REACH Plano
 - Texas Workforce Solutions
 - My Possibilities
- Representatives served as table facilitators and worked with the groups as they discussed each topic

Event Recap

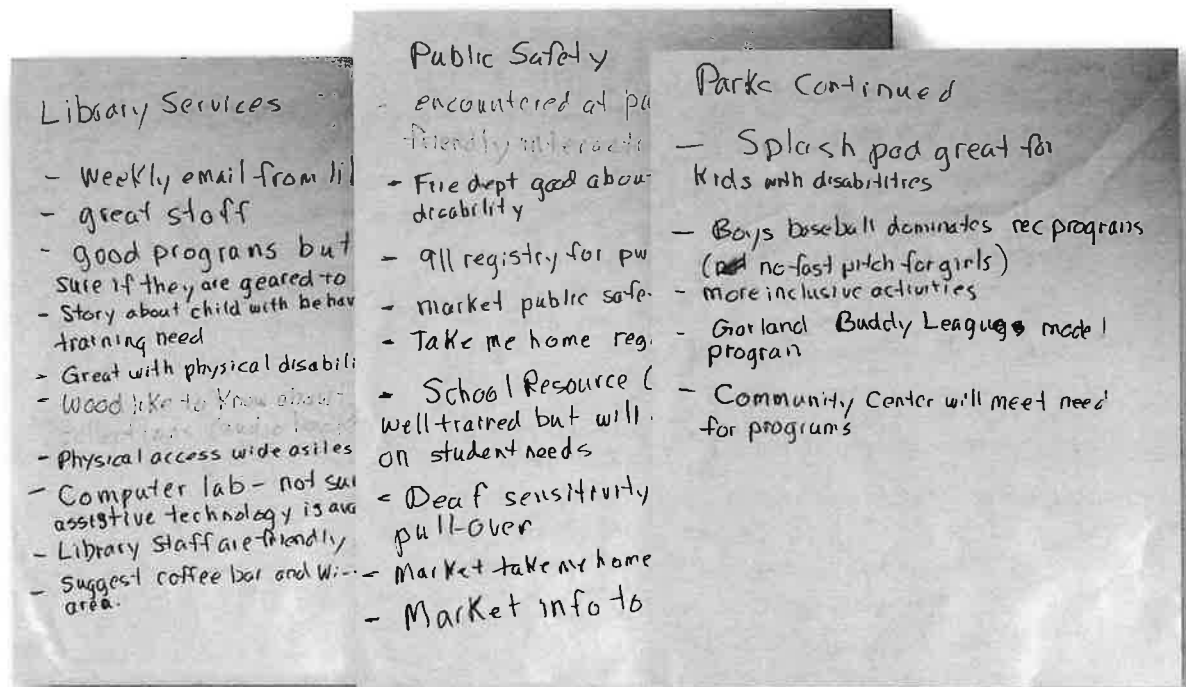


- The event was also live-streamed with Swagit on the City's website, enabling residents to watch it from home or after the fact.

•www.cityofsachse.com/CityCouncilMeetings

Review of Feedback Received

- Areas of Improvement
- Compliments
- Action Items:
 - Short-Term
 - Mid-Term
 - Long-Term



Areas of Improvement

- Sharing our story
- Marketing across a multitude of platforms (electronic focused)
- Public-private partnerships
- Increased training on people with disabilities

Compliments

- Received a variety of high-remarks in each of the four topic areas:
 - “Public Safety employees are wonderful; they are extremely deferential to needs and were excellent communicators.”
 - “Library programming is exceptional; Paws to Read with Princess is a great program for kids with disabilities.”
 - “City has been extremely responsive for requests to improve public infrastructure.”
 - “City parks have nice playground features with good hardscapes and accessible trails.”

Action Items

- Categorized into:
 - Short-Term (ST)
 - Can be achieved this upcoming FY
 - Mid-Term (MT)
 - Will be evaluated in next FY
 - Long-Term (LT)
 - Will require longer term evaluation in future FYs

Parks and Recreation

- Explore alternatives to wood chips at parks ST
- Consider disabilities when planning special events ST
- Evaluate options for adults with disabilities programming MT
- Consider all-accessible playground option LT
 - Evaluate public-private partnerships
 - Evaluate modular enhancements to current parks

Library

- Explore options to further serve people with disabilities ST
- Consider more adult programming MT
- Explore improvements to Library app MT
- Evaluate options to make more braille content available MT
- Evaluate grant opportunities for transportation to Library LT

Public Safety

- More promotion of pre-existing great events/programming ST
- Consider attending PTA meetings to share programs with parents ST
- Continue to collaborate with schools on serving students with disabilities MT
- Continue training for emergency personnel people with disabilities MT

Public Infrastructure

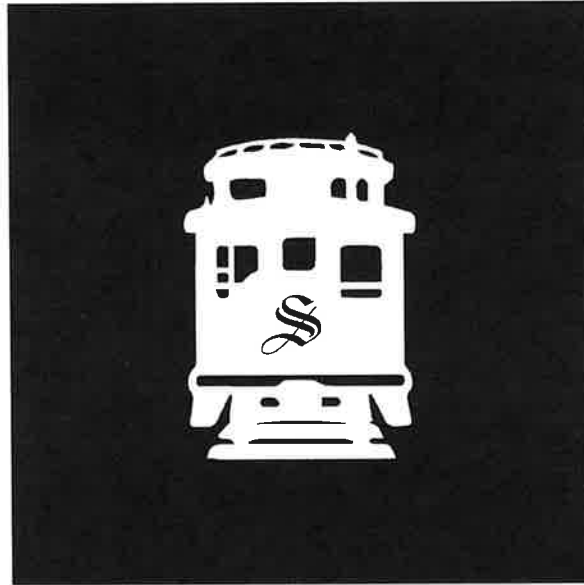
- Consider the addition of a door-opener at City Hall, Library MT
- Evaluate installation of audible traffic signals at major intersections LT
- Consider curb and ramp audit LT

Other Items

- Ensure website is continually updated to be accessible
- Consider collaborative/innovative public transportation opportunities

Next Steps

- Format worked well for this type of public engagement
- This model could be replicated on a variety of topics to gain feedback from residents
- Staff will make this presentation available to the public and will begin working on action items



Questions

**Agenda Item Details**

Meeting	Sep 17, 2018 - Regular Combined Meeting
Category	F. Regular Agenda Items
Subject	3. Receive presentation from the Fire Department regarding Fire Safety Week.
Access	Public
Type	Information
Goals	Meet the public safety needs of a growing citizen, student, and business population.

Public Content**BACKGROUND**

October is nationally recognized as Fire Safety Month. In recognition of this month, the National Fire Protection Association (NFPA) promotes Fire Safety Week.

OVERVIEW

Fire Department Staff will provide a brief history of Fire Safety Week and will share details about the department's activities specific to this week. Staff will also provide an overview of future programs, projects, community outreach, and public education opportunities.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

There are no recommendations affiliated with this item. The presentation is intended to provide information about the importance of Fire Safety Week and Fire Department interaction throughout the year.

Accommodation requests for persons with disabilities should be made at least 48 hours prior to the meeting by contacting Lauren Rose, ADA Coordinator, via phone at 972.429.4770, via email at lrose@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.



Agenda Item Details

Meeting	Sep 17, 2018 - Regular Combined Meeting
Category	F. Regular Agenda Items
Subject	4. Consider an ordinance approving and adopting the budget for the fiscal year beginning October 1, 2018 and ending September 30, 2019.
Access	Public
Type	Action, Discussion
Preferred Date	Sep 17, 2018
Absolute Date	Sep 17, 2018
Fiscal Impact	No
Recommended Action	Approve an ordinance approving and adopting the budget for the fiscal year beginning October 1, 2018 and ending September 30, 2019.
Goals	Be a model of financial stewardship through growth management, responsible investment, and financial transparency.

Public Content

BACKGROUND

In accordance with Section 7.15 of the City Charter, the City held a public hearing on the proposed budget of programs and services for the ensuing fiscal year on September 4, 2018. The required "Notice of Public Hearing" was published. In accordance with Section 7.02 of the City Charter, the City Council shall, prior to the beginning of the next fiscal year, adopt the budget by a favorable majority of the full membership of the City Council. Final adoption of the budget by the City shall constitute the official appropriations as proposed by the City Manager for the fiscal year beginning October 1, 2018 and ending September 30, 2019. Additionally, the General Fund budget of programs and services shall constitute the basis of the official levy of the property tax as the amount of tax to be assessed and collected for the corresponding tax year.

POLICY CONSIDERATIONS

This document sets the financial and operational direction of the City for the next year.

The proposed tax rate is \$0.72 per \$100 assessed value. The proposed 18-19 Budgeted Expenditures are as follows:

General Fund	\$18,244,099
Utility Fund	11,267,655
Debt Service Fund	4,466,609
Capital Projects Fund	1,205,000
Special Revenue Fund	70,390
Impact Fee Fund	780,000
Street Maintenance Tax Fund	388,000
Health Insurance Fund	1,635,757
Vehicle/Equipment Replacement Fund	886,820
Municipal Development District	455,000
Sachse Economic Development Corporation	<u>767,183</u>

TOTAL \$40,166,513

The total amount includes \$4,550,864 in inter-fund transfers.

RECOMMENDATION

Approve an ordinance approving and adopting the budget for the fiscal year beginning October 1, 2018 and ending September 30, 2019; providing that expenditures for said year shall be made in accordance with said budget; appropriating and setting aside the necessary funds out of the general and other revenues for said fiscal year for the maintenance and operation of the various departments and for various activities and improvements of the City; providing a repealing clause; providing a severability clause; and providing an effective date.

[Budget Cover Page.pdf \(29 KB\)](#)

[Ordinance Adopting Budget for Fiscal Year 2018-2019.pdf \(275 KB\)](#)

Accommodation requests for persons with disabilities should be made at least 48 hours prior to the meeting by contacting Lauren Rose, ADA Coordinator, via phone at 972.429.4770, via email at lrose@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, ADOPTING THE BUDGET FOR FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS OF THE CITY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an annual budget for the fiscal year beginning October 1, 2018, and ending September 30, 2019, has been duly created by the financial office of the City of Sachse, Texas, in accordance with Chapter 102.002 of the Local Government Code; and

WHEREAS, as required by Section 7.02 of the City Charter, the City Manager has prepared and submitted to the City Council a proposed budget reflecting financial policies for the year and forecasting revenues and expenditures for conducting the affairs of the City and providing a complete financial plan for the fiscal year beginning October 1, 2018, and ending September 30, 2019; and

WHEREAS, as required by Section 7.04 of the City Charter, the proposed budget has been filed with the office of the City Secretary and the proposed budget was made available for public inspection in accordance with Chapter 102.005 of the Local Government Code and Section 7.04 of the City Charter; and

WHEREAS, a public hearing was held by the City in accordance with Chapter 102.006 of the Local Government Code and Section 7.05 of the City Charter, following due publication of notice thereof, at which time all citizens and parties of interest were given the opportunity to be heard regarding the proposed budget; and

WHEREAS, after full and final consideration, it is the opinion of the Sachse City Council that the 2018-2019 fiscal year budget as hereinafter set forth should be adopted.

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

SECTION 1. That the proposed budget of the revenue and expenditures necessary for conducting the affairs of the City of Sachse, Texas for the fiscal year beginning October 1, 2018, and ending September 30, 2019, as submitted to the City Council by the City Manager, attached hereto as Exhibit "A", be and the same is hereby adopted as the budget of the City of Sachse for the fiscal year beginning October 1, 2018 and ending September 30, 2019.

SECTION 2. That the expenditures during the fiscal year beginning October 1, 2018, and ending September 30, 2019, shall be made in accordance with the budget approved by this resolution unless otherwise authorized by a duly enacted resolution of the City of Sachse, Texas.

SECTION 3. That all budget amendments and transfers of appropriations budgeted from one account or activity to another within any individual activity for the fiscal year 2017 – 2018 are hereby ratified, and the budget approval for fiscal year 2017 – 2018, heretofore enacted by the City Council, be and the same is hereby amended to the extent of such transfers and amendments for all purposes.

SECTION 4. All ordinances of the City of Sachse, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance which shall remain in full force and effect.

SECTION 6. This Ordinance shall take effect immediately from and after its passage as the law in such cases provides.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas this the _____ day of _____, 2018.

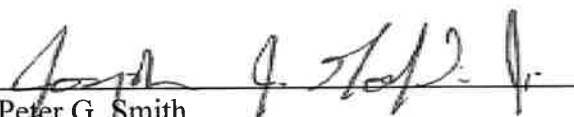
APPROVED:

Mike J. Felix
Mayor

DULY ENROLLED:

Michelle Lewis Sirianni
City Secretary

APPROVED AS TO FORM:


Peter G. Smith
City Attorney

City of Sachse
Budget Fiscal Year Beginning October 1, 2018
Exhibit "A"

	Operating Budget	Capital Budget	Proposed Budget
Funds			
General	17,330,630	913,469	18,244,099
Utility	10,121,099	1,146,556	11,267,655
Debt Service	4,466,609		4,466,609
Capital Projects Fund		1,205,000	1,205,000
Special Revenue	70,390		70,390
Impact Fee Fund		780,000	780,000
Street Maintenance Tax Fund		388,000	388,000
Health Insurance Fund	1,635,757		1,635,757
Vehicle/Equipment Replacement Fund		886,820	886,820
Municipal Development District		455,000	455,000
Economic Development Corporation	767,183		767,183
Total	\$ 34,391,668	\$ 5,774,845	\$ 40,166,513

City of Sachse

Fiscal Year 2018–2019

Budget Cover Page

This budget will raise more revenue from property taxes than last year's budget by an amount of \$776,121, which is a 5.35 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$579,247.

The members of the governing body voted on the budget as follows:

FOR:

AGAINST:

PRESENT and not voting:

ABSENT:

Property Tax Rate Comparison

	2018-2019	2017-2018
Property Tax Rate:	\$0.720000/100	\$0.747279/100
Effective Tax Rate:	\$0.705010/100	\$0.697471/100
Effective Maintenance & Operations Tax Rate:	\$0.521789/100	\$0.516600/100
Rollback Tax Rate:	\$0.773924/100	\$0.752135/100
Debt Rate:	\$0.194207/100	\$0.194207/100

Total debt obligation for City of Sachse secured by property taxes: \$4,466,609

**Agenda Item Details**

Meeting	Sep 17, 2018 - Regular Combined Meeting
Category	F. Regular Agenda Items
Subject	5. Make a motion to ratify the property tax increase in the budget for Fiscal Year 2018-2019.
Access	Public
Type	Action, Procedural
Fiscal Impact	No
Recommended Action	Approve a motion to ratify the property tax increase in the budget for Fiscal Year 2018-2019.
Goals	Be a model of financial stewardship through growth management, responsible investment, and financial transparency.

Public Content**BACKGROUND**

According to Texas Local Government Code Section 102.007, "Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate required by Chapter 26, Tax Code, or other law."

The proposed 2018-2019 Fiscal Year Budget calls for \$776,121 more in property tax revenues than the previous year's budget.

POLICY CONSIDERATIONS

This action is a required step in adoption of the Budget and Tax Rate.

RECOMMENDATION

Make a motion to ratify the property tax increase in the budget for Fiscal Year 2018-2019.

Budget Cover Page.pdf (29 KB)

Accommodation requests for persons with disabilities should be made at least 48 hours prior to the meeting by contacting Lauren Rose, ADA Coordinator, via phone at 972.429.4770, via email at lrose@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.



Agenda Item Details

Meeting	Sep 17, 2018 - Regular Combined Meeting
Category	F. Regular Agenda Items
Subject	6. Consider an ordinance levying ad valorem taxes for the year 2018 (Fiscal Year 2018-2019) at a rate of \$0.72 per one hundred dollars (\$100) assessed valuation on all taxable property within the corporate limits of the City of Sachse as of January 1, 2018.
Access	Public
Type	Action, Discussion, Information
Fiscal Impact	No
Recommended Action	Approve an ordinance levying ad valorem taxes for the year 2018 (Fiscal Year 2018-2019) at a rate of \$0.72 per one hundred dollars (\$100) assessed valuation on all taxable property within the corporate limits of the City of Sachse as of January 1, 2018.

Public Content

BACKGROUND

Two public hearings have been conducted on the proposed Fiscal Year 2018-2019 tax rate in "good faith" to comply with Chapter 26 of the State Property Tax Code. The public hearings were advertised and held on August 20 and September 4. The purpose of this agenda item is for City Council to consider adopting a Tax Rate Ordinance assessing a levy against all taxable properties in the City of Sachse for purpose of raising revenue to provide payment of current operational expenses and current debt obligations. The tax rate is comprised of two components as follows:

	<u>FY 2017-2018</u>	<u>FY</u>
<u>2018-2019</u>		
Debt Service (I&S)	\$0.194207	
\$0.194207		
Maintenance and Operations (M&O)	\$0.553072	
\$0.525793		
TOTAL	\$0.747279	
\$0.720000		

The proposed tax rate exceeds the calculated effective tax rate for 2018 and requires specific language in the adoption of the rate which identifies the rate as an *effective* tax increase.

RECOMMENDATION

Approve an ordinance levying ad valorem taxes for the year 2018 (Fiscal Year 2018-2019) at a rate of \$0.72 per one hundred dollars (\$100) assessed valuation on all taxable property within the corporate limits of the City of Sachse as of January 1, 2018, to provide revenue for the payment of current expenses; providing for an interest and sinking fund for all outstanding debts of the City of Sachse; providing for due and delinquent dates together with penalties and interest; providing a severability clause; providing a repealing clause; and providing an effective date.

[Ordinance Ad Valorem Taxes for Fiscal Year 2018-2019.pdf \(142 KB\)](#)

Accommodation requests for persons with disabilities should be made at least 48 hours prior to the meeting by contacting Lauren Rose, ADA Coordinator, via phone at 972.429.4770, via email at lrose@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, LEVYING AD VALOREM TAXES FOR THE YEAR 2018 (FISCAL YEAR 2018-2019) AT A RATE OF \$0.72 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF SACHSE AS OF JANUARY 1, 2018, TO PROVIDE REVENUE FOR THE PAYMENT OF CURRENT EXPENSES; PROVIDING FOR AN INTEREST AND SINKING FUND FOR ALL OUTSTANDING DEBT OF THE CITY OF SACHSE; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby levied for the tax year 2018 on all taxable property, real, personal and mixed, situated within the corporate limits of the City of Sachse, Texas, and not exempt by the Constitution of the State and valid State laws, a tax of \$0.72 on each One Hundred Dollars (\$100) assessed valuation of taxable property, and shall be, apportioned and distributed as follows:

- (a) For the purpose of defraying the current expenditures of the municipal government of the City of Sachse, a tax of \$0.525793 on each and every One Hundred Dollars (\$100) assessed value on all taxable property; and
- (b) For the purpose of creating a sinking fund to pay the interest and principal maturities of all outstanding debt of the City of Sachse, not otherwise provided for, a tax of \$0.194207 on each One Hundred Dollars (\$100) assessed value of taxable property within the City of Sachse, and shall be applied to the payment of interest and maturities of all such outstanding debt of the City.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 0.77 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-27.28.

SECTION 2. All ad valorem taxes shall become due and payable on October 1, 2018, and all ad valorem taxes for the year shall become delinquent if not paid prior to February 1, 2019. There shall be no discount for payment of taxes prior to February 1, 2019. A delinquent tax shall incur all penalty and interest authorized by law, to wit:

- (a) A penalty of six percent on the amount of the tax for the first calendar month it is delinquent, plus one percent for each additional month or portion of a month the tax remains unpaid prior to July 1 of the year in which it becomes delinquent.
- (b) Provided, however, a tax delinquent on July 1, 2019, incurs a total penalty of twelve percent of the amount of delinquent tax without regard to the number of months the tax has been delinquent. A delinquent tax shall also accrue interest at the rate of one percent for each month or portion of a month the tax remains unpaid. Taxes for the year 2018 and taxes for all future years that become delinquent on or after February 1 but not later than May 1, that remain delinquent on July 1 of the year in which they become delinquent, incur an additional penalty in the amount of twenty percent (20%) of taxes, penalty and interest due, pursuant to Texas Property Tax Code Section 6.30 and 33.07, as amended. Taxes assessed against tangible personal property for the year 2018 and for all future years that become delinquent on or after February 1 of a year incur an additional penalty on the later of the date the personal property taxes become subject to the delinquent tax attorney's contract, or 60 days after the date the taxes become delinquent, such penalty to be in the amount of twenty percent (20%) of taxes, penalty and interest due, pursuant to Texas Property Tax Code Section 33.11. Taxes for the year 2018 and taxes for all future years that remain delinquent on or after June 1 under Texas Property Tax Code Sections 26.07(f), 26.15(e), 31.03, 31.031, 31.032 or 31.04 incur an additional penalty in the amount of twenty percent (20%) of taxes, penalty and interest due, pursuant to Texas Property Tax Code Section 6.30 and Section 33.08, as amended.

SECTION 3. The taxes are payable at the Dallas County Tax Office if the property is located in Dallas County; or, at the Collin County Tax Office if the property is located in Collin County.

SECTION 4. The City shall have available all the rights and remedies provided by law for the enforcement of the collection of taxes levied under this ordinance.

SECTION 5. The tax roll as presented to the City Council, together with any supplements thereto, be and the same are hereby approved.

SECTION 6. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance which shall remain in full force and effect.

SECTION 7. All ordinances of the City of Sachse, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 8. This ordinance shall take effect immediately from and after its passage, as the law and charter in such cases provide.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas this the _____ day of _____, 2018.

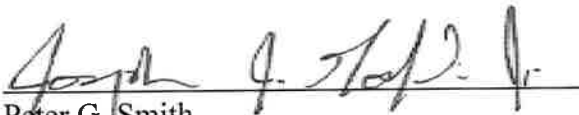
APPROVED:

Mike J. Felix
Mayor

DULY ENROLLED:

Michelle Lewis Sirianni
City Secretary

APPROVED AS TO FORM:



Peter G. Smith
City Attorney

**Agenda Item Details**

Meeting	Sep 17, 2018 - Regular Combined Meeting
Category	F. Regular Agenda Items
Subject	7. Consider a resolution amending the Master Fee Schedule by amending health permits, new home construction/remodel/addition; general contractor registration; preliminary plat application fees; printing/copying charges in library, three inch and above meter installation performed in-house; meter supply costs; refuse service fees; water and wastewater rates; and 5/8" meter deposits and providing an effective date.
Access	Public
Type	Action, Discussion, Information
Preferred Date	Sep 17, 2018
Absolute Date	Sep 30, 2018
Fiscal Impact	Yes
Budgeted	Yes
Budget Source	The fees as outlined provide the basis for revenue assumptions provided in the Proposed Budget for 2018-2019.
Recommended Action	Approve a resolution amending the Master Fee Schedule by amending health permits, new home construction/remodel/addition; general contractor registration; preliminary plat application fees; printing/copying charges in library, three inch and above meter installation performed in-house; meter supply costs; refuse service fees; water and wastewater rates; and 5/8" meter deposits and providing an effective date.

Public Content**BACKGROUND**

The Master Fee Schedule is a convenient tool for citizens and customers to use to acquaint themselves with various charges for City services. The schedule can be updated periodically for necessary changes without amending the associated Ordinance.

The annual requested rate change from Republic Services for refuse services is included in the proposed fee schedule, so no separate action will be required for that change. The proposed fee schedule also includes revised water and wastewater rates that were approved by City Council in August 2014. This is the fifth and final approved annual revision to the utility fee structure.

OVERVIEW

The Master Fee Schedule amendments are considered annually; discussion occurred August 20, 2018. The fees, as outlined, provide the basis for revenue assumptions provided in the Proposed Budget for 2018-2019.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

Approve a resolution amending the Master Fee Schedule by amending health permits, new home construction/remodel/addition; general contractor registration; preliminary plat application fees; printing/copying charges in library, three inch and above meter installation performed in-house; meter supply costs; refuse service fees; water and wastewater rates; and 5/8" meter deposits and providing an effective date.

[Master Fee Schedule FY2019 Final.pdf \(333 KB\)](#)

[Resolution Amending Master Fee Schedule 2019.pdf \(141 KB\)](#)

Accommodation requests for persons with disabilities should be made at least 48 hours prior to the meeting by contacting Lauren Rose, ADA Coordinator, via phone at 972.429.4770, via email at lrose@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, AMENDING THE MASTER FEE SCHEDULE ADOPTED BY RESOLUTION 3433 BY AMENDING HEALTH PERMITS; NEW HOME CONSTRUCTION/ REMODEL/ ADDITION; GENERAL CONTRACTOR REGISTRATION; PRELIMINARY PLAT APPLICATION FEES; PRINTING/COPYING CHARGES IN THE LIBRARY; THREE INCH AND ABOVE METER INSTALLATION; METER SUPPLY COSTS; REFUSE SERVICE FEES, WATER AND WASTEWATER RATES, AND 5/8" METER DEPOSIT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Council desires to amend the Master Fee Schedule adopted by Resolution 3433, as provided herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, THAT:

SECTION 1. The Master Fee Schedule adopted by Resolution 3433 is hereby amended, as set forth in the attached Exhibit "A".

SECTION 2. This Resolution shall take effect October 1 from and after its passage, and it is so accordingly resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Sachse, Texas, this the 17th day of September, 2018.

CITY OF SACHSE, TEXAS

Mike Felix, Mayor

ATTEST:

Michelle Lewis Sirianni, City Secretary

APPENDIX A
MASTER FEE SCHEDULE FY2019



MASTER FEE SCHEDULE

I. PUBLIC SAFETY FEES

A. Alarm monitoring

		\$10 initial and renewal Valid 2 years from date of issuance
1.	Residential alarm permit fee	
2.	Nonvalid burglar alarms responded to during a 12-month period	
a.	Five (5) or less	No charge
b.	Six (6)	\$25.00
c.	Seven (7)	\$50.00
d.	Eight (8)	\$100.00 plus permit suspension
3.	Nonvalid fire alarms responded to during a 12-month period	
a.	Two (2) or less	No charge
b.	Three (3) or more	\$100.00
4.	Nonvalid robbery alarms responded to during a 12-month period	
a.	Two (2) or less	No charge
b.	Three (3) or more	\$100.00
5.	Nonvalid emergency medical assistance responded to during a 12-month period	
a.	Five (5) or less	No charge
b.	Six (6) or more	\$100.00
		\$30.00 plus \$10.00 per additional person

B. Solicitation Registration Fee (not to exceed 90 days)

C. Animal control

1.	Adoption fee with sterilization	
a.	Cats/kittens/dogs/puppies receive sterilization/combo vaccine/rabies vaccine/microchip	\$80.00
2.	Adoption fee without sterilization	
a.	Cats/kittens/dogs/puppies already sterilized receive combo vaccine/rabies vaccine/microchip	\$25.00
3.	Dangerous dog annual registration	\$100.00
4.	Annual permits	
a.	Pot-bellied pig (per animal)	\$20.00
b.	Pigeon (fancy or racing loft/per animal)	\$5.00
c.	Dog/Cat	
	1) Application fee w/o sterilization proof	\$7.00
	2) Application fee w sterilization proof	\$2.00
5.	Replacement tag (w proof of original registration)	\$1.00
6.	Impoundment (registration additional if animal currently not on file)	
a.	1st pickup of animal	\$25.00 plus \$5 boarding fee



MASTER FEE SCHEDULE

b.	2nd pickup of animal	\$50.00 plus \$5 boarding fee
c.	3rd pickup of animal	\$75.00 plus \$5 boarding fee
d.	4th pickup of animal	\$100.00 plus \$5 boarding fee
D. Fire Services		
1.	Installation/replacement/re-model of fire protection systems	
a.	Plan review fee	\$100.00
b.	Fire sprinkler installation permit (per building)	
	1) 1 to 100 sprinklers	\$275.00
	2) 101 to 200 sprinklers	\$325.00
	3) 201 to 300 sprinklers	\$350.00
	4) 301 to 400 sprinklers	\$375.00
	5) 401 to 500 sprinklers	\$425.00
		\$500.00 plus \$.33 per sprinkler over 500
	6) Over 500 sprinklers	
c.	Fire alarm installation permit (per building)	
	1) Ten (10) or less devices	\$50.00
	2) Eleven (11) to twenty-five (25) devices	\$75.00
	3) Twenty-six (26) to 100 devices	\$150.00
	4) 101 to 200 devices	\$200.00
	5) 201 or more devices	\$400.00
d.	Fire alarm panel replacement only	\$100.00
e.	Hydro & flush (per system)	\$50.00
f.	Fire pump (per system)	\$50.00
g.	Hydrant flow test (2 hydrants)	\$50.00
h.	Vent/hood/booth extinguishing system (per system)	\$50.00
i.	Work started without a permit	\$100.00 plus required fee
j.	Replacement	
	1) Fire department permit replacement	\$10.00
	2) Job site plan re-stamp	\$15.00
k.	Re-inspection fee	
	1) Two (2) or more	\$50.00 per re-inspection
2.	Inspection/occupancy permits	
a.	Carnivals and fairs	\$50.00
b.	Exhibits and trade shows	\$50.00
c.	Temporary structures, tents or canopies (used for permits not included in community development permit fee)	\$50.00
d.	In-home day care certificate of occupancy	\$50.00
e.	Multi-family certificate of occupancy	\$50.00
f.	Foster care/adoption home inspection	\$25.00
g.	Dangerous building abatement admin fee	\$250.00
h.	After hour inspection fee	\$50.00/hour min 2 hr/\$100.0
3.	Fire permits	



MASTER FEE SCHEDULE

a.	Outdoor/open burning	\$150.00
b.	Pyrotechnic special effects	\$100.00
		\$400.00/hr each engine plus \$200.00/hr each ambulance plus supplies
c.	Hazardous material response reimbursement	
d.	Fire watch/stand-by	\$50.00/hr each fire employee
E.	Ambulance services	
1.	Resident	
a.	ALS (Waive co-pay and deductible)	\$850.00
b.	ALS2 (Waive co-pay and deductible)	\$1,000.00
c.	BLS (Waive co-pay and deductible)	\$750.00
d.	SCT	No charge
2.	Non-resident	
a.	ALS	\$850.00
b.	ALS2	\$1,000.00
c.	BLS	\$750.00
d.	SCT	No charge
3.	Mileage	\$15.00
4.	Supplies	
a.	Oxygen	\$125.00
b.	BLS supplies	\$350.00
c.	ALS supplies	\$400.00
d.	Extra attendant	\$75.00
5.	Extrication	\$500.00
6.	Technology fee	\$0.00
7.	No transport	\$150.00

II. ENGINEERING, HEALTH AND SANITATION

A.	Engineering permits	
1.	Traffic calming application	\$50.00
2.	Floodplain	\$100.00
3.	Grading	\$150.00
		Fee shall equal one-half of the state fee for each permit
B.	Engineering inspections and review fees	4.5% of cost of public improvements
1.	Engineering inspection fee	\$300.00
2.	Construction plan review	Hourly fee based on current hourly wage of City maint. Workers
C.	Care of public trees in street or right of way	



MASTER FEE SCHEDULE

D.	Health and Sanitation permits	
1.	Health	\$225.00
2.	Temporary food sales (must be obtained from Dallas County Health department. Applies to all applicants providing food products.	\$50.00
3.	Public swimming pool	\$100.00
4.	Alcohol	Fee shall equal one-half of the state fee for each permit
5.	Liquid waste transport	\$25.00 per vehicle

III. FACILITY ROOM RENTAL DEPOSIT/FEES

A.	Library meeting room	
1.	Deposit	
a.	Without food served	\$25.00
b.	With food served	\$50.00
c.	VGA/audio cable	\$15.00
2.	Room rental	
a.	Non-profits	No charge
b.	All other groups	\$25.00
B.	Former City Hall meeting room	
1.	Deposit	
a.	Without food served	\$25.00
b.	With food served	\$50.00
2.	Room rental	
a.	Non-profits	No charge
b.	All other groups	\$25.00
C.	Senior activity center multi-purpose room A	
1.	Deposit	\$100.00
2.	Room rental	\$25.00 per hour

IV. LIBRARY

A.	Library card	
1.	Initial library card request	No charge
2.	Replacement	\$1.00
B.	Ear Buds available	\$1.00
C.	Texshare card	No charge
D.	Nontimely return of materials	



MASTER FEE SCHEDULE

1.	Book/ CD (per day)	\$0.15
2.	DVD (per day)	\$1.00
E.	Lost and/or Damaged Items	
		Replacement cost plus \$5.00 processing fee
1.	Lost or damaged beyond repair	Replacement item plus \$5.00 processing fee
2.	Replacement item in lieu of fee	\$5.00 processing fee
3.	Damaged item but not requiring replacement	Replacement fee
4.	Damaged case or container	
F.	Interlibrary loan	
1.	Pickup materials	
a.	Timely pickup	No charge
b.	Within seven (7) days	No charge
c.	Eight (8) days or more	\$5.00 per item
2.	Return materials	
a.	Timely return	No charge
b.	Untimely return	\$1.00 per day per item
		\$5.00 processing fee plus fees assessed by lending library
c.	Non-return	
G.	Copy services	
1.	Black/white copy	\$0.20
2.	Color copy	\$0.50
3.	Computer print out	\$0.25
4.	3D printer	.15 per gram/\$1.50 minimum

V. MUNICIPAL COURT FINES/FEES

A.	Set by state statute	
1.	Building security fund	\$3.00
2.	Technology fund	\$4.00
B.	Dismissal	
1.	Granting defensive driving course	Not to exceed \$10.00
		\$10 or \$20 depending on offense type
2.	Dismissal fee for certain traffic cases	
C.	Warrant Fee	\$50.00

VI. PARK FACILITY RENTAL FEES

A.	Ball field reservations/deposits	
1.	Reservation fee	



MASTER FEE SCHEDULE

a.	Four (4) hours or less	\$25.00 per field
b.	Five (5) hours or more	\$10.00 per field per hour
2.	Deposits	
a.	Light key	\$25.00
b.	Clean-up deposit for tournaments and/or concession stand use	\$50.00
B.	Covered picnic facilities (based on daily rates)	
1.	Reservation fee	
a.	Four (4) hours or less	\$25.00 per facility
b.	Five (5) hours or more	\$10.00 per facility per hour
2.	Deposit	
a.	Light key	No charge
C.	City complex amphitheater (based on daily rates)	
1.	Reservation fee	
a.	Four (4) hours or less	\$25.00 per facility
b.	Five (5) hours or more	\$10.00 per facility per hour
c.	Restroom during amphitheater rental	\$25.00/hour
2.	Deposit	
a.	Light key	No charge

VII. LAURIE SCHWENK SENIOR ACTIVITY CENTER

A.	Annual membership	
1.	Resident	\$6.00
2.	Non-resident	\$12.00
B.	Daily pick-up/drop-off within the City limits only	
		\$.50/one way or \$1.00 roundtrip
1.	Resident	
2.	Non-resident	Not available

VIII. BUILDING PERMITS AND DEVELOPMENT SERVICES FEES

A.	Board of adjustment or appeals	
1.	Variance request	\$300.00
B.	Building permit fee schedule	
1.	Total valuation	
a.	\$1.00 to \$500	\$50.00
b.	\$501 to \$2,000	\$50.00 for the first \$500 plus \$3.05 for each additional \$100



MASTER FEE SCHEDULE

c.	\$2,001 to \$25,000	\$95.75 for the first \$2,000 plus \$14 for each additional \$1,000
		417.75 for the first \$25,000 plus \$10 for each additional \$1,000
d.	\$25,001 to \$50,000	\$667.75 for the first \$50,000 + \$7 for each additional \$1,000
e.	\$50,001 to \$100,000	\$1017.75 for the first \$100,000 + \$5.60 for each additional \$1,000
f.	\$100,001 to \$500,000	\$3,257.75 for the first \$500,000 + \$4.75 for each additional \$1,000
g.	\$501,000 to \$1,000,000	\$5,632.75 for the first \$1,000,000 + \$3.65 for each additional \$1,000
h.	\$1,000,001 and up	
C. Residential homes		30% of total building permit fee (based on Building Permit Fee Schedule)
1.	Residential Plan Review fee (New single-family homes)	\$100.00 per square foot (including garages, porches, and/or patios)
2.	New home construction/remodel/addition	\$250.00
3.	Additional plan review required by changes, additions or revisions to plans after permit approval	
D. Commercial		30% of total building permit fee (based on Building Permit Fee Schedule)
1.	Commercial plan review (new construction and remodel)	Declared Valuation (minimum \$95.00 per sq ft)
2.	Commercial remodel	Declared Valuation (minimum \$150.00 per sq ft)
3.	Commercial new construction	\$250.00
4.	Additional plan review required by changes, additions or revisions to plans after permit approval	
D. Certificate of Occupancy		\$75.00
E. Inspections		
1.	Inspections outside of normal business hours	\$100.00
2.	Re-inspection fee after permit approval	\$75.00 per inspection
F. Licenses and contractor registration		
1.	Plumber - Master Registration	State Law \$0.00
2.	Electrician - Master, Journeyman, or Res. Registration	State Law \$0.00
3.	Mechanical - License Holder Registration	\$100.00



MASTER FEE SCHEDULE

4.	Backflow Specialist - Testers Registration	\$100.00
5.	Irrigation License Holder Registration	\$100.00
6.	General Contractor	\$100.00
		\$1,100 per residential lot; \$600 per multi-family dwelling unit
G.	Park land dedication by developers	
H.	Permits	
1.	Antenna permit - private	\$50.00
2.	Building (Electrical)	
a.	Residential	\$75.00
b.	Non-residential	\$100.00
3.	Demolition	
a.	Residential structure	\$100.00
b.	Commercial structure	\$200.00
4.	Fence/screening wall	
a.	Residential	\$50.00
b.	Commercial screening wall	\$250.00
5.	Lawn irrigation	\$100.00
6.	Mechanical permits	
a.	Initial fee for issuance	\$50.00 per permit
	New (Fee for inspecting heating, ventilating, ductwork, air-conditioning, exhaust, venting, combustion air, pressure, vessel, solar, fuel oil and refrigeration systems and appliance installation)	\$15.00 for the first \$1,000.00 valuation plus \$5.00 for each additional \$1,000.00 or fraction thereof
b.	Repair (Fee for inspecting repairs, alterations and additions to an existing system)	\$10.00 for the first \$1,000.00 valuation plus \$3.00 for each additional \$1,000.00 or fraction thereof
c.		
d.	Boiler Inspection	\$100.00
7.	Plumbing	
a.	Residential	\$75.00
b.	Non-residential	\$100.00
8.	Sign permits	
a.	Permanent (per sign)	\$125.00
b.	Temporary (per sign)	\$25.00
c.	Repair (per sign)	\$10.00
d.	Sign variance application	\$25.00
e.	Sign variance	\$300.00
9.	Miscellaneous	
		Based on valuation of construction materials only-see section VII. B. Building permit fee schedule
a.	Flatwork (patios, driveways, pads, sidewalks)	



MASTER FEE SCHEDULE

		Based on valuation of construction materials only-see section VII. B. Building permit fee schedule
b.	Accessory building greater than 120 square feet	
c.	All other permits for work that increases value of the property (examples include but are not limited to foundation repair, flag poles, residential roofing)	\$50.00
d.	Use of outside consultants for plan checking and/or inspections	Actual costs plus 15% admin
e.	Taxicab and limousine permit	\$200.00 per vehicle per year
f.	Massage establishment permit	\$400.00 per year
I.	Sexually-oriented business license (initial and renewal)	\$500.00
J.	Subdivision/plat applications	
		\$400.00 per plat plus \$15.00 per acre
1.	Preliminary plat	\$450.00 per plat plus \$15.00 per acre
2.	Final plat, replat, minor plat	\$350.00 per plat plus \$15.00 per acre
3.	Conveyance plat, amending plat, vacating plat	
K.	Swimming Pools	
1.	Storable Swimming Pool	\$50.00
2.	Above Ground	\$200.00
3.	In-Ground	\$500.00
4.	Spa/Hot Tub	\$200.00
L.	Temporary Retail and seasonal	
1.	Temporary seasonal sales	
a.	Church/school/civic/City-sponsored events	No charge
b.	All other	\$200.00
2.	Temporary retail sales (five (5) consecutive days, at six (6) month intervals by the same merchant holding certificate of occupancy.)	\$50.00
3.	Temporary food sales	See Section II. D-2
M.	Water System	
1.	Water meter installation fee when tap is present (single family and/or multi-family)	
a.	5/8" X 3/4"	\$225.00
b.	1"	\$300.00
c.	1 1/2"	\$520.00
d.	2"	\$675.00
		\$675.00 City installation. Developer installs vault/bears cost.
e.	3" (including Octave)	\$800.00 Developer installs vault/bears cost.
f.	4" and above (including Octave)	



MASTER FEE SCHEDULE

2.	Water meter installation fee when tap is not present (single family and/or multi-family)	
a.	5/8" X 3/4"	\$225.00
b.	1"	\$300.00
c.	1 1/2"	\$520.00
d.	2"	\$675.00
	\$675.00 City installation. Developer installs vault/bears cost.	
e.	3" (including Octave)	\$800.00 Developer installs vault/bears cost.
f.	4" and above (including Octave)	
3.	Water system tap charges	
a.	5/8" X 3/4"	\$300.00
b.	1"	\$300.00
c.	1 1/2"	\$322.00
d.	2"	\$345.00
	\$675.00 City installation. Developer installs vault/bears cost.	
e.	3" (including Octave)	\$800.00 Developer installs vault/bears cost.
f.	4" and above (including Octave)	
4.	Water system bore charges	
a.	5/8" X 3/4"	\$450.00
b.	1"	\$500.00
c.	1 1/2"	\$500.00
d.	2"	\$500.00
	\$675.00 City installation. Developer installs vault/bears cost.	
e.	3" (including Octave)	\$800.00 Developer installs vault/bears cost.
f.	4" and above (including Octave)	
4.	Water Meter Cost	
a.	5/8" X 3/4"	\$255.00
b.	1"	\$351.54
c.	1 1/2"	\$600.17
d.	2"	\$777.49
e.	3" (including Octave)	\$2,450.44
f.	4" and above (including Octave)	\$3,143.53
g.	6"	\$4,585.20
h.	8"	\$5,493.37
N.	Zoning	
		\$400.00 per request plus \$15.00 per acre
1.	Standard	
2.	Special use permit	\$650.00



MASTER FEE SCHEDULE

		\$750.00 per request plus \$15.00
3.	Planned development zoning request	per acre
4.	Zoning verification letter	\$150.00

VIX. NETWORK PROVIDER FEES (Resolution 3846, adopted January 2018)

A.	Small Cell Application Fees:	
1.	One - Five network nodes	\$500.00
2.	More than 5 nodes	\$250.00
3.	Per Pole	\$1,000.00
B.	Small Cell User Fees	
1.	Annual fee for each network node	\$250.00
2.	Annual City pole attachment fee	\$20.00
C.	Transport Facility Monthly user fee	\$28.00 multiplied by the #of network provider's network nodes located in the public right-of-way for which the installed transport facilities provide backhaul, until the time the network provider's payment to the City exceeds its monthly aggregate per month compensation to the City.

X. IMPACT FEE (State requires update every 5 years. Last revision 12/3/12. Reviewed 2017)

A.	Roadway impact fee (land use category)	
1.	Port and Terminal	
a.	Truck Terminal (acre)	\$15,880.78
B.	Industrial	
1.	General Light Industrial (1,000 SF GFA)	\$2,356.57
2.	General Heavy Industrial (1,000 SF GFA)	\$458.80
3.	Industrial Park (1,000 SF GFA)	\$2,085.46
4.	Warehousing (1,000 SF GFA)	\$771.62
5.	Mini-Warehouse (1,000 SF GFA)	\$625.64
C.	Residential	
1.	Single-Family Detached Housing (Dwelling Unit)	\$2,450.42
2.	Apartment / MultiFamily (Dwelling Unit)	\$1,501.53
3.	Residential Condominium/ Townhome (Dwelling Unit)	\$1,261.70
4.	Mobile Home Park / Manufactured Housing (Dwelling Unit)	\$1,428.54
5.	Senior Adult Housing-Detached (Dwelling Unit)	\$656.92
6.	Senior Adult Housing-Attached (Dwelling Unit)	\$385.81
7.	Assisted Living (Beds)	\$531.79
D.	Lodging	
1.	Hotel (Room)	\$761.55
2.	Motel / Other Lodging Facilities (Room)	\$761.51



MASTER FEE SCHEDULE

E. Recreational	
1. Golf Driving Range (Tee)	\$3,034.34
2. Golf Course (acre)	\$729.91
3. Recreational Community Center (1,000 SF GFA)	\$2,063.42
4. Ice Skating Rink (Seats)	\$291.96
5. Miniature Golf Course (Hole)	\$802.90
6. Multiplex Movie Theater (Screens)	\$16,076.19
7. Racquet / Tennis Club (Court)	\$8,122.87
F. Institutional	
1. Church (1,000 SF GFA)	\$0.00
2. Day Care Center (1,000 SF GFA)	\$2,537.90
3. Primary / Middle School (1-8) (Students)	\$385.81
4. High School (Students)	\$312.82
5. Junior / Community College (Students)	\$291.96
6. University / College (Students)	\$510.94
G. Medical	
1. Clinic (1,000 SF GFA)	\$6,277.74
2. Hospital (Beds)	\$2,200.15
3. Nursing Home (Beds)	\$531.79
4. Animal Hospital / Veterinary Clinic (1,000 SF GFA)	\$4,577.59
H. Office	
1. Corporate Headquarters Building (1,000 SF GFA)	\$2,549.48
2. General Office Building (1,000 SF GFA)	\$2,705.89
3. Medical-Dental Office Building (1,000 SF GFA)	\$6,287.66
4. Single Tenant Office Building (1,000 SF GFA)	\$3,143.83
5. Office Park (1,000 SF GFA)	\$2,690.24
I. Commercial – Automobile Related	
1. Automobile Care Center (1,000 SF Occ. GFA)	\$4,921.69
2. Automobile Parts Sales (1,000 SF GFA)	\$8,258.42
3. Gasoline / Service Station (Vehicle Fueling Position)	\$19,373.92
4. Gasoline / Service Station w Conv Market (Vehicle Fueling Position)	\$14,274.97
5. Gasoline / Service Station w/ Conv Market and Car Wash (Vehicle Fueling Position)	\$14,869.33
6. New Car Sales (1,000 SF GFA)	\$5,025.96
7. Quick Lubrication Vehicle Shop (Servicing Bays)	\$6,287.66
8. Self-Service Car Wash (Stall)	\$6,715.18
9. Tire Store (1,000 SF GFA)	\$7,246.97
J. Commercial – Dining	
1. Fast Food Restaurant with Drive-Thru Window (1,000 SF GFA)	\$12,057.22
2. Fast Food Restaurant without Drive-Thru Window (1,000 SF GFA)	\$4,441.03
3. High Turnover (SitDown) Restaurant (1,000 SF GFA)	\$1,903.33
4. Quality Restaurant (1,000 SF GFA)	\$1,268.79



MASTER FEE SCHEDULE

5.	Coffee / Donut Shop with Drive-Thru Window (1,000 SF GFA)	\$10,788.44
K.	Commercial – Other Retail	
1.	Free-Standing Retail Store (1,000 SF GFA)	\$4,363.83
2.	Nursery (Garden Center) (1,000 SF GFA)	\$3,686.05
3.	Home Improvement Superstore (1,000 SF GFA)	\$1,496.32
4.	Pharmacy / Drugstore without Drive-Thru Window (1,000 SF GFA)	\$4,796.56
5.	Pharmacy / Drugstore with Drive-Thru Window (1,000 SF GFA)	\$6,397.15
6.	Shopping Center (1,000 SF GFA)	\$2,982.21
7.	Supermarket (1,000 SF GFA)	\$8,143.72
8.	Toy / Children's Superstore (1,000 SF GFA)	\$4,233.49
9.	Department Store (1,000 SF GFA)	\$1,511.96
10.	Video Rental Store (1,000 SF GFA)	\$16,485.56
L.	Services	
1.	Walk-In Bank (1,000 SF GFA)	\$17,642.99
2.	Drive-In Bank (Drive-In Lanes)	\$33,179.67
3.	Hair Salon (1,000 SF GFA)	\$2,815.37
M.	Water impact fee	
1.	Simple	
a.	5/8" X 3/4"	\$2,521.69
b.	Residential 3/4"	\$2,521.69
c.	Commercial 3/4"	\$3,782.54
d.	1"	\$6,304.24
e.	1 1/2"	\$12,608.48
f.	2"	\$20,173.57
2.	Compound	
a.	2"	\$20,173.57
b.	3"	\$40,347.13
c.	4"	\$63,042.39
d.	6"	\$126,084.78
e.	8"	\$201,735.65
f.	10"	\$289,995.00
3.	Turbine	
a.	2"	\$25,216.95
b.	3"	\$60,520.70
c.	4"	\$105,911.22
d.	6"	\$231,996.00
e.	8"	\$403,471.30
f.	10"	\$630,423.91
g.	12"	\$832,159.56
N.	Wastewater impact fee (meter equivalent)	
	Simple	
a.	5/8" X 3/4"	\$1,857.68



MASTER FEE SCHEDULE

b.	Residential 3/4"	\$1,857.68
c.	Commercial 3/4"	\$2,786.53
d.	1"	\$4,644.21
e.	1 1/2"	\$9,288.42
f.	2"	\$14,861.47
Compound		
a.	2"	\$14,861.47
b.	3"	\$29,722.94
c.	4"	\$46,442.09
d.	6"	\$92,884.17
e.	8"	\$148,614.68
f.	10"	\$213,633.60
Turbine		
a.	2"	\$18,576.83
b.	3"	\$44,584.40
c.	4"	\$78,022.71
d.	6"	\$170,906.88
e.	8"	\$297,229.36
f.	10"	\$464,420.87
g.	12"	\$613,035.55

XI. REFUSE SERVICES FEES Current contract expires April 2018.

A. Residential		
1.	Trash Collection	\$7.77
2.	Recycle Collection	\$2.59
3.	Bulk Collection	\$3.02
4.	Residential Franchise Fees	\$0.67
5.	Additional Polycart	\$6.73
6.	Administrative Fee	\$0.26
7.	Polycart replacement Fee	\$75.00
8.	Individual Bulk collection (Billed direct to customer)	\$95.00
B. Commercial Container Service		
1.	Monthly per unit charge	\$26.15
2.	Additional Polycart	\$11.15
3.	Commercial Franchise Fees	5%

XII. WATER RATE SCHEDULE (5 year rate study recommended rates concludes 09/30/19)

A. Residential		
1.	Base Rate by meter size	



MASTER FEE SCHEDULE

a.	5/8" X 3/4"	\$16.50
b.	1"	\$16.50
c.	1 1/2"	\$16.50
d.	2"	\$16.50
2.	Tier Rate usage per 000's gallons	
a.	0-10,000	\$5.38
b.	10,001-15,000	\$7.11
c.	15,001-20,000	\$8.56
d.	20,001-30,000	\$9.98
e.	Over 30,000	\$11.41
B. Non-Residential		
1.	Base Rate by meter size	
a.	5/8" X 3/4"	\$16.50
b.	1"	\$26.10
c.	1 1/2"	\$42.16
d.	2"	\$61.39
e.	3"	\$85.60
f.	4"	\$114.10
g.	6" and above	\$285.30
2.	Tier Rate usage per 000's gallons	
a.	0-10,000	\$5.38
b.	10,001-15,000	\$7.11
c.	15,001-20,000	\$8.56
d.	20,001-30,000	\$9.98
e.	Over 30,000	\$11.41
C. Irrigation		
1.	Base Rate by meter size	
a.	5/8" X 3/4"	\$16.50
b.	1"	\$26.10
c.	1 1/2"	\$42.16
d.	2"	\$61.39
e.	3"	\$85.60
f.	4"	\$114.10
g.	6" and above	\$285.30
2.	Tier Rate usage per 000's gallons	
a.	0-10,000	\$5.38
b.	10,001-15,000	\$7.11
c.	15,001-20,000	\$8.56
d.	20,001-30,000	\$9.98
e.	Over 30,000	\$11.41



MASTER FEE SCHEDULE

XIII. WATER SERVICE CONNECTION FEES

A. Deposit by meter size	
1. 5/8" X 3/4"	\$150.00
2. 1"	\$150.00
3. 1 1/2"	\$175.00
4. 2"	\$200.00
5. 3"	\$300.00
6. 4"	\$400.00
7. 6" and above	\$600.00
B. Multi-family unit deposit	\$100.00
C. Real Estate properties deposit (per 5 units)	\$150.00
D. Fire Hydrant Meter	
1. Deposit (refundable)	\$875.00
2. Connection fee	\$25.00
3. Minimum monthly billing	\$25.00
10%. Not to exceed \$50 per statement	
E. Late charge	
F. Disconnection service fee	
1. Monday-Friday, 8:00 a.m. - 5:00 p.m.	\$35.00
G. Personnel onsite meter review - after two trips in a 12-month period	See K. Trip fee charge
H. Reconnection service fee	
1. After hours	\$40.00
I. Returned check fee	\$35.00
J. Same day connect fee for all new services	\$40.00
K. Transfer fee	\$10.00
L. Trip charge	\$50.00
M. Meter-related	
Reimburse the City actual costs of meter testing plus shipping and handling	
1. Meter Testing	
2. Meter box replacement	\$75.00
3. Meter lid replacement	\$25.00
4. Meter locking device replacement	\$30.00
5. Meter register replacement	\$212.00
6. Octave encoder & Allegro module with antenna replacement	\$497.79
7. Obstruction charge	\$50.00
8. Usage report requested in-house versus mywateradvisor.com	\$5.00
\$250.00 minimum plus the actual costs of any damage to City property	
9. Tampering fee	



MASTER FEE SCHEDULE

XIV. WASTE WATER RATE SCHEDULE

A.	Residential	
1.	Meter	\$11.71
2.	Volume charge per 1,000 gallons	\$6.52
B.	Non-Residential	
1.	Per meter size	
a.	5/8" X 3/4"	\$18.92
b.	1"	\$30.95
c.	1 1/2"	\$45.41
d.	2" and above	\$59.99
2.	Volume charge per 1,000 gallons	6.52

XV. MUNICIPAL DRAINAGE UTILITY SYSTEM FEE effective January 1, 2018

Based on Equivalent Residential Unit (ERU) of impervious surface area on the property. The impervious area (IA) on the property is measured and divided by 4,300 sq ft to determine the number of billing units for non-residential properties. Single family residential properties equal 1 ERU.

A.	Single Family Residential (1 ERU)	\$1.66 monthly per household
B.	Non-Residential	
1.	Based on Equivalent Residential Unit (ERU)	\$1.66 monthly per 4,300 sq ft of impervious surface area
C.	Undeveloped Properties	In accordance with State Law

**Agenda Item Details**

Meeting	Sep 17, 2018 - Regular Combined Meeting
Category	F. Regular Agenda Items
Subject	8. Consider an ordinance amending the Code of Ordinances, Chapter 10, "Utilities," by amending Section 2 "Sewer Service Fees," by amending Section 3 "Water and Sewer Service Billing Procedures," and by amending Section 6 "Regulating the Discharge of Industrial Wastes into Public Sewers" to provide for service billing policies and procedures.
Access	Public
Type	Action, Discussion
Preferred Date	Sep 17, 2018
Absolute Date	Sep 17, 2018
Recommended Action	Approve an ordinance amending the Code of Ordinances, Chapter 10, "Utilities," by amending Section 2 "Sewer Service Fees," by amending Section 3 "Water and Sewer Service Billing Procedures," and by amending Section 6 "Regulating the Discharge of Industrial Wastes into Public Sewers" to provide for service billing policies and procedures.

Public Content**BACKGROUND**

Utility billing fees and procedures should be reviewed on a regular basis to remain consistent with the current economic climate and best practices in order to recover the cost of providing water and sewer services to the City.

OVERVIEW

Below is a list of proposed changes:

1. Replace various methods of adjustment application presentment with department. Define source for water consumption analysis. Section 10-2, A (3).
2. Replace various methods of adjustment application presentment with department. Section 10-3, D (2).
3. Define source for water consumption analysis. Section 10-3, D (3).
4. Replace prior year consumption with current active customers' Advanced Metering Infrastructure (AMI) analysis. Section 10-3, D (4).
5. Replace various methods of adjustment application presentment with department. Section 10-3, D (5).
6. Clarify questions of a reading to expand beyond re-read to on-site review. Section 10-3, E (2)
7. Clarify fire hydrant meter application with public works. Section 10-3, G (1)
8. Layout change. Section 10-6, B.

POLICY CONSIDERATIONS

Proposed changes will clarify billing procedures to include AMI analysis.

RECOMMENDATION

Approve an ordinance amending the Code of Ordinances, Chapter 10, "Utilities," by amending Section 2 "Sewer Service Fees," Section 3 "Water and Sewer Service Billing Procedures," and Section 6 "Regulating the Discharge

of Industrial Wastes into Public Sewers" to provide for service billing policies and procedures.

[Sec. 10 Utilities final 08.20.18.pdf \(488 KB\)](#)

[Ordinance Chapter 10 Utilities .pdf \(251 KB\)](#)

Accommodation requests for persons with disabilities should be made at least 48 hours prior to the meeting by contacting Lauren Rose, ADA Coordinator, via phone at 972.429.4770, via email at lrose@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES CHAPTER 10 “UTILITIES” BY AMENDING SECTION 10-2 “SEWER SERVICE FEES”, AND BY AMENDING SECTION 10-3 “WATER AND SEWER SERVICE BILLING PROCEDURES”; AND BY AMENDING SECTION 10-6 “REGULATING THE DISCHARGE OF INDUSTRIAL WASTES INTO PUBLIC SEWERS”; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 10 “Utilities” of the City of Sachse Code of Ordinances be, and the same is hereby amended by amending Section 10-2 “Sewer Service Fee”, and by amending Section 10-3 “Water and Sewer Service Billing Procedures, and by amending Section 10-6 “Regulating the discharge of industrial wastes into public sewers” to read as follows:

**Chapter 10
UTILITIES**

Sec. 10-2. Sewer service fees.

...

- (3) Adjustments to the calculated sewer rate can only occur in the event the user, consumer, and/or subscriber shall apply for an adjustment for water usage due to a leak during the winter averaging months. The burden of proof will be on the customer to establish that there is a leak and that it is not the result of his own negligence or omission. An application for an adjustment can be made through the utility billing department. The city will evaluate a current customer's account when a leak has been reported. The customer should produce a receipt for repair parts as evidence that the high consumption actually resulted from a water leak that is now repaired. The Advanced Metering Infrastructure (AMI) consumption will be analyzed when considering the amount of the adjustment for the rate-setting period. Evaluation of an adjustment to the sewer average rate must be received annually by April 30.

...

Sec. 10-3. Water and sewer service billing procedures.

...

D. Adjustments made for consumption and related charges.

...

- (2) In the event the current user, consumer, and/or subscriber shall apply for an adjustment for water usage due to a leak, the burden of proof will be on the customer to establish that there is a leak and that it is not the result of his own negligence or omission. An application for an adjustment can be made through utility billing department.
- 3) The city will provide for a credit to be made to a current customer's account when a leak has been detected. In order to receive this credit, the customer should produce a receipt for repair parts as evidence that the high consumption actually resulted from a water leak that is now repaired. The Advanced Metering Infrastructure (AMI) consumption will be analyzed when considering the amount of the credit calculated.
- (4) An adjustment for consumption will be based on the current active customers' AMI analysis. All leak consumption will be charged the current NTMWD rate. The city's utility billing department will make the approved and agreed upon adjustment on the affected consumer's account.
- (5) In the event the current user, consumer, and/or subscriber shall apply for a tier adjustment for a swimming pool repair and refill, the burden of proof will be on the customer to establish that a swimming pool repair occurred and that it is not the result of his own negligence or omission. An application for a tier adjustment can be made through utility billing department. Necessary application documentation should include a repair receipt from a licensed swimming pool technician and the meter reading prior to refilling and meter reading at the completion of the refill. Pictures of the face of the meter before and after the swimming pool refill will satisfy the odometer documentation. Only gallons consumed for the pool refill will be billed at the lowest tier.

...

E. Meter testing, meter change out, and meter re-reads.

...

- (2) If a consumer questions the reading for water supplied and demands a review, the city will review the meter at no cost. The city has standard operating procedures for automatic verifications that are controlled by parameters entered into the city's electronic meter reading devices for high/low readings. Each customer is allowed two (2) personnel on-site meter reviews in a 12-month period at no charge.

Additional requested reviews will be assessed a trip fee as adopted in the Master Fee Schedule.

...

G. Fire hydrant meter policies.

- (1) Fire hydrant hook-ups may be authorized by the public works department for the purpose of initial hydro-mulching installation, special irrigation, roadwork, or other finish out work being performed in the city. Customers wishing to apply for a fire hydrant meter must complete a written application with public works and pay all applicable fees and deposits. Applicants must comply with all regulatory ordinances pertaining to conservation. It shall be unlawful for any person to use water from any fire hydrant except as provided by this section.

...

Sec. 10-6. Regulating the discharge of industrial wastes into public sewers.

...

B. Abbreviations. The following abbreviations shall have the designated meanings.

BOD	Biochemical oxygen demand
C	Centigrade (as a measure of temperature)
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	U.S. Environmental Protection Agency
F	Fahrenheit (as a measure of temperature)
gpd	Gallons per day
L	Liter
MAHL	Maximum allowable head works loading
mg	Milligrams
mg/l	Milligrams per liter

NPDES	National Pollutant Discharge Elimination System
O&M	Operation and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard industrial classifications
SWDA	Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
TSS	Total suspended solids
USC	United States Code

SECTION 2. That all provisions of the Ordinances of the City of Sachse, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. An offense committed before the effective date of this ordinance is governed by prior law and the provision of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

SECTION 5. That any person violating any of the provision or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Sachse as heretofore amended and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

SECTION 6. This ordinance shall take effect on October 1, 2018.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas this the 17th day of September, 2018.

APPROVED:

Mike J. Felix
Mayor

DULY ENROLLED:

Michelle Lewis Sirianni
City Secretary

APPROVED AS TO FORM:



Joseph J. Gorfida, Jr.
City Attorney

Code of Ordinance

Chapter 10 UTILITIES ¹⁰

Sec. 10-1. Water service fees.

Sec. 10-2. Sewer service fees.

Sec. 10-3. Water and sewer service billing procedures.

Sec. 10-4. Requirements for water and sewer service.

Sec. 10-5. Discharge of swimming pool water.

Sec. 10-6. Regulating the discharge of industrial wastes into public sewers.

Sec. 10-7. Water conservation and drought contingency and water emergency response plan.

Sec. 10-8. Testing of backflow prevention assemblies.

Sec. 10-1. - Water service fees.

The rates and charges for services of the waterworks system of the City of Sachse, Texas, shall consist of a minimum rate for usage and a meter deposit fee as required by this section.

- A. Water rate schedule. Each residential, business, and industrial user of the waterworks system shall be charged a monthly rate of the user's consumption and collected by the city from all customers obtaining service from the waterworks system and according to the rate schedule adopted in the Master Fee Schedule.
- B. Meter deposits. Meter deposits are established by meter size according to the rate schedule adopted in the Master Fee Schedule:
 - (1) A deposit for an additional water meter at a single address will not be required if the original deposit has been refunded for good pay. If the original deposit has not been refunded, a deposit for each additional meter at a single address will be required.
 - (2) Floating deposits which are established by real estate companies and others to keep their properties in service during the time they are showing potential buyers shall be \$150.00 for each five units.
 - (3) The deposit may be refunded if the customer's account is determined to be current and in good standing at the end of the initial 12 months of service. The account shall be considered in good standing if during the 12-month period there were no disconnects, no non-sufficient funds (NSF) checks, no more than one late penalty, and the account is current. The refund will be applied to the customer's account.
 - (4) A deposit payment is required to reactivate a discontinued service.

(Ord. No. 10.18, 11-2-87; Ord. No. 840, 11-6-89; Ord. No. 903, 9-26-90; Ord. No. 1373, 6-17-96; Ord. No. 1771, 9-5-00; Ord. No. 1983, § 1, 1-6-03; Ord. No. 3223, § 1, 7-6-10; Ord. No. 3297, § 1, 7-5-11; Ord. No. 3602, § 1, 8-4-14)

Sec. 10-2. - Sewer service fees.

The rates and charges for services of the sanitary sewer system of the city shall consist of a base rate for debt service and system depreciation, and a user charge for system operation and maintenance.

Code of Ordinance

A. Residential. Each residential user of the sewer system shall be charged a monthly rate for services from the sanitary sewer system according to the following method of calculation:

- (1) The winter months of November, December, January, February and March preceding the rate-setting period shall be used as the basis for calculating a residential customer's monthly charge.
- (2) The highest use month and the lowest use month of the five winter months shall be deleted from all calculations. The three remaining months shall be averaged to determine a monthly volume for rate-setting purposes.
- (3) Adjustments to the calculated sewer rate can only occur in the event the user, consumer, and/or subscriber shall apply for an adjustment for water usage due to a leak during the winter averaging months. The burden of proof will be on the customer to establish that there is a leak and that it is not the result of his own negligence or omission. An application for an adjustment can be made through utility billing department. The city will evaluate a current customer's account when a leak has been reported. The customer should produce a receipt for repair parts as evidence that the high consumption actually resulted from a water leak that is now repaired. The Advanced Metering Infrastructure (AMI) consumption will be analyzed when considering the amount of the adjustment for the rate-setting period. Evaluation of an adjustment to the sewer average rate must be received annually by April 30.
- (4) This calculated monthly volume shall apply for all 12 months of the rate-setting period.
- (5) New residents shall be assigned the city-wide sewer average rate until the following rate-setting calculation period. The method of calculation detailed in this section shall then be applied.
- (6) Wastewater rate schedule adopted in the Master Fee Schedule.
- (7) Industrial users who discharge wastes into said sewer system which are of greater strength than normal domestic waste, shall be charged in addition to the business rate as adopted in the Master Fee Schedule, an amount equivalent to the costs required to treat the additional strength to an acceptable level.
- (8) Industrial users who discharge wastes into said sewer system shall pay the capital costs of the capacity of those facilities required to transport and treat such wastes.

(Ord. No. 623, 11-16-87; Ord. No. 1238, 2-20-95; Ord. No. 1531, 11-17-97; Ord. No. 1771, 9-5-00; Ord. No. 2010, § 1, 4-21-03; Ord. No. 3223, § 1, 7-6-10; Ord. No. 3602, § 1, 8-4-14)

Sec. 10-3. - Water and sewer service billing procedures.

A. General.

- (1) Each residential, commercial, and industrial utility user shall be billed monthly for water, sewer, and other services and charges as may be applicable. The city will mail or electronically deliver a statement to each user for water, sewer, and solid waste services on the designated working day. Utility bills are due upon receipt. Utility bill shall be paid not later than 20 calendar days following billing (the final due date). If not paid by the final due date, the user shall be subject to the penalties set forth in paragraph B-3 below. Billing statements are considered delivered when mailed to the user's physical or email address as shown in the records of the city. If returned by the U.S. Postal Service, the city shall mail the statement to any forwarding address available.

Code of Ordinance

- (2) The city shall charge a new customer a reasonable tapping fee for providing service from the city's systems to the customer's property line. Placement and location of the tap lines shall be at the discretion of the city. The customer, prior to the commencement of water service, shall pay the required tap fees and all other charges and deposits required for connection of his property to the city's water and/or sewer system. For additional information on water and sewer connections, refer to section 8-2, paragraph F of this Code.
 - (3) In order to obtain service, all users, consumers, and/or subscribers must complete an application for water, sewer, and solid waste services, as may be applicable, and pay all fees, charges, and deposits in accordance with fee schedules as set forth in this chapter.
 - (4) Dual or multiple connections (more than one user on a single meter) shall be prohibited except where a master meter is permitted for a mobile home park or apartment complex.
 - (5) No free water or sewer service will be permitted. It shall be unlawful for any person to take or use water from the city water system without the written consent of the city. It shall also be unlawful for any person to tamper with, or interfere in any manner, with any water meters, service mains, or any other water department property. Refer to section 10-4 of this Code for additional requirements for water and sewer services, as well as prohibitions and penalties.
 - (6) It shall be unlawful for any person to interfere with the flow of water in any water main or cause the flow of water to cease or to cause the flow of water to diminish in pressure to any degree, without the written consent of the city.
 - (7) The waterworks system is operated on a fully metered basis. All services for water are metered. At its discretion, the city shall install and provide water meters that can be electronically read. All water meters are read on a monthly basis in a city wide metering cycle. The city reserves the right to implement cycle billing as may be deemed necessary for all residential, commercial, and industrial consumers.
 - (8) Each residential, commercial, and industrial user of the sanitary sewer system is charged for sewer services based on water consumption as set forth in this chapter.
- B. Failure to pay, loss of service, penalties, reconnect fees, after service fees, and tampering fees.
- (1) Payment is due no later than 20 days following the statement date, at which time the city reserves the right to discontinue water service for failure to pay utility accounts in full. The finance department will review all delinquent accounts and consider any extenuating circumstances resulting in nonpayment, upon notification by customer.
 - (2) Whenever the water service furnished by the city has been disconnected because of the failure to pay, a reconnection charge, a utility deposit and all delinquent charges shall be paid to the city before service is restored.
 - (3) There will be a late charge equal to ten percent of the outstanding bill added to a customer's account for payments not received by the close of business on the due date, which is no later than 20 days following the statement date. Such late charge will not exceed \$50.00 for any one statement. Late charges are applied to all outstanding balances carried forward. If the due date falls on a Saturday, Sunday, or legal holiday as declared by the city, bills are due by the close of business on the next regularly scheduled workday. Notices will be mailed to customers who have not paid by the due date; the notice will include the date after which service will be terminated if not paid, and no further notice will be given.
 - (4) There will be a disconnect service fee assessed on all accounts disconnected for non-payment as adopted in the Master Fee Schedule. If accounts are reconnected after 4:00 p.m. on a weekday or during the weekend, the city will charge the consumer's account the after hours service fee as adopted in the Master Fee Schedule.

Code of Ordinance

- (5) Tampering fees as adopted in the Master Fee Schedule will be assessed when a customer violates city policy and tampers with the metered service. The amount charged will include the adopted fee plus any damage to city property.
- C. Returned check fees and charges.
 - (1) An attempted payment by a customer with a check which is dishonored by the bank on which it is drawn shall constitute failure to pay. A returned check charge as adopted in the Master Fee Schedule will be assessed for each returned check. Service may be disconnected due to nonpayment resulting from a dishonored check and reconnect charges as applicable in accordance with subsection B.(4) above shall be applied.
 - (2) A consumer's service will only be reestablished or reconnected when all fees, charges, and original amount of check have been paid in full by cash, money order, or cashier's check.
 - (3) The city will accept only cash, money order, or cashier's checks for consumer accounts that have a history of returned checks and in order to restore service for disconnections for nonpayment.
- D. Adjustments made for consumption and related charges.
 - (1) The finance department may allow reasonable adjustments for consumption and related charges for water and sewer where deemed reasonable under the known facts in order to insure fairness, equity, and reasonableness. The city's finance department may make payment agreements with customers on payment of high water bills. If the recommended adjustment or agreement is not acceptable to the consumer, he may appeal the decision to the city manager, whose determination shall be final.
 - (2) In the event the current user, consumer, and/or subscriber shall apply for an adjustment for water usage due to a leak, the burden of proof will be on the customer to establish that there is a leak and that it is not the result of his own negligence or omission. An application for an adjustment can be made through utility billing department.
 - (3) The city will provide for a credit to be made to a current customer's account when a leak has been detected. In order to receive this credit, the customer should produce a receipt for repair parts as evidence that the high consumption actually resulted from a water leak that is now repaired. The Advanced Metering Infrastructure (AMI) consumption will be analyzed when considering the amount of the credit calculated.
 - (4) An adjustment for consumption will be based on the current active customers' AMI analysis. All leak consumption will be charged the current NTMWD rate. The city's utility billing department will make the approved and agreed upon adjustment on the affected consumer's account.
 - (5) In the event the current user, consumer, and/or subscriber shall apply for a tier adjustment for a swimming pool repair and refill, the burden of proof will be on the customer to establish that a swimming pool repair occurred and that it is not the result of his own negligence or omission. An application for a tier adjustment can be made through utility billing department. Necessary application documentation should include a repair receipt from a licensed swimming pool technician and the meter reading prior to refilling and meter reading at the completion of the refill. Pictures of the face of the meter before and after the swimming pool refill will satisfy the odometer documentation. Only gallons consumed for the pool refill will be billed at the lowest tier.
 - (6) The city is responsible for maintenance of water mains and meters. The customer is responsible for maintenance of the water line located on his property. All leaks must be repaired by the responsible party immediately to conserve water.
- E. Meter testing, meter change out, and meter re-reads.

Code of Ordinance

- (1) Upon request of a customer the city will have the water meter tested for accuracy by a certified testing company. If the meter is found to be under registering, the customer will reimburse the city an amount equal to the cost of the meter testing to cover the testing expenses plus shipping and handling costs. If the meter is found to be over registering, then the city will be responsible for payment of all costs associated with the meter test, will credit the customer the percentage amount the test showed the meter was over registering for the preceding billing period, and will install without charge a new meter for the customer. In this instance, there will be no reconnect charges.
 - (2) If a consumer questions the reading for water supplied and demands a review, the city will review the meter at no cost. The city has standard operating procedures for automatic verifications that are controlled by parameters entered into the city's electronic meter reading devices for high/low readings. Each customer is allowed two (2) personnel on-site meter reviews in a 12-month period at no charge. Additional requested reviews will be assessed a trip fee as adopted in the Master Fee Schedule.
- F. Transfer services from residence to residence.
- (1) Residential customers only shall be able to transfer services between residences without making application for new service and paying a new deposit provided the existing account is current and in good standing. A transfer of service request can be made by telephone, letter, or e-mail.
 - (2) The customer's new account will be charged a transfer fee as adopted in the Master Fee Schedule. A statement of final services will be issued on the old account. The deposit on the old account will be transferred to the new account.
- G. Fire hydrant meter policies.
- (1) Fire hydrant hook-ups may be authorized by the public works department for the purpose of initial hydro-mulching installation, special irrigation, roadwork, or other finish out work being performed in the city. Customers wishing to apply for a fire hydrant meter must complete a written application with public works and pay all applicable fees and deposits. Applicants must comply with all regulatory ordinances pertaining to conservation. It shall be unlawful for any person to use water from any fire hydrant except as provided by this section.
 - (2) Applicants for fire hydrant meters must pay an initial deposit for service as adopted in the Master Fee Schedule. An additional fee will be charged to set and/or connect the meter on location as adopted in the Master Fee Schedule. The deposit is refundable upon return of the fire hydrant meter if all applicable fees and water charges have been paid in full. The deposit may be applied to the final bill for cost of water used.
 - (3) The customer will be charged a monthly minimum use fee as adopted in the Master Fee Schedule, plus the cost of water used. The fee will be assessed on the next business day after issuance of a permit and is not prorated for the month.
 - (4) Water purchased from a fire hydrant shall be charged at the same rate as residential customers as referenced in section 10-1-A of this chapter.
 - (5) If the meter is returned in acceptable condition, upon inspection of the director of public works or his designee within seven business days of disconnection, the deposit will be returned upon payment of metered bill. Repair of fire hydrant meters and/or fire hydrants will be made by the city and the cost of repair deducted from the meter deposit. If the meter is lost or stolen, the cost of a replacement meter will be assessed against the meter deposit. Any cost overage will be charged to the metered bill in addition to the estimated consumption for the period of loss.
 - (6) The city will be responsible for obtaining readings for fire hydrant meters and billing the customer for water used and related fees.

Code of Ordinance

H. Letter of credit in lieu of utility deposits.

- (1) Letters of credit reference from another city or utility, indicating a good payment history of an applicant for service, may be allowed and accepted by the city in lieu of deposits for service.
- (2) The city will accept letters of credit reference from a current utility where an applicant for water service has had at least a 24-month service history with that current utility.
- (3) Applicants for city water services that are 62 years of age or older shall be exempt from paying the required utility deposit.
- (4) The city will issue a form letter of payment record upon request of a customer for same purpose.

I. Online/telephone payments. The per transaction convenience fee for payments made through cityofsachse.com will be paid by the customer.

(Ord. No. 327, 11-1-82; Ord. No. 618, 11-2-87; Ord. No. 623, 11-16-87; Ord. No. 840, 11-6-89; Ord. No. 1019, 3-2-92; Ord. No. 1306, 10-2-95; Ord. No. 1306, § II, 10-2-95; Ord. No. 1950, § 1, 7-15-02; Ord. No. 3297, § 1, 7-5-11; Ord. No. 3602, § 1, 8-4-14)

Sec. 10-4. - Requirements for water and sewer service.

- A. Owners of property to give notice of vacancy. Every owner of property to which water or sewerage service is furnished by the water utilities department, or the designated agent or owner, shall give notice on the next business day when the property becomes vacant or when vacant property becomes occupied.
- B. Refusal of service for delinquency. Service shall not be furnished to any person who is delinquent in the payment of any bill owed to the City of Sachse for water or sewerage service.
- C. Unlawful use of water. No person shall:
 - (1) Prevent water from passing through a meter which is used by the water utilities department to supply water to a customer;
 - (2) Prevent a meter used by the water utilities department from registering the quantity of water supplied to a customer;
 - (3) Interfere with the proper and accurate registration upon a meter used by the water utilities department of the amount of water supplied to a customer;
 - (4) Divert water, by the use of any device, from a pipe or pipes of the water utilities department; or
 - (5) Refuse to deliver any meter or other appliance of the water utilities department, in his possession, custody or control, to the water utilities department upon request of the director.
- D. Use of water prohibited. Any person or entity which takes water in violation of this chapter, in addition to other penalties prescribed by this Code, shall be liable for payment for the water taken computed in accordance with the terms and rates set forth in this chapter.
- E. New service not to be installed until application is made. Before any water service shall be installed to serve any premises from the city water mains within or without the city, the owner and tenant or occupant of the premises shall make written application for water service. No permit for any connection with the water mains or service lines of the waterworks system shall be issued until such application is accepted by the waterworks department.
- F. Control of meters and waterworks equipment generally. All meters, curb cocks, valves, fixtures, meter boxes and appurtenances thereto, connected or used by the water utilities department system, including those furnished at the expense of the customers or property owners shall remain under the

Code of Ordinance

direct control of the water utilities department. No person, unless authorized by the water utilities department shall connect, disconnect, alter, move or tamper with any such equipment.

- G. Using or furnishing water without permission. It shall be unlawful for any person to take or use water from the system of the waterworks department except under the terms and conditions specified in this chapter. All owners and occupants of property are hereby prohibited from furnishing water to any person occupying other premises for any purpose whatsoever without the written consent of the waterworks department.
- H. Obstruction of access to system generally. No person shall place upon or about any fire hydrant, valve, manhole, curb cock, meter or meter box, connected with any water pipe of the water utilities department, whether located on public or private property, any object, debris or structure which will prevent free access to the same. Employees of the city shall have free and unobstructed access at all times to meters and other property of the water utilities department wherever located. No person shall deny any city employee access to any of said property, or create a hazardous condition in or around such property, or place an animal at or near said property which will interfere with free access thereto. One notice of obstruction will be provided to the service address free of charge. Water consumption will be estimated based on the customer's consumption history, if available. If not available, the citywide average volume for the billing period will be the estimate. If access is still denied after 30 days, an obstruction fee will be charged monthly until access is available. No person shall interfere with the performance of any lawful duty of any city employee by obstructing said employee in the discharge of his duties, either physically or by gestures, threats or otherwise.
- I. Destroying or defacing equipment. Any person who unlawfully, willfully or maliciously injures, defaces or destroys any reservoir, machinery, pipes, hydrants, meters, meter boxes, lids or other fixtures, properties or supplies belonging to the waterworks department or who uses or takes from the waterworks department any water supplies or property except in accordance with the rules and regulations, shall be deemed guilty of a misdemeanor.
- J. Connecting to or turning on water without permission; interference with system generally. Any person who shall tap or connect with the waterworks of the city, or who shall turn on the water from such waterworks, without first having obtained a permit to do so from the waterworks department, or who shall interfere with any water meter, service, main, standpipe or any other waterworks property, shall be deemed guilty of a misdemeanor.
- K. Communicating electricity to pipes.
 - (1) It shall be unlawful for any person to make or cause or permit to be made any metallic connections either directly or indirectly, with the water mains, laterals, supply or service pipes, of the waterworks department of the city or any private pipes, mains or laterals which are connected to or with any such water mains, laterals, supply or service pipes of the waterworks department of the city, whereby any electrical current shall be communicated to or transmitted along or through such water mains, laterals, supply or service pipes of the waterworks department of the city.
 - (2) It shall be unlawful for any person to communicate any current of electricity to, or transmit the same along or through, or cause or permit any current of electricity to be communicated to or transmitted along or through any water main, lateral, pipes or wires or any metal of any sort that is a conductor of electricity that shall hereafter be metallically connected, bonded or joined to or with any water mains, laterals, supply or service pipes of the waterworks department of the city in violation of this section.
- L. Work to be done by plumbers; unauthorized changes or connections.
 - (1) It shall be unlawful for anyone other than a plumber, licensed or operating under the plumbing code of the city, to make a direct connection of a service line onto the outlet side of the city water meter.

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- (2) Whenever such plumber shall use city water in testing pipes or repairing fixtures he shall, before leaving the premises, turn the curb cock to the position he found it when he first opened the meter box, and it shall be the duty of such plumber to notify the waterworks department immediately of every instance in which he finds or has reason to believe that anyone has tampered with any meter box, meter or other waterworks equipment.
 - (3) In case any unauthorized connections are found to have been made, fixtures added and no permit taken for same, water shall be disconnected from such premises until corrections have been made and all permit fees have been paid.
 - (4) It shall be unlawful for any such plumber to leave any trench, ditch or excavation on any public right-of-way, such as any sidewalk, street, alley, parkway or any other public way, left open for inspection, unless the same is properly barricaded and lighted, and when the work has been inspected and approved by the city, such plumber shall backfill and securely tamp any such trench, ditch or excavation so that the public right-of-way shall be safe for both pedestrian and vehicular travel. Failure to comply with this provision shall render such plumber primarily liable for any damage or injury to person or property resulting therefrom.
 - (5) Failure of any plumber who does work, whether under a permit or in violation of this Code without a permit, to promptly pay all charges and permit fees when a bill is rendered therefore by the city water and sanitary sewer department, shall authorize the city, acting by and through its superintendent of waterworks department, to withhold any further permits pending payment of such charges and fees.
- M. Exposing meters or fire hydrants to damage; moving meters or hydrants. It shall be unlawful to build driveways, etc., in such manner as to expose any meter or fire hydrant to damage from traffic. Whenever the property owner requests the moving of any meter or fire hydrant, such cost shall be at the expense of the property owner. In such case the property owner or contractor shall make application to the waterworks department to have such structure moved. Upon approval by the waterworks department, the property owner or contractor shall be furnished with an estimate of the cost of such moving. Upon deposit of such estimated sum, by the property owner or contractor, the waterworks department shall proceed to make the desired change in location of the structure.
- N. Unlawful connection to service. It shall be unlawful to connect to any service until the meter has been installed or approval has been secured from the waterworks department.
- O. Penalty for violation. In addition to the penalty for the violation of this chapter, the failure and refusal of any person to comply with any of the terms and provisions of this chapter shall authorize the city, acting by and through its superintendent of the waterworks department, to disconnect the water and sanitary sewer service of such person and withhold such services until such person complied with the foregoing terms and provisions. Since the city operates its water and sanitary sewer department as a unit, the penalties provided for by this chapter as hereinabove stated shall apply to any violation of any of the terms and provisions of this chapter whether they apply to water service or sanitary sewer service, or both.
- P. Sale of water outside city limits prohibited.
- (1) It shall be unlawful for any person, firm or corporation who may be connected to the water system of the city to permit any connections to the water system, regardless of where such connection is made, for the purpose of selling or furnishing water to property located outside the corporate limits of the city.
 - (2) The city, acting by and through its water department, shall be authorized to disconnect the water service to the premises of any person found violating any of the provisions of this subsection and to withhold such service until such person complies with the terms and provisions of this chapter.

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(Ord. No. 97, 10-8-68; Ord. No. 98, 10-8-68; Ord. No. 468, 3-3-86; Ord. No. 840, 11-6-89; Ord. No. 3602, § 1, 8-4-14)

Sec. 10-5. - Discharge of swimming pool water.

A. New pools installed after the effective date of this section.

- (1) In developments served by sanitary sewer, all in-ground and above ground pools shall be connected to and discharge its contents, including backflush, into the sanitary sewer system.
- (2) In developments not served by sanitary sewer, pools shall discharge its contents, including backflush, into the owner's property, flood drainage ditches, or easements.

B. Existing pools installed before the effective date of this section.

- (1) In ground pools installed between May 21, 1984 and the effective date of this section in developments served by sanitary sewer shall be connected to and discharge its contents, including backflush into the sanitary sewer system.
- (2) Above ground pools installed before the effective date of this section in developments not served by sanitary sewer shall discharge its contents, including back flush, onto the owner's property, flood drainage ditches, or easements.

C. Discharge on adjoining property prohibited. In no event may any discharge from in-ground or above ground pools be made onto adjoining property without the consent of the adjoining property owner.

(Ord. No. 1041, 9-21-92)

Sec. 10-6. - Regulating the discharge of industrial wastes into public sewers.

A. Definition of terms. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this section, shall have the meanings herein after designated.

Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

Approval authority. The words "approval authority" shall mean the authorized agent or representative of the U.S. Environmental Protection Agency (USEPA). The Texas Commission on Environmental Quality (TCEQ) will be the authorized agent when delegated such responsibility by the USEPA.

Authorized representative of the industrial user.

(a) If the industrial user is a corporation, "authorized representative" shall mean:

- (1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;
- (2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(b) If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;

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- (c) If the industrial user is a federal, state or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his or her designee;
- (d) The individuals described in paragraphs (a) through (c) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the control authority.

Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees centigrade expressed in terms of mass and concentration [milligrams per liter (mg/l)].

Categorical pretreatment standard or categorical standard. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Chemical oxygen demand (COD). The measure of the oxygen-consuming capacity, expressed in milligrams per liter. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. It does not differentiate between stable and unstable organic matter and thus may not correlate with BOD.

City. The word "city" shall be the City of Sachse together with all its governing and operating bodies.

Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero optical density.

Composite sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Control authority. The words "control authority" shall mean the director of public works, or other official designated by the city manager of the city or his duly authorized deputy, agent or representative.

Environmental protection agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the regional water management division director or other duly authorized official of that agency.

Existing source. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Grab sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

Indirect discharge or discharge. The introduction of (non-domestic) pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.

Industrial user or user. A source of non-domestic indirect discharge.

Industrial waste board. The words "industrial waste board" shall mean the persons appointed by the city council to review the actions of the control authority at the request of a person whose industrial sewer connection permit has been denied or suspended. The board shall consist of three members. One shall be the director of public works, one shall be a taxpaying resident representative of a Sachse industry permitted under this article, and one shall be a disinterested taxpaying resident citizen.

Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources:

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- (a) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or
- (b) Causes a violation of the City's NPDES permit or prevents sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act; or
- (c) Restricts the flow in a public sewer.

Maximum allowable head works loading (MAHL). The amount of a pollutant (in pounds) in the influent (head works) of a wastewater treatment plant above which inhibition, sludge contamination, or pass through will occur or which will be expected to occur by the control authority.

New source.

- (a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (b) Construction on a site at which an existing source is located is a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (a)(2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (1) Begun, or caused to begin as part of a continuous onsite construction program;
 - (i) Any placement, assembly, or installation of facilities or equipment; or
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Non-contact cooling water. Water used for cooling which does not come into direct contact with any raw material intermediate product, waste product, or finished product.

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Pass through. A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a potential violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a potential violation).

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities but does not include, unless otherwise specified, the city.

pH. A measure of the acidity or alkalinity of a substance expressed as the reciprocal of the logarithm (base 10) of the hydrogen ion concentration.

Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, (including organic chemicals) industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater [i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor].

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment requirements. Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

Pretreatment standards or standards. Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, and local limits.

Prohibited discharge standards or prohibited discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 10-6 C.(A) of this chapter.

Publicly owned treatment works or POTW. A "treatment works" as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the state or municipality. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.

Septic tank waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage. Human excrement and gray water (including, but not limited to household showers and dishwashing operations).

Sewer service charge. The words "sewer service charge" shall mean the charge made on all users of the public sewage system whose wastes do not exceed in strength and concentration values established as representative of normal sewage.

Significant industrial user. Shall apply to:

- (a) Industrial users subject to categorical pretreatment standards; and
- (b) Any other industrial user that:
 - (1) Discharges an average of 25,000 gpd or more of process wastewater;

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- (2) Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
- (3) Is designated as significant by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Slug load. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 10-6 C. of this article or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

Standard industrial classification (SIC) code. A classification pursuant to the "Standard Industrial Classification Manual" issued by the U.S. Office of Management and Budget.

Stormwater. Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.

Surcharge. The word "surcharge" or "industrial waste surcharge" shall mean the charge in addition to the published water and sewer rates. The basis for surcharges on industrial wastes is a capital and operating cost for suspended solids, BOD and chlorine demand exceeding normal sewage.

Suspended solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

Toxic pollutant. One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.

Treatment plant effluent. Any discharge of pollutants from the POTW into waters of the state.

Wastewater. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater treatment plant or treatment plant. That portion of the POTW designed to provide treatment of sewage and industrial waste.

Shall is mandatory; may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

B. Abbreviations. The following abbreviations shall have the designated meanings:

BOD	Biochemical oxygen demand
C	Centigrade (as a measure of temperature)
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	U.S. Environmental Protection Agency
F	Fahrenheit (as a measure of temperature)

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gpd	Gallons per day
L	Liter
MAHL	Maximum allowable head works loading
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard industrial classifications
SWDA	Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
TSS	Total suspended solids
USC	United States Code

C. Prohibited discharge generally.

(A) Prohibited discharge standards. No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirement. Furthermore, no industrial user may contribute the following substances to the POTW:

- (1) Pollutants which create a fire or explosive hazard in either the municipal wastewater collection system or POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.

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- (2) Any wastewater having a pH less than 5.0 or more than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering city personnel.
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow either in the conveyance system or in the POTW resulting in interference.
- (4) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, for example), released in a discharge at a flow rate or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.
- (5) Any wastewater having a temperature greater than 150 degrees F (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C).
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (8) Any trucked or hauled pollutants, except at discharge points designated by the control authority and in accordance with section 10-6 D.(E).
- (9) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
- (10) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the POTW's effluent.
- (11) Storm water, surface water, ground water, roof runoff, subsurface drainage, and unpolluted industrial wastewater, unless specifically authorized by the control authority.
- (12) Any sludge, screenings, or other residues from the pretreatment of industrial wastes.
- (13) Any wastewater containing pollutants deemed highly toxic by the control authority and discharged at a flow volume capable of causing toxicity at the POTW.
- (14) Any wastes containing detergents, surface active agents, or other substances which cause excessive foaming in the POTW.
- (15) Any discharge of fats, oils, or greases of animal or vegetable origin in excess of two hundred (200) mg/l (1,668 pounds per million gallons) which causes sewer clogs, interference, pass through, or which exceeds the grease handling capacity of the POTW.
- (16) Any wastewater from an underground storage tank or tank hole containing gasoline, motor oils or lubricating oils, unless specifically authorized by the control authority.
- (17) Any pollutant in an amount which singly or in combination with discharges from other industrial users creates an influent or sludge concentration at the POTW approaching, equal to or exceeding the MAHL for that pollutant as established by the control authority except as specifically approved by the director of technical services.

Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

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(B) Federal Categorical Pretreatment Standards. The national categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated by reference.

(C) Specific pollutant limitations.

- (1) The following uniform concentration-based pollutant limits are established to protect against pass-through, sludge contamination, and interference. No person shall discharge wastewater containing in excess of the following maximum allowable discharge limits:

Pollutant	Maximum allowable concentration	Sample type
Arsenic	1.00 mg/l	Composite
Chromium	2.50 mg/l	Composite
Copper	2.20 mg/l	Composite
Mercury	0.10 mg/l	Composite
Nickel	3.00 mg/l	Composite
Zinc	3.00 mg/l	Composite

- (2) The following industrial contributory flow-based pollutant limits are established due to the pollutant's risk of producing toxicity in the receiving streams. All industrial users shall be prohibited from discharging industrial contributory flow-based pollutants at concentrations exceeding those normally found in domestic sewage, unless specifically allowed by the control authority in the industrial user's wastewater discharge permit. The maximum allowable concentration of industrial contributory flow-based pollutants shall be:

Pollutant	Maximum allowable concentration	Sample type
Cadmium	0.50 mg/l	Composite
Cyanide	1.00 mg/l	Grab
Lead	1.50 mg/l	Composite
Silver	1.50 mg/l	Composite

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Concentrations apply at the point where the industrial waste is discharged to the POTW unless otherwise specified by the control authority. All concentrations are for "total" substance unless indicated otherwise. At his discretion, the control authority may impose mass limitations in addition to or in place of the concentration - based limitation above.

- (D) City's right of revision. The control authority reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in section 10-6 of this article or the general and specific prohibitions in section 10-6 C.(A) of this article.
 - (E) Special agreement. The control authority reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. An industrial user may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user proves that factors relating to its discharge are fundamentally different from the factors considered by the EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions of 40 CFR 403.13.
 - (F) Dilution. No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The control authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.
- D. Control of admissible wastes.
- (A) Pretreatment facilities. Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in section 10-6 C.(A) above within the time limitations specified by the EPA, or the control authority, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the control authority shall be provided, operated, and maintained at the industrial user's sole expense. Detailed plans (sealed by a registered, professional engineer) showing the pretreatment facilities and operating procedures shall be submitted to the control authority for review, and shall be acceptable to the control authority before construction of the facility. The review of such plans and operating procedures shall in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the control authority under the provisions of this chapter.
 - (B) Additional pretreatment measures.
 - (1) Grease, oil and sand interceptors shall be provided when, in the opinion of the control authority, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the control authority and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, maintained in proper operating condition and repaired regularly, as needed, by the owner at his expense. No in-line provisions for bypass of grease, oil or sand interceptors shall be allowed.
 - (2) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

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- (3) At no time shall two readings on a combustible gas detection meter at the point of discharge into the POTW, or at any point in the POTW, be more than ten percent of the lower explosive limit (LEL) of the meter.
- (C) Accidental discharge/slug control plans. The control authority may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years the control authority shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:
 - (1) Description of discharge practices, including non-routine batch discharges.
 - (2) Description of stored chemicals.
 - (3) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in section 10-6 C.(A) of this article.
 - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response.
- (D) Tenant responsibility. Where an owner of property leases premises to another person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this article.
- (E) Hauled wastewater. The discharge of hauled industrial wastes as "industrial sewage" requires prior approval and a wastewater discharge permit from the control authority. The control authority shall have authority to prohibit the disposal of such wastes. Waste haulers are subject to all other sections of this article.
- (F) Vandalism. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in sections 10-6 J. and 10-6 K. below.
- (G) Act of God defense.
 - a) Act of God defense. The Act of God defense constitutes a statutory affirmative defense [Texas Water Code Section 7.251] in an action brought in municipal or state court. If a person can establish that an event that would otherwise be a violation of a pretreatment ordinance, or a permit issued under the ordinance, was caused solely by an Act of God, war, strike, riot or other catastrophe, the event is not a violation of the ordinance or permit.
 - b) An industrial user who wishes to establish the Act of God affirmative defense shall demonstrate, through relevant evidence that:
 - (1) An event that would otherwise be a violation of a pretreatment ordinance or a permit issued under the ordinance, occurred, and the sole cause of the event was an Act of God, war, strike, riot or other catastrophe; and
 - (2) The industrial user has submitted the following information to the POTW and the city within 24 hours of becoming aware of the event that would otherwise be in violation of a pretreatment ordinance or a permit issued under the ordinance (if this information is provided orally, a written submission must be provided within five days):

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- a. A description of the event, and the nature and cause of the [event];
 - b. The time period of the event, including exact dates and times or, if still continuing, the anticipated time the event is expected to continue; and
 - c. Steps being taken or planned to reduce, eliminate, and prevent of the event.
- c) Burden of proof. In any enforcement proceeding, the industrial user seeking to establish the Act of God affirmative defense shall have the burden of proving by a preponderance of the evidence that an event that would otherwise be a violation of a pretreatment ordinance, or a permit issued under the ordinance, was caused solely by an Act of God, war, strike, riot or other catastrophe.
- (H) Bypass. No industrial user shall intentionally divert waste streams from any portion of an industrial user's treatment facility (bypass) unless all procedural and substantive provisions in 40 CFR 403.17 are met.
- E. Permit admission of industrial wastes.
 - (A) Wastewater survey. When requested by the control authority all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey. The control authority is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this article.
 - (B) Wastewater discharge permit requirement.
 - (1) It shall be unlawful for any significant industrial user to discharge wastewater into the city's POTW without first obtaining a wastewater discharge permit from the control authority. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in sections 10-6 J. and 10-6 K. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal pretreatment standards or requirements or with any other requirements of federal, state and local law.
 - (2) The control authority may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this article.
 - (C) Wastewater discharge permitting for existing connections. Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this article and which wishes to continue such discharges in the future, shall, within 60 days after the effective date, apply to the control authority for a wastewater discharge permit in accordance with section 10-6 E.(F) below, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this article except in accordance with a wastewater discharge permit issued by the control authority.
 - (D) Wastewater discharge permitting. Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least 30 days prior to the date upon which any discharge will begin.
 - (E) Wastewater discharge permitting for extra-jurisdictional industrial users.
 - (1) Any existing significant industrial user located beyond city limits shall submit a wastewater discharge permit application, in accordance with section 10-6 E.(F) below, within 30 days of the effective date of this article. New significant industrial users located beyond city limits

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shall submit such applications to the control authority 30 days prior to any proposed discharge into the POTW.

- (2) Alternately, the control authority may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement (including permitting) of pretreatment program requirements against the industrial user.
- (F) Wastewater discharge permit application contents. In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit shall submit the information required by section 10-6 G.(A)(2) of this article. The control authority shall provide a form to be used as a permit application. In addition, the following information shall be submitted:
- (1) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
 - (2) Number and type of employees, hours of operation, hours of discharge and proposed or actual hours of operation of the industrial user.
 - (3) Each product produced by type, amount, process or processes, and rate of production.
 - (4) A map of the property showing accurately all sewers and drains.
 - (5) The site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
 - (6) Time and duration of all the discharges.
 - (7) Any other information as may be deemed necessary by the control authority to evaluate the wastewater discharge permit application.
 - (8) Plans and specifications sealed by a registered professional engineer detailing all pretreatment facilities and processes including any grease, oil or sand interceptors and control manholes.

Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

- (G) Application signatories and certification. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- (H) Wastewater discharge permit decisions. The control authority shall evaluate the data furnished by the industrial user and may require additional information. Within 20 working days of receipt of a complete wastewater discharge permit application, the control authority shall determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application shall be deemed denied. The control authority may deny any application for a wastewater discharge permit based upon the provisions of this article, other applicable local law, or applicable state or federal law. Any applicant denied a wastewater discharge permit may

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appeal the control authority decision to the industrial waste board in accordance with section 10-6 F.(F).

F. Permit issuance process of industrial wastes.

- (A) Wastewater discharge permit duration. Wastewater discharge permits shall generally be valid from the date of issuance until the last day of September, of the fifth year after issuance (five-year permit period). A wastewater discharge permit may be issued for a period of less than five years, at the discretion of the control authority. Each wastewater discharge permit shall indicate the specific date upon which it will expire.
- (B) Wastewater discharge permit contents. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the control authority to prevent pass through or interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

(1) Wastewater discharge permits shall contain the following conditions:

- (a) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years.
- (b) A statement that the wastewater discharge permit is nontransferable.
- (c) Effluent limits applicable to the user based on applicable standards in federal, state, and local law.
- (d) Self monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.
- (e) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(2) Wastewater discharge permits may also contain, at the discretion of the control authority the following:

- (a) Limits on the average and maximum rate of discharge, time of discharge, or requirements for flow regulation and equalization.
- (b) Limits on the instantaneous, daily and monthly average or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
- (c) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW.
- (d) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.
- (e) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
- (f) The schedule of industrial user charges and fees for wastewater discharged to the POTW.

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- (g) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 - (h) A statement that compliance with this wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal standards, including those which become effective during the term of the wastewater discharge permit.
 - (i) Other conditions as deemed appropriate by the control authority to ensure compliance with this article, and federal and state laws, rules, and regulations.
- (C) Wastewater discharge permit modification. The control authority may modify the wastewater discharge permit for good cause including, but not limited to, the following:
 - (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements.
 - (2) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.
 - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - (4) Information indicating that the permitted discharge poses a threat to the city's POTW, personnel, or the receiving waters.
 - (5) Violation of any terms or conditions of the wastewater discharge permit.
 - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
 - (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
 - (8) To correct typographical or other errors in the wastewater discharge permit.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.
- (D) Wastewater discharge permit transfer. Wastewater discharge permits are non-transferable.
- (E) Wastewater discharge permit suspension. Wastewater discharge permits may be suspended for the following reasons:
 - (1) Failure to notify the control authority of significant changes to the wastewater prior to the changed discharge.
 - (2) Failure to provide prior notification to the control authority of changed condition pursuant to section 10-6 G.(E).
 - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
 - (4) Falsifying self-monitoring reports.
 - (5) Tampering with monitoring equipment.
 - (6) Refusing to allow the control authority timely access to the facility premises and records.
 - (7) Failure to meet effluent limitations.
 - (8) Failure to remit fines or penalties after a final, non-appealable judgment has been rendered thereon.

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- (9) Failure to pay sewer charges (including industrial waste surcharge).
- (10) Failure to meet compliance schedules.
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application.
- (12) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

Wastewater discharge permits shall be voidable upon nonuse or cessation of operations. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit. Permittees with suspended wastewater permits shall admit no wastewater to the POTW.

(F) Industrial waste board appeal.

- (1) Any applicant denied a permit under this article, or any permittee whose permit has been suspended, shall have the right to a hearing before the industrial waste board.
- (2) Requests for a hearing shall be made in writing and received by the control authority within ten days of the action complained of. The control authority, within five days of receipt of the request, shall schedule a hearing before the industrial waste board.
- (3) The industrial waste board shall have the authority to review all pertinent files and information regarding the applicant/permittee which are in the custody of the control authority. Additionally, the board shall have the authority to accept written and verbal testimony from the control authority, applicant, and interested citizens.
- (4) The board shall have the authority to assess whether the control authority acted properly within its power under this article in its denial or suspension of permit. The majority vote of the board shall determine whether to uphold or reject the control authority's action. Upholding the action of the control authority shall affirm the denial or suspension. Rejection of the control authority's action shall, as the case may be, automatically reinstate a suspended permit or shall cause the control authority to repeat the application process.
- (5) The board shall have no authority to review or act on any action of the control authority other than permit denials or permit suspensions.
- (6) No person whose wastewater discharge permit has been denied or suspended shall discharge industrial waste to the public sewer prior to final determination by the industrial waste board.

- (G) Wastewater discharge permit re-issuance. A significant industrial user shall apply for wastewater discharge permit re-issuance by submitting a complete wastewater discharge permit application in accordance with section 10-6 E.(F) a minimum of thirty (30) days prior to the expiration of the industrial user's existing wastewater discharge permit.

G. Reporting requirements.

(A) Baseline monitoring reports.

- (1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall submit to the control authority a report which contains the information listed in paragraph (2), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the control authority a report which contains the information listed in paragraph (2), below. A new source shall also report the method of

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pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

- (2) The industrial user shall submit the following information required by this section including:
 - (a) Identifying information. The name and address of the facility including the name of the operator and owners.
 - (b) Wastewater discharge permits. A list of any environmental control wastewater discharge permits held by or for the facility.
 - (c) Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description shall include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (d) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 - (e) Measurement of pollutants.
 - (1) Identify the categorical pretreatment standards applicable to each regulated process.
 - (2) Submit the results of sampling and analysis identifying the nature and concentration (and mass, where required by the standard or by the control authority) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 10-6 G.(J).
 - (3) Sampling must be performed in accordance with procedures set out in section 10-6 G.(K).
 - (f) Certification. A statement reviewed and signed by the industrial user's authorized representative indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and additional pretreatment is required to meet the pretreatment standards and requirements.
 - (g) Compliance schedule. If additional pretreatment and O&M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and O&M shall be required. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.
 - (h) All baseline monitoring reports must be signed and certified in accordance with section 10-6 E.(G).
- (B) Compliance schedule progress report. The following conditions shall apply to the schedule required by section 10-6 G.(A)(2)(g). The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed 30 days. The industrial user shall submit a progress report to the control authority no later than 14 days

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following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate the steps being taken by the industrial user to return to the established schedule. In no event shall more than 30 days elapse between such progress reports to the control authority.

- (C) Report on compliance with categorical pretreatment standard deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the control authority a report containing the information described in section 10-6 G.(A)(2)(d)—(f). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), the report shall contain a reasonable measure of the industrial user's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with section 10-6 E.(G).
- (D) Periodic compliance reports.
 - (1) Any significant industrial user subject to a pretreatment standard shall, on the dates and at a frequency determined by the control authority but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with section 10-6 E.(G).
 - (2) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.
 - (3) If an industrial user subject to the reporting requirement of this section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in section 10-6 G.(J) and section 10-6 G.(K) of this article the results of such monitoring shall be included in the report.
- (E) Report of changed conditions. Each industrial user is required to notify the control authority of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least five working days before the change.
 - (1) The control authority may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 10-6 E.(F).
 - (2) The control authority may issue a wastewater discharge permit or modify an existing wastewater discharge permit under section 10-6 F.
 - (3) No industrial user shall implement the planned changed condition(s) until and unless the control authority has responded to the industrial user's notice.
 - (4) For purposes of this requirement flow increases of 100 percent of the average daily or monthly flow (based on the previous year averages) or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.
- (F) Reports of potential problems.
 - (1) In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge

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standards in section 10-6 C.(A) of this article), it is the responsibility of the industrial user to immediately telephone and notify the control authority of the incident. Notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.

- (2) Within five days following such discharge, the industrial user shall, unless waived by the control authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this article or other law.
 - (3) Failure to notify the control authority of potential problem discharges shall be deemed a separate violation of this article.
 - (4) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in sub-paragraph (1), above. Industrial users shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.
- (G) Reports from non-significant industrial users. All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the control authority as required by the control authority.
- (H) Notice of violation/repeat sampling and reporting. If sampling performed by an industrial user indicates a violation, the industrial user shall notify the control authority within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation.
- (I) Notification of the discharge of hazardous waste.
- (1) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA regional waste management division director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification shall include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges shall be submitted under section 10-6 G.(E), above.
 - (2) Dischargers are exempt from the requirements of paragraph (1) of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which

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the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

- (3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user shall notify the POTW, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
 - (4) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
 - (5) Industrial users that are permitted by the control authority shall submit a copy of all manifests to the control authority documenting offsite disposal of hazardous and non-hazardous waste.
- (J) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.
- (K) Sample collection.
- (1) Except as indicated in subsection (2), below, the industrial user shall collect wastewater samples using proportional composite collection techniques.
 - (2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic chemicals shall be obtained using grab collection techniques.
- (L) Determination of noncompliance. The control authority may use a grab sample(s) to determine noncompliance with pretreatment standards.
- (M) Timing. Written reports will be deemed to have been submitted on the date post-marked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern.
- (N) Record keeping. Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this article. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning compliance with this article, or where the industrial user has been specifically notified of a longer retention period by the control authority.
- H. Compliance monitoring.
- (A) Inspection and sampling. The control authority shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this article, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the control authority ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
- (1) Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the control authority, state, and EPA will be permitted to enter without substantial delay, for the purposes of performing their specific responsibilities.

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- (2) The control authority, state, and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and metering of the user's operations.
 - (3) The control authority may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy.
 - (4) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and sampled shall be promptly removed by the industrial user at the written or verbal request of the control authority and shall not be replaced. The costs of clearing such access shall be born by the industrial user.
 - (5) Unreasonable delays in allowing control authority personnel access to the industrial user's premises shall be a violation of this article.
- (B) Search warrants. If the control authority has been refused access to a building, structure or property or any part thereof, and if the control authority has demonstrated probable cause to believe that there may be a violation of this article or that there is a need to inspect as part of a routine inspection program of the control authority designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application the municipal court judge may issue a search and seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and seized on the property described. Such warrant shall be served at reasonable hours by the control authority in the company of a uniformed police officer of the city. In the event of an emergency affecting public health or safety, inspections may be made without the issuance of a warrant.
- I. Confidential information. Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from control authority inspection and sampling activities, shall be available to the public without restriction unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the control authority, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, except as may be required by the Texas Open Records Act, Art. 6252-17a, V.T.C.S., but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.
- J. Administrative enforcement remedies.
 - (A) Notification of violation. Whenever the control authority finds that any user has violated or is violating this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the control authority may serve upon the user a written notice of violation. Within 15 days of the receipt of a notice of violation an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the control authority. Submission of the plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the control authority to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

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- (B) Show cause hearing. The control authority may order any user which causes or contributes to violation(s) of this article, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the control authority and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing may be served personally or by registered or certified mail (return receipt requested) and shall be served at least five working days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.
- (C) Emergency suspensions. The control authority may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of any person. The control authority may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.
- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the control authority may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any person. The control authority shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the control authority that the period of endangerment has passed.
 - (2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the control authority, prior to the date of any show cause hearing under section 10-6 J.(B).

Nothing in this section shall be construed as requiring a hearing prior to any emergency suspension under this section.

- (D) Permit suspension/termination of discharge. In addition to the provisions of section 10-6 F.(E) of this article, any user that violates the following conditions of this section, wastewater discharge permits, or orders issued hereunder, is subject to permit suspension and discharge termination:
- (1) Violation of any wastewater discharge permit condition or conditions;
 - (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - (3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
 - (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
 - (5) Violation of the pretreatment standards in section 10-6 C.(A) this article.

Such user shall be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 10-6 J.(B) of this article why the proposed action should not be taken.

- (E) Supplemental enforcement action/water supply termination. Whenever a user has violated or continues to violate the provisions of this article, orders, or wastewater discharge permits issued

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hereunder, water service to the user may be terminated. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

K. Judicial enforcement remedies.

- (1) Any person, firm or corporation who shall violate any provision of this section or who shall fail to comply with any provision hereof, shall be guilty of a misdemeanor and upon conviction is shall be subject to a fine as provided for in section 1-7 of this Code of Ordinances, and each occurrence of the violation shall constitute a separate offense and shall be punished accordingly.
- (2) This section applies only to offenses committed on or after its effective date, and any offense committed before this section's effective date is governed by the law in existence at the time the offense was committed. The previous regulations are continued in effect for this purpose as if this section were not in force. For the purpose of this section, an offense is committed on or after the effective date of this section if any element of the offense occurred on or after the effective date.
- (3) Any person violating any of the provisions of this section shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation.
- (4) The city shall be entitled to pursue other criminal and civil remedies to which it is entitled under authority of statutes or other state ordinances against a person continuing prohibited discharges.

L. Review. The city council shall review this section at least once every five years.

(Ord. No. 381, 6-4-84; Ord. No. 2212, § 1, 4-17-06)

Sec. 10-7. - Water conservation and drought contingency and water emergency response plan.

The city council hereby approves and adopts the NTMWD Model Water Conservation and Drought Contingency and Water Emergency Response Plan (the "plan"), attached hereto as Addendum A*, as if recited verbatim herein. The city commits to implement the requirements and procedures set forth in the adopted plan.

(1988 Code; Ord. No. 1765, 7-17-00; Ord. No. 2239, 9-18-06; Ord. No. 3128, § 1, 4-20-09)

*Addendum "A" is hereby adopted by reference for the city and made part hereof for all purposes, the same as if fully copied herein.

Sec. 10-8. - Testing of backflow prevention assemblies.

- A. Definitions. For the purpose of this section, the following definitions apply unless the context clearly indicates or requires a different meaning. If a word or term used in this article is not contained in the following list, its definition, or other technical terms used, shall have the meanings or definitions listed in the most recent edition of the Manual of Cross-Connection Control published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California.

Backflow prevention assembly or assembly shall mean an assembly to counteract backpressure or prevent backsiphonage.

City or the city shall mean the City of Sachse through the city manager or any representative, inspector or employee designated by the city manager.

Nonresidential use shall mean water used by any person other than a single-family or duplex residential customer of the water supply.

Code of Ordinance

Person shall mean any individual, partnership, association, corporation, firm, club, trustee, receiver, body politic and corporate, and any other such entity.

Public water system or system shall mean any public or water system, which supplies water for public domestic use. The system will include all services, reservoirs, facilities, and any equipment use in the process of producing, treating, storing, or conveying water for public consumption.

Tester shall mean a person that is a certified backflow prevention assembly technician approved by and registered with the city and the TCEQ.

Water use survey shall mean a survey conducted or caused to be conducted by the local authority designed to identify any possible sources of contamination to the potable water supply.

B. Testing of backflow prevention assemblies.

- (1) All backflow prevention assemblies shall be inspected and tested or caused to be inspected and tested at the expense of the property or building owner in each of the following circumstances:
 - (a) Immediately after installations;
 - (b) Whenever the assembly is moved;
 - (c) A minimum of once a year for nonresidential backflow prevention devices;
 - (d) Premises that have been vacated and unoccupied for one year, prior to re-occupancy;
 - (e) Immediately after repairs.
- (2) All assembly testing shall be performed by a state certified backflow prevention assembly tester, registered with the city. All testing shall be in accordance with the standards contained in the 2003 International Plumbing Code, as amended, that has been adopted by the City of Sachse.
- (3) 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 section. Persons and occupants of premises which are provided water service by the city, either directly or indirectly, shall allow the city or its representatives access at all reasonable times to all parts of the premises for the purposes of, among others, inspection, testing, records examination and/or to facilitate the performance of any of their duties. Where persons or occupants of premises have security measures in force which would require proper identification and clearance before entry into their premises, the persons and occupants of the premises shall make necessary arrangements with their security guards so that upon presentation of identification, personnel from the city will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- (4) The city is not liable for damage to a backflow prevention assembly, which may occur during testing, inspection and/or examination.
- (5) A water use survey may be conducted at any establishment located in the city which is served by a public water supply or which provides water to the public. Upon determination that the establishment falls under the provisions of this section and requires a backflow prevention assembly, a notice to abate the condition or to install the proper backflow prevention assembly shall be issued by the city.
- (6) It is the responsibility of the person, who owns or controls property, to have all assemblies tested in accordance with this section. Assemblies may be required to be tested more frequently if the city, in its sole discretion, regulatory authority deems necessary.
- (7) All results from assembly testing by a certified backflow prevention assembly tester shall be placed on a form that is supplied by the city.

Code of Ordinance

(Ord. No. 3241, § 1, 9-20-10)

**Agenda Item Details**

Meeting	Sep 17, 2018 - Regular Combined Meeting
Category	F. Regular Agenda Items
Subject	9. Consider a resolution approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2018 Rate Review Mechanism filings.
Access	Public
Type	Action, Discussion, Information
Preferred Date	Sep 17, 2018
Absolute Date	Sep 17, 2018
Fiscal Impact	No
Recommended Action	Approve a resolution approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2018 Rate Review Mechanism filings.

Public Content**BACKGROUND**

Sachse, along with 171 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division, is a member of the Atmos Cities Steering Committee("ACSC"). In March 2018, the City Council approved a new Rate Review Mechanism ("RRM"). The RRM process allows a longer review period and includes other features favorable to the Cities. On or about April 1, 2018, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members, claiming that its 2017 cost-of-service entitled it to additional system-wide revenues of \$42 million. Negotiations with ACSC reduced the amount of expenses to be recovered to \$24.9 million, a savings of \$17.1 million.

POLICY CONSIDERATIONS

The governing body of a municipality has exclusive original jurisdiction over the rates, operations, and services of a gas utility within the municipality.

RECOMMENDATION

Approve a resolution approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2018 Rate Review Mechanism filings.

[2018 Atmos Rate Review Presentation.pdf \(363 KB\)](#)

[Resolution Atmos Energy.pdf \(150 KB\)](#)

Accommodation requests for persons with disabilities should be made at least 48 hours prior to the meeting by contacting Lauren Rose, ADA Coordinator, via phone at 972.429.4770, via email at lrose@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.

ATMOS RATE REVIEW PROCESS

CITY COUNCIL

SEPTEMBER 17, 2018



MUNICIPAL AUTHORITY

Texas Utilities Code, Title 3, Subchapter A, Sec. 103.001

- *To provide fair, just, and reasonable rates and adequate and efficient services, the governing body of a municipality has exclusive original jurisdiction over the rates, operations, and services of a gas utility within the municipality, subject to the limitations imposed by this subtitle, unless the municipality surrenders its jurisdiction to the railroad commission under Section 103.003.*

DEFINITIONS

- ACSC: Atmos Cities Steering Committee, represents 171 cities served by Atmos Energy Corporation, Mid-Tex Division. Rather than all 171 cities independently analyze proposed rate changes, they pool resources to hire experts to analyze for the group.
 - GRIP: Gas Reliability Infrastructure Program, the statutory provision that allows Atmos to bypass the City's rate regulatory authority to increase its rates annually to recover capital investments. Disadvantages to cities include ignoring declining expenses and increasing revenues and rewarding for capital investments.
 - RRM: Rate Review Mechanism Tariff, adopted in 2007 as an alternative to GRIP. RRM allows for a more comprehensive rate review and includes evaluation of revenues and expenses as well as capital investment.
- 

CURRENT RATE FILING

- In March 2018, City Council approved a new RRM annual review process.
- April 1, 2018, Atmos applied for the first annual review under the new RRM.
- Atmos' initial application was to recover \$42 million in additional revenues; ACSC review justified \$21.7 million; proposed settlement of \$24.9 million is deemed fair and reasonable.
- Residential charges:
 - Customer charge will increase by \$0.50/month.
 - Commodity charge will increase by 1.1 cents/Ccf.
- The ACSC Executive Committee consisting of city employees of 18 ACSC members urges all ACSC members to pass the Resolution before September 30, 2018. New rates become effective October 1, 2018.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2018 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

WHEREAS, the City of Sachse, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by

the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the RRM tariff was adopted by the City in a rate ordinance earlier this year; and

WHEREAS, on about April 1, 2018, Atmos Mid-Tex filed its 2018 RRM rate request with ACSC Cities based on a test year ending December 31, 2017; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2018 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$24.9 million on a system-wide basis (\$17.8 million of which is applicable to ACSC members); and

WHEREAS, the attached tariffs (Exhibit A) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the Exhibit A rate tariffs incorporate the federal income tax rates that became effective January 1, 2018; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Exhibit B) and

WHEREAS, the settlement agreement establishes an amortization schedule for regulatory liability (Exhibit C); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS:

Section 1. That the findings set forth in this Resolution are hereby in all things approved.

Section 2. That the City Council finds that the settled amount of an increase in revenues of \$24.9 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2018 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Exhibit A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$24.9 million in revenue on a system-wide basis over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

Section 4. That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Exhibit B, attached hereto and incorporated herein.

Section 5. That amortization of regulatory liability shall be consistent with the schedule found in attached Exhibit C attached hereto and incorporated herein.

Section 6. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2018 RRM filing.

Section 7. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

Section 8. That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 10. That consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2018.

Section 11. That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LJB Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this _____ day of _____, 2018.

Mike J. Felix, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Lewis Sirianni, City Secretary

City Attorney

**Agenda Item Details**

Meeting	Sep 17, 2018 - Regular Combined Meeting
Category	F. Regular Agenda Items
Subject	10. Conduct a public hearing to consider and act on an ordinance amending Chapter 11 titled "Zoning Ordinance" by amending Exhibit 1 by amending Article 2 titled "Definitions" by adding a definition for Alternate Financial Services and amending the definition for Microbrewery; by amending Article 3 titled "[Districts]" by amending Section 10 titled "Planned Development District" by amending Subsection 10.2 titled "Creation" by removing the required acreage requirement for a Planned Development District; by deleting Section 13 titled "OP Office Park District" in its entirety and renaming Section 13 "Use Designations" to set forth regulations by adding by adding Subsection 13.2 titled "Use Charts Organization" to include Use Chart 13.2.1 titled "Primary Residential Uses", Use Chart 13.2.2 titled "Accessory and Incidental Uses", Use Chart 13.2.3 titled "Institutional and Special Uses", Use Chart 13.2.4 titled "Commercial Uses", Use Chart 13.2.5 titled "Transportation Uses" and Use Chart 13.2.6 titled "Industrial and Utility Uses", by adding Subsection 13.3 titled "Classification of New/Unlisted Uses" and by adding Subsection 13.4 titled "Special Zoning Districts"; by amending Section 14 titled "PGBT Zoning District" by amending Subsection 14.5 titled "Schedule of Uses" by amending table 14.5.1 titled "Schedule of Uses" by amending Section 15 titled "Old Town Zoning District".
Access	Public
Type	Action
Fiscal Impact	No
Recommended Action	Approve the ordinance as presented.

Public Content**BACKGROUND**

- The 2017 Comprehensive Plan identified the Use Chart as an ordinance to be revised
- The maintenance of existing ordinances is considered routine in order to provide a healthy and functioning regulatory framework that meets the needs of the community

OVERVIEW

- The Use Chart determines what land uses are allowed in what zoning districts
- Formatting changes in addition to a few line item changes were made per Council direction

POLICY CONSIDERATIONS

- Is there any support for allowing drive-thru restaurants by right in retail districts and distinguishing them from drive-thrus that serve beverages?

RECOMMENDATION

- Following discussion on proposed changes to the Use Chart, Staff recommends approval of the accompanying ordinance

- The ordinance is currently written to keep the SUP requirement on drive-thru restaurants, as directed by the City Council in July

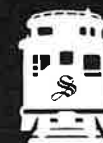
[Staff Presentation.pdf \(357 KB\)](#)[Proposed Ordinance.pdf \(145 KB\)](#)

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Use Chart

CITY COUNCIL

SEPTEMBER 17, 2018



Background

- Conduct a public hearing to consider and act on proposed revisions to the Use Chart by amending Chapter 11 (Zoning) of the Code of Ordinances
- The City Council discussed proposed revisions to the Use Chart at a work session on July 16, 2018 and directed Staff to prepare an ordinance for review

Background

- The 2017 Comprehensive Plan identified the Use Chart as an ordinance to be revised
- The maintenance of existing ordinances is considered routine in order to provide a healthy and functioning regulatory framework that meets the needs of the community

Overview

- Commonly referenced as the Use Chart, Schedule of Uses, Zoning Chart, Table of Uses, or other term
- The Use Chart determines what land uses are allowed in what zoning districts
- Lists out uses of land as rows with the different zoning districts as columns

Overview

- Land uses are categorized into various groupings such as Residential uses, Retail uses, Industrial uses, Transportation uses, etc.
- Each land use is then designated as Permitted, Prohibited, allowed with a Special Use Permit (SUP), or allowed Conditionally for each zoning district on the chart
- Please note that existing PDs (e.g. Woodbridge) sometimes have their own use charts attached; PGBT and Old Town also have their own separate use charts

Formatting Changes

Sachse's chart is proposed for reformatting to provide a more modern and user friendly document:

- Visually distinguishes between Residential and Non-Residential zoning districts
- Implementing the P (Permitted), S (SUP), C (Conditional), and [*blank*] (Not Allowed) indicators
- Deleting the "X" interpretive symbol currently in use (X means allowed)

Proposed Use Chart Format

SF-RE	SF-39	SF-15	SF-12	SF-10	Section	AG	C1	C2	I-1	I-2
Single Family Estate	Single Family 39	Single Family 15	Single Family 12	Single Family 10	Institutional & Special Uses	Agricultural	Commercial One	Commercial Two	Industrial One	Industrial Two
					Alternative Financial Services				S	S
S	S	S	S	S	Child Care Center (Day Care)	S	S	S	S	S
					Hospital			S	P	P
P	P	P	P	P	Municipal Facilities & Uses	P	P	P	P	P
					Pawn Shop				S	S
P	P	P	P	P	Religious Institutions	P	P	P	P	P
					Schools, Private		S	S	S	S

General Updates

Additional areas of the zoning ordinance were revised in conjunction with the Use Chart in order to curtail ripple effects:

- Updating accompanying definitions for clarification and legal compliance
- Modernizing language on how to use and interpret the Use Chart
- When possible, using broad land use categories in lieu of long lists of every possible land use
- Other minor user friendly best practices

Line Item Changes

- Assisted Living proposed to require an SUP
- Allowing Municipal Facilities by right in all districts (common for cities)
- Microbrewery definition revised to match TABC's definition
- Greater flexibility for when Planned Development districts are allowed
- Minor Auto Repair allowed in C-1 (currently also allowed in C-2)
- Major Auto Repair must obtain an SUP from Council in C-1 and C-2
- Deletion of the old Office Park district (inactive)

No Changes

The below list of items is not proposed for change following discussion with the City Council, P&Z, and City Attorney:

- Car Washes (require an SUP)
- Gas Stations (require an SUP)
- Assembly Uses (allowed by right in all districts)
- Child Care Centers (require an SUP)
- Consolidation of zoning districts (leaving C-1, C-2, I-1, and I-2 the same after further discussion with the City Attorney)

Planning & Zoning Recommendation

- Following a public hearing, the Planning & Zoning Commission unanimously recommended approval of the proposed use chart
- The Commission arrived at the same conclusion as the City Council on all line items, save one
- The Commission, although not unanimous on the topic, felt that drive-thru restaurants should not be required to obtain an SUP
- Some believed the SUP slowed down prospective development, and others believed that it was important to retain review authority via the SUP process

Drive-Thru SUPs

Drive-through establishment means a business that allows the interior passage of motor vehicles for the retail sale of food or beverages, or the delivery of food or beverages to the occupants of the vehicle.

- Currently pharmacies, banks, day cares, and even grocery online pickup services do not require an SUP
- Is there any support for allowing drive-thru restaurants by right in retail districts and distinguishing them from drive-thrus that serve beverages?

Staff Recommendation

- Following discussion on proposed changes to the Use Chart, Staff recommends approval of the accompanying ordinance
- The ordinance is currently written to keep the SUP requirement on drive-thru restaurants, as directed by the Council in July
- If Council desires to not require an SUP for drive-thru restaurants, per the P&Z recommendation, then a minor revision to the definition can accomplish the goal as illustrated within the presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 11 TITLED "ZONING ORDINANCE" BY AMENDING EXHIBIT 1 BY AMENDING ARTICLE 2 TITLED "DEFINITIONS" BY ADDING A DEFINITION FOR ALTERNATE FINANCIAL SERVICES AND AMENDING THE DEFINITION FOR MICROBREWERY; BY AMENDING ARTICLE 3 TITLED "[DISTRICTS]" BY AMENDING SECTION 10 TITLED "PLANNED DEVELOPMENT DISTRICT" BY AMENDING SUBSECTION 10.2 TITLED "CREATION" BY REMOVING THE REQUIRED ACREAGE REQUIREMENT FOR A PLANNED DEVELOPMENT DISTRICT; BY DELETING SECTION 13 TITLED "OFFICE PARK DISTRICT" IN ITS ENTIRETY AND RENAMING SECTION 13 "USE DESIGNATIONS" TO SET FORTH REGULATIONS FOR EACH ZONING DISTRICT AND TO ADD NEW USE CHARTS SHOWING THE PERMITTED USES FOR EACH DISTRICT, BY ADDING SUBSECTION 13.1 TITLED "LAND USES", BY ADDING SUBSECTION 13.2 TITLED "USE CHARTS ORGANIZATION" TO INCLUDE USE CHART 13.2.1 TITLED "PRIMARY RESIDENTIAL USES", USE CHART 13.2.2 TITLED "ACCESSORY AND INCIDENTAL USES", USE CHART 13.2.3 TITLED "INSTITUTIONAL AND SPECIAL USES", USE CHART 13.2.4 TITLED "COMMERCIAL USES", USE CHART 13.2.5 TITLED "TRANSPORTATION USES" AND USE CHART 13.2.6 TITLED "INDUSTRIAL AND UTILITY USES", BY ADDING SUBSECTION 13.3 TITLED "CLASSIFICATION OF NEW/UNLISTED USES" AND BY ADDING SUBSECTION 13.4 TITLED "SPECIAL ZONING DISTRICTS"; BY AMENDING SECTION 14 TITLED "PGBT ZONING DISTRICT" BY AMENDING SUBSECTION 14.5 TITLED "SCHEDULE OF USES" BY AMENDING TABLE 14.5.1 TITLED "SCHEDULE OF USES" BY DELETING "RELIGIOUS INSTITUTIONS"; BY AMENDING SECTION 15 TITLED "OLD TOWN ZONING DISTRICT" BY AMENDING SUBSECTION 15.4 TITLED "SCHEDULE OF USES" BY AMENDING TABLE 15.4.1 TITLED "SCHEDULE OF USES" BY DELETING "RELIGIOUS INSTITUTIONS"; BY DELETING SCHEDULE 1 TITLED "PERMITTED USES" IN ITS ENTIRETY; PROVIDING A CONFLICTS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That the City of Sachse Code of Ordinances is amended by amending Chapter 11 titled “Zoning Ordinance” by amending Exhibit 1 by amending Article 2 titled “Definitions”, by amending Article 13 titled “[Districts]” and by deleting Schedule 1 titled “Permitted Uses” in its entirety, to read as follows:

“Chapter 11

ZONING ORDINANCE

...

EXHIBIT I

...

ARTICLE 2. DEFINITIONS

1.1 All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; the word "structure" includes the word "building," and "dwelling" includes "residence" and "place of habitation"; the word "person" includes "corporation," "co-partnership," "association," and "individual", the word "shall" is mandatory and not discretionary. Terms not herein defined shall have the meaning assigned to them in the building codes terms not defined herein or in the building code shall have the meaning customarily assigned to them.

...

Alternative financial services. A check cashing business, payday advance or loan business, money transfer business, or car title loan business.

...

Microbrewery. An establishment where beer, ale, etc. is brewed and served.

...

ARTICLE 3. [DISTRICTS]

...

Sec. 10. Planned development district.

...

10.2 *Creation.* The city council, after public hearing and proper notice to all affected property owners and after recommendation by the planning and zoning commission, may authorize the creation of a planned development district on sites of five acres or more to accommodate various types of development and conditions of development for any use or combination of uses permitted by this ordinance. The uses to be permitted in any specific planned development district shall be enumerated in the ordinance establishing such district and shown on the approved plan for development which becomes part of said ordinance. The city council may amend the minimum acreage requirement through the planned development district ordinance, or an associated development agreement, or in advancement of a comprehensive plan initiative.

...

Sec. 13. Use Designations.

13.1 *Land uses.* The use of land and/or buildings shall be in accordance with those listed in the following Use Charts. No land or building or structure shall hereafter be erected, altered, or converted other than for those uses specified in zoning district in which it is located. The legend for interpreting the permitted uses in the Use Charts is as follows:

P	Designates use is permitted in the district indicated
	Designates use is prohibited in district indicated
S	Designates use is permitted in the district indicated upon approval by Special Use Permit (SUP)
C	Designates use is permitted in the district indicated upon compliance with conditions outlined in this chapter

13.2 *Use chart organization.*

- (a) Primary residential uses (Table 13.2.1);
- (b) Accessory and incidental uses (Table 13.2.2);
- (c) Institutional and special uses (Table 13.2.3);
- (d) Commercial uses (Table 13.2.4.);
- (e) Transportation uses (Table 13.2.5); and
- (f) Industrial and utility uses (Table 13.2.6).

USE CHART 15.2.1 PRIMARY RESIDENTIAL USES

SF-RE	SF-39	SF-15	SF-12	SF-10	Section	AG	C1	C2	I-1	I-2
Single Family Estate	Single Family 39	Single Family 15	Single Family 12	Single Family 10	Primary Residential Uses	Agricultural	Commercial One	Commercial Two	Industrial One	Industrial Two
					Assisted Living Facility / Nursing Home				S	S
					Boarding House / Rooming House					
					Duplex					
S	S	S	S	S	Group Home	S	S	S	S	S
					Hotel, Motel		S	S		
					HUD Code Manufactured Home					
					Independent Senior Living		S	S	S	S
P	P	P	P	P	Model Home					
					Multi-Family					
P	P	P	P	P	Single Family Residence (detached)	P				
					Townhouse					

USE CHART 13.2.2 ACCESSORY AND INCIDENTAL USES

SF-RE	SF-39	SF-15	SF-12	SF-10	Section	AG	C1	C2	I-1	I-2
Single Family Estate	Single Family 39	Single Family 15	Single Family 12	Single Family 10	Accessory & Incidental Uses	Agricultural	Commercial One	Commercial Two	Industrial One	Industrial Two
C	C	C	C	C	Accessory Structure	C	C	C	C	C
P	P	P	P	P	Amenity Center					
C	C	C	C	C	Antennas	C	C	C	C	C
S	S	S	S	S	Communication Tower	S	S	S	S	S
C	C	C	C	C	Construction Office	C	C	C	C	C
					Contractor's Yard				P	P
					Farms, Ranches, Orchards	P				
C	C	C	C	C	Home Occupation	C				
C	C	C	C	C	Incidental & Secondary Uses	C	C	C	C	C
					Open Storage	C	C	C	C	C
C	C	C	C	C	Portable Buildings	C	C	C	C	C
					Private Club			S		
					Seasonal Sales	C	C	C	C	C
C	C	C	C	C	Temporary Batch Plant	C	C	C	C	C

USE CHART 13.2.3 INSTITUTIONAL AND SPECIAL USES

SF-RE	SF-39	SF-15	SF-12	SF-10	Section	AG	C1	C2	I-1	I-2
Single Family Estate	Single Family 39	Single Family 15	Single Family 12	Single Family 10	Institutional & Special Uses	Agricultural	Commercial One	Commercial Two	Industrial One	Industrial Two
					Alternative Financial Services				S	S
					Arcade or Bingo Hall		S	S	S	S
S	S	S	S	S	Child Care Center (Day Care)	S	S	S	S	S
					Commercial Amusement		S	S	P	P
					Hospital			S	P	P
					Library or Museum		P	P	P	P
					Lodge or Club (social or civic)		P	P	P	P
					Mausoleum or Cemetery	S				S
					Mortuary, Funeral Home		S	S	S	S
P	P	P	P	P	Municipal Facilities & Uses	P	P	P	P	P
					Pawn Shop				S	S
P	P	P	P	P	Religious Institutions	P	P	P	P	P
					Schools, Private		S	S	S	S
P	P	P	P	P	Schools, Public (all facilities)	P	P	P	P	P

USE CHART 13.2.4 COMMERCIAL USES

SF-RE	SF-39	SF-15	SF-12	SF-10	Section	AG	C1	C2	I-1	I-2
Single Family Estate	Single Family 39	Single Family 15	Single Family 12	Single Family 10	Commercial Uses	Agricultural	Commercial One	Commercial Two	Industrial One	Industrial Two
					Body Art Studio (tattoo, piercing, etc.)				S	S
					Indoor Display (showroom, nursery)		P	P	P	P
					Kennel (indoor & conditioned)	S	S	S	S	S
					Medical Building, Clinic or Lab		P	P	P	P
					Microbrewery		P	P	P	P
					Office, Medial or Professional		P	P	P	P
					Outdoor Display (sales)				S	S
					Personal or Professional Services		P	P	P	P
					Restaurant		P	P	P	P
					Retail Sales, General Stores		P	P	P	P
					Sexually Oriented Business					S
					Smoking (tobacco, E-Cig, vape, etc.)				S	S
					Studio (gymnastics, martial arts, etc.)		P	P	P	P
					Theater or Cinema		S	S		
					Vet or pet store (indoor)		P	P	P	P

USE CHART 13.2.5 TRANSPORTATION USES

SF-RE	SF-39	SF-15	SF-12	SF-10	Section	AG	C1	C2	I-1	I-2
Single Family Estate	Single Family 39	Single Family 15	Single Family 12	Single Family 10	Transportation Uses	Agricultural	Commercial One	Commercial Two	Industrial One	Industrial Two
					Auto (motorized) Sales or Storage				S	S
					Auto (motorized) Leasing		S	S	S	S
					Auto Repair, Major		S	S	P	P
					Auto Repair, Minor		P	P	P	P
					Car Wash		S	S	S	S
					Gas Pumps, Fuel Sales		S	S	S	S
					Helipad	S			S	S
					Drive Through Establishment		S	S	P	P
					Transit Station, Terminal				S	S
					Wrecking, Salvage Yard					S

USE CHART 13.2.6 INDUSTRIAL AND UTILITY USES

SF-RE	SF-39	SF-15	SF-12	SF-10	Section	AG	C1	C2	I-1	I-2
Single Family Estate	Single Family 39	Single Family 15	Single Family 12	Single Family 10	Industrial & Utility Uses	Agricultural	Commercial One	Commercial Two	Industrial One	Industrial Two
					Agricultural (commercial uses or facilities)				S	P
					Agricultural (private, family)	P				
					Distribution Center, General Warehousing				P	P
					Equipment Storage, Leasing				S	P
					Heavy Industrial, Plant Operations					S
					High Risk					S
					Laboratory, Light Manufacturing, Distillery		S	S	P	P
					Mining	S				S
					Landfill	S				S
					Research & Development, Data Center		S	S	P	P
					Storage Facility – conditioned space		S	S	S	S
					Storage Facility – mini warehousing				S	S
S	S	S	S	S	Substation, Generating Plant	S	S	S	S	S
C	C	C	C	C	Wind Energy System	C	C	C	C	C

13.3 *Classification of new/unlisted uses.* It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made by the Zoning Administrator, who shall make an interpretation as to the zoning classification into which such use should be placed. The Zoning Administrator shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district within which use should be permitted. Appeals can be made to the Planning & Zoning Commission. The Commission shall approve the Zoning Administrator's recommendation or may make its own determination concerning the classification of such use as is determined appropriate based upon its findings or shall request an initiation of a zoning text amendment pursuant to procedures set forth in this ordinance.

13.4 *Special zoning districts.* It is recognized that allowed uses may be governed by special zoning districts, approved Special Use Permits or Planned Development districts. Old Town and PGBT are classified as special zoning districts.

Sec. 14. PGBT zoning district.

...

14.5 *Schedule of uses.*

- A. Due to the emphasis on urban form over land uses, general use categories have been identified by character area. Uses not listed on the following schedule, but are substantially similar, may be permitted upon approval by the city manager or designee.

TABLE 14.5.1 SCHEDULE OF USES

	Turnpike Commercial (TC)	Turnpike Mixed-Use (TMU)	Turnpike Transition (TT)
Land Use			
...			
<i>Educational, Public Administration, Health Care and Other Institutional Uses</i>			
...			
Hospital/medical office buildings	P	P	NP
Civil uses	P	P	NP
<i>Residential uses</i>			
...			

...

Sec. 15. Old Town zoning district.

...

15.4 *Schedule of uses.*

- A. Due to the emphasis on urban form over land uses, general use categories have been identified by Character Area. Uses not listed on the following schedule, but are substantially similar, may be permitted upon approval by the City Manager or designee.

TABLE 15.4.1 SCHEDULE OF USES

Character Area	Downtown South (DTS)	Downtown North (DTN)	SH 78 Commercial (SHC)	Neighborhood (NBR)
Land Use				
...				
<i>Educational, Public Administration, Health Care and Other Institutional Uses</i>				
...				
Hospital/medical office buildings	P	P	P	NP
Civic uses	P	P	P	NP
<i>Residential Uses</i>				
...				

...

Schedule 1. Permitted Uses. Deleted.”

SECTION 2. That, to the extent of any irreconcilable conflict with the provisions of this ordinance and other ordinances of the City of Sachse governing the use and development of the Property and which are not expressly amended by this ordinance, the provisions of this ordinance shall be controlling.

SECTION 3. That all provisions of the Ordinances of the City of Sachse, Texas, in conflict with the provisions of this Ordinance be and the same are hereby, repealed, and that all other provisions of the Ordinances of the City of Sachse not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid.

SECTION 5. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Ordinances of the City of Sachse, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. That any person, firm, or corporation violating any provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. This ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas on the _____ day of _____, 2018.

APPROVED:

Mike J. Felix
Mayor

DULY ENROLLED:

Michelle Lewis Sirianni
City Secretary

APPROVED AS TO FORM:

Peter G. Smith
City Attorney
(09-10-2018:TM102150)

**Agenda Item Details**

Meeting	Sep 17, 2018 - Regular Combined Meeting
Category	G. Executive Session
Subject	1. The City Council shall convene into Executive Session pursuant to Texas Government Code Section §551.087 Economic Development Deliberations: Discussion of a Development Agreement between the City of Sachse and PMB Acquisitions LLC and/or its affiliates to provide incentives related to the development of approximately 119 acres of land within the PGBT Area Zoning District.
Access	Public
Type	Discussion

Public Content

Conduct Executive Session and take any action necessary as a result.

Accommodation requests for persons with disabilities should be made at least 48 hours prior to the meeting by contacting Lauren Rose, ADA Coordinator, via phone at 972.429.4770, via email at lrose@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.