

ORDINANCE NO. 3880

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 16 OF THE CODE OF THE CITY OF MESQUITE BY PROVIDING CERTAIN ADDITIONS AND DELETIONS TO THE DEFINITIONS LISTED UNDER SECTION 16-131, BY DELETING SECTIONS 16-135(D), 16-138(D), 16-157(G), 16-159, 16-163 AND 16-176(E) IN THEIR ENTIRETY AND ADDING NEW SECTIONS 16-130, 16-135(D), 16-135(E), 16-138(D), 16-157(G), 16-159, 16-163 AND 16-176(E); THEREBY AMENDING THE LIQUID WASTE TRANSPORTATION AND DISPOSAL REGULATIONS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Mesquite ("City Council") finds that the unregulated transportation and discharge of liquid waste presents a hazard to the public health, safety and welfare of the citizens of the City of Mesquite ("City"); and

WHEREAS, the City Council finds that unregulated transportation of liquid waste facilitates the unauthorized discharge of liquid waste on the land and into streams, creeks and sanitary sewer systems located in the territorial and extraterritorial limits of the City; and

WHEREAS, it is the intention of the City to enact an ordinance designed to protect and enhance the public health, safety and welfare of our citizens by regulating the generators and transporters of grease trap wastes, grit trap wastes and septage; and

WHEREAS, government is established to protect and enhance the public health, safety and welfare.

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

SECTION 1. That Chapter 16 of the Code of the City of Mesquite is hereby amended by providing certain additions and deletions to the definitions listed under Section 16-131, by deleting Sections 16-135(d), 16-138(d), 16-157(g), 16-159, 16-163 and 16-176(e) in their entirety and adding new Sections 16-130, 16-135(d), 16-135(e), 16-138(d), 16-157(g), 16-159, 16-163 and 16-176(e) to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

A. *Section 16-130.* Amend by adding a new Section 16-130 to read as follows:

Sec. 16-130. General provisions.

Any person who transports grease trap wastes, grit trap wastes and/or septage within the City shall first obtain a permit from the Health Authority and shall comply

with the requirements of this article. The article shall be liberally construed and applied to promote its underlying purpose of protecting public health.

- B. *Section 16-131.* Amend by deleting the definitions of “TDH” and “TWC” in the section in their entirety and adding the definitions of “EPA,” “shall,” “TCEQ” and “TDSHS” to Section 16-131 to read as follows:

EPA means the U. S. Environmental Protection Agency.

Shall means the word “shall” wherever used in this article will be interpreted in its mandatory sense; “may” is permissive.

TCEQ means Texas Commission on Environmental Quality.

TDSHS means Texas Department of State Health Services.

- C. *Sections 16-135(d) and (e).* Amend by deleting Section 16-135(d) in its entirety and adding new Sections 16-135(d) and (e) to read as follows:

- (d) A manifest system, consisting of a four-part trip ticket, is used to document the generation, transportation and disposal of all applicable liquid waste generated in the City and shall be used as follows:
- (1) The trip ticket books are purchased by the transporter from the City’s Health Division for a fee of \$20.00;
 - (2) A transporter will complete one trip ticket for each location serviced, with the exception of chemical/portable toilet companies servicing their own units. Chemical/portable toilet companies servicing their own units shall be exempt from trip ticket requirements but shall be required to submit a monthly total of volumes disposed and location of disposal to the Regulatory Authority;
 - (3) The white copy of the trip ticket shall be signed by the transporter and the generator at the time of the waste collection and the yellow copy shall be maintained by the generator;
 - (4) The white copy of the trip ticket shall be signed by the disposer at the time of the disposal and the pink copy shall be maintained by the disposer;
 - (5) The green copy of the trip ticket shall be maintained by the transporter;
 - (6) Once completed, the white copy of the trip ticket shall be submitted within 30 days by the transporter to the City’s Health Division; and
 - (7) A copy of all trip tickets shall be maintained for a period of two years by both the generator and the transporter.

- (e) A liquid waste transporter may not remove liquid waste from a generator unless an authorized representative of the generator is present to observe the removal of the liquid waste from the receptacle and sign the trip ticket at the time of removal. An exception shall be made for the servicing of chemical/portable toilets.

D. *Section 16-138(d)*. Amend by deleting the section in its entirety and adding a new Section 16-138(d) to read as follows:

(d) A generator shall:

- (1) Install or provide collection device of size and type specified by the Regulatory Authority if serving or providing a product which is not prepackaged or which requires any type of manipulation or preparation. Fountain drinks and coffee which are dispensed for customer self services are exempt;
- (2) Maintain collection device in continuous, proper operation;
- (3) Have grease interceptor evacuated of all contents by a City permitted liquid waste transporter at a frequency of at least twice annually but not less frequently than is necessary to prevent drain blockages and subsequent overflows unless a variance is approved by the Health Official. To receive a variance the generator must provide proof that a reduction in frequency will not cause drain blockages or overflows of the sewer system or collection device;
- (4) Supervise proper cleaning of collection device;
- (5) Report spills and accidents involving collection device to the Regulatory Authority immediately.
- (6) Clean up all spills and accidents immediately and have material disposed of by permitted transporter by proper means; and
- (7) Not install or utilize any system, process or pretreatment involving the use of enzymes, bacteria or other additives, nor alter the design or function of the grease interceptor without specific written approval of the City.

E. *Section 16-157(g)*. Amend by deleting the section in its entirety and adding a new Section 16-157(g) to read as follows:

- (g) Transporters transporting hazardous wastes must have the applicable TCEQ and EPA registration numbers and use the appropriate EPA manifest system.

F. *Section 16-159*. Amend by deleting the section in its entirety and adding a new Section 16-159 to read as follows:

Sec. 16-159. Fee and display of permit.

- (a) The Regulatory Authority shall not issue a permit to an applicant until the appropriate established fee is paid. A person shall pay a fee of \$200.00 for the first vehicle and \$100.00 for each additional vehicle operated by the person.
- (b) The Regulatory Authority shall number permits consecutively and each permit holder shall cause to be displayed on each side of each vehicle in a color contrasting with the background in three-inch letters or larger: the business name, TCEQ registration number and the following:

MES _____

The first three letters (MES) shall represent the City issuing the permit. The blank space shall contain the permit number. The permit holder shall place the business name, TCEQ registration number and the vehicle permit number of each vehicle before the vehicle is operated. The permit holder shall keep the permit receipt, or a copy, in the vehicle at all times.

- G. *Section 16-163.* Amend by deleting the section in its entirety and adding a new Section 16-163 to read as follows:

Sec. 16-163. Hearings.

The hearings provided for in this section shall be conducted by the Director of Community Development at a time and place designated by him. Based upon the recording of such hearing, the Director of Community Development shall make a finding and shall sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the Health Authority.

- H. *Section 16-176(e).* Amend by deleting the section in its entirety and adding a new Section 16-176(e) to read as follows:

- (e) The provisions of this article shall be enforced by the Health Official. His designated representatives shall have the authority to issue citations to persons violating provisions of this article.

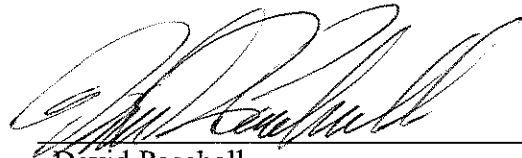
SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 3. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punishable by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

SECTION 5. That the present ordinances of the City of Mesquite are inadequate to provide for the proper regulation of liquid waste transportation and disposal creates an urgency and emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

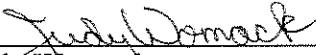
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of August, 2007.



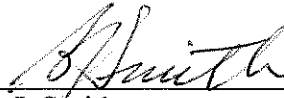
David Paschall
Mayor Pro Tem

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney