

ORDINANCE 2021-O- 137

AN ORDINANCE OF THE CITY OF ATHENS, TEXAS, AMENDING CHAPTER 9 SECTION 9-3 FEE ESTABLISHED, CHAPTER 21 SECTION 21-105 COLLECTION OF FEES, AND CHAPTER 21 SECTION 21-108 DISPOSALS OF SEPTIC TANK OR PORTABLE TOILET WASTES OF THE CITY OF ATHENS CODE OF ORDINANCES; PROVIDING A REPEALER CLAUSE; A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 4th, 1972, the City Council adopted and made effective the City of Athens Municipal Code of Ordinances;

WHEREAS, the City of Athens, Texas seeks to organize fees and costs of providing services in a manner that is accessible and provides greater transparency;

WHEREAS, most recently on September 27th, 2021, the City Council amended Chapter 23 Fees and Cost of Services to include rates indicated in Chapter 9 and Chapter 21 of the City of Athens Municipal Code of Ordinances;

WHEREAS, to provide clarity and consistency Chapter 9 Section 9-3 Fee established, Chapter 21 Section 21-105 Collection of Fees, and Chapter 21 Section 21-108 Disposals of septic tank or portable toilet wastes of the City of Athens Code of Ordinances must be amended to refer users to the Chapter 23 Fee Schedule;

WHEREAS, on October 11th, 2021, the City Council of the City of Athens, Texas after due notice read aloud the Ordinance amendment for the first time as required by Article III, Section 3.11 of the City of Athens Charter.

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

Section 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. The City Council hereby authorizes amending Chapter 9 Section 9-3 Fee established, Chapter 21 Section 21-105 Collection of Fees, and Chapter 21 Section 21-108 Disposals of septic tank or portable toilet wastes of the Code of Ordinances to refer to Chapter 23 Fee Schedule.

Section 3. Additionally, the Code of Ordinances of the City of Athens, Texas is amended as shown below. (For clarity, text to be repealed is stricken through, new text is shown in italics, and text to remain unchanged is labeled as such).

Chapter 9 – Alcoholic Beverages, Section 9-3. – Fee established.

- (b) There is hereby levied an annual permit fee and annual license fee in the amount equal to one-half (1/2) of the fee charged by the State of Texas for each particular permit or license ~~(or the maximum fee that the City is authorized to charge under Texas law)~~ *(specifically indicated per Chapter 23 Fees and Cost of Services)* issued by the Texas Alcoholic Beverage Commission, except when said fee is waived according to the provisions of the Texas Alcoholic Beverage Code. The fee shall be paid at time of application and on the date such permit or license is renewed with the State of Texas thereafter.

Chapter 21 – Water and Sewers, Section 21-105. – Collection of fees.

A fee ~~of thirty five (\$35.00)~~ *per Chapter 23 Fees and Cost of Services* shall be collected for permits and/or inspections and shall be made payable to the City.

Chapter 21 – Water and Sewers, Section 21-108. – Disposal of septic tank or portable toilet wastes.

- (a) Permit required. No person, firm or corporation shall use any City of Athens wastewater collection of treatment facilities for the disposal of septic tank or portable toilet wastes without first obtaining a permit therefor from the Director of Utilities. The Director of Utilities shall promulgate the form and terms for the issuance of any disposal permit to be issued pursuant to this division, and all disposals made subject to said permit shall comply with its terms. A permit fee ~~of twenty five dollars (\$25.00)~~ *per Chapter 23 Fees and Cost of Services* shall be required to be paid prior to the issuance of the permit. A separate permit shall be secured if more than two (2) vehicles are to be utilized by the permittee.
- (b) Disposal fees. Permittees desiring to dispose of septic tank or portable toilet wastes shall be required to pay a disposal fee based upon the volume of the tank being emptied into the City's wastewater treatment facility, ~~as follows:~~ *per Chapter 23 Fees and Cost of Services.*
Remove chart for disposal rates.
- (e) Penalties. Violation of the terms of this section by any person, firm or corporation is declared to be a misdemeanor and, upon adjudication of guilt, a fine ~~not to exceed two hundred dollars (\$200)~~ *per Chapter 23 Fees and Cost of Services* shall be assessed against such violator in accordance with the provisions of section 1-5 of the Code of Ordinances of the City of Athens, Texas. Each continuing day of violation shall be deemed a separate offense for which a separate fine may be assessed.

Section 4. Any Ordinance, Resolution or Order previously passed and/or adopted by the City Council, or any part thereof, if found to be in conflict with the provisions of this Ordinance, shall be resolved in favor of the terms and conditions of this Ordinance, and any prior conflicting Ordinance, Resolution or Order or any part thereof, is hereby repealed to the extent of said conflict.

Section 5. Should any clause, phrase, sentence, or section of this Ordinance be deemed invalid or unconstitutional by a court of competent jurisdiction, said finding shall not affect the remaining clauses, phrases, sentences, or sections of this Ordinance.

Section 6. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Athens, Texas.

Toni Clay, Mayor _____
Aaron Smith, Mayor Pro Tem _____
Robert Gross, Councilmember _____
SyTanna Freeman, Councilmember _____
Mark Carroll, Councilmember _____

Voted in favor of the motion _____
Voted against the motion _____
Motion carried _____

First reading on the 11th day of October 2021.

PASSED, APPROVED, AND ADOPTED this the **25th** day of **October 2021**.

Toni Clay, Mayor

ATTEST:

Bonnie Hambrick, City Secretary

Sec. 9-3. - Fee established.

- (a) No person shall manufacture, distribute, sell or serve alcoholic beverages within the city without first having obtained a permit or license for the specific location from the Texas Alcoholic Beverage Commission.
- (b) There is hereby levied an annual permit fee and annual license fee in the amount equal to one-half ($\frac{1}{2}$) of the fee charged by the State of Texas for each particular permit or license (or the maximum fee that the city is authorized to charge under Texas law) issued by the Texas Alcoholic Beverage Commission, except when said fee is waived according to the provisions of the Texas Alcoholic Beverage Code. The fee shall be paid at time of application and on the date such permit or license is renewed with the State of Texas thereafter.

(Ord. No. O-11-11, § 3, 5-9-11; Ord. No. O-18-11, 6-27-11)

Sec. 21-105. - Collection of fees.

A fee of thirty-five dollars (\$35.00) shall be collected for permits and/or inspections and shall be made payable to the city.

(Ord. No. A-999, § 5, 4-12-82; Ord. No. O-33-06, § 11, 10-9-2006)

Sec. 21-108. - Disposal of septic tank or portable toilet wastes.

- (a) *Permit required.* No person, firm or corporation shall use any City of Athens wastewater collection or treatment facilities for the disposal of septic tank or portable toilet wastes without first obtaining a permit therefor from the director of utilities. The director of utilities shall promulgate the form and terms for the issuance of any disposal permit to be issued pursuant to this division, and all disposals made subject to said permit shall comply with its terms. A permit fee of twenty-five dollars (\$25.00) shall be required to be paid prior to the issuance of the permit. A separate permit shall be secured if more than two (2) vehicles are to be utilized by the permittee.
- (b) *Disposal fees.* Permittees desiring to dispose of septic tank or portable toilet wastes shall be required to pay a disposal fee based upon the volume of the tank being emptied into the city's wastewater treatment facility, as follows:

<i>Size of Tank</i>	Fee
Up to 500 gallons	\$10.00 per discharge
501—1,000 gallons	20.00 per discharge
Over 1,000 gallons	20.00 plus \$0.02 per gallon over 1,000 gallons, discharge

All such fees shall be invoiced by the city to the permittee incurring them on a monthly basis. All such fees must be paid within thirty (30) days after the date of the invoice. Failure to pay such fees when due will result in the suspension of said permit until all such fees are paid.

- (c) *Prohibited wastes.* It shall be unlawful to deposit any wastes from sand traps, grease traps, industrial waste sources or any hazardous wastes as defined by state or federal law or regulation into any part of the city wastewater collection or treatment facilities. The director of utilities shall be authorized to prohibit the disposal of such other types of wastes into the city's wastewater treatment system, as he shall determine are hazardous to the city's wastewater treatment facilities.
- (d) *Revocation of permits.* The director of utilities may suspend or revoke any permit issued pursuant to this section for any violation of the terms or provisions of this section or of the terms or provisions of any permit issued hereunder.

The director of utilities shall give a permittee five (5) days' notice in writing of the reasons for suspension or revocation of any permit, except where the reason is nonpayment of disposal fees, prior to taking such action; provided, however, that when in the opinion of the director of utilities immediate suspension or revocation is necessary for the protection of the city's streets or wastewater treatment facilities, such action may be taken without notice to the permittee.

Appeals of any suspensions or revocation shall be made by giving notice of appeal in writing to the city manager within five (5) days of receipt of notice of suspension or revocation. The notice of appeal shall state the grounds upon which the appeal is predicated. The city manager shall establish a date for a hearing within ten (10) days from the date the notice of appeal is received. A decision shall be rendered on any such appeal within three (3) days from the date of the hearing. The decision of the city manager shall be final. During the period of any appeal, the action taken by the director of utilities shall be determinative of the status of a permit.

(e) *Penalties.* Violation of the terms of this section by any person, firm or corporation is declared to be a misdemeanor and, upon adjudication of guilt, a fine not to exceed two hundred dollars (\$200.00) shall be assessed against such violator in accordance with the provisions of section 1-5 of the Code of Ordinances of the City of Athens, Texas. Each continuing day of violation shall be deemed a separate offense for which a separate fine may be assessed.

(Ord. No. 8-88, § 1, 6-27-88)