

**CITY OF CORINTH, TEXAS
ORDINANCE NO. 23-04-06-15**

AN ORDINANCE OF THE CITY OF CORINTH, TEXAS, AMENDING TITLE V: "PUBLIC WORKS" CHAPTER 50: "WATER AND SANITARY WASTEWATER SYSTEMS", TO ADOPT A NEW SECTION 50.50, "LIQUID WASTE" OF CHAPTER 50, TITLE V, OF THE CITY OF CORINTH CODE OF ORDINANCES, SETTING FORTH UNIFORM REQUIREMENTS FOR LIQUID WASTE GENERATORS AND LIQUID WASTE TRANSPORTERS OPERATING WITHIN THE CITY AND RELATING TO SANITARY WASTEWATER REGULATIONS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AMENDMENTS, INCLUDING REGULATIONS TO AID IN PREVENTING WASTEWATER OVERFLOWS FROM BLOCKAGES DUE TO ACCUMULATION OF FATS, OILS AND GREASE, TO PROMOTE PROPER MAINTENANCE OF GREASE INTERCEPTORS AND GRIT TRAPS, TO ENSURE PROPER HANDLING, DISPOSAL, TRANSPORT, AND TRACKING OF TRAP WASTE AND OTHER LIQUID WASTE; PROVIDING FOR CRIMINAL PENALTIES WITH A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) PER DAY FOR EACH DAY OR PART OF A DAY THAT A VIOLATION EXISTS OR CONTINUES; PROVIDING CIVIL PENALTIES IN ACCORDANCE WITH STATE LAW AND PROVIDING OTHER ENFORCEMENT MECHANISMS; AUTHORIZING THE COLLECTION OF RELATED FEES AS ADOPTED BY THE CIYT OF DENTON TEXAS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING SAVINGS; PROVIDING FOR CIVIL PENALTIES AND A CRIMINAL PENALTY NOT-TO-EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH DAY OR PART OF A DAY THAT A VIOLATION OCCURS AND/OR CONTINUES; ; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Corinth is a home rule municipality and pursuant to its Charter and state law; and

WHEREAS, the City must adopt uniform requirements for liquid waste generators and liquid waste transporters operating in the City to comply with all applicable State and Federal laws and regulations, including the Clean Water Act (33 United States Code § 1251 et seq), and applicable administrative regulations; and

WHEREAS, Pursuant to the Texas Water Code and the regulations of the Texas Commission on Environmental Quality, it is advisable that the City adopt regulations related to liquid waste.

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WHEREAS, the City of Corinth discharges to the City of Denton and to UTRWD, each of which require compliance with their respective ordinances and regulations and requirement the payment of certain fees; and

WHEREAS, in order to comply with requirements of the Denton and UTRWD, the City has determined it necessary to adopt this Ordinance.

WHEREAS, the City has determined it is in the best interest of human health, the environment, and general welfare of the public to amend the City Code of Ordinances to adopt uniform requirements for liquid waste generators and liquid waste transporters and enable the City to enforce such regulations.

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

SECTION 1

INCORPORATION OF PREMISES

That the foregoing recitals are findings of the Corinth City Council and are incorporated into this Ordinance as if written word for word.

SECTION 2

AMENDMENTS

The City Code of Ordinances is hereby amended to enact Title V: “Public Works” Chapter 50: Water and Sanitary Wastewater Systems, Adopting Section 50.50 “Liquid Waste” and to be read in its entirety as follows, and all other subparagraphs and subsections of Title V, “Public Works” not specifically amended hereby shall remain in full force and effect without amendment:

§ 50.50 LIQUID WASTE

A. Purpose and Policy:

- 1) Set forth uniform requirements for liquid waste generators and liquid waste transporters operating in the City and enables the City to comply with all applicable State and Federal laws and regulations, including the Clean Water Act (33 United States Code § 1251 et seq)
- 2) Objectives:
 - a. To aid in the prevention of sanitary sewer overflows resulting from blockages and obstructions due to the accumulation of fats, oils , and grease from commercial and industrial facilities;
 - b. To promote the proper maintenance of grease interceptors and grit traps; and

- c. To ensure the proper handling, disposal, transport and tracking of trap waste and other liquid waste.

B. Applicability and Prohibitions:

- 1) Section § 50.50 LIQUID WASTE shall apply to all Users of Publicly Owned Treatment Works (POTW), as defined in this section.
- 2) Grease traps or grease interceptors shall not be required for residential users.
- 3) Facilities generating fats, oils, or grease as a result of food manufacturing, processing, preparation or food service shall install, use, and maintain appropriate grease traps. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels, motels, schools, nursing homes, and any other facility preparing, service, or otherwise making any foodstuff available for consumption.
- 4) It shall be unlawful for a user to intentionally or unintentionally allow the discharge of any petroleum oil, non-biodegradable cutting oil, mineral oil, or any fats, oils, or grease of animal or vegetation origin into the POTW in concentrations greater than those promulgated in state or federal law, rule or regulations, or local ordinance, including without limitation the City of Denton
- 5) It shall be unlawful to discharge trucked or hauled pollutants, except as deemed suitable and at discharge points designated by the city manager or their designee.
- 6) It shall be unlawful for a person to create a public nuisance.

C. Definitions:

The definitions in other parts of the Code of Ordinances are hereto applicable.

- 1) *Approved* - Accepted as satisfactory under the terms of this article and given formal and official sanction by the City of Denton.
- 2) *Car Wash* - Establishments primarily engaged in cleaning, washing, and/or waxing automotive vehicles, such as passenger cars, trucks, vans, and trailers and are categorized by North American Industry Classification System number 811192 and by Standard Industrial Classification number 7542.
- 3) *Chemical Oxygen Demand (COD)* - The value of the test for chemical oxygen demand, as analyzed in accordance with 40 CFR § 136.3.
- 4) *City* – City of Corinth, Texas
- 5) *Director* - The Director of Public Works of the City, which may include a person appointed by the Director, City Manager or their respective designee.
- 6) *Disposal* - The discharge, deposit, release, injection, dumping, spilling, leaking, or placing of any liquid waste into or on any land or water so that such waste or any constituent thereof may enter the environment, be emitted into the air or discharged to any sewers or waters, including ground waters.
- 7) *Disposal Site* - A permitted site or part of a site at which liquid waste is processed, treated, and/or intentionally placed into or on any land and at which the waste will remain after site closure.
- 8) *Disposer* - A person who receives, stores, retains, processes, or disposes of liquid waste.

- 9) *Fat, Oil, And Grease (FOG)* - Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."
- 10) *Food Service Facility* - Every food preparation and food service establishment including, but not limited to bakeries, bars, butcher shops, cafes, clubhouses, delicatessens, ice cream parlors, hospitals, hotels, restaurants, schools, or similar places where meat, poultry, seafood, dairy products, or fried foods are prepared, served, or offered for sale, but shall not apply to any single-family residence or dwelling not used for the commercial preparation and sale of food items.
- 11) *Liquid Waste Generator* - Any person who causes, creates, generates, or otherwise produces liquid waste, or a person who for any reason has a liquid waste removed from his property by a transporter of liquid waste.
- 12) *Grease Interceptor (or "Grease Trap")* - A device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases prior to the wastewater entering the sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection system.
- 13) *Grease Interceptor Waste* - Any organic, inorganic, greasy or fatty liquid, semi-liquid, and/or solid wastes collected by and removed from a grease trap.
- 14) *Grit Trap/Oil Separator (or "Grit Trap")* - A watertight receptacle designed and constructed to intercept and prevent the passage of petroleum-based oil, grease wastes and solids into the sanitary sewer system to which the receptacle is directly or indirectly connected.
- 15) *Grit Trap Waste* - Oil and grease waste, inorganic solids generated by a commercial facility that are collected by and removed from a grit trap.
- 16) *Liquid Waste* - Water-borne solids and liquids containing dissolved or suspended waste material including but not limited to septage and wastes from grease traps and grit traps.
- 17) *Hazardous Waste* - Any liquid, semi-liquid or solid waste (or combination of wastes), which because of its quantity, concentration, physical, chemical or infectious characteristics may:
 - a. Have any of the following characteristics: toxic, corrosive, and irritant, a strong sensitizer, flammable or combustible, explosive or otherwise capable of causing substantial personal injury or illness;
 - b. Pose a substantial hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed, and is identified or listed as a hazardous waste as defined by the Texas Solid Waste Disposal Act or the administrator, U.S. Environmental Protection Agency (EPA) pursuant to the Federal "Solid Waste Disposal Act", as amended by the: Resource Conservation and Recovery Act of 1976" (RCRA), and as it may be amended in the future.

- 18) *Manifest* - The written multi-part documentation required to be in the possession of the transporter enabling disposal of hauled grit trap waste, grease trap waste, and septage at a permitted or registered disposal site.
- 19) *Manifest System* - A system consisting of a five-part trip ticket used to document the generation, transportation and disposal of liquid waste.
- 20) *Person* - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.
- 21) *Public Nuisance* - The discharge or exposure of grease, sewage or other organic waste in such a way as to be a potential instrument or medium in disease transmission to a person or between persons.
- 22) *Publicly Owned Treatment Works or "POTW"* - A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
- 23) *Section* – Section 50.50, et seq. of Chapter 50, "Water and Sanitary Wastewater System" of Title V: "Public Works" of the Code of Ordinances of the City of Corinth, Texas, as amended.
- 24) *Septage* - Liquid waste and sludge containing sufficient liquid content, which is removed from a portable toilet, chemical toilet, septic tank, or cesspool. Septage does not include non-domestic wastes from commercial or industrial facilities.
- 25) *TCEQ* - The Texas Commission on Environmental Quality, and its predecessor and successor agencies.
- 26) *Transporter* - Any person who is registered with and authorized by the TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste in accordance with 30 Texas Administrative Code, Chapter 312, Subchapter G, Section 312.42.
- 27) *Trip Ticket* - The shipping document originated and signed by the transporter that contains the information required by the approving authority.
- 28) *Wash Water* - The water-borne solids, liquids, gaseous substances or other residue and debris resulting from a washing or cleaning process. Wash water shall not be discharged to the storm sewer and may require pretreatment before being discharged to the sanitary sewer.
- 29) *Wash Water Operation* - Any cleaning process generally conducted outdoors, such as washing vehicles, equipment, structures, or paved surfaces for maintenance, safety, aesthetic, or stormwater pollution prevention purposes, and which generates wash water. Examples would include cleaning of petroleum products from parking lots or service station drives, mobile washing operations or equipment/vehicle washing, which does not drain to a grit trap.

D. Liquid Waste Generators:

1) New Facilities

- a. Food processing facilities or food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grease trap in accordance with locally adopted plumbing codes or other applicable ordinances. Grease traps shall be installed and inspected prior to issuance of a certificate of occupancy.
- b. Facilities which perform washing, cleaning, or servicing of automobiles, trucks, buses, or similar equipment which are newly proposed or constructed with floor drains in areas of operation, shall be required to design, install, operate and maintain a grit trap/oil separator in accordance with locally adopted plumbing codes or other applicable ordinances and written guidelines as required by the City. Grit traps/oil separators shall be installed and inspected prior to issuance of certificate of occupancy.

2) Existing facilities

- a. Existing grease traps or grit traps/oil separators must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these standards referenced herein, unless specified in writing and approved by the POTW. Other commercial users may be required by the city manager to install an approved grease trap, grit trap/oil separator when the concentration of oil, grease waste or suspended solids is greater than concentrations promulgated in article V, chapter 26 of the City of Denton Code of Ordinances, as amended, or when discharges may cause blockages in the wastewater collection system.
 - b. Existing food processing or food service facilities that change in ownership, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist or where there is an inadequately sized grease interceptor, shall be required to design, install, operate and maintain a grease interceptor in accordance with locally adopted plumbing codes, or other applicable ordinances. Grease interceptors shall be installed and inspected prior to the issuance of a certificate of occupancy and a health permit.
 - c. Existing facilities which perform washing, cleaning, or servicing of automobiles, trucks, buses, or similar equipment with floor drains in the areas of operation that change in ownership or are expanded or renovated to include floor drains in areas of operation shall be required to design, install, operate and maintain a grit trap/oil separator in accordance with locally adopted plumbing codes, or other applicable ordinances. Grit traps/oil separators shall be installed and inspected prior to the issuance of a certificate of occupancy.
- 3) A generator shall install a sample port to allow access to sample the waste-stream as close as possible to the connection with the city sanitary sewer main within the bounds of the facility property. The port shall be installed according to the specifications of the city manager. The port shall be installed and maintained at the user's expense. The

port shall be installed perpendicular to the effluent flow to allow visual observation and sampling.

- 4) Grease interceptors and grit traps/oil separators shall be installed pursuant to a single certificate of occupancy. No person or persons shall allow the use of a single interceptor or trap by more than one business as defined by a certificate of occupancy without prior written approval.

E. Responsibilities:

- 1) A generator of liquid waste shall have all liquid waste material picked up from his premises by a liquid waste transporter who holds a valid permit from the city, and the liquid waste shall be transported to an approved site for disposal.
- 2) Cleaning schedule.
 - a. Grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease interceptor; that the discharge is in compliance with local wastewater discharge limits; and, to ensure that no visible grease is observed in the discharge.
 - b. Grease interceptors shall be completely evacuated at a minimum of every ninety (90) days, or more frequently when:
 - i. Twenty-five (25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases;
 - ii. The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the city manager; or,
 - iii. If there is a history of noncompliance.
- 3) Grit traps/oil separators shall be completely evacuated based on one (1) of the two (2) following schedules:
 - a. At a minimum of every one hundred eighty (180) days, or
 - b. At a frequency determined by the owner/operator if all of the following best management practices are employed:
 - i. At a minimum of once per week, all facilities with a grit trap must be routinely checked and perform preventive maintenance as required on all connections, valves, hoses, chemical storage containers, drains, and other equipment necessary to prevent an accidental release or slug discharge of chemicals.
 - ii. At a minimum of once per month, all facilities with a grit trap must routinely check the level of sediment in each grit trap in order to determine a maintenance schedule that will facilitate consistent compliance with all discharge limits and requirements.
 - iii. All self-service and coin-operated car wash facilities must post and maintain signs, in an area that is clearly visible to the public, directing customers not to dispose of oils or chemical wastes at the facility.

- iv. All facilities must document the best management practices, including routine checks, preventive maintenance and repair logs, and maintain grit trap maintenance records for a minimum of three years.
 - v. If at any time, the above practices are not being employed or the required documentation is not available for review, the owner/operator will be required to perform maintenance on the grit trap(s) immediately and once every one hundred eighty (180) days thereafter.
- 4) Any person who owns or operates a grease interceptor may submit to the city manager a request in writing for an exception to the required pumping frequency of the grease interceptor. The city manager may grant an extension for required cleaning frequency on a case-by-case basis when:
 - a. The grease interceptor owner/operator has demonstrated the specific interceptor will produce an effluent with no visible grease, and based on defensible analytical results, can demonstrate consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW; and
 - b. Less than twenty-five (25) percent of the wetted height of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.
- 5) The City Manager may also require traps to be serviced on a single-event basis or scheduled basis if deemed necessary for the proper operation of the grease interceptor or grit trap/oil separator.
- 6) In the event that the establishment ceases operation, the establishment is required to pump the interceptor or trap before abandoning the property. If the owner of the business fails to empty the interceptor or trap, it shall become the responsibility of the property owner.
- 7) A Liquid Waste Generator shall not have hazardous waste or liquid waste in combination with hazardous waste removed from his premises by a liquid waste hauler operating under a city permit.
- 8) A Liquid Waste Generator shall verify the accuracy of the trip ticket from the transporter and then legibly complete and sign the trip ticket, to certify the statements on the trip ticket, when a load is picked up by the transporter. The generator shall keep a copy of all trip tickets for a period of three years at the site of generation, unless otherwise approved. The City Manager may inspect and copy these records at any time.
- 9) A Liquid Waste Generator shall:
 - a. Provide equipment and facilities of a type and capacity approved by the City;
 - b. Locate the interceptor or trap in a manner that provides ready and easy accessibility for cleaning and inspection;
 - c. Maintain the trap in effective operating condition.
 - d. Not install or utilize any system, process or pretreatment involving the use of enzymes, bacteria, or other additives, nor alter the design or function of the

grease interceptor or grit trap/oil separator unless approved in writing by the City Manager; and

- e. Supervise proper cleaning and complete removal of the contents of the trap.
- 10) A Liquid Waste Generator shall maintain the grease interceptor or grit trap/oil separator and its surrounding areas in sanitary conditions, free of litter and odors.
- 11) A Liquid Waste Generator shall immediately report spills and accidents involving liquid waste to the City Manager.
- 12) A Liquid Waste Generator shall clean up all spills and abate all unsanitary conditions immediately, and have material used for abatement, such as absorbent materials, disposed of by approved means and in a timely manner.
- 13) A Liquid Waste Generator of Wash Water or other liquid waste shall:
 - a. Contain, collect and dispose of liquid waste by approved means;
 - b. Protect the storm sewer system and the environment from discharges of liquid waste or other contaminants;
 - c. Use approved methods for on-site or mobile treatment of liquid waste; and
 - d. Accurately measure, by approved means, the volume of liquid waste collected and disposed of by the transporter.
- 14) Rates for sampling and/or analysis. Should any sampling and/or analysis be required by city staff pursuant to any provision in this article provided for generators, then the published rate for "sampling/analysis charges" that is contained in the City Fee Schedule is applicable and will be charged and shall be paid by the generator.

F. Liquid Waste Transporters:

Permit Required

- 1) Permit required. All persons owning or operating a vacuum truck, cesspool pump truck, liquid waste transport truck or other vehicle shall not service any septic tank, seepage pit, grease interceptor, grit trap/oil separator, or cesspool without first having received a valid transport truck discharge (TTD) permit or as required in the Code of Ordinances of the City, whichever is applicable.
- 2) Permit fee. TTD permits shall be issued by the City of Denton upon proper application and payment of a fee established by the Denton city council and on file in the office of the Denton city secretary. All TTD permits shall be valid for one year.
- 3) Unloading or discharge of waste or wastewater. It shall be unlawful for any person to unload or discharge waste or wastewater except in a manner and at a place designated by the City of Denton pursuant to the requirements adopted by the City of Denton.
- 4) Rates for discharge. Any person discharging waste under a TTD permit under the provisions of this Section shall pay all applicable fees and comply with all requirements of the City of Denton.
- 5) Rates for sampling and/or analysis. Costs of sampling and analysis shall be paid to the City of Denton in accordance with Denton's adopted fee schedule.

G. Manifest Requirements:

- 1) Persons who generate, collect, and transport grease interceptor and grit trap/oil separator waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:
 - a. Name, address, telephone, and TCEQ registration number of transporter;
 - b. Name, signature, address, and telephone of the person who generated the waste and the date collected;
 - c. Type and amount(s) of waste collected or transported;
 - d. Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;
 - e. Date and place where the waste was deposited;
 - f. Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
 - g. Name and signature of the facility on-site representative acknowledging receipt of the waste;
 - h. The volume of the waste received;
 - i. A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.
- 2) Transporters shall obtain manifests from the City of Denton as required by ordinances and regulations of the City of Denton.
- 3) Copies of manifests returned to the waste generator shall be retained for three (3) years and be readily available for review.

H. Responsibilities:

- 1) Each grease interceptor or grit trap/oil separator that is pumped shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so that the trap is fully evacuated within a twenty-four-hour period, in accordance with 30 Texas Administrative Code, Chapter 312, Section 312, as amended.

I. Enforcement Actions:

- 1) Notice of violation. When the responsible official for the City of Denton finds that a generator or transporter has violated, or continues to violate, any provision of this Section of Chapter V, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, Denton official may serve upon that generator or transporter a written notice of violation. Within the timeframe specified in this notice, which is usually but not always ten (10) days, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the generator or transporter to the Denton official. Submission of this plan in no way relieves the generator or transporter of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the City of Denton to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

2) Administrative orders.

- a. Compliance orders. When the responsible official for the City of Denton finds that a generator or transporter has violated, or continues to violate, any provision of this Section, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city manager may issue an order to the generator or transporter responsible for the discharge directing that the generator or transporter come into compliance within a specified time. If the generator or transporter does not come into compliance within the time provided, sewer service may be discontinued, or a permit issued pursuant to this chapter may be revoked. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the generator or transporter of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the generator or transporter.
 - b. Cease and desist orders. When the responsible official for the City of Denton finds that a generator or transporter has violated, or continues to violate, any provision of this Section a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the generator's or transporter's past violations are likely to recur, the city manager may issue an order to the generator or transporter:
 - i. directing it to cease and desist all such violations; and
 - ii. Immediately comply with all requirements; and
 - iii. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- 3) Service of notice or order. Any notice or order issued under this Section shall be in writing and served in person or by registered or certified mail on the generator or transporter of the liquid waste or other persons determined to be responsible for such violation. Issuance of a cease-and-desist order shall not be a bar against, or a prerequisite for, taking any other action against the generator or transporter.
- 4) Appeals. Any person may appeal an order of an official of the City of Denton by filing a written notice of appeal with the Denton City Manager on forms provided by the City of Denton Utilities Administration Office. Such notice of appeal shall be filed with the city secretary within ten (10) days of service of the order.
- 5) Termination of service and revocation of permit. If no timely appeal is filed, the responsible official for the City of Denton may, if a violation is continuing or reoccurring or may reoccur, terminate wastewater service or revoke the permit of the person ordered to correct or abate such violation if such violation has not been corrected or abated within the time specified in such order.
- 6) Emergency suspension of service.

- a. Suspension. The responsible official for the City of Denton may, without prior notice, suspend water service, sanitary sewer service and/or storm sewer access to a user or to a person discharging to the sanitary sewer or storm sewer when such suspension is necessary in the opinion of the city manager to stop an actual or threatened discharge which:
 - i. Presents or may present imminent substantial danger to the environment or to the health or welfare of persons or the public;
 - ii. Presents or may present imminent substantial danger to the POTW, storm sewer or waters of the state; or
 - iii. Will cause pass through or interference of the POTW.
 - b. Notice of suspension. As soon as is practicable after the suspension of service, the responsible official for the City of Denton shall notify the user or the person discharging to the wastewater or storm sewer of the suspension and order such person to cease the discharge immediately.
 - c. Reinstating service. The responsible official for the City of Denton shall reinstate suspended services to the wastewater user or to the person discharging to the storm sewer:
 - i. Upon proof by such person that the non-complying discharge has been eliminated;
 - ii. Upon payment by such person of its outstanding water, sewer and stormwater utility charges;
 - iii. Upon payment by such person of all costs incurred by the city in responding to the discharge or threatened discharge; and
 - iv. Upon payment by such person of all costs incurred by the city in reconnecting service and penalties assessed against such person in accordance with this Section or other state law.
 - d. Written statement. Within five (5) days of the day of suspension of services, the wastewater user or the person discharging to the storm sewer shall submit to the responsible official for the City of Denton a detailed written statement describing the cause of the discharge and the measures taken to prevent any future occurrence.
- 7) Right to hearing. A person whose service has been suspended under this section may apply to the department which suspended service for a hearing on the issue of the suspension. The hearing shall be conducted in accordance with the ordinances of the City of Denton.
 - 8) Other steps. If a person fails to comply with a notice or order issued under this section, the responsible official for the City of Denton shall take such steps as it deems necessary to prevent or minimize damage to the storm sewer, POTW or waters of the state, or to minimize danger to persons. Such steps may include immediate severance of a person's sanitary sewer connection.
 - 9) Hearing and determination. A hearing shall be provided in accordance with the regulations contained in the ordinances of the City of Denton.

- a. Should the appellant fail to comply with the order of the City of Denton, in addition to any other remedy provided for in this Section of Chapter V, the City of Denton may terminate sewer service to the appellant.

J. Enforcement/Penalties:

- 1) **City Manager.** The City Manager of Corinth, or his designee, in cooperation with the City of Denton, shall be authorized to enforce the provisions of this Section 50.50.
- 2) **City Attorney.** The city attorney of Denton is authorized to commence an action for appropriate legal or equitable relief in a court of competent jurisdiction. Such relief may include, without limitation:
 - a. An injunction to prevent a violation of this Section
 - b. Recovery for damages to the POTW, storm sewer, or drainage channels resulting from a violation of this Section;
 - c. Recovery for expenses incurred by the city in responding to a violation of this Section;
 - d. A daily civil fine of up to the maximum provided by Texas Local Government and set forth herein, for a violation of this Section; and
 - e. all other damages, costs, and remedies to which the city may be entitled at law or in equity.
- 3) **Criminal Penalty.** Any person, firm or corporation who intentionally, recklessly, or knowingly violates any provision of this Section or of Chapter V of the Code of Ordinances of the City, as amended hereby, that governs the public health and sanitation, or fails to comply therewith or with any requirements thereof, or a permit or certificate issued thereunder, shall upon conviction be guilty of a misdemeanor punishable by a daily fine of an amount not-to-exceed two thousand dollars (\$2,000) per day, as provided by Section 54.001(b) of the Texas Local Government Code, as amended.
- 4) **Civil Penalty.** Any person or entity who intentionally, knowingly or recklessly violates any provisions of this ordinance that relates to point source effluent limitations, or discharge of a pollutant, other than from a non-point source, into a sewer system, including sanitary or storm sewer system owned by the City and/or for which the City utilizes as its system , shall be guilty of and subject to a daily civil penalty not to exceed the sum of five thousand dollars (\$5,000) per day, pursuant to Chapter 54 of the Texas Local Government Code. As amended,
- 5) **Separate Offense.** Each such person or entity shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this ordinance is committed or continued, and upon conviction or adjudication of any such violations such person shall be punished within the limits provided herein.“

SECTION 3

CUMULATIVE REPEALER

This Ordinance shall be cumulative of all other Ordinances of the City of Corinth and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct

conflicts with the provisions of this Ordinance or where expressly repealed hereby. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 4

SEVERABILITY

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 5

SAVINGS

In the event of a conflict between the provisions of this Ordinance and any other regulation or rule prescribed by Charter, another ordinance, resolution or other authorization of the City, the provisions of this Ordinance shall control. Notwithstanding the foregoing, all rights and remedies of the City are expressly saved as to any and all complaints, actions, claims, or lawsuits, which have been initiated or have arisen under or pursuant to such conflicting Ordinance, or portion thereof, on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the conflicting Ordinance shall remain in full force and effect.

SECTION 6

PENALTY

Any person, firm or corporation who violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, that governs the public health and sanitation, or fails to comply therewith or with any requirements thereof, or a permit or certificate issued thereunder, shall be guilty of a misdemeanor punishable by a daily fine of not-to-exceed two thousand dollars (\$2,000) per day, as provided by Section 54.001(b) of the Texas Local Government Code; and

Civil Penalty. Any person or entity who shall violate any provisions of this ordinance that relates to point source effluent limitations, or discharge of a pollutant, other than from a non-point source, into a sewer system, including sanitary or storm sewer system owned by the City and/or for which the City utilizes as its system, shall be guilty of and subject to a daily civil penalty not to exceed the sum of five thousand dollars (\$5,000) per day, pursuant to Chapter 54 of the Texas Local Government Code. As amended; and

Separate Offense. Each such person or entity shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this ordinance is committed or continued, and upon conviction or adjudication of any such violations such person shall be punished within the limits provided herein.

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SECTION 7

PUBLICATION/EFFECTIVE DATE

This Ordinance shall take effect upon its publication as required by law. The City Secretary is directed to publish the caption and penalty of this Ordinance as required by the City Charter and state law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS on this 6th day of April, 2023.

APPROVED:

DocuSigned by:
Bill Heidemann
AC74FAA88CA6468...

Bill Heidemann, Mayor

ATTEST:

DocuSigned by:
Lana Wylie
D77DD89FB0C3473...

Lana Wylie, City Secretary



APPROVED AS TO FORM:

DocuSigned by:
Patricia Adams
B5BAF55D871D428...

Patricia A. Adams, City Attorney