

ORDINANCE NO. 2018-4202

AN ORDINANCE AMENDING THE CODE OR ORDINANCES OF THE CITY OF EDINBURG, TEXAS, TITLE IX GENERAL REGULATIONS CHAPTER 98. STREETS AND SIDEWALKS IS HEREBY AMENDED BY RENAMING SECTION 98.30 "ILLCITE DISCHARGE AND STORMWATER CONNECTION" TO SECTION 98.30 "STORMWATER/ILLCIT DISCHARGE/EROSION CONTROL" TO REGULATE AND REDUCE POLLUTION THAT ENTERS THE WATERS OF THE STATE OF TEXAS AND THE UNITED STATES BY WAY OF THE CITY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM, PROVIDING FOR THE DETECTION AND ELIMINATION OF ILLICIT CONNECTIONS TO THE STORM SEWER SYSTEM, REQUIRING EROSION CONTROL AT CONSTRUCTION SITES, REQUIRING IMPLEMENTATION OF POST-DEVELOPMENT PRACTICES THAT REDUCE THE AMOUNT OF CONTAMINATION IN STORMWATER RUN-OFF, ESTABLISHING PENALTIES AND PROVIDING AN EFFECTIVE DATE. PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS VIOLATION IN ACCORDANCE WITH SECTION 10.99 OF THE CODE OF ORDINANCES; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE: PROVIDING FOR CODIFICATION; PROVIDING A WAIVER OF THE THREE (3) SEPARATE READINGS; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City of Edinburg, a municipality of the State of Texas, may adopt and enforce ordinances necessary to protect health, life, property and the general welfare of the City and its residents and visitors; and

WHEREAS, pursuant to the Clean Water Act and Texas Pollution Discharge Elimination System General Permit TXR040323, the City of Edinburg is required to develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from the City's streets, gutters, ditches, and storm drains to the waters of the United States and the waters of Texas, the maximum extent practicable; and

WHEREAS, the City's stormwater management program must include these minimum control measures: (1) public education and outreach on storm water impacts; (2) public involvement and participation; (3) illicit discharge detection and elimination; (4) construction site storm water runoff control; (5) post-construction storm water management in new development and redevelopment; and (6) pollution prevention and good housekeeping for municipal operations; and

WHEREAS, implementation of best management practices consistent with the provisions of the City's storm water management program constitutes compliance with the standard of reduction of pollutants to the "maximum extent practicable"; and

WHEREAS, the Texas Commission on Environmental Quality in 2003 estimated that a ninety percent (90%) reduction in nitrogen, phosphorous, biological oxygen, demanding substances and sediment will be necessary to meet aquatic life water quality standards, and

WHEREAS, other sources of pollution that may contaminate storm water include erosion of disturbed land at construction sites, the deliberate or inadvertent discharge of material or substances other than storm water directly in to storm drains and storm water run-off from roof tops, parking lots, and yards and lawns treated with excess fertilizer and pesticides; and

WHEREAS, natural materials such as leaves and grass clippings are beneficial to gardens and soil as mulch and a soil amenity but constitute pollution when they enter waterways because the decomposition of these materials consumes oxygen in the water; and

WHEREAS, improper management of storm water and erosion taxes the capacity of drainage infrastructure and results in additional maintenance needs and expenses; and

WHEREAS, the City of Edinburg recognizes that protecting and improving water quality will contribute to an improved quality of life and the general welfare of the residents of Edinburg;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF EDINBURG, THAT:

SECTION 1: AUTHORITY OF LAW. All requirements of the law have been met in the passing of this Ordinance.

SECTION 2. The Code of Ordinances of the City of Edinburg, Texas, Title IX. General Regulations, Chapter 98. Streets and Sidewalks, is hereby amended by removing §98.30. Illicit Discharge and Stormwater Connection, and adopting "Stormwater/Illicit Discharge/Erosion Control," which shall read in its entirety as follows.

"STORMWATER/ILLICIT DISCHARGE/EROSION CONTROL

§ "STORMWATER/ILLICIT DISCHARGE/EROSION CONTROL

(A)- Purpose/Intent

It is the policy of the City of Edinburg and the intent of this ordinance to reduce pollution and contamination of stormwater entering the City's separate stormwater sewer system (MS4) to the greatest extent practicable. Discharge to the City's MS4 that causes or contributes to a violation of water quality standards or that fails to protect and maintain the aquatic life. New sources or new discharges to the City's MS4 of oxygen demanding substances, nutrients and sediments constituents of concern are not authorized by this ordinance unless otherwise allowable under 30 Texas Administrative Code Chapter 305.

B) DEFINITIONS

For the purpose of this Ordinance only, the following terms, words and phrases and their derivations shall have the meanings set forth below, except where the context clearly indicates a different meaning:

Best Management Practices (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices designed or intended to prevent or reduce the pollution of waters of the United States. BMP also includes treatment requirements, operating procedures, and practices designed or intended to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BOD (Biochemical Oxygen Demand) means the quantity of oxygen by weight, expressed in mg/l, utilized in the biological oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade.

Chlorinated Discharge means any discharge having a quantity of chlorine (free or total) that exceeds the Surface Water Quality Standard of the State of Texas.

City means the City of Edinburg, Texas.

Clean Water Act- (CWA) means the Federal Water Pollution Control Act, as codified at 33 U.S.C. 1251-1376 or (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).

Commercial Dumpster Washing means the washing of commercial garbage or rubbish dumpsters and the immediate area around them in order to remove putrescible animal and vegetable waste material or other debris from said areas and dumpsters.

Common Plan of Development or Sale means a construction activity that is completed in separate stages or phases, or in combination with other construction activities.

Composite means a sample used to determine average loadings or concentrations of pollutants. A composite can be developed based on time or flow.

Construction Activity (Small) means construction activities including clearing, grading, and excavation that result in land disturbance of one or more but less than five acres of land. Small construction activity also includes the disturbance of less than one acre of total land area that is a part of a large common plan of development or sale if the larger common plan will ultimately disturb one or more but less than five acres of land.

Construction Activity (Large) means construction activities that result in land disturbance of five or more acres of land. Large construction activity also includes the disturbance of less five acres of total land area that is part of a common plan of development or sale that will ultimately disturb five or more acres of land.

Construction Site Operator means the person or persons associated with a small or large construction project that meets either of the following two criteria:

- (1) the person or persons have operational control over construction plans and specifications including approval of revisions to the extent necessary to meet the requirements and conditions of TXR040000; or
- (2) the person or persons have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a storm water pollution prevention plan for the site.

Conveyance means streets, curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for drainage or flood control or to otherwise transport storm water runoff.

Discharge means the drainage, release, or disposal of pollutants in storm water and certain non-storm water from areas where land disturbing activities, construction materials, equipment storage or maintenance, or other industrial activities exist or occur.

Final Stabilization means a construction site where either of the following conditions are met:

- (a) All soil disturbing activities have been completed and uniform perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- (b) for individual lots in a residential construction site where either:
 - (i) the homebuilder completes temporary stabilization for an individual lot prior to the time of transfer of ownership of the home to the buyer and informs the homeowner of the need for, and benefits of, final stabilization; or
 - (ii) the homebuilder completes final stabilization as specified in subsection (a) above.
- (c) For construction activities on land used for agricultural purposes (e.g. pipelines across range land) final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to a surface water and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of subsection (a) above.

Ground Water Infiltration means groundwater that enters the MS4 (including storm sewer services connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

Illicit Connection means any human-made conveyance connecting an illicit discharge directly to the MS4.

Illicit Discharge means any discharge to the MS4 that is not entirely composed of storm water except discharges pursuant to TXR040323 or a separate authorization.

Industrial Activities means manufacturing, processing, material storage, waste material disposal areas and similar areas where storm water can contact industrial pollutants related to the industrial activity at an industrial facility described by the TPDES Multi-sector General Permit, TXR050000, by another TCEQ or TPDES permit.

Land Disturbance means any activity which involves the physical movement or disturbance of earth material by mechanized means. This includes any excavating, filling, stockpiling, clearance of vegetation, grading, compaction of soil, creation of borrow or combination thereof. Land disturbances does not include plowing, seeding, planting, cultivating, or harvesting activities on a farm, including lands that have been lying fallow as part of a conventional rotational cycle. Land disturbance does not include routine grading of existing dirt roads, asphalt overlays of existing roads, routine clearing of existing right-of ways or other similar maintenance activities.

Maximum Extent Practicable means the technology-based discharge standard for MS4s to reduce pollutants in storm water discharges established by the Clean Water Act.

Municipal separate storm sewer systems (MS4) means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains that are owned or operated by the City of Edinburg the Hidalgo County Irrigation District, Hidalgo County Drainage District, Hidalgo County or the Texas Department of Transportation.

MS4 Operator means, for the purpose of this ordinance, the City of Edinburg.

Point Source means a discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Pollutants of Concern means those pollutants identified as a cause of impairment of the State waters and including biochemical oxygen demand (BOD), and sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation).

Redevelopment means alterations of a property that changed the footprint of a site or building in such a way that there is a disturbance of one acre or more of land.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into ground-water, subsurface soils, surface soils, the municipal separate storm sewer system (MS4), the water of the state, or the waters of the United States.

Site Development Permit means a permit issued by the City for the alteration of the ground related to the construction or installation of utilities, streets, sidewalks, or structures designed to control erosion and run-off and other grading activities not related to a project that requires a building permit.

Storm Water Runoff means rainfall runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Management Program (SWMP) means a comprehensive program to manage the quality of discharges from Edinburg's MS4.

Structural Control or Practice means a pollution prevention practice that requires the construction or use of a device to capture or prevent pollution in storm water runoff. Structural controls and practices may include but are not limited to: wet ponds, bio-retention, infiltration basins, storm water wetlands, silt fences, earthen dikes, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

Surface Water in the State means lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state from the mean high water out 10.36 miles into the Gulf, 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 water courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be surface water in the state.

Waters of the United States means:

(a) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(b) all interstate waters, including interstate wetlands;

(c) all other waters such as intrastate lakes, rivers, streams, (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such water:

- (i) Which are or could be used by interstate or foreign travelers for recreational or other purposed;
- (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(iii) Which are used or could be used for industrial purposes by industries in interstate commerce.

(d) all impoundments of waters otherwise defined as waters of the US:

(e) tributaries of waters identified in paragraphs (a) through (d) of this definition;

(f) the territorial sea; and

(g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

(h) Waste treatment systems, including manmade treatment ponds, lagoons or wetlands designed to meet the requirement on CWA are not water of the United States.

Wetland means an area that is inundated or saturated by surface or ground-water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marches, bogs, and similar areas.

(C) Storm Runoff and Erosion Control at Construction Sites

The intent of this section is to implement and enforce a program to reduce pollutants in storm water runoff from construction activities (new development and redevelopment) to the City's MS4. All construction site operators must meet the following conditions at a minimum:

1. As a pre-condition to receiving a building permit, a construction site operator must prepare and submit a stormwater pollution prevention plan (SWP3).
2. For projects that do not require a building permit, but will require excavation, fill or grading such as the construction or installation of utilities, new drainage ways, streets, or sidewalks, a construction of utilities, new drainage ways, streets, or sidewalks, a construction site owner must prepare and submit a stormwater pollution prevention plan (SWP3).
3. No SWP3 is required to perform emergency work needed to protect life or property.
4. For construction sites that will disturb less than one acre of land, the following provisions apply:
 - (a) SWP3 will be prepared or submitted.
 - (b) Construction site operators are responsible for retaining all soil and sediment on-site and off of adjacent properties and the public right-of-way. This includes dust control and control of vehicle tracking of dirt off-site.
 - (c) Soil and sediment that leaves the construction site must be cleaned-up daily and returned to the site.

- (d) Proper provision for solid waste, construction debris and sanitary waste must be made and maintained.

For construction sites that will disturb five or more acres of land, the construction site operator shall submit to the City a copy of the Notice of Intent at the same time that it is submitted to TCEQ.

- 5. The operator of a facility, including a construction site, required to have a TPDES permit to discharge stormwater associated with industrial activity shall submit a copy of the notice of intent (NOI) to the City at the same time the operator submits the original notice of intent to the TCEQ as applicable. The copy of the notice of intent may be delivered to the City either in person or by mailing it to: City of Edinburg: Stormwater Program, 415 W University Drive, Edinburg TX 78540.

(D) Storm Water Pollution Prevention Plan (SWP3)

- 1. Prior to commencing any construction activity and prior to receiving a building or site development permit from the City, construction activity operators that qualify for coverage under TX General Permit TXR040000 shall:

- a) develop and submit for review and approval a SWP3 that covers the entire site;
- b) post a signed copy of the notice (attachment 1) at the construction site where it can be readily viewed and maintain the notice until completion of the construction activity and final stabilization of the site;
- c) ensure the project specifications allow or provide the adequate BMPs which may be developed and modified as necessary to meet the requirements as of the SWP3;
- d) ensure all contractors and sub-contractors are aware of the SWP3 requirements, and are aware that on-site personnel are responsible for the day-to-day implementation of and adherence to the SWP3, and are aware of who to contact concerning SWP3 requirements.

- 2. The SWP3 must:

- a) be completed and initially implemented prior to commencing construction activities that result in soil disturbance;
- b) provide for compliance with the terms and conditions of TXR040000;
- c) be retained on-site at the construction site or made readily available at the time of an on-site inspection by TCEQ, the EPA, or the City of Edinburg;
- d) be amended whenever there is a change in design, construction, operation, or

maintenance that can have a significant effect on the discharge of pollutants or that has not been previously addressed in the SWP3, or whenever inspections or investigations by site operators or TCEQ, EPA, or Edinburg stormwater enforcement indicate the SWP3 is ineffective in eliminating or minimizing pollutants in discharges; and

- e) be updated as necessary to reflect the changing conditions of new contractors, new areas of responsibility, and changes in best management practices;

(E) Issuance of Building Permit

Before authorizing the issuance of a building permit or a site development permit, the City will review the proposed site plan and SWP3, as well as construction documents, for compliance with this ordinance and TXR040000. The City's review of the site plan and SWP3 will include consideration of potential water quality impacts.

(F) City Inspection of Construction Site

The City of Edinburg or designees are hereby authorized to inspect construction sites and other land subject to this ordinance for the purpose of ensuring compliance and enforcement of control measures contained in this ordinance.

(G) Contents of Stormwater Pollution Prevention Plan

The Stormwater Pollution Prevention Plan (SWP3) required pursuant to this ordinance, the Clean Water Act, and TXR040000 must include the following information.

1. The SWP3 must include a project description which identifies, describes and includes the following:
 - a) the nature of the construction activity, potential pollutants and sources;
 - b) the intended schedule or sequence of major activities that will disturb soil from major portions of the site;
 - c) the number of acres of the entire construction site property and the total number of acres of the site where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas;
 - d) the soil type and the quality of any existing discharge from the site;
 - e) a map showing the general location of the site (e.g. a portion of a city or county map);
 - f) a detailed site map indicating the following:

- i. drainage patterns and approximate slopes anticipated after major grading activities;
 - ii. areas where soil disturbance will occur;
 - iii. areas which will not be disturbed;
 - iv. locations of all major structural controls either planned or in place;
 - v. locations where stabilization practices are expected to be used;
 - vi. locations of off-site material, waste borrow or equipment storage areas;
 - vii. surface waters (including wetlands) either adjacent or in close proximity; and
 - viii. locations where storm water discharges from the site directly to surface water body;
- g) the location and description of asphalt plants and concrete plants (if any) providing support to the construction site and that are also authorized under TXRO40000; and
- h) the name of receiving waters at or near the site that will be disturbed or that will receive discharges from disturbed areas of the project.
2. The following records must be either attached to or referenced in the SWP3 and made readily available upon request to the City of Edinburg, TCEQ or the EPA:
- a) the dates when major grading activities occur;
 - b) the dates when construction activities temporarily or permanently cease on a portion of the site; and
 - c) the dates when stabilization measures are initiated.
3. The SWP3 must identify and describe the best management practices that will be used, the general timing or sequence for implementation of such BMPs, and the party responsible for implementation. At a minimum, the description must include erosion and sediment controls designed to retain sediment on-site to the maximum extent practicable with consideration for local topography and rainfall.
- a) Control measures must be selected, installed, and maintained according to the manufactures or designer's specifications.
 - b) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%.

- c) If sediment escapes the site, accumulations must be removed at a frequency to minimize further negative effects and, whenever feasible, prior to the next rain event.
- d) Controls must be specified that limit offsite transport of litter, construction debris and construction materials.

4. The SWP3 must describe interim and permanent stabilization practices and a schedule of when the stabilization practices will be implemented. Site plans should ensure that existing vegetation is preserved where it is possible.

- a) Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, and protection of existing trees and vegetation.

- b) The following records must be either attached to or referenced in the SWP3 and made readily available upon request to the City of Edinburg, TCEQ or the EPA:

- i. the dates when major grading activities occur;

- ii. the dates when construction activities temporarily or permanently cease on a portion of the site; and

- iii. the dates when stabilization measures are initiated.

- c) Stabilization measures must be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and except as provided in (i) and (ii) below, must be initiated no more than fourteen (14) days after the construction activity in that portion of the site has temporality or permanently ceased.

- i. Where the initiation of stabilization measures is precluded by unseasonably arid conditions, drought, excessive rainfall, or other weather or climate conditions, stabilization measures must be initiated as soon as practicable.

- ii. Where construction activity on a portion of the site is temporary ceased but earth disturbing activities will be resumed within twenty-one (21) days, temporary stabilization measures do not have to be initiated on that portion of site.

5. The SWP3 must include a description of any structural control practices that will be used to divert flows away from exposed soils, to limit the contact of runoff with disturbed areas, or to lessen the off-site transport of eroded soils.

- a) Sediment basins are required where feasible for common drainage locations that serve an area with ten or more acres that are disturbed at any one time. Sediment basins may be either temporary or permanent, but must be designed to store either the calculated

volume for runoff from a 2-year, 24-hours storm, or designed to provide 3,600 cubic feet of storage per acre drained. When calculating the volume of runoff from a 2-year, 24-hour storm event, it is not required to include the flows from offsite areas and flow from onsite that are either undisturbed or have already undergone final stabilization, if these flows are diverted around both the disturbed areas of the site and sediment basin; In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area on-site, and public safety. Where sediment basins are not feasible, equivalent control measures which may include a series of smaller sediment basins must be used. At a minimum, silt fences, vegetative buffer stripes, or equivalent sediment controls are required for all down slope boundaries and for those side slope boundaries as dictated by individual site conditions of the construction area.

b) Sediment traps and sediment basins may be used to control solids in storm water runoff of drainage locations serving less than ten (10) acres. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of construction. Alternatively, sediment basin providing storage for a calculated volume of runoff from these areas for a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained may be provided.

6. The SWP3 must include a description of permanent controls (i.e...landscaping) that will be installed to control pollutants in storm water discharges that will occur after construction has been completed and the SWP3 must commit to ongoing maintenance to keep all erosion and sediment control and other protective measures identified in the SWP3 in effective operating condition.

7. Other Controls

a) The SWP3 must describe how off-site vehicle tracking of sediments and the generation dust will be minimized.

b) The SWP3 must include a description of construction and waste materials expected to be stored on-site and a description of controls to reduce pollutants from these materials.

c) The SWP3 must include a description of pollutant sources from areas other than construction (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

8. Site Inspections

a) The construction site operator shall provide for regular inspections by persons familiar with the SWP3 of the disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitations, all structural control measures, and locations where vehicles enter or exit the site for evidence of effectiveness and necessary maintenance. Inspections must occur at least

once every fourteen (14) calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater of precipitation.

* As an alternative, SWP3 may require that inspections will occur at least once every seven calendar days, in which case additional inspections are not required following each qualifying storm event. If this alternative schedule is developed, the inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection.

b) The construction site operator's representative must inspect all accessible discharge locations to determine if erosion control measures are effective in preventing visually noticeable changes to receiving waters, including persistent cloudy appearance in water color and noticeable accumulation of sediments. When discharge locations are inaccessible, nearby downstream locations must be direct to the extent that such inspections are practicable. The frequency for these inspections must be established in the SWP3 with consideration for local rainfall and soil, but must occur at least once during the construction activity if a discharge occurs.

c) The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWAP3 must be completed within seven calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in the SWP3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes must be implemented as soon as practicable.

d) A report summarizing the scope of the inspection, names and qualifications of personnel making the inspection, the dates of the inspection, and major observations relating to the implementation of the SWP3 must be made and retained as part of the SWP3. Major observations should include:

- i. the location of discharges of sediment or other pollutants from the site;
- ii. locations of BMPs that need to be maintained;
- iii. locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and
- iv. locations where additional BMPs are needed.

e) Actions taken as a result of inspection must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents on non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit.

9. The SWP3 must identify and ensure the implementation of pollution prevention measures for all eligible on storm water components of the discharge. All SWP3 will be presumed to prohibit:

- i. The discharge from the construction site of flow having a ph value of lower of 6.0 or higher than 10.5;
- ii. The discharge of any type of industrial waste from construction sites;
- iii. The off-site deposit of any garbage, rubbish, or yard waste other than at a facility licensed to receive such debris;
- iv. The discharge of paint or paint brush cleaning water or solvents or thinners or turpentine or any other combination thereof;
- v. Unused construction material or used construction materials or debris remaining on site after construction is completed. All on-site debris shall be properly disposed of in a landfill within thirty (30) days from the occupancy of the structure; and
- vi. The washing of any type of trucks, including, but not limited to, ready mix trucks or material supply trucks on or around the construction site.

(H) Effective Date of Coverage

Operators of construction activities eligible for coverage under TXR04000 are authorized to discharge storm water associated with construction activity 48 hours upon issuance of the building permit or site development permit by the City.

(I) Retention of Records

The construction site operator must retain a copy of the SWP3 and all reports and actions required by this ordinance and TXR04000 for a minimum period of three years from the date that final stabilization has been achieved on all portions of the site.

(J) Enforcement of Stormwater Ordinance

The City is authorized by this section to enter and inspect facilities subject to regulation.

- a) The City Manager or designee is authorized by this section to enter and inspect facilities subject to regulation under this ordinance.
- b) Facility operators shall allow the City of Edinburg representatives ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES or TPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

c) The City of Edinburg representatives shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City Manager or designee to conduct monitoring and/or sampling of the facility's stormwater discharge.

d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City Manager or designee and shall not be replaced. The costs of clearing such access shall be borne by the operator.

e) Unreasonable delays in allowing the City Manager or designee access to a permitted facility is a violation of the stormwater discharge permit and of this article. A person who is the operator of a facility with a NPDES or TPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the City of Edinburg reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article. The operator of a facility, including construction sites, required to have a NPDES or TPDES permit to discharge stormwater associated with industrial activity shall submit a copy of the notice of intent (NOI) to the City at the same time the operator submits the original notice of intent to the EPA or the TCEQ as applicable.

The copy of the notice of intent may be delivered either in person or by mailing it to: City Edinburg ATT: STORMWATER 415 W University Drive, Edinburg, Texas 78540

(K) Modification of Stormwater Pollution Prevention Plans

a) The City Manager or designee may require any operator of a facility to modify the facility's stormwater pollution prevention plan if in reasonable judgment of the city administration, the SWP3 does not comply with the requirements of the facility's NPDES or TPDES permit to discharge stormwater associated with industrial activity.

b) The deficiencies in a facility's SWP3 will be specified in writing, and the City of Edinburg or designee will give the facility operator a reasonable amount of time, not to exceed thirty (30) days, to make the necessary changes in the SWP3.

(L) Discharge Prohibitions

Prohibition of Illegal Discharges

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited and prohibition expressly includes illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection, except as follows:

a) The following discharges are exempt from the discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if de-chlorinated - typically less than one PPM chlorine), firefighting activities, and any other water source not containing Pollutants.

b) Discharge specified in writing by the authorized enforcement agency as being necessary to protect public health and safety is exempt from this ordinance.

c) Dye testing is an allowable discharge, but requires authorization by the authorized enforcement agency prior to the time of the test.

d) The Prohibition shall not apply to any non-storm water discharge permitted under a TPDES or NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the TCEQ or the EPA, provided that the other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(M) Illicit Connections

To eliminate illicit connections to the MS4 and reduce the pollutants such as nutrients, oxygen demanding substances, sewage, oil, and grease introduced by said discharges into the MS4 and/or water bodies, no person shall connect a line conveying sanitary sewage, domestic waste, or industrial effluent to the MS4 and/or to water bodies, nor allow such a connection to continue.

a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

The City of Edinburg has an "Illicit Discharge Detection and Elimination Program" designed to prevent or eliminate illicit connections to the MS4 and water bodies, in compliance with state and federal storm water regulations. Any illicit connections detected through this program will be dealt with expeditiously in the following manner. It is the responsibility of the owner of the property to disconnect such illicit connection within ten (10) calendar days upon written notification from the City. The City of Edinburg will also notify the tenant about the illicit connection. If the owner fails to respond to the notification, then the City will post the illicit connection information with a legal description of the

property in a local newspaper with an additional ten (10) days to respond. If no response is received from the owner, then the illicit connection will be disconnected by the City without further notification, at the owner's expense.

(N) Suspension of MS4 Access

Suspension due to Illicit Discharges in Emergency Situations

The City of Edinburg or designee may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States.

If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

(O) Grass Trimmings, Leaves, and Limbs:

It is the purpose of this section to reduce pollutants like sediments, nutrients, floatable materials, oxygen demanding substances, pesticides, and unknowns in the storm water discharges from trimmings of grass, leaves and limbs.

No person shall intentionally or recklessly place or cause or allow to be placed or dropped, brush cuttings, grass clippings, grass, and/or rubbish on the street or in the inlets of any street in the City limits in such a manner that the same may be washed by water flowing into any bodies of water and/or the MS4.

(P) Landscape Irrigation, Lawn Irrigation, and other Irrigation:

It is the purpose of this section to reduce the pollutants such as sediments, chlorine, pesticides, herbicides and fertilizers in the water runoff discharges from runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation, including agricultural irrigation.

No person shall intentionally or recklessly discharge any excessive water from normal landscape irrigation, lawn irrigation, and other irrigation; including agricultural irrigation resulting from inefficient practices, from faulty equipment, from improperly placed equipment, from use of equipment in violation of local, state and/or federal regulations, from un-permitted irrigation systems, where applicable, from leaking equipment leaking conveyance systems or from other leaking appurtenances into any water body and/or the MS4.

Landscape irrigation, lawn irrigation and other irrigation, including agricultural irrigation, must be conducted in accordance with approved best management practices set forth by the City of Edinburg.

(Q) Acceptable Waters

The following non-storm water sources, according to 40 CFR 122.26 and/or the City's MS4 permit, may be discharged and are not required to be addressed in the small MS4's Illicit Discharge and Detection Program or other minimum control measures, unless they are determined by the City or TCEQ to be significant contributors of pollutants to the small MS4:

- 1) discharges from firefighting activities (but excluding washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
- 2) uncontaminated fire hydrant flushing's from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (but excluding discharges of hyper chlorinated water, unless the water is first de-chlorinated and discharges are not expected to adversely affect aquatic life and excluding flushing where recycled wastewater is used);
- 3) water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where detergents and soaps are not used and where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;
- 4) uncontaminated water used to control dust;
- 5) potable water including waterline flushing's (but excluding discharges of hyper chlorinated water, unless the water is first de-chlorinated and discharges are not expected to adversely affect aquatic life);
- 6) uncontaminated air conditioning condensate;

- 7) uncontaminated ground water or spring water, including foundation or footing drains and water from crawl space pumps where flows are not contaminated with industrial materials such as solvents; and
- 8) runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
- 9) diverted stream flows;
- 10) uncontaminated ground water infiltration;
- 11) uncontaminated pumped ground water;
- 12) individual residential vehicle washing;
- 13) flows from wetlands and riparian habitats;
- 14) de-chlorinated swimming pool discharges; or
- 15) Street wash water.

(R) Prohibited Discharges

- (1) No person shall deposit, release, throw, drain, cause or allow to be deposited, released thrown, drained or discharged, or otherwise cause to enter the MS4, or any other drainage device which connects with the MS4, any of the following described materials or substances:
 - a) Any acidic waste materials (having a pH value lower than 6);
 - b) Any alkaline waste materials (having a pH value higher than 10.5);
 - c) Any water or waste containing free-floating, or insoluble oil;
 - d) gasoline, naphtha, fuel oil, mineral oil or other flammable or explosive liquid, solid or gas;
 - e) Any noxious, malodorous, poisonous, or reactive substance which, either singularly or by interaction with other substances, or by its accumulation in the MS4 becomes injurious or potentially injurious to human, plant or animal life, or to property; or
 - f) Any domestic wastewater or industrial wastewater.
- (2) It shall be a defense to prosecution under this section that such person was authorized to commit any act, under a valid permit from the TCEQ or the US EPA, which would otherwise constitute a violation at the time of commission.

- (3) No person shall place or drop or cause or allow to be placed or dropped, brush cuttings, clippings, or rubbish within the MS4 or on any street in the City in such a manner that the same may be washed by the flow of water into the MS4.
- (4) No person shall connect a line conveying sanitary sewage, domestic waste, or industrial effluent to the MS4 or allow such a connection to continue.
- (5) No person shall discharge or release, or allow or permit the discharge or release of any of the following substances in a manner or location by which such substance may enter the City's MS4:
 - i. any wash water or wastewater from the washing or cleaning of pavement, including but not limited to parking lots, driveways or carports, that contains soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other cleaning substance other than water.
 - ii. any wash water or wastewater from cleaning of any pavement where a spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed or pretreated.
 - iii. any wash water from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
 - iv. gasoline, motor oil, used oil filters, wax, grease, antifreeze or any other motor vehicle fluids;
 - v. any contaminated water or waste from a commercial car wash facility, from any vehicle washing, cleaning, or maintenance area at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, maintenance facility, or from any washing, cleaning, or maintenance area of any commercial or public service vehicle, including any truck, bus, or piece of heavy equipment, by any business or public entity;
 - vi. any contaminated water or waste from commercial establishments including but not limited to gas stations, service stations, and auto repair shops with areas exposed to weather conditions;
 - vii. Material from an oil/water separator or an oil/water interceptor, grit trap or grease trap. Any oil/water separator or interceptor users who are discharging to the MS4 shall notify the city of the existence of such connections to the MS4 within sixty (60) days of the effective date of this ordinance. If such notification is not made during the allocated sixty (60) days, then the detected connections to MS4 of a oil/water separator or

interceptor shall be considered an illicit connection and the city reserves the right to terminate such connection immediately, without prior notice;

- viii. any release from a petroleum underground storage tank (PUST), or any leachate or runoff from soil contaminated by a leaking PUST, or any discharge of pumped, confined, or partially treated wastewater from the remediation of any such PUST unless release satisfies all of the following criteria: (a) is in compliance with all municipal, state, and federal laws; (b) no discharge contains any harmful quantity of any pollutant; and (c) the discharge shall not have a pH value lower than 6.0 or higher than 10.5;
 - ix. any release from any public or private underground utility manhole, including but not limited to electric power, gas pipeline, cable companies, telephone companies, that collected water due to rain, surface runoff, cross connection, or illegal discharge;
 - x. any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blowdown from a boiler;
 - xi. any type of wastewater from residential, commercial or industrial sources, any domestic sewage or septic tank waste,
 - xii. any runoff or wash down water from any animal pen, kennel, or fowl or livestock containment area; or
 - xiii. any swimming pool water or filter backwash from a swimming pool or fountain, discharge from a water line if it has been disinfected by super-chlorination or other means and the total residual chlorine exists in any harmful quantity or any other chemical has been used in line disinfection.
- (7) No person shall apply used oil or other vehicle fluid to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil contamination into the environment;
- (8) No person shall introduce any type of hazardous waste generated in and around a household including, but not limited to batteries, used paints, solvents, used pesticide, and used toiletries into the MS4;
- (9) No person shall use, dispose of, discard, store, or transport an insecticide, herbicide, or fertilizer, in a manner inconsistent with the proper usage, storage, transport and disposal set out in the labeling in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), such that a harmful quantity of the pesticide, herbicide, or fertilizer may enter the MS4.

(10) No person shall wash a commercial dumpster, or residual ready mix concrete from concrete mixing trucks, in an area where it discharges into MS4.

(S) Release Reporting and Cleanup:

A. The person in charge of any facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, dumping, disposing, or any other release of any of the following quantities of any of the following substances that may flow, leach, enter, or otherwise be introduced into the MS4 and/or water of the State and/or of the United States, shall immediately contact the City of Edinburg Police Department or the City of Edinburg Fire Department concerning the incident:

1. An amount equal to or in excess of a reportable quantity of any hazardous substance, as established under 40 CFR Part 302;
2. An amount equal to or in excess of a reportable quantity of any extremely hazardous substance, as established under 40 CFR Part 355;
3. An amount of oil that either
 - a. violates applicable water quality standards, or
 - b. causes a film or sheen upon or discoloration of the surface of the water or an adjoining shoreline or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline; or
4. Any harmful quantity of any pollutant.

B. The immediate notification required by 13.10.019(A) shall include the following information:

1. The identity or chemical name of the substance release, and whether the substance is an extremely hazardous substance;
2. The exact location of the release, including any known name of the waters involved or threatened and any other environmental media affected;
3. The time and duration (thus far) of the release;
4. An estimate of the quantity and concentration (if known) of the substance released;
5. The source of the release;
6. Any known or anticipated health risks associated with the release and, where appropriate, advice regarding medical attention that may be necessary for exposed individuals;
7. Any precautions that should be taken as a result of the release;
8. Any steps that have been taken to contain and/or clean up the released material and minimize its impacts; and
9. The names and telephone numbers of the person or persons to be contacted for further information.

C. Within ten (10) days following such release, the responsible person in charge of the facility, vehicle, or other sources of the release shall submit, unless waived by both the City of Edinburg Fire Department and City of Edinburg or designee, a written report containing each of the items of information specified in subsection (B) as well as the following additional information:

1. the ultimate duration, concentrations and quantity of the release;
2. all actions taken to respond to, contain, and clean up the released substances, and all precautions taken to minimize the impacts;
3. any known or anticipated acute or chronic health risks associated with the release; and
4. the identity of any governmental/private sector representatives responding to the release; and
5. the measures taken or to be taken by the responsible person(s) to prevent similar future occurrences.

The notifications required by Letter *(S) RELEASE REPORTING AND CLEANUP* (B) and (C) shall not relieve the responsible person of any expense, loss, damage, or other liability which may be incurred as a result of the release, including any liability for damage to the City, to natural resources, or to any other person or property; nor shall such notification relieve the responsible person to any fine, penalty, or other liability which may be imposed pursuant to this ordinance, state or federal law.

D. Any person responsible for any release as described in Letter *(S) RELEASE REPORTING AND CLEANUP* (A) shall comply with all state, federal, and any other local law requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.

E. Any person responsible for a release described in Letter *(S) RELEASE REPORTING AND CLEANUP* (A) shall reimburse the City of Edinburg for any cost incurred by the City in responding to the release.

(T) Right of Entry, Inspection and Sampling

The City of Edinburg or designee shall have the right to enter the premises of any person discharging storm water to the municipal separate storm sewer system (MS4) and/or to waters of the State and/or of the United States to determine if the discharger is complying with all requirements of this Ordinance, and with any state or federal discharge permit, limitation, or requirement. Dischargers shall allow the City of Edinburg or designee ready access to all parts of the premises for the purposes of inspection, sampling, records examination, photo recording and copying, and for the performance of any additional duties. Dischargers shall make available to the City of Edinburg or designee, upon request, any pollution control measures or modifications thereto, self-inspection reports, monitoring records, compliance evaluations, Notices of Intent, and any other records, reports or documents related to compliance with this Ordinance and with any state or federal discharge permit.

1. Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the City of Edinburg or designee will be permitted to enter without delay for the purposes of performing responsibilities.
2. The City of Edinburg or designee shall have the right to set up on the discharger's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the discharger's operations.
3. The City of Edinburg or designee may require, at his/her reasonable discretion, the discharger to conduct specified sampling, testing, analysis, and other monitoring of its storm water discharges, and may specify the frequency and parameters of any such required monitoring.
4. The City of Edinburg or designee may require, at his/her reasonable discretion, the discharger to install monitoring equipment as necessary and at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow, waste water and quality shall be calibrated to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be borne by the discharger.
6. Unreasonable delays in allowing the City of Edinburg or designee to their discharger's premises shall be a violation of this Ordinance.

(U) Violations, Non-compliance and Penalties

Any person who shall violate any provision of this Ordinance shall be deemed to be guilty of a misdemeanor and shall upon conviction be fined a minimum amount of not less than two hundred and fifty dollars (\$250.00) per violation per day and a maximum amount of not more than two thousand dollars (\$2,000.00) per violation per day. Each ordinance violation and every day it occurs or is allowed to occur shall constitute a separate offense for purposes of the City's enforcement of this Ordinance. A culpable mental state is not required to prove an offense under this Ordinance.

Upon the written certification by the City of the violation of any section of this Ordinance, the City Attorney is authorized to petition any court of competent jurisdiction for an injunction to enjoin the continuance of such violation. This remedy shall be cumulative of and in addition to all other enforcement powers granted to the City by the terms of its Charter or any ordinance, or by the laws of the State or the United States.

No provision of this Ordinance is intended, nor shall any part or portion hereof be construed so as to conflict with the Texas Water Code, state regulations, or federal regulations.

If compliance is not achieved to the City's satisfaction, the City may at its discretion, report the noncompliance to the USEPA, the TCEQ, the USGS, the U.S. Wildlife and Fisheries, the U.S. Army Corp of Engineers, or any other state or federal agency for further action.

(V) Stop Work Orders and Non-Compliance Flag Notices

If the City of Edinburg or designee determines that activities are being carried out in violation of this ordinance, the City shall issue a Stop Work Order and/or a Non-Compliance Flag immediately. All work shall cease until corrective measures have been completed.

A notification of noncompliance shall be issued to the permit holder, and a citation of violation may be issued for court appearance

If the violation continues beyond five (5) days, a citation of violation shall be issued immediately for court appearance.

It is a violation of this Ordinance either to move or interfere with a "Noncompliance Flag" and/or Stop Work order.

Notification of Violation: Any person found to be in violation of the provisions of this Ordinance shall be required to correct the problem upon notification from the City. Such notification may require that certain conditions be adhered to in the correction of the problem. These may include, but are not limited to, the following:

1. use of specific pollution prevention measures and techniques;
2. use of pre-treatment procedures or pollution prevention plans;
3. modification of existing plan;
4. completion of work within a specified time period; or
5. submission of pollution prevention plan or any other of its type.

Appeals: Any person denied discharge to MS4 shall have the right to appeal such to the City Manager or designee within ten (10) days of the date of such denial.

(W) Citizen Participation

Citizen reports of violations: All citizens are encouraged to report to the City of Edinburg any spills, releases, illicit connections, or any other instances of anyone discharging pollutants into MS4 storm sewer system or waters of the State or waters of the United States and any other violation of this Ordinance of which they become aware.

(X) Severability

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Commission hereby declares that this Ordinance would have been enacted without such invalid provision.

If any section, or part of any section, paragraph or clause of this Ordinance is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force or effect of any other section, part of any section, paragraph or clause of this Ordinance.

SECTION 3: PENALTY CLAUSE: Each violation of any of the provisions of this Ordinance shall constitute a separate offense and shall, upon conviction thereof, be punishable by a fine not to exceed \$2,000 in accordance with section 10.99 of Code or Ordinances of the City of Edinburg.

SECTION 4: REPEALER CLAUSE: This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any ordinance in direct conflict with any provision of this Ordinance is hereby repealed and the provisions of this ordinance shall supersede any provisions in conflict herewith; all provision of any other ordinance not in conflict herewith shall remain in full force and effect.

SECTION 5: SAVINGS CLAUSE: If any section, part or provision of this Ordinance is declared unconstitutional or invalid, by court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION 6: PUBLICATION AND EFFECTIVE DATE: This Ordinance shall take effect immediately upon its passage and publication according to law.

SECTION 7: CODIFICATION: The provisions of Section 2 of this Ordinance shall be published in the appropriate section of **TITLE 1. GENERAL PROVISIONS** of the Code Ordinances of the City of Edinburg, Texas, as soon as practicable.

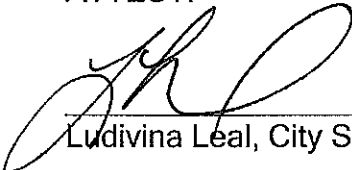
SECTION 8: WAIVER CLAUSE: The requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

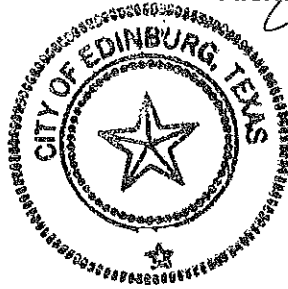
READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the city council of the City of Edinburg, Texas at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551-041, on the 20th day March 2018

CITY OF EDINBURG:

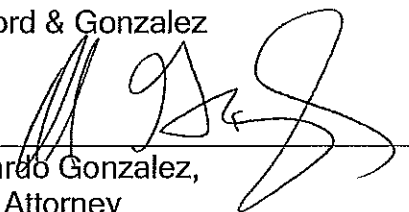

Richard R. Molina, Mayor

ATTEST:


Ludivina Leal, City Secretary



Approved as to Form:
Oxford & Gonzalez

BY: 
Ricardo Gonzalez,
City Attorney