

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 6-5 RELATING TO THE DISCHARGE OF SEWAGE INTO THE CITY'S WATER SUPPLY FROM WATERCRAFT, MARINAS, AND SHORE FACILITIES; AND CREATING AN OFFENSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Chapter 6-5, Article 3 (*Watercraft and Marinas*), is repealed and replaced to read:

ARTICLE 3. WATERCRAFT, MARINAS, AND SHORE FACILITIES.

§ 6-5-21. DEFINITIONS.

In this article:

- (1) **BOAT PUMP-OUT FACILITY** means a facility designed to receive boat sewage.
- (2) **DIRECTOR** means the director of Austin Water.
- (3) **EXCURSION BOAT** means a watercraft that is operated for compensation.
- (4) **MARINA** means a fixed or floating structure used for living quarters, docking boats, fishing, or for another recreational or commercial use that is located over or on the water's surface.
- (5) **MARINE SANITATION DEVICE** means a sanitation device designed to be used on watercraft to receive, retain, treat, or dispose of sewage.
- (6) **SEWAGE** means, whether treated or untreated, human or animal waste, water comingled with waste, and waste derived from sewage.
- (7) **SHORE FACILITY** means a business or facility on the shore adjacent to the water supply, and includes a park and a picnic area.
- (8) **WATERCRAFT** means a boat or other structure designed to float on water, and includes a barge, a marina, and a similar floating object.

§ 6-5-22 APPLICABILITY.

- (A) This article applies in the planning jurisdiction.
- (B) This article is cumulative of this chapter, but a provision of this article supersedes another provision of the chapter to the extent of a conflict.

1 **§ 6-5-23 DISCHARGE PROHIBITED.**

2 A person may not discharge sewage into the water supply.

3 **§ 6-5-31 MARINE SANITATION DEVICES.**

- 4 (A) A person may not operate a watercraft on the water supply if the watercraft has a
5 marine sanitation device capable of discharging sewage into the water supply.
- 6 (B) A person may not operate a watercraft on the water supply if the watercraft has a
7 marine sanitation device that does not comply with all applicable local, state, or
8 federal requirements.
- 9 (C) A person may not operate a watercraft with one or more sleeping quarters unless
10 the watercraft is equipped with at least one permanently installed marine toilet
11 properly connected to a marine sanitation device.
- 12 (D) A person may not dispose of the contents of a marine sanitation device by any
13 means other than:
- 14 (1) discharge into a boat pump-out facility certified and permitted as
15 required under this article;
- 16 (2) discharge into an adequately-sized on-site sewage facility permitted to
17 receive boat sewage that is in compliance with Chapter 15-5, Article 1
18 (*Regulation of On-site Sewage Facilities*), as applicable, and all
19 applicable local, state, and federal regulations; or
- 20 (3) collection by a liquid waste hauler that is in compliance with Chapter
21 15-5, Article 2 (*Liquid Waste Haulers*), and all applicable local, state,
22 and federal regulations.

23 **§ 6-5-32 BOAT PUMP-OUT FACILITIES.**

- 24 (A) A person may not use a boat pump-out facility unless it:
- 25 (1) provides spill-proof connections;
- 26 (2) has suction controls or a vacuum breaker to prevent collapse of any part
27 of the marine sanitation device;
- 28 (3) provides fresh water facilities for tank flushing;
- 29 (4) has a check valve and positive cut-off or other device to prevent spillage
30 when breaking connection with a marine sanitation device being
31 serviced;
- 32 (5) provides adequate interim storage before transfer of material to an
33 approved sewage system for disposal; and

1 (6) has cross-connection protection to prevent contamination of potable
2 water as prescribed by Chapter 15-1 (*Cross-Connection Regulations*).

3 (B) A person may not dispose of sewage from a boat pump-out facility except by:

4 (1) discharge into a sewage system that is operated under authority of a
5 valid permit issued by the Texas Commission on Environmental Quality
6 after obtaining permission from the owner or operator of the sewage
7 system;

8 (2) discharge into an adequately-sized on-site sewage facility permitted to
9 receive boat sewage that is in compliance with all applicable local, state,
10 and federal regulations; or

11 (3) collection by a liquid waste hauler that is in compliance with Chapter
12 15-5, Article 2 (*Liquid Waste Haulers*), and all applicable local, state,
13 and federal regulations.

14 (C) A person who owns or operates a boat pump-out facility and disposes of sewage
15 using a liquid waste hauler shall keep and make available for inspection and
16 copying by the director all waste transport and disposal records for at least three
17 years from the date the record is created.

18 (D) A person who owns or operates a boat pump-out facility shall submit periodic
19 reports and records documenting the volumes, dates, and frequency of waste
20 removal and disposal from the boat pump-out facility as may be requested by the
21 director.

22 **§ 6-5-33 EXCURSION BOATS.**

23 (A) A person who operates an excursion boat with a capacity of more than twenty
24 passengers shall have at least one marine sanitation device on the watercraft for
25 passengers unless the excursion boat is used exclusively for cruises lasting no
26 more than one hour that do not include food or alcoholic beverage service.

27 (B) A person who owns or operates an excursion boat with a marine sanitation
28 device who disposes of any sewage or waste derived from sewage by using a
29 liquid waste hauler shall keep and make available for inspection and copying by
30 the director all waste transport and disposal records for at least three years from
31 the date the record is created.

32 (C) A person who owns or operates an excursion boat with a marine sanitation
33 device shall submit periodic reports and records documenting the volumes,
34 dates, and frequency of waste removal and disposal as may be requested by the
35 director.

36 **§ 6-5-34 MARINAS AND SHORE FACILITIES.**

1 (A) A person who owns or operates a commercial marina or shore facility shall
2 provide sanitation facilities as required by Chapter 25-2, Subchapter C, Article
3 13 (*Docks, Bulkheads, and Shoreline Access*).

4 (B) Except as provided by this subsection, a person who owns or operates a marina
5 may discharge waste from fish cleaning, food preparation, or a toilet only into a
6 sanitary sewer or an approved on-site sewage facility. The owner or operator
7 shall remove chemical toilet waste from a temporary sanitation facility by using
8 a liquid waste hauler operating in compliance with Chapter 15-5, Article 2
9 (*Liquid Waste Haulers*), and all applicable local, state, and federal regulations.

10 **§ 6-5-35 INSPECTIONS, CERTIFICATIONS AND PERMITS.**

11 (A) Except as provided by subsection (E), a person may not operate an excursion
12 boat with a marine sanitation device or a boat pump-out facility in the planning
13 jurisdiction without a permit issued by the director showing compliance with
14 this article.

15 (1) A person must apply for the permit using the application form provided
16 by the director, pay a non-refundable permit application fee set by
17 ordinance, and demonstrate, to the director's satisfaction, compliance
18 with this article.

19 (2) A person holding a permit shall apply for a renewal no later than the
20 30th day before the expiration date of the person's existing permit, pay a
21 non-refundable permit renewal application fee set by ordinance, and
22 demonstrate, to the director's satisfaction, compliance with this article.

23 (3) The person to whom a permit is issued shall prominently display the
24 permit on the watercraft or at the facility in a place visible to the public.

25 (4) Permits under this article expire one year after the date of their issuance
26 unless the director determines by administrative rule that permits may be
27 issued for a period of longer than one year before expiration.

28 (5) The director may revoke a permit for non-compliance with this article
29 and may, by administrative rule, set forth a process by which a permit
30 holder may challenge a permit revocation.

31 (B) The director may at any reasonable time inspect a watercraft, shore facility, or
32 boat pump-out facility to determine whether the watercraft, shore facility, or
33 boat pump-out facility complies with this article.

34 (C) A person in control of a watercraft, shore facility, or boat pump-out facility shall
35 provide, without unreasonably delay, access by the director to the watercraft,
36 shore facility, or boat pump-out facility.

1 (D) The owner or operator of a watercraft with a marine sanitation device or the
2 owner or operator of a boat pump-out facility must be certified as required by
3 Title 30 Texas Administrative Code, Chapter 321, Subchapter A (*Boat Sewage*
4 *Disposal*).

5 (E) A permit is not required for:

6 (1) the owner or operator of a boat pump-out facility that is part of a marina
7 located on or adjacent to Lake Travis that is operating under a permit
8 from the Lower Colorado River Authority; or

9 (2) the owner or operator of an excursion boat operated exclusively on Lake
10 Travis at a marina facility subject to subsection (E)(1), and that is
11 certified as required under Title 30 Texas Administrative Code Chapter
12 321, Subchapter A (*Boat Sewage Disposal*).

13 **§ 6-5-36 PENALTY.**

14 (A) A person who violates a provision of this article commits an offense subject to
15 the penalty prescribed by Section 1-1-99 (Offenses; General Penalty).

16 (B) An offense under this article is subject to the fine applicable for an offense that
17 relates to public health and sanitation.

18 (C) Each occurrence of a prohibited act, and each day that an offense continues, is a
19 separate offense.

20 (D) Proof of a culpable mental state is not required for conviction of an offense
21 under this article.

22 **PART 2.** This ordinance takes effect on _____, 2015.

23 **PASSED AND APPROVED**

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27 _____, 2015

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§ _____

28 Steve Adler
29 Mayor

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32 **APPROVED:** _____
33 Anne L. Morgan
34 Acting City Attorney

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36 **ATTEST:** _____
37 Jannette S. Goodall
City Clerk