



**WORKSHOP MEETING OF THE  
SALADO BOARD OF ALDERMEN**

**REGULAR AND WORKSHOP AGENDA**

**6:30 P.M., THURSDAY, JUNE 23, 2016  
MUNICIPAL BUILDING  
301 NORTH STAGECOACH, SALADO, TX  
BOARD OF ALDERMEN CHAMBERS**

**I. CALL TO ORDER**

**II. REGULAR/CONSENT AGENDA**

1. Consider approving the Consent Agenda item:
  - a. Award of a low bid to Alpha Paving Industries, LLC, of Round Rock, Texas, in the amount of \$13,709.15 for 6-inch full-depth asphalt repairs in seven areas of Salado Plaza Drive.

**III. WORKSHOP SESSION**

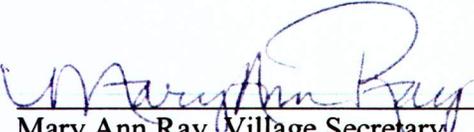
2. Discussion on an Emergency Management Plan Agreement between the Village of Salado and Bell County. (Public Safety Committee Report/Initiative)
3. Discussion on the Economic Development Policy and Tax Abatement Policy (Economic Development Committee Report/Initiative)
4. Discussion on Industrial and Hazardous Waste Ordinance (Wastewater Committee Report/Initiative)

**IV. ADJOURN**

The Village of Salado reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Village Secretary's office at (254) 947-5060 for further assistance.

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 5:00 p.m. on **Monday, June 20, 2016**.

  
\_\_\_\_\_  
Mary Ann Ray, Village Secretary

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**BOARD OF ALDERMEN**  
**AGENDA ITEM MEMORANDUM**

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6/23/16  
Item #1a  
Consent Agenda  
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**DEPT/DIVISION REVIEW:** Kim Foutz, Village Administrator

**ITEM DESCRIPTION:** Consider approving a low bid to Alpha Paving Industries, LLC, of Round Rock, Texas, in the amount of \$13,709.15 for 6-inch full-depth asphalt repairs in seven areas of Salado Plaza Drive.

**ITEM SUMMARY AND ANALYSIS:** Seven failed areas of Salado Plaza Drive have been identified by the Street Improvement Committee. At the request of the committee, Village staff and the Village engineer received two bids for this project:

- Alpha Paving Industries, LLC  
6-inch full-depth repair  
\$13,709.15
  
- APAC-Wheeler  
8-inch fill-depth repair  
\$32,725.00

The scope of work will include saw cutting and replacement with 6" of full-depth asphalt. The bid specifies that the work will be completed in one day.

**STAFF RECOMMENDATION:** Staff recommends award of bid to Alpha Paving Industries.

**FISCAL IMPACT:** \$13,709.15. Traffic control, permits, striping, concrete, and site work are not included. The bid contemplates that traffic control will be provided by the Salado Police Department.

**ATTACHMENTS:**

- Alpha Paving Industries bid
- APAC Wheeler bid

# alpha paving

INDUSTRIES LLC

15 Roundville Lane, Round Rock, Texas 78664 PHYSICAL  
 Post Office Box 6565, Round Rock, Texas 78683 MAILING  
 512.677.9001 | 512.677.9002 FAX | [www.alphapaving.com](http://www.alphapaving.com)  
 COMMERCIAL | MUNICIPAL | AVIATION | MULTI FAMILY  
 PAVING - REPAIRS - SEALCOAT - STRIPING - CONCRETE - ADA



Date: 6/13/2016

Company: KASBERG, PATRICK @ASSOCIATES. LP  
 Contact: JOHN SIMCIK 254-773-3731  
 Address: ONE SOUTH MAIN TEMPLE, TEXAS 76501  
 Email: JSIMCIK@KPAENGINEERS.COM

Project: VILLAGE OF SALADO  
 Address: SALADO PLAZA DR SALADO. TEXAS

PROPOSAL	Quantity	Unit Price	Total
<b>6" FULL DEPTH ASPHALT REPAIRS - 7 AREAS</b> Sawcut, demo, and haul off damaged pavement in specified areas Apply Tack and pave back 4" Type B Asphalt. Apply Tack and pave back 2" Type D Asphalt.	805 SF	\$ 17.03 /SF	\$13,709.15
<b>NOTES:</b> 1 Day to complete Excludes: Traffic Control, Permits, Striping, Concrete, or Site Work Work Done between 9am - 4pm	--	--	--

TERMS AND CONDITIONS: Alpha Paving Industries LLC will supply all labor, equipment, and materials for the proposed work unless specified above otherwise. This quote is inclusive and based on Alpha Paving performing all items above. Any deviation from the work described above may require a revised bid. Change orders will only be executed upon written orders. We reserve the right to progress bill for work partially completed. Alpha Paving will carry General Liability and Workman's Compensation Insurance. It is the customer's responsibility to notify Alpha Paving of any utilities buried less than 12 inches deep including private utilities and irrigation. Alpha Paving will not be held liable for any damage to such utilities if not notified prior to start of work. Payment made after specified payment terms could result in late fees, accrued interest, and attorney's fees. Retainage is not to be held unless specified by separate contract. This proposal is valid for 30 days.

Subtotal	\$ 13,709.15
**TAX FOR MATLS IS INCLUDED IN PRICE**	
<b>Grand Total</b>	<b>\$ 13,709.15</b>

PROPOSAL ACCEPTANCE: The above prices, specifications, terms, and conditions are accepted. Payment will be made in full NET 30 DAYS after completion of work unless specified otherwise under a separate written agreement. I agree to complete a Project Information Form (next page) prior to scheduling of work.

*Thank you for the opportunity to bid this work. Please let me know if you have any questions!*

**Bobby Edwards**  
 512 605-9937  
[bobby@alphapaving.com](mailto:bobby@alphapaving.com)

\_\_\_\_\_  
 Authorized Signature                      Printed Name                      Title                      Date



Need Roofing? Alpha Roofing can help! Award-winning - Professional - Experienced Visit us at [www.alpharooftexas.com](http://www.alpharooftexas.com)



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**Project Information Form**

\*\*\*In order for work to be scheduled, a SIGNED PROPOSAL and a completed PROJECT INFORMATION FORM are required. Thank you!\*\*\*

Project Name (as shown on plans OR on our proposal):	
Project Address (exact legal address of property):	

**What is the Tax Status of this Project?**

- I'M NOT SURE   
  TAXABLE PROJECT   
  NO SALES TAX : EXEMPT   
  NO SALES TAX : RESALE   
  TAX ON MATERIALS ONLY  
SALES TAX ON TOTAL    PLEASE PROVIDE TAX EXEMPT CERT    PLEASE PROVIDE RESALE CERT    RESIDENTIAL OR NEW CONST

**Alpha Paving is Working for:**

- THE OWNER / OWNER'S AGENT -----> **FILL OUT SECTION A ONLY**  
 THE GENERAL CONTRACTOR -----> **FILL OUT SECTION A + B**  
 A SUBCONTRACTOR -----> **FILL OUT SECTION A + B + C**

<b>Section A:</b> ALPHA PAVING'S CUSTOMER	Company Name:	
	Mailing Address:	
	City, State, Zip:	
	Billing Contact / Phone Number:	( ) -
	Billing Email Address:	

<b>Section B:</b> OWNER / AGENT	Company Name:	
	Mailing Address:	
	City, State, Zip:	
	Billing Contact Person / Phone Number:	( ) -

<b>Section C:</b> GENERAL CONTRACTOR	Company Name:	
	Mailing Address:	
	City, State, Zip:	
	Billing Contact Person / Phone Number:	( ) -

**Additional Information if Applicable:**

- YES  NO IS THERE A SEPARATE CONTRACT WHICH SPECIFIES ANY RETAINAGE TO BE HELD? IF YES, HOW MUCH? \_\_\_\_%  
 YES  NO IS PROJECT GOVERNED UNDER A CONTROLLED INSURANCE PROGRAM? (ROCIP, OCIP, CCIP)  
 YES  NO IS PROJECT SUBJECT TO COMPLIANCE MONITORING? (COMPLIANCE DEPOT, SERVICE ALIVE, RMIS, MY COI)  
 YES  NO IS PROJECT A BONDED JOB? IF SO, PLEASE FILL OUT THE FOLLOWING INFORMATION:

<b>BONDING INFORMATION</b>	Bonding Company Name:	
	Bond Number:	
	Address, City, State, Zip:	
	Bonding Agent / Phone Number:	( ) -

6/9/2016



Estimate # KS 1606003  
**Salado Oaks Plaza Pavement Repairs**  
 Salado Oaks Plaza Salado, TX

Item	Description	UM	\$/Unit	Quantity	Extension
1	8" Full Depth HMA Repair	SY	\$192.50	170.00	\$32,725.00
					\$32,725.00

**Notes:**

- 1) Tax on material **IS NOT** included. Please provide tax certificate for non-taxable materials.
- 2) Price includes ONE MOVE-IN to complete HMA paving; Additional move-ins are \$3,500 each per.
- 3) Exclusions (unless otherwise noted): traffic control, engineering, weed killer, saw cutting, excavation, utility adjustments, permits, backfill, crack sealing. Subgrade and/or road base foundation, and positive drainage grades (including A.D.A.) set and done (by others) prior to prime coat / paving.
- 4) Retainage may not be withheld without a separate agreement.
- 5) All prices are per unit (SQUARE YARDS), and payments will be based upon the actual number of units performed at that price (if area is diverted from bidding amount).
- 6) HMA included in this estimate is subject to escalation if not accepted within 30 days of this quote date. Prices on accepted quote will be firm thru June 2017.
- 7) This estimate is based upon the full closure of Salado Oaks Plaza performed by the Owner. If Traffic Control measures are needed, they will be billed at \$3000/day.
- 8) This quote and it's exclusions / notes are to become an attachment to any subcontract agreement between general contractor and Wheeler, should quote be accepted.
- 9) Any new base failures that develop at the time of rehabilitation not due to negligence of the contractor but due to inadequate subsurface materials to support the weight of equipment, can be corrected on this mobilization for \$192.50/SY.
- 9) HMA included in this estimate is TxDot item 340 w/RAP 64-22; any deviation is subject to increase.**

Sincerely,

**ACCEPTED BY:**

**Kevin Schneider - Estimator / Project Mgr**  
 Wheeler Companies  
 254 939.8106 office  
 254 939.8121 fax  
 254-228-6145 cell  
[kevin.schneider@apac.com](mailto:kevin.schneider@apac.com)

\_\_\_\_\_  
Authorized Signature

**\*\*\*allow 2-3 weeks lead time for scheduling**  
**\*\*\*additional job info will be required for**  
**Wheeler job set up prior to scheduling**

## EMERGENCY MANAGEMENT DIRECTOR/COORDINATOR NOTIFICATION

Section 418.101 of the Texas Government Code states: "The presiding officer of the governing body of each political subdivision will notify the Division of Emergency Management of the manner in which the political subdivision is providing or securing an emergency management program, identify the person who heads the agency responsible for the program, and furnish additional pertinent information." This form is used to make the required notification to TDEM.

The information on this form may be released to those inquiring about local emergency management programs pursuant to the Texas Open Records Act. Hence, TDEM recommends that you provide business addresses and telephone numbers rather than home addresses and telephone numbers.

<b>COUNTY:</b>	Bell	<i>(Required)</i>
<b>Jurisdiction:</b>	Bell County	<i>(City or County Name)</i>
<b>Official's Title:</b>	Judge	<i>(Mayor/Judge)</i>
<b>Name:</b>	Jon Burrows	<i>(First &amp; Last Name)</i>
<b>Mailing Address:</b>	P.O. Bx 768	<i>(The best address to receive mail)</i>
<b>City, State, Zip:</b>	Belton, TX 76513	
<b>Office Number:</b>	254-933-5105	
<b>Cell Number:</b>		
<b>Fax Number:</b>	254-933-5179	
<b>E-mail:</b>	jon.burrows@co.bell.tx.us	<i>(Please include – this is a back up for mailing)</i>

<b>EMERGENCY MANAGEMENT PROGRAM APPOINTMENT STATUS</b>	
<input type="checkbox"/>	I HAVE NOT appointed an Emergency Management Coordinator and will <u>personally</u> direct the local emergency management program.
<input type="checkbox"/>	I HAVE appointed/re-appointed the Emergency Management Coordinator identified below to conduct the emergency management program for this jurisdiction. <b>The effective date of the appointment is:</b> _____
<input checked="" type="checkbox"/>	We share our EMC with <u>Village of Salado</u> <i>(name of jurisdiction)</i> .
<i>If the COUNTY Emergency Management Coordinator has been appointed to other jurisdictions within the county, the County Judge and the participating City Mayors must sign this form. (See second page for additional signature blocks.)</i>	

EMERGENCY MANAGEMENT COORDINATOR	
Coordinator	Asst Coordinator
<b>Name:</b>	Michael Harmon
<b>Mailing Address:</b>	708 West Avenue O
<b>City, State, Zip:</b>	Belton, TX 76513
<b>Office Phone:</b>	2544-933-5587
<b>Cell Number:</b>	254-931-3170
<b>Fax Number:</b>	254-933-5937
<b>E-mail Address:</b>	michael.harmon@co.bell.tx.us
<b>Emergency Operations Center Number:</b>	254-933-5500

Judge's or Mayor's Signature
 

 6/17/16  
 Date

<p><b>PLEASE RETURN TO:</b>                  Texas Division of Emergency Management                  Operations Section                  PO Box 4087                  Austin, TX 78773-0220  <b>Phone: (512) 424-2208      Email: soc@dps.texas.gov</b></p>
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## ECONOMIC DEVELOPMENT POLICY

### I. GENERAL PURPOSE AND OBJECTIVES

The Village is committed to the promotion of high-quality commercial and business development in all areas of the Village and ongoing improvement of the quality of life of its citizens. These objectives may be served by the enhancement and expansion of the local economy. The Village will consider providing incentives as a stimulus for economic growth and economic stabilization. This will be accomplished in accordance with the criteria and guidelines established herein and in accordance with state law. Nothing herein shall imply or suggest that the Village is under any obligation to provide economic development incentives including tax abatement or reimbursement to any applicant, or that any applicant has a property right nor interest in economic development incentives including tax abatement or reimbursement, or that the Village is precluded from considering other options which may be in the best interest of the Village.

Goals of this policy are to expand retail sales and development, attract new tourism venues, create new jobs, expand capital investment, expand hotel/motel tax growth, and foster redevelopment in identified Targeted Industries. Each applicant's project will be evaluated for potential incentives on a case by case basis.

### II. DEFINITIONS

- A. **"Abatement"** means the full or partial exemption of ad valorem taxes on eligible real or personal property improvements in a reinvestment zone designated as such for economic development purposes.
- B. **"Agreement"** means a contractual agreement between a property owner or lessee and the Village for the purpose of providing tax abatement or other incentives.
- C. **"Designated Area"** means a specified region in the Village of Salado that has been selected by the Board of Aldermen to receive special consideration in order to encourage economic development in that region. The map found in **Exhibit C** identifies the current Designated Areas in the Village of Salado.
- D. **"Expansion"** means the addition of buildings, structures, fixed machinery, or equipment for the purpose of increasing production capacity or increasing convention or tourism facility event capacity or entertainment facility capacity.
- E. **"Facility"** means property improvements completed or in the process of construction which together comprise an integral whole.

- F. **"Full-time Job"** means a job that requires a minimum of forty (40) hours of work per week; or eighty (80) hours of work per two weeks, receives benefits, and is hired to work full-time year-round (2080 hours per year).
- G. **"Lease"** means a relationship whereby the business applying for tax abatement or other incentives has a contract for exclusive possession of either the real property on which improvements are to be made and/or of movable personal property to be used for the operation of the business for a defined period of time.
- H. **"Modernization"** means a complete or partial demolition of Facilities and the complete or partial reconstruction or installation of a Facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery or equipment, or both. Modernization in a Redevelopment Area includes painting of exterior walls, restoring, removing or installing a façade, adding balconies or decorative art, and related exterior improvements designed to visually improve the exterior of a building or block.
- I. **"New Facility"** means a previously undeveloped property that is placed into service by means other than, or in conjunction with, expansion and modernization.
- J. **"Personal Property"** means equipment and/or tools used or bought for use in the operation Category One business applying for tax abatement.
- K. **"Real Property"** means the area of land defined by legal description as being owned or leased by the business applying for a tax abatement, including buildings, structures, fixed (permanently attached) machinery and equipment, site improvements, related fixed improvements necessary to the operation and administration of the Facility, and valued for property tax purposes, and which are to be included in the Reinvestment Zone.
- L. **"Redevelopment"** means the removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or of land from which previous improvements have been removed including construction of residential, commercial, industrial, public, or other uses as well as provisions for streets, parks, and other public facilities.
- M. **"Redevelopment Area"** means specific geographic locations in Salado that have been selected by the Board of Aldermen to receive special consideration in order to encourage economic development in that location. The map found in **Exhibit A** identifies the current Redevelopment Areas in the Village of Salado.
- N. **"Reinvestment Zone"** or Tax Abatement District is an area designated as such for the purpose of tax abatement as authorized by the Village of Salado in accordance with State law.
- O. **"Target Area"** means specified geographic locations in Salado that have been selected by the Board of Aldermen to receive special consideration in order to encourage economic development in that location. The map found in **Exhibit B** identifies the current target areas in the Village of Salado.

### III. ELIGIBILITY CRITERIA:

- A. Proposed developments or redevelopments must be in one or more of the following Target Industries:

Category One

Research & Development  
Advanced Technology  
Information Technology  
Information & Data Center  
Corporate and Regional Offices  
Bioscience  
Medical

Category Two

Major Tourism Attractions/Entertainment Venues  
Major Retail Sales and Shopping Centers  
Meeting / Event Space  
Hotel, Motel, and Bed and Breakfast  
Large, Mixed Use Developments

- B. Projects must be entirely within the corporate limits of the Village of Salado, or the proposed site must be contiguous with the Village limits and Applicant is willing to submit a petition for voluntary annexation prior to platting or issuance of a building permit, whichever occurs first.
- C. Project benefits must result in a calculated direct payback of 5 or less years unless the project is on the Top 20 Recruitment List.
- D. The Village shall not provide incentives if it finds that the request for the incentives were filed after the commencement of construction of a New Facility, or the Modernization, Redevelopment, or Expansion of an existing Facility.
- E. Eligible projects must meet at least two of the following criteria for an applicant to be considered eligible for incentives. Additional criteria for specific incentives are listed under the individual incentive type description. Nothing herein prevents the Village to provide higher incentive levels based on the individual case. Project criteria includes projects that:
1. are located in or substantially contribute to Designated Areas, Redevelopment Areas, or Target Areas;
  2. result in at least 25,000 square feet of newly constructed facilities (at new or existing business locations);
  3. result in at least \$500,000 of new taxable appraised value to the tax rolls;
  4. result in at least 50 new, permanent full time jobs;
  5. result in at least 10 new, permanent full time jobs in Redevelopment Areas; or
  6. Result in new minimum annual local sales tax of at least \$50,000 annually
  7. Result in new minimum annual hotel motel tax of at least \$100,000 annually; or in the case of a project to be located in a Redevelopment Area, a new minimum annual hotel motel tax of at least \$25,000.
  8. Meet two of the criteria established in Section III.F(1-4) herein.

- F. Projects which substantially contribute to one or more of the following criteria may be eligible for additional incentives exceeding minimum guidelines.
1. The redevelopment or rehabilitation of building has been vacant for at least two years.
  2. The project will create improvements in the Historic Downtown District
  3. Investment results in redevelopment or rehabilitation of an existing, declining building in a Redevelopment Area
  4. The investment will result in additional development in the surrounding area.

#### IV. TYPES OF ECONOMIC DEVELOPMENT INCENTIVES:

##### A. Chapter 380 Incentives:

1. **Expedited Plans Review and Permitting:** The Village of Salado will provide a single point of contact for development services. Expedited permitting and plans review will also be considered.
2. **Small Business Development Center:** The Regional Small Business Development Center provides counseling services for existing and start-up businesses including market research, financial analysis, and business plan development assistance.
3. **Hotel/Motel Tax:** The Village will consider entering into Tourism Marketing Agreements with qualified hotels, motels, and bed and breakfasts that offer meeting space accommodating groups of 25 or more persons and have 10 or more hotel rooms. Agreements will allow these facilities to reinvest a portion of the hotel/motel tax that is generated specifically by their facility to market their accommodations, meeting space, and other attractions. Agreements will specify that marketing plans must be approved by the Board of Aldermen. Hotel/motel thresholds and reimbursements are as follows:

<b>Annual Amount of Hotel/Motel Tax Generated Above Base Year</b>	<b>Reimbursement Schedule</b>
<i>\$25,000-\$99,999 Only applies in Redevelopment Area</i>	year 1 – 30% year 2 – 25% years 3 through 5 – 20% years 6 through 7 – 15%
\$100,000-\$274,999	year 1 – 40% year 2 - 35% year 3 - 30% year 4 - 25% years 5 through 7 - 20% years 8 through 10 - 15%,
\$275,000-\$500,000	year 1 - 70% year 2 - 65% year 3 - 55% year 4 - 50% years 5 through 7 - 45% years 8 through 10 – 40%,

4. **Development Fee Waivers:** The Village will consider reducing or waiving fees including building permit fees, inspection fees, site development permit fees, and platting, zoning, and land use application fees.
5. **Sales tax incentive grant:** Sales tax incentive reimbursements will be considered by the Village on a limited basis. Other entities charging sales tax are encouraged to participate.

<b>Annual Amount of Sales Tax (Village only) Generated Above Base Year</b>	<b>Reimbursement Schedule</b>
\$50,000-\$99,999	5 years at 15%
\$100,000-\$249,999	5 years at 25%
\$250,000+	5 years at 30%

6. **Land grant:** The Village of Salado owns tracts of land, right-of-way, and alleyways in various areas of Salado. Grants of land will be considered.

7. **Façade Improvement Grants.** Façade grants will be considered for properties located in a Strategic Investment Zone, Overlay District, I-35 Corridor, or on Main Street. The Village will consider making grants between \$1,000- \$7,000 on a 1:1 matching basis for the replacement of an existing façade with an eligible masonry product or to remove an existing façade to expose the original façade (if historic). Eligible masonry materials for a replacement façade under this subsection include brick and stone. In the Historic District, eligible materials will be approved based upon the original material used for the building's construction. Façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically exclude design costs.
8. **Landscaping and Irrigation grants:** Landscaping grants will be considered for properties located in a Strategic Investment Zone, Overlay District, I-35 Corridor, or on Main Street. Landscaping and irrigation grants will be considered only for properties that meet special overlay district requirements or exceed minimum ordinance standards. To be eligible for a landscape grant, the project must include irrigation. The Village will consider grants up to \$2,500 on a 1:1 matching basis for the installation of new or additional landscaping to an eligible property. Landscaping may include live plants and decorative hardscape such as pavers, arbors, art, etc. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, shrubs, soil) and other decorative features.
9. **Sign Improvement Grants:** Sign improvement grants will be considered for properties located in a Strategic Investment Zone, Overlay District, I-35 Corridor or on Main Street. The Village will consider making grants of up to \$1,000 on a 1:1 matching basis for the installation of a new sign or replacement of a dilapidated sign. Only ground-mounted, monument type signs may be funded with a grant unless the sign contributes architecturally to the charm and brand of the Village, as determined in the sole discretion by the Village. Sign improvement costs eligible for reimbursement with a sign improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically exclude design costs.
10. **Historic Preservation Tax Credits:** Historic Preservation Tax Credits are available in the downtown area. The owner of a historic building can receive a federal income tax credit of 20% of the amount spent to rehabilitate a certified historic structure. There is also a 10% credit for older, non-historic buildings. Properties must be income-producing and must be rehabilitated according to standards set by the Secretary of the Interior.
11. **Public infrastructure:** The Village will consider partnering with developers on oversized sidewalks and trails if they are noted on the Village's Trails Master Plan.

12. **Asbestos/lead surveys and abatement:** The Village will consider a grant of up to \$1,000 on a 1:1 matching basis for owner-initiated asbestos survey of a building and up to \$1,000 on a 1:1 matching basis for asbestos abatement for a building on eligible property. Asbestos survey and abatement grant eligible costs include professional fees, labor costs, and replacement materials.
13. **Environmental Protection Agency Brownfield incentives:** The Village will coordinate with the EPA for grants for asbestos assessment surveys and Phase I environmental surveys. Qualified projects may be eligible for abatement grants and EPA Revolving Loan Funds. In addition, EPA Brownfield Tax Incentives allow environmental cleanup costs at eligible properties to be fully deductible in the year incurred, rather than capitalized and spread over a period of years.

## **B. Tax Abatement Incentives**

1. **Property Tax Abatement:** The Village will consider granting tax abatement on the new value of real and personal property improvements including buildings, structures, fixed machinery and equipment, site improvements, related fixed improvements, and personal property (excluding inventory or supplies) with a productive life of ten years or more. See **Tax Abatement Guidelines and Policy Statement** for details.
2. Tax Abatement is granted by a separate Tax Abatement Agreement approved by the Village Board of Aldermen. The Chamber of Commerce Business Growth and Development Committee will assist applicants with the application process and will facilitate abatement agreements with other taxing authorities if they are sought.

## **C. Public Infrastructure Assistance**

1. **Public Improvement District (PID):** A PID may be formed to provide public infrastructure or services such as health and sanitation, water and wastewater, public safety, etc. PIDs allow the Village to levy and collect special assessments on property within the Village. PIDs are subject to creation of a PID plan and market analysis. The Village will only consider TIFs for very large, mixed use developments. Generally, the Village will only consider PIDs if other incentives or funding mechanisms are requested and there is a minimum capital investment of \$15,000,000.
2. **Tax Increment Financing;** Tax increment financing is a tax reinvestment tool that allows local governments to fund public infrastructure improvements within a defined area. TIFs work by allowing taxing entities to repay the costs of public improvements to a designated area with the future tax revenues generated by increased property values. TIF financing

will be considered on Main Street, the I-35 Corridor, or for very large, special or mixed use projects only. TIF and PID financing may not be utilized in conjunction with one another for a project. Tax Increment Reinvestment Zone plans are required for analysis, and, generally, the Village will only consider TIFs if they include County participation and no other incentives or funding mechanisms are requested and there is a minimum capital investment of \$15,000,000.

## V. RECRUITMENT

- A. The Chamber of Commerce Business Growth and Development Committee serves as the marketing, recruitment, evaluation, and recommendation arm for prospective Target Businesses. The Committee is comprised of the Chamber of Commerce President, two Chamber of Commerce Board of Directors, two retail representatives at large, a banker or financial advisor, a County representative, a Board of Aldermen representative, and the Village Administrator. The Committee will primarily focus its recruitment efforts on a *Top 20 Recruitment List* established, and amended from time to time, by the Committee. This policy does not prevent recruitment of other businesses in the listed Target Industries. A Recruitment Subcommittee will be established and prospective businesses will be encouraged to discuss their proposed projects with the Subcommittee early in the site selection and development stage process.

## VI. APPLICATION PROCESS

- A. Application Submission
1. Applicants must submit a completed Application for Incentives to the Village of Salado Village Administrator's Office. Incomplete applications will not be considered. The complete application shall consist of the following detailed information:
    - a. Information that addresses Part III.E and Part III.F above and Part VI.A.1.d below
    - b. a map and property description;
    - c. a site plan and building elevations;
    - d. a time schedule for undertaking and completing the planned improvements;
    - e. a project for Modernization or Redevelopment requires a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately preceding the application;
    - f. a project for leased property requires signatures by the owner(s) and the lessee(s) on the application, proof of ownership for all applicants operating a business in a third-party owned facility, or third-party owners of a business facility and a joint application third-party property

- owner. Copies of a lease agreement (financial terms may be whited out) and proof of ownership will be required; and
- g. Any additional information requested by the Village

† All documents received by the Village of Salado (physically or electronically) may be subject to public disclosure under certain circumstances.

† The Village of Salado reserves the right to request/review/verify the applicant's financial statements and any additional information in determining the economic feasibility, the financial capacity, and long-term benefit of the overall project.

## **VII. PROCEDURE**

- A. The Village of Salado Business Growth and Development Committee will evaluate an application to determine if the project meets the requirements for consideration under this policy as well as coordinate with the applicant:
- Type of operation
  - Eligibility criteria
  - Minimum standards
  - Minimum thresholds
  - The merit and value of the proposed project
- B. The Salado Business Growth and Development Committee will forward their findings and recommendations to the Village Administrator. Based on the outcome of the evaluation, the Village Administrator may present the application to the Board of Aldermen for consideration.
- C. The Board of Aldermen will consider approving a Development Agreement and/or a Chapter 380 Agreement as applicable, and authorizing the Mayor to execute the agreement(s).
1. All projects brought to the Board of Aldermen for consideration will be presented at meetings conducted pursuant to the Open Meetings Act.
  2. The Board of Aldermen retain sole authority to approve in whole or in part or deny any Incentive or Development Agreement.
- D. The following criteria will be considered in determining whether a business should be recruited, and if and at what level incentives may be offered to an applicant:
1. Expansion of the local tax base/new capital investment;
  2. Creation of permanent jobs, including the number, type, and average wage of jobs to be created;
  3. New annual local sales tax to be directly generated; the project must generate a minimum of \$50,000 annually in direct local Village sales tax;

4. Result in new minimum annual hotel motel tax of at least \$100,000 annually, or in the case of a project to be located in a Redevelopment Area, a new minimum annual hotel motel tax of at least \$25,000.
5. Whether the project substantially contributes to or is located in a Redevelopment or Targeted Area or is a historic building;
6. Whether the project can serve as a prototype and catalyst for other development of a higher standard;
7. Whether the quality of architecture and site design improves the aesthetic appearance, including landscaping and public amenities which exceed the minimum requirements of the Village code;
8. Whether the project increases the amount of green space, public plazas, public parks or landscaping;
9. Impact on quality of life and quality of place;
10. The financial capacity of the applicant to undertake and complete the proposed project;
11. The extent to which the proposed project carries out the goals and objectives of the Village's Comprehensive Plan, Strategic Plan, and Master plans;
12. Extent to which local contractors and suppliers will be used during construction and business operation;
13. The types and value of public improvements, especially public parking and restrooms, to be constructed and paid for by the applicant;
14. Whether the project will attract other new business in the area;
15. Whether the project is environmentally compatible with the community or expands on eco-tourism;
16. The project has high visibility, and brand and image impact;
17. The project is an area which might not otherwise be developed because of constraints of topography, ownership patterns, site configuration, etc.; and
18. Any other factors that the Village determines to be relevant to accomplishing economic development objectives.

### **VIII. No Vested Right to Receive an Incentive**

- A. Nothing herein shall imply or suggest that the Village is under any obligation to provide any incentive to any applicant, or that any applicant has a property right or interest in an incentive, or that the Village is precluded from considering other options which may be in the best interest of the Village. The award or denial of an incentive shall be at the discretion of the Village.
- B. The Village Board of Aldermen will annually appropriate funds for the administration of the incentive program and the granting of funds under the programs established by ordinance and this policy and are subject to the availability

of funds appropriated for that purpose in any given fiscal year. All applications are considered on an individual case-by-case basis.

## **IX.COMPLIANCE VERIFICATION**

### **A. Initial Inspection**

1. After the initial requirements of the agreement have been completed (i.e. construction/installation of improvements), the Owner must submit an executed Certificate of Compliance to the Village.
2. After receipt of an executed Certificate of Compliance, Village staff shall make an inspection to verify that all initial contract requirements are complete.

### **B. Annual Certification**

1. Standard Annual Certification: On a date specified in the Development or Chapter 380 Agreement, the Owner must submit a statement to the Village which provides information about the project's achievement during the prior calendar year regarding the improvements and other agreement obligations.

### **C. Village's Right to Inspect**

1. The Village of Salado reserves the right to send representatives from the Village to inspect the facilities and records of the Owner during the term of the agreement to verify the accuracy of the information provided.

### **D. Default**

1. If during the term of the Agreement, the Village determines that the Applicant is not in compliance with the terms and conditions of the Agreement and fails to cure, and/or allows its ad valorem taxes owed the Village to become delinquent and fails to timely and properly follow the legal procedures for a protest or contest; and
2. If during the term of the agreement, the Village determines the Applicant is in default of the terms and conditions of the Agreement and the default is not cured pursuant to the Agreement, the Village reserves the right to cancel/modify the agreement and/or require repayment of all incentives including the value of in-kind incentives received under the agreement.

## **X. ASSIGNMENT OF DEVELOPMENT OR CHAPTER 380 AGREEMENTS.**

- A. Incentives may be transferred and assigned by the holder to a new owner or lessee of the same Facility upon the approval by resolution of the Village subject to the financial capacity of the assignee and provided that all conditions and obligations in the Agreement are guaranteed by the execution of a new contractual Agreement with the Village. No assignment or transfer shall be approved if the parties to the existing Agreement, the new owner or new lessee, are liable to any jurisdiction for outstanding taxes or other obligations. Approval of assignments will not be unreasonably withheld.



**VILLAGE OF SALADO  
GUIDELINES AND POLICY STATEMENT**

**TAX ABATEMENT FOR REAL AND PERSONAL  
PROPERTY**

**I. GENERAL PURPOSE AND OBJECTIVES**

The Village is committed to the promotion of high-quality commercial and industrial development in all areas of the Village, and ongoing improvement of the quality of life of its citizens. These objectives may be served by the enhancement and expansion of the local economy. The Village will consider granting property tax abatement as a stimulus for economic growth and economic stabilization. This will be accomplished in accordance with the criteria and guidelines established herein and in accordance with state law. Nothing herein shall imply or suggest that the Village is under any obligation to provide tax abatement to any applicant, or that any applicant has a property right nor interest in tax abatement, or that the Village is precluded from considering other options which may be in the best interest of the Village.

Certain types of business investment which result in the creation of new jobs, new income, and provide for positive economic growth and economic stabilization are beneficial to the Village as a whole. This Tax Abatement Policy provides the general guidelines for all real and personal property tax abatement projects. Each applicant's project will be evaluated for potential tax abatement on a case by case basis.

This policy applies to real and personal property for Category One and real property only for Category Two for the following types of operations:

**A. Category One**

Research & Development  
Advanced Technology  
Information Technology  
Information & Data Center  
Corporate and Regional Offices  
Bioscience  
Medical

**Category Two**

Major Tourism Attractions  
Major Retail Sales and Shopping Centers  
Meeting / Event Space, Entertainment Venues  
Hotel, Motel, and Bed and Breakfast  
Large, Mixed Use Developments

Nothing in the policy shall be construed as an obligation by the Village of Salado to approve any tax abatement application.

- B. It is the policy of the Village of Salado to give priority consideration to projects that:
1. are located in or substantially contribute to Enterprise zones, designated areas, redevelopment areas, or target areas;
  2. result in a development with little or no additional cost to the Village;
  3. result in at least 25,000 square feet of newly constructed facilities (at new or existing business locations);
  4. result in at least \$500,000 of new taxable appraised value to the tax rolls;
  5. result in at least 50 new, permanent jobs;
  6. result in at least 10 new, permanent jobs in Designated or Target Areas;
  7. Result in new minimum annual local sales tax of at least \$50,000 annually
  8. Result in new minimum annual hotel motel tax of at least \$100,000 annually; and
  9. result in a calculated direct payback of 5 or less years.
- C. It is further the policy of the Village of Salado to encourage the use of disadvantaged business enterprises. For this, and other reasons, a final tax abatement contract may include specific goals and objectives relative to disadvantaged business enterprises, such as utilization of Village-based firms, prospective employment commitments for Village residents, and other specific criteria.

## II. DEFINITIONS

- A. "**Abatement**" means the full or partial exemption of ad valorem taxes on eligible real or personal property improvements in a reinvestment zone designated as such for economic development purposes.
- B. "**Agreement**" means a contractual agreement between a property owner or lessee and the Village for the purpose of tax abatement.
- C. "**Base Year Value**" means the assessed value of either the applicant's real and/or personal property improvements located on the real property as of January 1st of the year of the execution of the agreement plus the agreed upon value of any property improvements made after January 1 of that year but before execution of the agreement.
- D. "**Deferred Maintenance**" means those improvements necessary for continued operation but which do not improve productivity or alter any process technology. Exterior improvements (e.g., painting, installing, repairing, removing or replacing a facade) to the exteriors of buildings in a Redevelopment Area which are designed to improve visual appearance of property are not deferred maintenance.
- E. "**Designated Area**" means an Enterprise Zone or a specified region in the Village of Salado that has been selected by the Board of Aldermen to receive special consideration in order to encourage economic development in that region. The map found in *Exhibit C* identifies the current Designated Areas in the Village of Salado.

- F. **"Disadvantaged Business Enterprises"** means a for-profit small business concern where socially and economically disadvantaged individuals own at least a 51% interest and also control management and daily business operations. African Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and women are presumed to be socially and economically disadvantaged.
- G. **"Economic Life"** means the number of the years a property improvement is expected to be in service in a facility; provided, however, in no event shall the number of years exceed the depreciation allowance specified in the Federal Internal Revenue Service Code.
- H. **"Enterprise Zone"** means an area that is defined by the most recent federal decennial census available at the time of designation, in which at least 20 percent of the residents have an income at or below 100 percent of the federal poverty level; or an area currently designated by the federal government as a renewal community, a federal empowerment zone, or a federal enterprise community; or an area located in a distressed county.
- I. **"Expansion"** means the addition of buildings, structures, fixed machinery, or equipment for the purpose of increasing production capacity, addition of building square footage, or increasing convention or tourism facility event capacity.
- J. **"Facility"** means property improvements completed or in the process of construction which together comprise an integral whole.
- K. **"Full-time job"** means a job that requires a minimum of forty (40) hours of work per week; or eighty (80) hours of work per two weeks, receives benefits, and is hired to work full-time year- round (2080 hours per year).
- L. **"Lease"** means a relationship whereby the business applying for tax abatement has a contract for exclusive possession of either the real property on which improvements are to be made and/or of movable personal property to be used for the operation of the business for a defined period of time.
- M. **"Modernization"** means a complete or partial demolition of Facilities and the complete or partial reconstruction or installation of a Facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery or equipment, or both. Modernization in a Redevelopment Area includes painting of exterior walls, restoring, removing or installing a façade, adding balconies or decorative art, and related exterior improvements designed to visually improve the exterior of a building or block.
- N. **"New facility"** means a previously undeveloped property that is placed into service by means other than, or in conjunction with Expansion or Modernization.
- O. **"Personal Property"** means equipment and/or tools used or bought for use in the operation of the Category One business applying for tax abatement.

- P. **"Real Property"** means the area of land defined by legal description as being owned or leased by the business applying for a tax abatement, including buildings, structures, fixed (permanently attached) machinery and equipment, site improvements, related fixed improvements necessary to the operation and administration of the Facility, and valued for property tax purposes, and which are to be included in the Reinvestment Zone.
- Q. **"Redevelopment"** means the removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or of land from which previous improvements have been removed including construction of residential, commercial, industrial, public, or other uses as well as provisions for streets, parks, and other public facilities.
- R. **"Redevelopment Area"** means specific geographic locations in Salado that have been selected by the Board of Aldermen to receive special consideration in order to encourage economic development in that location. The map found in Exhibit "A" identifies the current Redevelopment Areas in the Village of Salado.
- S. **"Reinvestment Zone"** or Tax Abatement District is an area designated as such for the purpose of tax abatement as authorized by the Village of Salado in accordance with State law.
- T. **"Target Area"** means specified geographic locations in Salado that have been selected by the Board of Aldermen to receive special consideration in order to encourage economic development in that location. The map found in Exhibit "B" identifies the current target areas in the Village of Salado.

### III. DESIGNATION OF TAX ABATEMENT REINVESTMENT ZONES

The Village will consider designating areas within the Village limits as commercial-industrial tax abatement reinvestment zones which meet one or more of the criteria for designation of a reinvestment zone under Section 312.202 of the Tax Code, and where the property owner meets the minimum qualifications to qualify for a tax abatement under Sections I.A, I.B, and V.A of this Policy. Designation of an area as a tax abatement reinvestment zone is a prerequisite to entering into a tax abatement agreement with the owner of the property in a particular area.

- A. Property located within a Village created (and State-approved) Enterprise Zone is eligible for consideration for tax abatement agreements without the necessity of separate designation as a tax abatement reinvestment zone. Reinvestment zones in Designated Areas, Redevelopment Areas, and Target Areas are subject to less stringent criteria to qualify for tax abatement.

#### IV. ELIGIBILITY CRITERIA

- A. **Eligible Property:** Tax abatement may only be granted to the owners of real property improvements, personal property improvements, and taxable leasehold interests in tax-exempt real property located in a reinvestment zone to the extent allowed by state law. Real property improvements include the construction of a new facility and the expansion/modernization/redevelopment of an existing facility.
- B. **Ineligible Property:** Any property that is not specifically identified in the tax abatement agreement will not receive tax abatement. Inventory, supplies, deferred maintenance and/or office equipment, and property with a productive life of less than 10 years, are not eligible for tax abatement. Personal property that was located on the real property at any time before the execution of the abatement agreement will not be eligible for abatement. Any property that is in a Tax Increment Financing Zone or Public Improvement District will not be eligible for abatement.
- C. **Commencement of Construction:** The Village shall not establish a reinvestment zone for the purpose of Abatement if it finds that the request for the abatement was filed after the commencement of construction of a New Facility, or the Modernization, Redevelopment, or Expansion of an existing Facility.
- D. **Abatement Periods:** Eligible real personal property improvements may qualify for abatement periods lasting between 2 to 10 years. Eligible personal property improvements may qualify for abatement periods lasting between 2 to 7 years. The economic life of the eligible property must exceed the abatement period.
- E. **Premium Opportunity Bonus:** An additional 10% abatement is available throughout the abatement period if two-thirds (66.7%) of the newly created jobs are filled with employees who reside (additional employees in the case of a qualifying expansion) within the Village of Salado limits. The eligibility of the Premium Opportunity Bonus shall be determined on a yearly basis.
- F. **Exceptional Cases:** Where the project will substantially contribute to one or more of the following criteria, the Board of Aldermen may consider terms and/or percentages that exceed these guidelines. However, the maximum period for any tax abatement agreement is limited to 10 years in accordance with state law.
1. A building has been vacant for at least two years
  2. The project will create improvements in the Historic Downtown District
  3. Investment results in redevelopment or rehabilitation of an existing, declining building in a Redevelopment Area
  4. The investment will result in additional development in the surrounding area

## V. STANDARDS FOR TAX ABATEMENT.

- A. **Minimum Standards:** The Village will consider tax abatement only on eligible facilities which meet at least two of the following criteria. As per Section VI, Eligibility Thresholds apply.
1. The project involves a minimum increase in property value of three hundred percent (300%) for construction of a new facility, or fifty percent (50%) for expansion of an existing facility, with an overall new investment of at least \$1 million in taxable assets.
  2. For eligible facilities in any reinvestment zone within the Redevelopment Area, the project must involve either a minimum increase in property value of one hundred and fifty percent (150%) for construction of a new facility, or twenty-five percent (25%) for expansion of an existing facility, with an overall new investment of at least \$500,000 in taxable assets.
  3. The project makes a substantial contribution to redevelopment efforts, special area plans, or strategic economic development programs by enhancing either functional or visual characteristics, e.g., historical structures, traffic circulation, parking facades, materials, signs.
  4. The project has high visibility, image impact, or is of a significantly higher level of development quality.
  5. The project is an area which might not otherwise be developed because of constraints of topography, ownership patterns, site configuration, etc.
  6. The project can serve as a prototype and catalyst for other development of a higher standard.
  7. The project stimulates desired concentrations of employment or commercial activity.
  8. The project generates greater employment than would otherwise be achieved, e.g., commercial/industrial versus manufacturing versus warehousing.
  9. For eligible facilities in any reinvestment zone within the Redevelopment Area, the project improves the aesthetic appearance of the neighborhood, brings new jobs to the Redevelopment Area, increases the availability of public parking, or increases the amount of green space (landscaping).

## VI. ELIGIBILITY THRESHOLDS

### A. Real Property Abatement

1. Real Property Improvements:

To qualify for real property tax abatement (10 year maximum), the project must meet one or more of the following minimum threshold eligibility requirements in regard to square footage of new construction, job creation, or the value of the improvements as valued by the Bell County Appraisal District. The highest threshold (New Construction, Creation of Full-Time Jobs, and Real Property Improvement Value), regardless of category shall apply.

Creation of Full-time Jobs (# jobs)	Real Property Improvement Value - New Construction (\$ Value per BCAD)	Real Property Improvement Value - Expansion/Modernization (\$ Value per BCAD)	Abatement %	Years
100 or more	\$10,000,000 or more	\$5,000,000 or more	80, 80, 80, 80, 80, 70, 70%	7
50-99	\$5,000,000 to \$9,999,999	\$2,500,000 to \$4,999,999	80, 80, 70, 70, 60, 60, 50%	7
10-49	\$1,000,000 to \$4,999,999	\$500,000 to \$2,499,999	80, 70, 60, 50, 40%	5
<b>BONUS: Any project in a Target or Designated Area may receive an additional 10% in abatement per year</b>				
<b>Redevelopment Area Only – Higher Values/Jobs Qualify as Above</b>				
5-9	\$500,000+	\$250,000+	90, 90, 80, 80, 70%	5

### B. Personal Property Abatement

1. Personal Property Improvement:

To qualify for personal property tax abatement (7 year maximum), the project must meet the following minimum threshold eligibility requirements in regard to the value of new construction as valued by the Bell County Appraisal District and job creation and must be classified as a **Category One Target Industry**.

Creation of Full-time Jobs (# jobs)	Personal Property Improvement Value - New Construction (\$ Value per BCAD)	Personal Property Improvement Value - Expansion/Modernization (\$ Value per BCAD)	Abatement %	Years
100 or more	\$10,000,000 or more	\$5,000,000 or more	60, 60, 60, 60, 50, 40, 30%	7
50-99	\$5,000,000 to \$9,999,999	\$2,500,000 to \$4,999,999	60, 60, 50, 50, 40, 40, 30%	7
10-49	\$1,000,000 to \$4,999,999	\$500,000 to \$2,499,999	60, 50, 40, 30, 20%	5
<b>BONUS: Any project in a Target or Designated Area may receive an additional 5% in abatement per year to the above</b>				
<b>Redevelopment Area Only – Higher Values/Jobs Qualify as Above</b>				
5-9	\$500,000+	\$250,000+	70, 70, 60, 60, 50%	5

† If a request for tax abatement is justified on the basis of the purchase and maintenance of eligible personal property or on the creation of jobs, the applicant must agree to maintain the personal property or jobs for a period of not less than twice the period for which tax abatement is granted. For example, if an applicant requests and receives 75% tax abatement for five years based on the purchase and maintenance of eligible personal property, the applicant must agree in the tax abatement agreement, subject to recapture of all abated taxes, to maintain the personal property on the property tax roll for not less than ten years.

† As used herein, the creation of jobs refers to the creation of a job paying not less than \$10 per hour, the approximate median salary for employees in Bell County. To qualify for a level of tax abatement, e.g., 25%, based on the creation of a specific number of jobs, you must commit to hiring the required effective number of employees by the end of year 2 of the agreement. To calculate the effective number of jobs created: (1) calculate the total annual payroll created (based on the number of employees you will hire at various annual salaries); (2) divide this annual payroll by \$20,800 (our calculated annual salary for a \$10/hr employee); and (3) round this figure to the nearest whole integer.

**C. Leasehold Interest Tax Abatement**

1. A taxable leasehold interest in tax-exempt property may receive tax abatement if it is located in a reinvestment zone.
2. The eligibility thresholds for tax abatement of a taxable leasehold interest in tax-exempt real property will be determined on a case-by-case basis.

c. Additional or Enhancement Factors. In addition to the minimum investment or job creation criteria listed in (2) above, the following factors, among others, shall be considered in determining whether to grant Tax Abatement, and if so, in what percentage of value to be abated and the duration:

- (1) amount of local sales taxes to be generated directly;
- (2) the costs, if any, to be incurred by the Village to provide facilities or services directly resulting from the new improvements;
- (3) population growth that occurs directly as a result of new improvements;
- (4) the types and value of public improvements, if any, to be constructed and paid for by the applicant seeking Abatement;
- (5) the attraction of other new businesses to the area;
- (6) the overall compatibility with the Village's zoning and subdivision regulations, and over-all comprehensive plan; and
- (7) the environmental compatibility of the project with the community (no appreciable negative impact on quality-of-life perceptions).

**Each Eligible Facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.**

## **VII. APPLICATION PROCESS**

### **A. Application Submission**

1. Applicants must submit a completed Application for Tax Abatement to the Village of Salado Village Administrator's Office. Incomplete applications will not be considered. The complete application shall consist of the following detailed information:
  - a. Information that addresses Part I.A, I.B, and V.A above
  - b. a map and property description;
  - c. a site plan and building elevations;
  - d. a time schedule for undertaking and completing the planned improvements
  - e. a statement for a Modernization or Redevelopment project of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately preceding the application
  - f. a signature by the owner(s) and the lessee(s) for an application involving leased property. Proof of ownership will be required by applicants operating a business in an owned facility or owners of a business facility. An applicant operating in a leased facility must apply jointly with the property owner. Copies of a lease agreement (financial terms may be whited out) and proof of ownership will be required.
  - g. Any additional information requested by the Village

† All documents received by the Village of Salado (physically or electronically) may be subject to public disclosure under certain circumstances.

† The Village of Salado reserves the right to request/review/verify the applicant's financial statements and any additional information in determining the economic feasibility, the financial capacity, and long-term benefit of the overall project.

## **VIII. PROCEDURE**

- A. The Village of Salado Business Growth and Development Committee will evaluate an application to determine if the project meets the requirements for consideration under this policy as well as coordinate with the applicant:
  - Type of operation
  - Eligibility criteria
  - Minimum standards
  - Minimum thresholds

- The merit and value of the proposed project
- B. The Salado Business Growth and Development Committee will forward their findings and recommendations to the Village Administrator. Based on the outcome of the evaluation, the Village Administrator may present the application to the Board of Aldermen for consideration.
  - C. Notification of Public Hearing on designation of a Reinvestment Zone for the purpose of tax abatement:
    - a. Publication in Village newspaper of record no later than seven days prior to hearing.
    - b. Written notice to presiding officers of each taxing entity no later than seven days prior to hearing.
    - c. Public posting no later than seven days prior to hearing.
  - D. Simultaneous with Notification of Public Hearing on designation of a Reinvestment Zone, notice is sent to the presiding officers of each taxing entity, as to the Village's intent to consider entering into a Tax Abatement Agreement. The proposed abatement agreement will be included with the notice.
  - E. Conduct a Public Hearing on designation of a reinvestment zone for the purpose of tax abatement. If the subject property is in an existing reinvestment zone, no public hearing is necessary.
  - G. Adoption of Ordinance designating an area a reinvestment zone. Board of Aldermen considers a Resolution authorizing the Tax Abatement Agreement and authorizes the Mayor to execute the agreement.
    1. All projects brought to the Board of Aldermen for consideration will be presented at meetings conducted pursuant to the Open Meetings and Property Redevelopment and Tax Abatement Acts.
    2. The Board of Aldermen retain sole authority to approve in whole or in part or deny any tax abatement agreement.

## **IX. TAX ABATEMENT AGREEMENTS**

- A. If approved, the Village shall formally pass a resolution authorizing an Agreement with the owner (and lessee, where applicable) of the Facility, which Agreement shall include, but not be limited to:
  1. The kind, number, and location of all proposed improvements of the property;

2. A provision for access to and authorize inspection of the property by municipal employees to ensure that the improvements or repairs are made according to the specifications and conditions of the Agreement;
  3. Limits for the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period the property tax exemptions are in effect;
  4. Provide for recapturing property tax revenue lost as a result of the Agreement if the owner of the property fails to make the improvements or repairs as provided by the Agreement;
  5. Each term agreed to by the owner of the property;
  6. A requirement that the owner of the property annually certify to the governing body of each taxing unit that the owner is in compliance with each applicable term of the Agreement;
  7. Provide that the Board of Aldermen may cancel or modify the Agreement if the property fails to comply with the Agreement;
  8. Provide that the Improvements are made in accordance with project drawings, specifications, and/or information provided in the application and as approved by the Village, including a provision that any modifications must first receive the written approval the Village.
  9. A requirement that all applicable federal, state, and local codes must be met and all applicable permits must be obtained.
  10. The percentage of value to be abated each year; and
  11. The commencement date and the termination date of Abatement.
- B. To be effective, a tax abatement agreement must be approved by the affirmative vote of a majority of the members of the Board of Aldermen at a regularly scheduled meeting of the Board of Aldermen.
- C. Agreements shall normally be approved or disapproved within sixty (60) days from the date the applicant filed a properly completed application for tax abatement with the Village Administrator.

## **X. COMPLIANCE VERIFICATION**

- A. Initial Inspection
  1. Certificate of Compliance: After the initial requirements of the agreement

have been completed (i.e. construction/installation of improvements), the Owner must submit an executed Certificate of Compliance to the Village.

2. Village Staff Inspection: After receipt of an executed Certificate of Compliance, Village staff shall make an inspection to verify that all initial contract requirements are complete. Upon verification the Village Administrator will approve the Certificate of Compliance, authorize the commencement of the tax abatement, and notify the Bell County Appraisal District.

**B. Annual Certification**

1. Standard Annual Certification: On or before January 31<sup>st</sup> of every year, the Owner must submit a statement to the Village which provides information about the project's achievement during the prior calendar year regarding the improvements and/or job creation covered by the tax abatement agreement. The following items must be included in the statement:
  - a. The added square footage and/or improvement value made;
  - b. The value of the construction/installation (most recent value by the Bell County Appraisal District);
  - c. The total number of jobs created (full-time), to date;
  - d. The amount of property taxes paid on the facility during the prior year; and
  - e. Any tax protests that have been filed regarding ad valorem taxes and a description of the reasons for the tax protest.
2. Premium Opportunity Bonus Certification: If the Owner is pursuing the Premium Opportunity Bonus, then on January 31<sup>st</sup> of every year, the following information must be submitted, in addition to the Standard Annual Certification:
  - a. Number of jobs created;
  - b. Each employee's name or identification number;
  - c. Each employee's home address;
  - d. Each employee's job type or classification; and
  - e. Each employee's pay rate.
3. Upon completion of construction, the designated representative of the Village shall annually evaluate each Facility receiving Abatement to insure compliance with the agreement, and a formal report shall then be made to the Village regarding the findings of the evaluation.

**C. Village's Right to Inspect**

1. Facilities and Records: The Village of Salado reserves the right to send

representatives from the Village and the Bell County Appraisal District to inspect the facilities and records of the Owner during the term of the agreement to verify the accuracy of the information provided for the tax abatement.

2. Compliance with other laws: The Village will hold and process any information that is received or viewed in accordance with all applicable United States laws and regulations.

**D. Default**

1. If during the term of the Agreement, the Village determines that the Applicant is not in compliance with the terms and conditions of the Agreement and fails to cure, and/or allows its ad valorem taxes owed the Village to become delinquent and fails to timely and properly follow the legal procedures for a protest or contest; and
2. If during the term of the agreement, the Village determines the Applicant is in default of the terms and conditions of the Agreement and the default is not cure pursuant to the agreement, the Village reserves the right to cancel/modify the agreement and/or require repayment of all incentives including the value of in-kind incentives received under the agreement.

**E. Administration.**

1. The Chief Appraiser of the Bell County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the Appraiser with such information as may be necessary for the Abatement. Once value has been established, the Chief Appraiser will notify the Village of the amount of the assessment.

**XI. ASSIGNMENT OF TAX ABATEMENT AGREEMENTS.**

- A. Abatement may be transferred and assigned by the holder to a new owner or lessee of the same Facility upon the approval by resolution of the Village subject to demonstration of the financial capacity of the assignee and provided that all conditions and obligations in the Abatement Agreement are guaranteed by the execution of a new contractual Agreement with the Village. No assignment or transfer shall be approved if the parties to the existing Agreement, the new owner or new lessee, are liable to any jurisdiction for outstanding taxes or other obligations. Approval of assignments will not be unreasonably withheld.

VILLAGE OF SALADO

INDUSTRIAL & HAZARDOUS WASTE

ORDINANCE NO. 2016.10

AN ORDINANCE OF THE VILLAGE OF SALADO (“CITY”), TEXAS, IMPLEMENTING INDUSTRIAL WASTE PROVISIONS ON DISCHARGERS IN THE CITY LIMITS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; PROVISIONS, INCLUDING: DEFINITIONS; PURPOSE; SCOPE; PROHIBITIONS; CHEMICAL DISCHARGES; HAZARDOUS METALS; MAXIMUM PARTICLE SIZE; STORMWATER AND UNPOLLUTED DRAINAGE; TEMPERATURE; RADIOACTIVE WASTE; IMPAIRMENT OF FACILITIES; COMPLIANCE; CITY REQUIREMENTS; REVIEW AND APPROVAL; TRAPS; BUILDING SEWERS; SAMPLING; USER SURCHARGE; POWER TO ENTER; DISCONNECT; NOTICE; CONTINUED PROHIBITED DISCHARGES; AND ENFORCEMENT, INCLUDING CRIMINAL FINES NOT TO EXCEED \$2,000.00 AND CIVIL PENALTIES NOT TO EXCEED \$2,000.00 PER VIOLATION; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE & MEETING

**WHEREAS,** the Board of Aldermen of the Village of Salado (“BOA”) seeks to regulate industrial and hazardous waste discharged in the city limits; and

**WHEREAS,** the BOA finds that improper discharge of industrial and hazardous waste poses a threat to public health and safety; and

**WHEREAS,** pursuant to Texas Local Government Code Chapter 217, the BOA finds that improper discharges of industrial and hazardous wastes pose a real and imminent danger to lives and property, and thus constitutes a public nuisance requiring regulatory action; and

**WHEREAS,** pursuant to Texas Local Government Code Chapter 552, the Village has the authority to regulate a sewer utility system located inside or outside the municipal boundaries in a manner that protects the interests of the municipality; and

**WHEREAS,** pursuant to Texas Water Code Chapter 26, the City has authority to implement a water pollution control and abatement program to regulate and monitor disposal of wastes and wastewater to the City’s system; and

**WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City has general

authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS,** the BOA finds that regulations on industrial and hazardous waste discharges in the City Limits is reasonable, necessary, and proper for the good government of the Village of Salado.

**NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Village of Salado, Texas:**

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as legislative findings of fact as if expressly set forth herein.

**2. ENACTMENT**

The Village of Salado (“City or Village”) hereby enacts this Ordinance in order to implement regulations on industrial and hazardous waste discharges in the City Limits as specified herein.

**3. PROVISIONS**

**A. Definitions**

For the purposes of this Ordinance, the following terms, words, and the derivations thereof shall have the meanings given herein. All terms not defined herein shall be defined as in the City’s Code of Ordinances, or if not in the Code, as defined by ordinary and common usage.

- 1. *Abnormal industrial wastewater.* Any wastewater discharged into publicsanitary sewers and in which the average concentration of total suspended solids (TSS) is greater than 180 mg/l and/or the biochemical oxygen demand (B.O.D.) is greater than 180 mg/l.
- 2. *Administrator.* The Village Administrator of the Village of Salado or his/her duly authorized representative.
- 3. *B.O.D. (Biochemical Oxygen Demand).* The quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees centigrade.
- 4. *Building sewer.* The extension from the building drain to the public sewer or other place of disposal (also called building lateral and building connection).

5. *C.O.D. (Chemical Oxygen Demand)*. Measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.
6. *Composite Wastewater Sample*. A combination of individual samples of water or wastewater taken at selected intervals, generally hourly for some specified period, to minimize the effect of the variability of the individual sample. Individual samples may have equal volume or may be roughly proportioned to the flow at time of sampling.
7. *Control manhole*. A manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.
8. *Control point*. A point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.
9. *Daily Maximum Limit*. The maximum concentration (or loading) of a pollutant allowed to be discharged during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitation expressed in units of mass, it is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, it is calculated as the average measurement of the pollutant over the day. All unit measurements must be consistent with the units for pollutants in the City's regulatory discharge permit.
10. *Garbage*. Animal and vegetable wastes and residue from preparation, cooking and dispensing of food; and from the handling, processing, storage and sale of food products and produce.
11. *Grab Sample*. An individual sample that is collected from a waste stream on a one-time basis in less than 15 minutes.
12. *Hazardous Wastes*. Any solid waste or substance listed as hazardous or possesses one or more hazardous characteristics as defined in federal waste regulations, including but not limited to Title 40 Code of Federal Regulations (CFR) Part 261 and 40 CFR Table 302.4, as amended.
13. *Industrial waste*. Waste resulting from any process of industry, manufacturing, trade, or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater. [NM1]

14. *Industrial user.* A Person that discharges Industrial Waste to the City's public sewer.
- 14.15. *Industrial waste operator.* The wastewater operator of the City or his/her duly authorized deputy, agent or representative.
- 15.16. *Interference.* A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the treatment facility, its treatment processes or operations or its sludge processes, use or disposal.
- 16.17. *Milligrams per liter (mg/l).* The same as parts per million and is a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- 17.18. *Natural outlet.* Any outlet, not man-made, into a watercourse, ditch, lake, or other body of surface water or groundwater.
- 18.19. *Normal domestic wastewater.* Wastewater excluding industrial wastewater discharged by a person into **publicsanitary** sewers and in which the average concentration of total suspended solids is not more than 180 mg/l and B.O.D. is not more than 180 mg/l.
- 19.20. *pH.* The reciprocal of the logarithm (base 10) of the hydrogen ion concentration expressed in grams per liter.
- 20.21. *Person.* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity; or their legal representatives, agents, or assigns.
- 21.22. *Pollutant.* Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, dirt, municipal agricultural and industrial waste, certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, and odor), and certain wastewater that exceeds pretreatment conditions of this Ordinance.
- 22.23. *Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties prior to (or in lieu of) introducing such pollutants to the Public Sewer. This reduction or alteration may be

obtained by physical, chemical, or biological processes; by process changes; or by other means except dilution, so long as the pretreatment process does not harm public health and safety or cause damage to the Public Sewer.

~~23. *Public Sewer.* A system of pPipes or conduits, carrying wastewater or unpolluted drainage in which owners of other properties shall have the use, subject to control by the City.~~

~~24.~~

~~25.24. *Sanitary Sewer.* A public sewer subject to control by the City, that conveys domestic wastewater or industrial wastes or a combination of both, and into which storm water, surface water, ground water, and other unpolluted wastes are not intentionally passed.~~

~~26.25. *Septic Tank Waste.* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.~~

~~27.26. *Slug.* Any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.~~

~~28.27. *Standard methods.* The examination and analytical procedures set forth in the latest edition, at the time of analysis, of "standard methods for the Examination of Water and Wastewater" as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.~~

~~29.28. *Storm sewer.* A public sewer which carries storm and surface waters and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.~~

~~30.29. *Storm water.* Rainfall or any other forms of precipitation.~~

~~31.30. *Surcharge.* The additional sewerage service charge, for sampling, testing, transporting and treating abnormal industrial waste, levied against any person for discharging abnormal industrial waste into a sanitary-public sewer. This charge shall be in addition to the usual monthly charge for sanitary-public sewer service.~~

~~32.31. *Total Suspended Solids (TSS).* Solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.~~

~~33.~~32. *To discharge.* To deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

~~34.~~33. *Trap.* A device designed to skim, settle, or otherwise remove grease, grit, oil, sand, flammable wastes or other harmful substances.

~~35.~~34. *Unpolluted wastewater.* Water containing:

- a) No free or emulsified grease or oil;
- b) No acids or alkalis;
- c) No phenols or other substances producing taste or odor in receiving water;
- d) No toxic or poisonous substances in suspension, colloidal state, or solution;
- e) No noxious or otherwise obnoxious or odorous gases;
- f) Not more than ten mg/l each of suspended solids and B.O.S.; and
- g) Color not exceeding 50 units as measured by the platinum-cobalt method of determination as specified in standard methods.

~~36.~~35. *Waste.* Rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, or industrial activities.

~~37.~~36. *Waste Hauler.* Any person who transports industrial waste or wastewater, chemically treated human waste, septic tank waste and/or trap waste.

~~38.~~37. *Wastewater.* A combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with any ground, surface, and storm water that may be present.

~~39.~~38. *Wastewater facilities.* All facilities, including any Wastewater Treatment Plant, used for collection, pumping, treating, and disposing of wastewater and industrial wastes.

~~40.~~39. *Wastewater service charge.* The charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representatives of normal wastewater.

~~41.~~40. *Wastewater treatment plant.* Any city-owned facilities, devices, and structures used for receiving, processing and treating wastewater, industrial wastes, and sludges from the publicsanitary sewers.

42-41. *Watercourse.* A natural or man-made channel in which a flow of water occurs, either continuously or intermittently.

43-42. *Waters in the State.* Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the State of Texas or inside the jurisdiction of the State of Texas.

## **B. Purpose**

This Ordinance is being enacted to: (1) protect humans and animals from industrial and hazardous discharges; (2) prevent damage and/or extensive maintenance to the City's wastewater treatment facilities; and (3) implement City rules that prohibit certain wastes and require pre-treatment of certain wastes.

## **C. Scope**

This Ordinance applies to all discharges, ~~within the City Limits and the City's extraterritorial jurisdiction~~<sup>[MF2][NM3]</sup>, to the City's public sewer and wastewater ~~system facilities inside and outside of the municipal boundaries~~, unless the facility discharging into the public sewers is permitted under the laws of the State of Texas and by the Texas Commission on Environmental Quality.

## **D. Administration**

Except as otherwise provided herein, the Village Administrator shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Administrator may be delegated by the Administrator to other City personnel.

## **E. Pretreatment Standards**

### **1. Federal Categorical Pretreatment Standards:**

The National categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 401-471, as amended, are hereby incorporated by reference as if fully set out herein. In the event any conflicts are identified between this Ordinance and the Federal Categorical Pretreatment Standards, the most stringent requirements shall control.

### **2. State Pretreatment Standards:**

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal Categorical Pretreatment Standards or those requirements and limitations in this Ordinance.

## **F. General Prohibitions**

No person may discharge to the public sewers any pollutant or waste which may cause pass through or interference with the City's wastewater facilities system. This prohibition applies to all users of the public sewer whether or not they are subject to categorical pretreatment standards or any other local, state, or federal pretreatment standards. Specifically, no person may discharge to the public sewers any pollutant or waste, including, but not limited to bacteria, enzymes, or chemical emulsifiers, which by itself or by interaction with other wastes may:

1. Injure or interfere with wastewater treatment processes or facilities;
2. Constitute a hazard to humans or animals; or
3. Create a hazard in receiving waters of the wastewater treatment plant effluent.

**G. Specific Prohibitions Chemical Discharges**

1. No discharge to public sewers may contain:
  - a) Cyanide greater than one mg/l;
  - b) Fluoride other than that contained in the public water supply;
  - c) Chlorides in concentrations greater than 250 mg/l;
  - d) Gasoline, benzene, naphtha, fuel, oil, or other flammable or explosive liquid, solid or gas or any significant organics; or
  - e) Substances causing a chemical oxygen demand (C.O.D.) more than 250 mg/l, or TSS more than 180 mg/l.
  
2. No waste or wastewater discharged to public sewers may contain:
  - a) Strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;
  - b) Fats, grease, oils (FOG), or wax whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65;deg;centigrade);
  - c) Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material receiving in the composite wastewater at the wastewater treatment plant exceeds the limits established by the City for such materials;
  - d) Obnoxious, toxic, or poisonous solids, liquids, or gases in quantities sufficient to violate any state or federal limits or that are, either singly or by interaction with other wastes, sufficient to create a public nuisance or a hazard to life, or to prevent entry into sewers for maintenance or repair;  
Any pollutant which may create a fire or explosive hazard in the public sewer or the City's wastewater facilities;
  - e) Any pollutant, including oxygen demanding pollutants (BOD, etc.) or any significant organic pollutants released in a discharge to the public sewer at a flow rate and/or pollutant concentration which will cause Interference with the public sewer or the City's wastewater facilities;

f) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the public sewer resulting in Interference

e)g) Any pollutant or quantity of pollutants that by deposit of the pollutant into the public sewer will cause the City to exceed its permitted wastewater discharge permit limits or state or federal law; or

f)h) Detergents, surface-active agents, or other substances which may cause excessive foaming in the public sewer or wastewater facilitiessystem.

3. No waste, wastewater, or other substances may be discharged into public sewers which has a pH lower than six or higher than nine, or any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel at the wastewater facilities.
4. All waste, wastewater, or other substances containing phenols, hydrogen sulfide, or other taste-and-odor producing substances, shall conform to concentration limits established by the City. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal, or other agencies with jurisdiction over discharges to receiving waters.
- ~~5. No trucked or hauled pollutants, except at discharge points designated by the Administrator in accordance with Section R of this Ordinance may be discharged into public sewer.~~

**H. Hazardous Metals and Toxic Materials**

1. No discharges may contain concentrations of hazardous metals other than amounts specified in the chart below. The maximum allowable concentrations of hazardous metals, in terms of milligrams per liter (mg/l), for discharge to public sewers and waters of the state, and determined on the basis of individual sampling in accordance with "standard methods" are:

Metal	Daily Maximum Concentration Limit for any Single Composite Sample (mg/l)
Arsenic	0.05
Barium	4.0
Beryllium	1.00
Cadmium	0.2
Chromium	5.0
Copper	2.0

Lead	0.1
Manganese	1.0
Mercury	0.005
Nickel	1.0
Selenium	0.2
Silver	0.2
Zinc	5.0

If necessary to protect the public sewer, the City may issue a permit, order, or rule that assigns the local limits or the total toxic organics limit as:

- a) instantaneous maximum allowable limits;
  - b) daily average limits;
  - c) daily maximum limits;
  - d) monthly average limits; or
  - e) limits of other sampling duration or averaging period.
2. No other hazardous metals or toxic materials may be discharged into public sewers without a permit from the City specifying conditions of pretreatment, concentrations, volumes, and other applicable provisions.
3. Prohibited hazardous materials include, but are not limited to:
- a) Antimony
  - b) Bismuth
  - c) Cobalt
  - d) Molybdenum
  - e) Uranium ion
  - f) Rhenium
  - g) Strontium
  - h) Tellurium
  - i) Herbicides
  - j) Fungicides
  - k) Pesticides
  - l) Chemical Emulsifiers
  - m) Petroleum-based oil, non-biodegradable cutting oil, and products of mineral oil origin

#### I. Maximum Particle Size

1. No person may discharge garbage, waste, or other solids into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions prevailing in public sewers. Particles greater than one-quarter inch in any dimension are

prohibited.

2. The City is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric or greater) installed for the purpose of meeting the particle size requirement. A notice of intent to install a garbage grinder must be submitted to the Administrator by the property owner at least 30 days prior to installation and include the manufacturers specifications.

#### **J. Stormwater and other Unpolluted Drainage**

Pursuant to Texas Water Code § 26.177, the City may designate storm sewers and other watercourses into which unpolluted drainage may be discharged. No new connections shall be made from inflow sources to public ~~sanitary~~ sewers nor discharge to public ~~sanitary~~ sewers for any of the following:

1. Unpolluted storm water, surface water, groundwater, roof runoff or subsurface drainage.
2. Unpolluted cooling water.
3. Unpolluted industrial process waters.
4. Other unpolluted drainage.

#### **K. Temperature**

No person may discharge liquid or vapor having a temperature higher than ~~150~~ 140 degrees Fahrenheit<sup>[MF4][NM5]</sup> (65 degrees centigrade), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten degrees Fahrenheit or more per hour, or a combined total increase of plant influent temperature to ~~110~~ 104 <sup>[NM6]</sup> degrees Fahrenheit.

#### **L. Radioactive Wastes**

1. No person may discharge radioactive wastes or isotopes into public sewers without the permission of the City and the State of Texas.
2. The City may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers.

#### **M. Impairment of Facilities**

1. No person may discharge into public sewers any substance capable of causing:
  - a) Obstruction to the flow in sewers;
  - b) Interference with the operation of treatment processes of facilities; or
  - c) Excessive loading of treatment facilities.
2. Discharges prohibited under this section include, but are not limited to materials which exert or cause concentrations of:
  - a) Inert suspended solids greater than 180 mg/l including but not limited to:

- i. Fuller's earth;
    - ii. Lime slurries; and
    - iii. Lime residues.
  - b) Dissolved solids greater than 975 mg/l including but not limited to:
    - i. Sodium chloride; and
    - ii. Sodium sulfate.
  - c) Excessive discoloration including but not limited to:
    - i. Dye wastes; and
    - ii. Vegetable tanning solutions.
  - d) B.O.D., C.O.D., suspended solids, or chlorine demand in excess of the City's wastewater treatment plant capacity.
3. No person may discharge any substance into public sewers which:
  - a) Is not amenable to treatment or reduction by the processes and facilities employed; or
  - b) Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
4. The City shall regulate the flow and concentration of slugs discharged to the public sewer when they may:
  - a) Impair the treatment process;
  - b) Cause damage to collection-wastewater facilities;
  - c) Incur treatment costs exceeding those for normal wastewater; or
  - d) Render the waste unfit for stream disposal or industrial use.
5. The Administrator may require any user discharging slugs to the public sewer to develop, submit for approval, and implement an accidental discharge or slug control plan.
6. The Administrator may require any person discharging into the public sewersystem to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization of flow.
7. No person may discharge into public sewers solid or viscous substances which may impair the public sewer or wastewater treatment facilities if present in sufficient quantity or size including but not limited to:
  - a) Ashes
  - b) Cinders
  - c) Sand
  - d) Mud

- e) Straw
- f) Shavings
- g) Metal
- h) Glass
- i) Rags
- j) Feathers
- k) Tar
- l) Plastics
- m) Wood
- n) Unground garbage
- o) Whole blood
- p) Paunch manure
- q) Hair
- r) Hoof
- s) Hide
- t) Fleshings
- u) Bone
- v) Entrails
- w) Sludge, screenings, or other residues
- x) Paper products, either whole or ground by garbage grinders
- y) Slops
- z) Chemical residues
- aa) Paint residues
- bb) Bulk solids
- cc) Diluted pollutants or hazardous wastes
- dd) Industrial waste condensate
- ee) Swimming pool drainage and debris
- ff) Roof runoff
- gg) Noncontact cooling water

**N. Compliance with Existing Authority**

1. Unless exception is granted by the City, the public ~~sanitary sewer system~~ shall be used by all persons discharging:
  - a) Wastewater;
  - b) Industrial waste; and
  - c) Polluted liquids.
  
2. Unless authorized by the Texas Commission on Environmental Quality, no person may deposit or discharge any waste included in this section on public or private property in or adjacent to any:
  - a) Natural outlet;

- b) Watercourse;
  - c) Waters of the State
  - d) Storm sewer;
  - e) Other area within the jurisdiction of the City.
3. The City shall verify prior to discharge that wastes authorized to be discharged by existing authority will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments.

#### **O. City Requirements**

1. If discharges or proposed discharges to public sewers may (1) deleteriously affect wastewater facilities, processes, equipment, or receiving waters; (2) create a hazard to life or health; or (3) create a public nuisance, the City shall require:
  - a) Pretreatment to an acceptable condition in compliance with this Ordinance for discharge to the public sewers;
  - b) Control over quantities and rates of discharge; and
  - c) Payment to cover the cost of handling and treating the wastes.
2. The City is entitled to determine whether a discharge is included under this section.
3. The City shall reject wastes when:
  - a) It determines that a discharge or proposed discharge is potentially harmful.
  - b) The discharger does not meet the requirements of this Section.

#### **P. City Review and Approval**

1. If pretreatment or control is required, the City shall review ~~and approve~~ for approval design plans, installation of equipment, and operation procedures prior to the user discharging wastewater to the public sewer. The City shall conduct this review within forty-five (45) days of the receipt of the required pretreatment demonstrations.
2. The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances, other laws, and commonly accepted methods.
3. Any person responsible for discharges requiring pretreatment, flow-equalizing facilities, traps, accessible control manholes, or other facilities shall provide and maintain the facilities in effective operating condition at the owner's expense.

#### **Q. Discharges Requiring Traps**

1. Discharges requiring a trap include:
  - a) Grease discharges above 100 mg/l;
  - b) Grit and inorganic or other solids and semi-solids

- c) Oil (petroleum based and mineral oil prohibited);
  - d) Sand;
  - e) Flammable wastes;
  - f) Fleshings and bone; and
  - g) Other harmful ingredients, as determined by the City to harm the City's wastewater facilities or pose a threat to public health and safety.
2. A person required to pretreat waste or wastewater with a trap/filter must:
- a) Submit complete sealed plans and specifications for the pretreatment system to the Administrator. A plan developed under this Section shall describe the proposed pretreatment method, process, or technology, including products, agents or devices used for pretreatment.
  - b) The Administrator will engage the City Engineer or outside technical specialist to review the plans. All reasonable-actual costs of technical fees for review and inspection of the plans will be assessed on the person seeking pretreatment approval. A person required to use a trap under this Section must obtain the City's approval prior to discharging wastewater; or constructing, using or modifying a pretreatment facility, method, process or technology. After approval and construction, the City reserves the right to inspect the traps for compliance with this Ordinance and the approval.
  - c) Upon review of the plans, pollutants discharged, and volume of discharge the Administrator may determine that additional controls are necessary for pretreatment such as catch basins, interceptors, Hold-Haul tanks, or other controls identified by the Administrator.
3. Any person responsible for discharges requiring a trap/filtration shall at his/her own expense and as required by the City:
- a) Provide equipment and facilities of a type and capacity approved by the City.
  - b) Clean the traps as often as necessary to ensure that sediment in the discharge does not accumulate to impair the efficiency of the trap; to ensure the discharge is in compliance with local, state and federal discharge limits; and to ensure no visible sediment is observed in discharge. Traps subject to these standards shall be completely evacuated a minimum of every ninety (90) days, or more frequently when:
    - i. twenty-five percent (25%) or more of the wetted height of the trap, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils, grit or greases; or
    - ii. the discharge exceeds BOD, COD, TSS, pH, or other pollutant levels established by the City; or
    - iii. if there is a history of non-compliance.

- c) A person cleaning the trap shall dispose of the waste removed waste in accordance with federal, state, and local regulations.
- d) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection.

## R. Requirements for Building Sewers

Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his/her own expense and as required by the City:

1. Install an accessible control manhole.
2. Install meters and other appurtenances to facilitate observation, sampling and measurement of the waste by the City or designated authority.
3. Install safety equipment and facilities (ventilation, steps, etc.), ~~where needed as determined by the City.~~
4. Maintain and clean the equipment and facilities, including control manholes.

## S. Wastewater Discharge Permits

### 1. Wastewater Survey

When requested by the Administrator, a ~~user~~ person discharging or proposing to discharge wastewater to the City's public sewer must submit information on the nature and characteristics of its wastewater by completing a wastewater survey within the time specified by the Administrator. The Administrator is authorized to prepare a form for this purpose and may periodically require users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the user in accordance with State law and shall be considered a violation of this Ordinance.

### 2. Wastewater Discharge Permit Required

- a) ~~No~~ All industrial users or waste haulers shall ~~discharge wastewater into the public sewer without first obtaining~~ a wastewater discharge permit from the Administrator before discharging wastewater into the public sewer.
- b) The Administrator may require other persons discharging or proposing to discharge wastewater to the City's public sewer users to obtain wastewater discharge permits as necessary to carry out the purposes of this Ordinance.
- c) Any violation of the terms and conditions of a wastewater discharge permit shall be considered a violation of this Ordinance and shall be reasonable grounds for terminating service to the user in accordance with State law and for pursuing enforcement and penalties against the user as set forth in this Ordinance.

### 3. Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater to the public sewer prior to the effective date of this Ordinance without a permit and who wishes to continue such discharges, shall apply for a permit, within one hundred twenty (120) days after the effective date of this Ordinance on forms supplied by the City and approved by the Administrator. No discharges will be permitted from existing connections to the public sewer after one hundred eighty (180) days after the effective date of this Ordinance except in accordance with a permit issued by the Administrator.

### 4. New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the public sewer must obtain such permit prior to beginning or recommencing such discharge. An application for the wastewater discharge permit on the form provided by the City, must be filed ninety (90) days prior to the date upon which any discharge is planned to begin or recommence.

### 5. Application Contents

All users required to obtain a wastewater discharge permit must file a permit application. For this purpose, the Administrator is authorized to prepare a form consistent with this Ordinance. The Administrator may require the following information, including, but not limited to:

- a) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals stored at the facility which are, or could be, accidentally or intentionally discharged to the public sewer;
- b) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- c) Each product produced by type, amount, process or processes, and production rate;
- d) Type and amount of raw materials processed (average and maximum per day);
- e) 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;
- f) Time and duration of discharge; and,
- g) Any other information as may be deemed necessary by the Administrator to evaluate the permit application.

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

### 6. Granting the Permit

The city may grant a permit to discharge to users meeting all requirements in this Ordinance. In addition users must also:

- a) Secure approval by the City of plans and specifications for the facilities when required; and
- b) Comply with all requirements for agreements or arrangements, including but not limited to, provisions for:
  - i. Payment of charges;
  - ii. Installation and operation of the facilities and of pretreatment facilities, if required;
  - iii. Sampling and analysis to determine quantity and strength when directed by the city; and
  - iv. Provides a sampling point, when requested by the city, subject to the provisions of this article and approval of the approving authority.

The wastewater discharge permit will include such conditions as are deemed reasonably necessary by the Administrator to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the public sewer.

#### **7. Appeal of Permit Decision**

The Administrator must provide notice to the user of issuance, modification or denial of a wastewater discharge permit. The user may petition the Board of Aldermen to reconsider the terms of an issuance, modification or denial within thirty (30) days of notice of the Administrator's initial action. Failure to timely submit the petition for reconsideration will be deemed to be a waiver of the appeal. The petition must include the reason for the objection and the alternative condition, if any, it seeks to include in a permit. The effectiveness of the issuance, modification or denial will not be stayed during the appeals process. At the first regularly scheduled public meeting of the Board of Aldermen within thirty (30) days of receipt of the petition, the Board of Aldermen will consider such factors as preventing pass through or interference, protecting the quality of the water body receiving the treatment plant's effluent, protecting worker health and safety, facilitating sludge management and disposal, and protecting against damage to the public sewer when reviewing the appeal. The Board of Aldermen will respond to the petitioner with an affirmation of the Administrator's decision or a modification of the terms of the permit.

#### **8. Permit Modification**

The Administrator may modify the wastewater discharge permit with ten (10) days' notice, except in the event of an emergency notice is not required, for good cause including, but not limited to, the following:

- a) To incorporate any new or revised federal, state or local pretreatment standards;
- b) To address significant alterations or additions to the user's operation, processes, wastewater volume or character since the time of wastewater discharge permit issuance;
- c) A change in the public sewers that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d) Information indicating that the permit discharge poses a threat to the City's public sewer, city personnel, or receiving water;
- e) Violation of any terms or conditions of the wastewater discharge permit;
- f) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- g) Revision of or a grant of variance from categorical pretreatment standards; or
- h) Administrative items such as changing facility ownership or correcting scrivener's errors.

#### **T. Reporting**

1. Each user must notify the Administrator of any planned significant changes to the user's operation or system which might alter the nature, decrease the quality, or increase the volume/flow by at least 25% or greater, or the discharge of new pollutants to its wastewater at least ninety (90) days before the change. The Administrator may require this submission to be completed on forms supplied by the City and approved by the Administrator~~an approved form~~. The Administrator may require a wastewater discharge permit to be issued or amended for the modification.
2. In the case of any accidental discharge or upset, the user shall immediately telephone the Administrator and report the problem. Within five (5) days, the user must submit to the Administrator a written report detailing the corrective measures taken or to be taken to correct the release.

#### **U. Hauled Waste and Wastewater**

1. No waste hauler may discharge any trucked or hauled pollutants, including, but not limited to, industrial waste or wastewater, septic tank waste, chemically-treated human waste, and/or any trap waste into the public sewer without first obtaining a wastewater discharge permit from the Administrator. The Administrator may prohibit the discharge of any such hauled industrial waste. The Administrator also may issue

wastewater discharge permits to any generators of hauled industrial waste discharged. The discharge of hauled waste is subject to all other requirements of this Ordinance.

2. Waste haulers may discharge loads only at locations designated by the Administrator. No load may be discharged without prior consent of the Administrator. The Administrator may collect samples of each hauled load to ensure compliance with applicable standards. The Administrator may require the waste hauler to provide a waste analysis of any load prior to discharge.
3. Industrial waste haulers who discharge any industrial waste or wastewater into the public sewer must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are hazardous wastes as defined by Resource Conservation and Recovery Act, 40 CFR Part 261, as amended. The Administrator may require such waste-tracking forms to be provided by haulers of non-industrial trap waste, septic tank waste, or chemically-treated human waste that is discharged into the public sewer.

#### V. Sampling and Testing

1. Sampling shall be conducted according to Environmental Protection Agency and ~~Village~~ City-approved methods, reflecting the effect of constituents upon the sewage works and determining the existence of hazards to health, life, limb, and property. The particular analysis involved will determine whether a 24-hour composite sample from all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls. Where applicable, 16-hour, 8-hour or some other period may be required. Periodic grab samples are used to determine pH and oil and grease.
2. Examination and analyses of the characteristics of samples shall be:
  - a) Conducted in accordance with the latest edition of standard methods; and
  - b) Determined from suitable samples taken at the control manhole provided or other control point authorized by the City.
3. BOD and TSS shall be determined from composite sampling, except to detect unauthorized discharges.

4. The City shall determine which users or classes of users may contribute wastewater which is of greater strength than normal domestic wastewater. All users or classes of users so identified shall be sampled for flow, BOD, TSS and pH, at least annually, at the user's expense and consistent with customary and reasonable sampling fees. Sampling may be required of both permitted users (users holding a wastewater discharge permit provided by this Ordinance) and non-permitted users.
5. The City may select an independent firm or laboratory to collect and determine flow, BOD, and suspended solids, if necessary. Flow may alternately be determined by water meter measurements, if no other flow device is available and no other source of raw water is used.

**W. User Surcharge**

Wastewater containing COD, BOD, or TSS that meets the limits of abnormal industrial wastewater, provided below, may be discharged into the public sewer provided:

1. The waste will not cause damage to the City's public sewer or wastewater facilities or collection system;
2. The waste will not impair the City's wastewater treatment process;
3. Sewer connection procedures and requirements shall be in accordance with the International Building Codes;
4. In addition to regular monthly wastewater charges for service, the person discharging such wastewater pays a monthly surcharge to the City utilities division in addition to the usual monthly sewer service charges when the discharge concentration is within the ranges specified below. Discharges exceeding the concentration range are not permitted and the user may be subject to fines and penalties for excess concentrations. Such surcharges shall be based on the following:

Contaminant and Surcharge	Concentration <u>Ranges</u> (mg/l)
B.O.D.	180 <u>- 200</u>
Surcharge (\$/lb)	0.49
C.O.D.	250 <u>- 275</u>
Surcharge (\$/lb)	0.23
TSS	180 <u>- 200</u>

Surcharge (\$/lb)	0.17
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5. Each user will be notified, at least annually, in conjunction with a regular sewer bill, of the rate and that portion of user charges which are attributable to the operation and maintenance of the wastewater treatment system facilities.

#### **X. Power to Enter Property: Inspection and Sampling**

1. The Industrial waste operator and any duly authorized employees of the City bearing proper credentials and identification are entitled to enter any public or private property at any time for the purpose of enforcing this Ordinance, including but not limited to inspection, sampling, characterizing the waste, setting up and using monitoring equipment, inspecting and copying records, and the performance of any of their duties.
2. A person discharging or proposing to discharge wastewater to the public sewer shall, at the person's sole expense, promptly remove security barriers or other obstacles to access by the Industrial waste operator or any duly authorized employees of the City.
3. Should entry be denied the Industrial waste operator or his/her designee, entry may be obtained by a search warrant issued as provided for by state law.
4. A person who fails to remove an obstruction or unreasonably delays access to the Industrial waste operator and any duly authorized employees of the City to premises discharging to the public sewers commits a violation of this Ordinance.

#### **Y. Authority to Disconnect Service**

1. The City may terminate water service, upon agreement with the water utility, and wastewater disposal service and disconnect a customer or user from the wastewater facilities system when:
  - a) Acids, chemicals, or suspended solids which may damage the sewer lines or treatment process are released to the sewer, potentially causing accelerated deterioration of these structures or interfering with proper conveyance and treatment of wastewater.
  - b) A governmental agency informs the City that effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to watercourse or waters of the state; and it is found that the customer or user is delivering wastewater to the City's public sewers system that cannot be sufficiently treated, or requires treatment that is not provided by the City as normal domestic treatment.
  - c) The customer or user:

- i. Misrepresents or fails to fully disclose all relevant facts in the wastewater discharge permit application.
- ii. Accidentally or Intentionally falsifies self-reporting reports;
- iii. Discharges waste or wastewater that is in violation of the permit issued by the City.
- iv. Tamper with monitoring equipment.
- v. Refuses to allow the City timely access to the facility premises in accordance with this Ordinance.
- vi. Failure to complete a wastewater survey.
- vii. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system facilities.
- viii. Fails to pay monthly publicsanitary sewer services when due.
- ix. Violation of any pretreatment standard or requirement.
- x. Failure to notify the Administrator of any accidental discharges in accordance with this Ordinance.
- xi. Repeats a discharge of prohibited wastes to public sewers in violation of this Ordinance.

2. If service is discontinued pursuant to this section, the City shall:

- a) Disconnect the customer or user;
- b) Supply the customer or user with the governmental agency's report and provide the customer or user with all pertinent information; and
- c) Continue disconnection until such time as the customer or user provides pretreatment, additional pretreatment or other facilities designed to remove the objectionable characteristics from his wastes.

**Z. Fees**

The City may adopt fees for the reimbursement of costs of setting up and operating the wastewater discharge permit and pretreatment program, which may include:

- a) Fees for wastewater discharge permit applications;
- b) Fees for monitoring, inspection, and surveillance procedures, including the cost of collecting and analyzing user's discharge and reviewing monitoring reports;
- c) Fees for reviewing and responding to accidental discharge procedures and construction; and
- d) Other fees as the City may deem necessary to carry out the requirements in this Ordinance.

**AA. Notice**

The City shall serve persons discharging in violation of this Ordinance, unless determined

an emergency discharge by the Industrial waste operator, with written notice stating the nature of the violation and providing a period of 10 days for satisfactory compliance.

**BB. Continued Prohibited Discharges**

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

**CC. Enforcement**

**1. Civil & Criminal Penalties**

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

**2. Criminal Prosecution**

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this section is a misdemeanor.

**3. Civil Remedies**

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law and/or equity including abatement of nuisances.

**4. Penalty for Criminal Mischief**

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

**4. REPEALER**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**5. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication.

**7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**PASSED & APPROVED on the first reading, the \_\_\_ day of May 2016, by a vote of \_\_\_ (ayes) to \_\_\_ (nays) to \_\_\_ (abstentions) of the Board of Aldermen of the Village of Salado, Texas.**

**VILLAGE OF SALADO:**

by: \_\_\_\_\_  
Skip Blancett, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Ann Ray, Village Secretary