

City of Thomasville Council Meeting, May 28, 2024

The Council of the City of Thomasville met in regular session on the above date. Mayor Todd Mobley presided, and the following Councilmembers were present: Mayor Pro Tem Terry Scott and Councilmembers Scott Chastain, and Royal Baker. Also present were the Interim City Manager, Chris White; Assistant City Manager, Sheryl Sealy; City Attorney, Timothy C. Sanders; other city staff; citizens and members of the media. It is recorded that Councilmember Lucina Brown was absent. The meeting was held in Council Chambers at City Hall, located at 144 East Jackson Street, Thomasville, Georgia. Simultaneous access to the meeting was provided to those members of the media and citizens unable to attend the meeting via the City of Thomasville's online live stream feed located at www.thomasville.org.

CALL TO ORDER

Mayor Todd Mobley called the meeting to order at 6:00 PM.

INVOCATION

Councilmember Lucinda Brown gave the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Terry Scott led the Pledge of Allegiance.

APPROVAL OF MINUTES

Mayor Pro Tem Scott moved to approve the Regular Meeting Minutes of May 13, 2024, as presented. Councilmember Chastain seconded the motion. There was no discussion. The motion passed 4-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, and Baker.

CITIZENS TO BE HEARD

Mayor Mobley acknowledged the following citizen as listed on the Citizens to be Heard Sign-In Form:

1. Carroll Cooper, resident of Nottingham Drive, Thomasville, Georgia, voiced concerns about water intrusion on his property due to stormwater drainage. He noted it seemed as though most of the water was coming from Cherokee Lake when there were large rains; however, there seems to also be water standing in the ditch all the time and the city should do something to resolve this issue for him.
 - a. Mayor Mobley asked Interim City Manager White if he was aware of the issue. Interim City Manager White acknowledged that Mr. Cooper has contacted the city numerous times regarding his concerns. However, this issue relates to a drainage ditch located on private property and the City's Engineering Department has been working on options that will resolve the issue, to include potential easements. It was noted that the process will take several weeks to finalize.

ADOPT AGENDA

Councilmember Chastain moved to approve the agenda as presented. Councilmember Baker seconded the motion. There was no discussion. The motion passed 4-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, and Baker.

OLD BUSINESS

Second reading of an ordinance to enact a new Chapter 23, captioned "Parks".

City Attorney, Timothy C. Sanders reported there have been no changes to the ordinance since its passage on first reading. It was noted that City has maintained an internal, administrative process for addressing certain uses of parks, ranging from reserving picnic pavilions and athletic fields to permitting large scale organized activities in parks.

Unfortunately, a pattern of misuse of the parks and park facilities has developed, ranging from instances of vandalism of bathroom facilities to the theft of ornamental plants planted by the city. The ordinance will provide both a framework for the already established administrative processes and promote the proper use and preservation of the City's parks.

Mayor Pro Tem Scott moved to order the ordinance to enact a new Chapter 23, captioned "Parks", as read for the second time, passed and adopted as presented. Councilmember Chastain seconded the motion. There was no discussion. The motion passed 4-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, and Baker.

The adopted ordinance follows.

ORDINANCE NO.: ORD-10-05282024

AN ORDINANCE TO AMEND THE CODE OF THOMASVILLE, GEORGIA, BY (1) ENACTING A NEW CHAPTER 23, CAPTIONED "PARKS"; (2) REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND (3) PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND FOR OTHER PURPOSES.

SECTION I

BE IT ORDAINED by the Council for the City of Thomasville, Georgia, and it is hereby ordained by the authority of the same, that a new Chapter 23, captioned "Parks" is hereby enacted to provide as follows:

"Sec. 23-1. – Purpose. The purpose of this Chapter is to promote proper use and protect and preserve the recreational, cultural and natural features of the City parks and park property for the enjoyment and use of all citizens.

Sec. 23-2. – Definitions.

"*Motor Vehicle*" means any vehicle that is self-propelled by any means whatsoever, including all devices in, upon, or by which any person or property may be transported or drawn, including but not limited to golf carts, PTVs, ATVs, *excluding however*, wheelchairs or other ambulatory assistance devices or devices moved exclusively by human power.

"*Park, Public Park, Park Property or City Park Property*" means any property owned, managed, controlled, or operated by the City and delineated or dedicated as a park in the City. Hereinafter, all such areas are referred to as a "Park" or "Parks" in this Chapter.

"*Parking or Parked*" means permitting a motor vehicle to remain standing, whether occupied or not, when not loading or unloading.

"*Parking Area or Parking Lot*" means any off-street area, whether paved or not, which is designed for parking of motor vehicles.

"*Person*" any individual, firm, partnership, association, corporation, limited liability company, company, organization, trust, or any group or gathering of individuals.

"*Rules and Regulations*" written policies, procedures, rules and regulations, and amendments thereto, concerning the use and maintenance of Township parks and park property, developed and adopted by the City Manager or his/her designee, at the direction of the City Manager, copies of which are available to the public upon request.

Sec. 23-3. – Reservation of Park Facilities; Park Use Permits; Fees; Revocation.

(a) The City may permit Parks and Park facilities to be reserved for use at a particular time, subject to the procedures, rules and regulations, conditions and requirements for reservation of facilities that may be established and approved from time to time by the city manager.

(b) In the absence of reservations, the use of any Park or Park facilities shall be on a first come-first served basis.

(c) Athletic fields within any Parks shall be reserved for organized competition and/or practice in accordance with the rules and regulations established and maintained by the City or the City's designee and shall only be used for organized competition and/or practice pursuant to a reservation made in accordance with the rules and regulations established by the City or the City's designee.

(d) Park facilities are intended for the use of the general public for recreational purposes, such as picnicking, exercise, use of playground equipment, nature study, and similar activities on an informal basis. A Park Use Permit shall be required for organized group activities, included but not limited to concerts and performances, and for uses that otherwise would not be allowed by this Chapter or any rules or regulations promulgated hereunder. The City may maintain a list of activities that require a Park Use Permit, which list may be updated from time-to-time by the City Manager or the designee of the City Manager at the direction of the City Manager.

(e) A Park Use Permit may be issued by the City Manager or the designee of the City Manager, taking into consideration the following:

- (1) the facilities requested have not been reserved for other use on the date and time period requested in the application and that the proposed activity will not otherwise conflict with existing Park activities and services;
- (2) that adequate sanitary facilities will be provided;
- (3) that appropriate safety precautions will be taken and as may be required in connection with issuance of the permit;
- (4) that the activity will not unreasonably interfere with the use of the Park and neighboring property by others and will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
- (5) that there will be adequate security against damages to the City or the property of the City, including but not limited to the requirement that the applicant agree to indemnify and hold harmless the City and/or provide liability insurance naming the City as an additional insured, as may be reasonably required in consideration of the facts and circumstances surrounding the proposed activity;
- (6) that the proposed activity will not entail extraordinary or burdensome expense or police operations or protection by the City;
- (7) that the proposed activity or use of the park or recreation facility is not reasonably anticipated to incite violence, crime, or disorderly conduct; and
- (8) that the proposed activity will comply with the requirements of this Chapter, the Code of Ordinances of the City, and all applicable rules and regulations adopted thereto, and all other State and local laws.

(f) An application for a Park Use Permit shall be made on the forms and according to the guidelines provided by the City. The application shall be accompanied by the necessary fees and information specified in this Chapter and by rules and regulations made pursuant to this Chapter.

(g) The City may charge a fee for use of a Park or Park facility, or for a Park Use Permit. Such fees shall be set by the City Council and maintained in the office of the Clerk of the City.

(h) The City Manager or the City Manager's designee shall have the authority to revoke any Park Use Permit upon finding of any material misrepresentation made in any application for a Park Use Permit, any violations of conditions placed upon the issuance of any Park Use Permit, any violation of this Chapter, any rules and regulations made pursuant to this Chapter, the Code of Ordinances of the City, any State or local laws, or upon any other good cause shown.

(i) The City Manager, or the City Manager's designee shall have the authority to cancel an activity for which a Park Use Permit has been issued due to special circumstances, including but not limited to inclement weather.

(j) The City Manager, or the City Manager's designee, shall have the authority to order any person or persons acting in violation of this Chapter, any rules and regulations made pursuant to this Chapter, any conditions placed upon the issuance of any Park Use Permit, the Code of Ordinances of the City, any State or local laws, or upon any other good cause shown.

Sec. 23-4. – Hours of Use. This section establishes hours during which Parks are open for public use and closed during set hours to discourage the misuse of Parks, including but not limited to loitering, littering, vandalism, illegal activities, such as illegal drug use and sales of illegal drugs, and other nuisances and illegal activities. Parks shall be open for use by the public only between sunrise and sundown, unless otherwise posted; *provided, however*, that for programs or events sponsored or approved by the City, or for which a City permit has been issued, such hours of operation may be extended during any such program or event for the hours approved and permitted, including for a period of one (1) hour following the conclusion of such program or event as approved and permitted. Signs stating park hours shall be posted prominently in each park.

Sec. 23-5. – Destruction of Park Property.

(a) It shall be unlawful for any person to damage, deface, destroy, disfigure, injure, tamper with, or displace any Park, Park facilities, or Park features, including but not limited to: buildings, bridges, tables, benches, fences, pavement, utilities or utility lines, or any parts or appurtenances thereto; signs, notices, or placards; monuments, stakes, posts or other boundary markers; historic, or cultural resources or artifacts; or playground equipment, other structures or equipment.

(b) It shall be unlawful for a person to deposit or cause to be deposited in any drain, pond or other body of water within or adjoining a Park any foreign material or chemicals that would pollute the water or potentially cause harm to marine life or public health.

(c) It shall be unlawful for any person to misuse, damage, cut, carve, transplant or remove any trees, shrubs, flowers, or other plant; or attach any rope, wire, chain, or other object to any tree or shrub; provided however, hammocks or recreational devices such as slacklines may be temporarily attached to trees while they are in use provided they do not damage the tree to which they are attached and must be removed immediately upon such use ceasing.

Sec. 23-6. – Refuse, Trash and Litter. It shall be unlawful for any person to dump, deposit, or leave any bottles, glass, ashes, paper, boxes, cans, cartons, dirt, rubbish, waste, garbage, or other trash, except that which is incidental to the intended use of the Park. Refuse, trash and litter generated during proper use of the Park shall be deposited in trash receptacles.

Sec. 23-7. – Motor Vehicle use and Parking. No person shall operate or park motor vehicles of any kind in or through Parks except on designated roads and within parking areas designated for motor vehicle use and parking. This provision shall not prevent City motor vehicles from entering off-road areas to perform maintenance, police, or other City work.

Sec. 23-8. – Dogs, Cats and Other Pets.

(a) Dogs, cats, and other domestic animal pets may be brought upon Park property, provided however, dogs, cats, and other domestic animals shall not be permitted in or on any athletic fields located in any Parks..

(b) Any dog, cat or other pet shall be kept under control in the manner proscribed by Chapter 4, Article II, Animal Control, of the Code of Ordinances of the City.

(c) All feces deposited by a dog or other pet on any public footpath, athletic field, or other area frequented by the public, shall be disposed of in a sanitary manner by the person in control of the dog or other pet.

Sec. 23-9. – Fires.

(a) No person shall intentionally and willfully set, or cause to be set on fire, any tree, woodland, brush land, or grass within any Park, except with respect to City personnel or contractors of the City in connection with authorized work in any Park.

(b) No person shall intentionally and willfully drop, throw, or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper or other materials that could reasonably be expected to cause a fire in a Park.

(c) No person shall build, light, or kindle any fire within Park property except in grills. Grills must be continuously supervised and maintained by a competent adult at all times and thoroughly extinguished after use.

Sec. 23-10. – Swimming. No person shall swim, bathe, or enter into any drain, pond, or other body of water located within Park property.

Sec. 23-11. – City Personnel. Nothing in this Chapter shall be construed as prohibiting City employees or contractors of the City from performing work or activities in any Park at a time and in a manner directed or otherwise authorized by the City.

Sec. 23-12. – Emergency Powers. The city manager may establish emergency rules and procedures necessary to protect the health, welfare and safety of Park visitors and to protect Park property, including, but not limited to, ordering all persons off Park property and closing all or any portion of a Park.

Sec. 23-13. – Penalties. A person who violates this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with section 1-7 of this Code.”

SECTION II

This ordinance shall be effective on the date of its final reading and passage.

SECTION III

BE IT FURTHER ORDAINED all ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION IV

BE IT FURTHER ORDAINED and it is hereby declared to be the intention of the Mayor and Council of the City of Thomasville that all sections, paragraphs, sentences, clauses, and phrase of this Ordinance are and were, upon their enactment, believed by the Mayor and the Council to be fully valid, enforceable, and constitutional.

SECTION V

BE IT FURTHER ORDAINED and it is hereby declared by the Mayor and the Council of the City of Thomasville that (i) to the greatest extent allowed by law, each and every section paragraph sentence, clause or phrase of this Ordinance is severable from every other section paragraph sentence, clause or phrase of this Ordinance and (ii) that to the greatest extent allowed by law, no section paragraph, sentence, clause or phrase of his ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of his ordinance.

SECTION VI

BE IT FURTHER ORDAINED and it is hereby declared that in the event that any phrase, clause, sentence, paragraph or section of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgement or decree of any court of competent jurisdiction, it is the express intent of the Mayor and the Council of the City of Thomasville that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs or sections of this ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION VII

This ordinance was introduced and read at a lawful meeting of the City council for the City of Thomasville, Georgia, held May 13, 2024, and read the second time, passed and adopted in like meeting held on May 28, 2024.

Second reading of an ordinance to amend Section 4-29, captioned "Prohibited Acts" of Article II, Animal Control, Chapter 4 Animals.

City Attorney, Timothy C. Sanders reported there have been no changes to the ordinance since its passage on first reading. It was noted that this ordinance addresses concerns about animals being present in parks and under what conditions.

Councilmember Chastain moved to order the ordinance to amend Section 4-29, of Chapter 4 captioned "Animals", as read for the second time passed and adopted as presented. Councilmember Baker seconded the motion. There was no discussion. The motion passed 4-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, and Baker.

The adopted ordinance follows.

ORDINANCE NO.: ORD-11-05282024

AN ORDINANCE TO AMEND THE CODE OF THOMASVILLE, GEORGIA, BY (1) AMENDING SECTION 4-29, CAPTIONED "PROHIBITED ACTS," OF ARTICLE II, ANIMAL CONTROL, CHAPTER 4, ANIMALS; (2) REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND (3) PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND FOR OTHER PURPOSES.

SECTION I

BE IT ORDAINED by the Council for the City of Thomasville, Georgia, and it is hereby ordained by the authority of the same, that Section 4-29(a) of Chapter 14, captioned "Animals" is hereby amended provide as follows:

"(a) It shall be unlawful for the owner of any dog or cat to allow, cause or permit such dog or cat to enter any public hall, restaurant, ice cream parlor, soft drink parlor, or any office or store during such time that such office or store is open for public business, unless the dogs or cats are on a secure leash not more than ten feet in length. Owners of dogs or cats may allow, cause, or permit such dog or cat to enter city parks as long as the dogs or cats are on a secure leash not more than ten feet in length; provided however, dogs, cats or other domestic animals shall not be permitted in or on any athletic fields located in any Parks, as that term is defined in Ordinance Sec. 23-2 of the Code of Ordinances of the City, with the exception of the Remington Park Sports Complex, where all pet animals of any kind, including, but not limited to, dogs, cats, and horses, shall be prohibited at all times. Further provided however and notwithstanding any provision in this chapter to the contrary, dogs shall be allowed to be off a leash inside the fenced areas of the city dog park, located at 415 South Pinetree Boulevard."

SECTION II

This ordinance shall be effective on the date of its final reading and passage.

SECTION III

BE IT FURTHER ORDAINED all ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION IV

BE IT FURTHER ORDAINED and it is hereby declared to the be intention of the Mayor and Council of the City of Thomasville that all sections, paragraphs, sentences, clauses, and phrase of this Ordinance are and were, upon their enactment, believed by the Mayor and the Council to be fully valid, enforceable, and constitutional.

SECTION V

BE IT FURTHER ORDAINED and it is hereby declared by the Mayor and the Council of the City of Thomasville that (i) to the greatest extent allowed by law, each and every section paragraph sentence, clause or phrase of this Ordinance is severable from every other section paragraph sentence, clause or phrase of this Ordinance and (ii) that to the greatest extent allowed by law, no section paragraph, sentence, clause or phrase of his ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of his ordinance.

SECTION VI

BE IT FURTHER ORDAINED and it is hereby declared that in the event that any phrase, clause, sentence, paragraph or section of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgement or decree of any court of competent jurisdiction, it is the express intent of the Mayor and the Council of the City of Thomasville that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs or sections of this ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION VII

This ordinance was introduced and read at a lawful meeting of the City council for the City of Thomasville, Georgia, held May 13, 2024, and read the second time, passed and adopted in like meeting held on May 28, 2024.

Second reading of an ordinance to amend Chapter 14, captioned "Sewerage".

Assistant Utilities Superintendent, Eric Gossett reported there had been no changes to the ordinance since its passage on first reading. It was noted that the ordinance provides Chapter 14, captioned "Sewerage", to be better aligned with the City of Thomasville's business practices; State and Federal Regulations; and the Environmental Protection Agency's policies and regulations. It was further noted that due to the number of amendments to the ordinance, this ordinance provides for a deletion of the current Chapter 14, and replacement with this new Chapter 14, captioned "Sewerage".

Mayor Pro Tem Scott moved to order the ordinance to amend Chapter 14, captioned "Sewerage" as presented. Councilmember Chastain seconded the motion. There was no discussion. The motion passed 4-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, and Baker.

The adopted ordinance title follows, and the ordinance in its entirety will be made a part of the permanent record of this meeting's minutes.

ORDINANCE NO.: ORD-12-05282024

AN ORDINANCE TO AMEND THE CODE OF THOMASVILLE, GEORGIA, BY (1) DELETING CHAPTER 14, CAPTIONED "SEWERAGE," IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 14, CAPTIONED "SEWERAGE;" (2) REPEALING

ALL ORDINANCES IN CONFLICT HEREWITH; AND (3) PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND FOR OTHER PURPOSES.

NEW BUSINESS

Resolution to appoint alternate voting delegates for Municipal Gas Authority of Georgia (MGAG).

Assistant Utilities Superintendent, Eric Gossett reported the alternate voting delegate for the Municipal Gas Authority of Georgia (MGAG) is currently Sheryl Sealy, Assistant City Manager. The alternate voting delegate needs to be updated due to changes in personnel. The primary voting delegate will remain Mayor Todd Mobley. It has been recommended that the individuals as appointed to the following City of Thomasville titled positions be appointed as the replacement alternate voting delegates: City manager, Assistant City Manager, Utilities Superintendent and the Assistant Utilities Superintendent.

Councilmember Chaston moved to approve the resolution as presented. Mayor Pro Tem Scott seconded the motion. There was no discussion. The motion passed 4-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, and Baker.

The adopted resolution follows.

RESOLUTION

BE IT RESOLVED, by the Mayor and City Council of the City of Thomasville, Georgia that the individuals as appointed to the following City of Thomasville titled positions are hereby appointed to serve as this City's alternate voting delegates on the Municipal Gas Authority of Georgia's Election Committee, with authority to cast votes to which this City is entitled:

City Manager
Assistant City Manager
Utilities Superintendent
Assistant Utilities Superintendent

This 28th day of May, 2024.

Motion to confirm and award grant to Thomasville Community Development Corporation (TCDC) in the amount of \$50,000 for TCDC's Neighborhood Improvement Grant Program and to authorize the Mayor to execute a Grant Agreement between the City of Thomasville and the TCDC.

Interim City Manager, Chris White reported the Thomasville Community Development Corporation had submitted a letter of request for the TCDC's Neighborhood Improvement Grant Fund. The Neighborhood Grant Fund is administered by the TCDC and all city funding will be used as direct assistance for neighborhood improvement projects. It was noted that all grants funded will continue to be within the boundaries of the Traditional Neighborhoods URA, with a focus on Stevens Street Historic District and Fletcherville with the guidance of a neighborhood grant committee and be used for Home Improvement Grants, Neighborhood Activities Grants and Commercial Façade Grants.

Councilmember Chastain moved to confirm and award the grant to the TCDC in the amount of \$50,000 for TCDC's Neighborhood Improvement Grant Program and to authorize the Mayor or Maor Pro Tem to execute the grant agreement as presented. Councilmember Baker seconded the motion. It was noted that TCDC would be required to provide a follow-up on how the money was spent. There was no further discussion. The motion passed 4-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, and Baker.

REPORTS

There were no reports provided at this meeting.

ADJOURNMENT

Having no additional business for consideration at this meeting, the City Council Meeting was adjourned at 6:11 PM.

CITY OF THOMASVILLE, GEORGIA



Mayor, Todd Mobley



ATTEST: City Clerk

[seal]



ORDINANCE NO.: ORD-12-05282024

AN ORDINANCE TO AMEND THE CODE OF THOMASVILLE, GEORGIA, BY (1) DELETING CHAPTER 14, CAPTIONED "SEWERAGE," IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 14, CAPTIONED "SEWERAGE;" (2) REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND (3) PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND FOR OTHER PURPOSES.

SECTION I

BE IT ORDAINED by the Council for the City of Thomasville, Georgia, and it is hereby ordained by the authority of the same, that Chapter 14, captioned "Sewerage" is hereby deleted in its entirety and replaced with a new Chapter 14, also captioned "Sewerage" to provide as follows:

"Chapter 14 SEWERAGE

ARTICLE I. IN GENERAL

Sec. 14-1. Purpose and policy.

- (a) This chapter sets forth uniform requirements for use of sewers in the city and for both direct and indirect contributors into the wastewater collection and treatment system.
- (b) This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system, authorizes monitoring and enforcement activities, and provides for the setting of rates for the equitable distribution of costs resulting from the program established by this chapter. This chapter shall apply to the city and to persons outside the city who, by contract or agreement with the city, are users of the waste collection and treatment system.

Sec. 14-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act or the Act means the Federal Water Pollution Control Act, Public Law 92-500, as now or hereafter amended, also known as the Clean Water Act, 33 USC 1251 et seq.

Approval authority means the state department of natural resources, environmental protection division (EPD).

Authorized representative of the user means:

- (1) If the user is a corporation:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000.00 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;
- (3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee;
- (4) The individuals described in subsections (1) through (3) of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having responsibility for environmental matters for the company, and the authorization is submitted to the city.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed as milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from waste pipes inside the walls of the building and conveys it to the building sewer, beginning ten feet outside the inner face of the building wall.

Building sewer means the extension from a building drain to the public sewer or other place of disposal.

Chemical oxygen demand (COD) means the oxygen-consuming capacity of organic and inorganic matter using a strong oxidizing agent, expressed as milligrams per liter.

Commercial user means any premises or person, other than a domestic user, who discharges compatible wastewaters to the public sewers which are domestic strength waste and similar in nature to domestic sewage (see *Domestic user*), but which do not exceed 600,000 gallons per month.

Compatible pollutant means the constituents of biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the applicable NPDES permit where the POTW is designed to treat such pollutants to the degree required by the NPDES permit.

Connection fee means a fee charged to developments or landowners that are increasing existing sewer usage, as a condition of connecting to the City's sewer system.

Construction cost means any costs associated with the installation of sewer system components that are outside of the scope of a tap fee, which includes but is not limited to additional materials, labor, or equipment.

Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added is heat.

Customer means a water service customer, but may also include a user of the wastewater treatment system where appropriate.

Daily maximum means the maximum value of any sample collected.

Domestic strength waste means any compatible wastes which have a maximum daily concentration three hundred (300) milligrams/liter five (5) day BOD or four hundred (400) milligrams/liter of suspended solids.

Domestic user means premises or a person who discharges wastewaters to the public sewers consisting of fecal matter, urine, wash and rinse water which closely match normal sewerage as to strength, and with a volume that does not exceed 25,000 gallons per month.

Effluent means the discharged flow of a treatment facility.

Environmental Protection Agency (EPA) means the Environmental Protection Agency of the United States.

EPA user charge means that portion of the total sewer bill which is attributable to the implementation of the EPA user charge system as set forth in this chapter. Such rates include collection, operation, maintenance, and replacement expenses as set forth in this chapter.

Existing source is any source of discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.

Garbage means solid wastes from the domestic and commercial preparation, cooking or serving of food or the handling, storage and sale of produce.

Grab sample means a sample, which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

Impact fee means a fee charged to the developer or landowner when upgrades to the sewer system are required to support the expansion or upgrade of an existing structure's sewer requirements or the construction of new sources.

Incompatible pollutants means all pollutants other than compatible pollutants, as defined in this section.

Industrial user means an industry which discharges wastewaters having the characteristics of industrial wastes, as distinguished from commercial wastes or domestic wastes, or having a total discharge volume in excess of 25,000 gallons per day.

Influent means the wastewaters arriving at the POTW for treatment and those structures associated with its initial treatment.

Interference means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, and therefore, is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the Solid Waste Disposal Act, and the Marine Protection, Research, and Sanctuaries Act.

May means permissive, not mandatory.

Monthly average means the mathematical mean of values for samples collected in a period of 30 consecutive days.

National categorical pretreatment standards or *pretreatment standards* mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 USC 1317(b), (c)) which applies to a specific category of industrial users.

National pollutant discharge elimination system (NPDES) permit means a permit issued pursuant to section 402 of the Clean Water Act (33 USC 1342) as amended.

Natural outlet means any outlet, including storm sewers, which flows into a watercourse, pond, ditch, lake, or other body of surface or ground water.

New source.

- (1) The term "new source" means any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located;
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

- c. The production or wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)b or c of this definition but otherwise alters, replaces, or adds to the existing process or production equipment.
- (3) Construction of a new source as defined under this definition has commenced if the owner or operator has:
 - a. Begun, or caused to begin as part of a continuous on-site construction program: any placement, assembly, or installation of facilities or equipment; or
 - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.

Operation, maintenance and replacement costs means the costs of operations and maintenance, to keep the treatment works in good repair and at design specifications. This includes labor, supplies, utilities, chemicals, contractual services and general expenses, including installation and repair of equipment, accessories or appurtenances necessary during the service life of the treatment works.

Pass through means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of a violation.

Person means 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. This definition includes all federal, state, and local governmental entities.

pH means the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sewerage system. The reduction or alteration will be obtained by physical, chemical or biological treatment processes, plant process changes, or by other means, except as prohibited by 40 CFR part 403.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public sewer means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Publicly owned treatment works (POTW) means a treatment works as defined by section 212 of the Act, 33 USC 1292. The term "publicly owned treatment works" includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the city, who are, by contract or agreement with the city, users of the city's POTW.

Sanitary sewer means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Septic tank means a sewerage holding tank for the individual treatment of sewage utilizing perforated drain lines and porous drain fields.

Service line means a sewer line extending from a sewer main to the building or premises served thereby.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters as may be present.

Sewerage system means the arrangement of devices and structures used for collecting, pumping, treatment and disposing of sewerage, or wastewater.

Shall means mandatory.

Significant industrial user means:

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
 - a. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the city on the basis that it has reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Upon finding that a user meeting the criteria in subsection (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Significant noncompliance. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical review criteria (TRC) violations, defined as those in which 33 percent of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC equals 1.4 for biochemical oxygen demand, total suspended solids, fats, oil and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the control authority determines has caused, alone or in combination with other discharges, POTW interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent danger to human health, welfare or to the environment or has resulted in a POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, compliance schedule milestone contained in a local mechanism or enforcement order (i.e., starting construction, completing construction, or attaining final compliance);

- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation or group of violations, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Slug means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for a period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation and shall adversely affect the collection system and performance of the wastewater treatment plant.

Standard industrial classification (SIC) code means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Standard methods mean the examination and analytical procedures set forth in the most recent edition of the Standard Methods for the Examination of Water and Sewerage, published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation, or any analytical procedure approved by U.S. EPA or contained in 40 of CFR part 136.

Storm sewer or storm drain means a sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.

Suspended solids (SS) mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater and referred to as nonfilterable residue.

Tap fee means any costs associated with a service line connecting from the main to the edge of the right of way where the clean out connects to the customer's service line. These costs will include but not be limited to all required connections for the service line to the main, the service line piping from the main to up to 50 feet within the right, clean out installation within the right of way, labor, equipment necessary to do the average service line, and repair to the required excavation site.

Total solids mean the sum of suspended matter, settleable matter and dissolved matter, both volatile and nonvolatile.

Toxic pollutant means any pollutant or concentration of pollutants listed as toxic in regulations promulgated by the EPA under the provisions of section 307(a) of the Clean Water Act, as now or hereafter amended, or other law, or any discharge into the treatment system which interferes with the normal biological process of the treatment system or in some way reduces the efficiency of the system or causes special procedures to be necessary to properly treat such discharge prior to being received by the system so that the cost of such disposal is increased.

Unpolluted water means water of quality equal to, or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

User means any person, business, corporation, or other entity which discharges wastes into the wastewater treatment system whether continuously or occasionally.

Utilities superintendent means the utilities superintendent of the city.

Wastewater means the spent water, or sewage of a community. From the standpoint of source, it may be a combination of the liquid and water-carried waste from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and stormwater that may be present.

Wastewater treatment system means the structures, devices, equipment and processes required to collect, carry away and treat domestic, commercial and industrial wastewaters and dispose of the effluent and sludge, and as used

in this chapter shall include the public sewers, pumping station, and all other facilities, equipment and appurtenances now or hereafter owned, operated or used by the city in connection therewith.

Sec. 14-3. Limitation of agent's authority.

No officer, agent, or employee of the city shall have authority to bind the city by any promise, agreement or representation in violation of this chapter and the rules and regulations promulgated in accordance with this chapter.

Sec. 14-4. Amendment.

The city reserves the right at any time to alter, amend, or add to this chapter and to substitute other ordinances, rules and regulations therefore. Rates, fees and charges provided for in this chapter shall be subject to revision or increase at any time, in the middle of any billing period, retrospectively, to the beginning of such billing period.

Secs. 14-5—14-26. Reserved.

ARTICLE II. USE OF PUBLIC SEWERS REQUIRED

Sec. 14-27. Deposit of unsanitary material prohibited.

It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

Sec. 14-28. Discharge of untreated polluted water prohibited.

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

Sec. 14-29. Privies, septic tanks prohibited; exceptions.

Except as otherwise provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for disposal of sewage within the city limits; except where sewer service is not available. This provision shall not be construed to prohibit the use of portable facilities at construction sites and other temporary locations under exigent circumstances where the waste from such facilities is disposed of in a sanitary manner consistent with this chapter. The Georgia Department of Public Health permits all septic tank systems where public sewer is unavailable.

Sec. 14-30. Occupied structures in proximity to sewer required to connect.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes within the corporate limits of the city and located within 250 feet of a line of public sanitary sewer to which such house, building or property may be connected so that sewage will flow therefrom and into such sewer line by gravity, is hereby required, at the owner's own expense, to install suitable toilet facilities within such structures and to connect such facilities directly with the public sanitary sewer in accordance with the provisions of

this chapter within 60 days after date of official notice to do so. An existing septic tank may remain in service so long as it is operating in an acceptable manner. Failure of the septic tank system will result in mandatory connection to the public sewer system if within 250 feet of public sanitary sewer.

Secs. 14-31—14-48. Reserved.

ARTICLE III. PRIVATE SEWAGE DISPOSAL

Sec. 14-49. Required where public sewer not available.

Where a public sanitary sewer is not available under the provisions of section 14-30, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

Sec. 14-50. Permit.

Before commencement of construction of a private sewage disposal system, the owner shall obtain written confirmation from the City of Thomasville Engineering Department that public sewer is not within 200 feet and not available. The owner shall then secure a written permit for private sewage disposal from the Georgia Department of Public Health. The application for such permit shall be made on a form furnished by the Georgia Department of Public Health, which the applicant shall supplement by any plans, specifications and other information deemed necessary by the Georgia Department of Public Health.

Sec. 14-51. Inspection.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Georgia Department of Public Health. Confirmation of inspection and permit compliance from the Georgia Department of Public Health shall be provided to the chief building official when the work is completed and ready for use and such private sewage disposal system shall not be used or activated in manner whatsoever until the chief building official as received confirmation of inspection and permit compliance from the Georgia Department of Public Health.

Sec. 14-52. Compliance and Regulations.

- (a) Henceforth, all septic tanks installed in the city shall meet the requirements of the state department of public health's rules and regulations for individual sewage systems, Ga. Comp. Rules and Regs. ch. 511-3-1. The percolation test prescribed and required in the above rules and regulations must be made prior to construction by the county health department and written certification of percolation furnished to the city.
- (b) No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

Sec. 14-53. Discontinuance of use.

At such time as a public sewer becomes available to property served by a private sewage disposal system and such private sewage disposal system ceases to function in a satisfactory manner, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and removed or filled with suitable material.

Sec. 14-54. Operation in sanitary manner.

Owners shall operate and maintain authorized private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

Sec. 14-55. Compliance with state regulations required.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health or pollution control agencies of the state.

Sec. 14-56. Permit to discharge scavenger wastes; definition; discharge of chemical and industrial wastes prohibited; fee.

- (a) The city council may require a formal permit for the discharge of scavenger waste after submission of an application on forms supplied by the city. The term "scavenger wastes" means putrid or offensive matter, the contents of all privies, septic tanks and cesspools. All other materials and substances, chemicals or chemical compounds and industrial wastes will not be permitted to be discharged into the public sewerage system except as otherwise provided in this chapter.
- (b) The discharge of the waste described in this section shall be made only at a location in the sewage treatment plant as shall be designated by the city manager or the city manager's designee.
- (c) Scavenger waste will be admitted into the sewage system only by permit and subject to payment of a fee as set by the city council and kept on file and maintained in the office of the clerk of the city.
- (d) The applicant shall be the owner of the vehicle discharging the waste. Any false, misleading or untruthful statements as to the nature of the material shall be cause for rejection of any further discharge from the applicant.
- (e) Discharge of scavenger wastes may also be suspended or terminated at any time by the city manager or the city manager's designee for willful, continued or persistent violations of these rules and regulations.
- (f) All equipment, such as trucks, tanks, pumps, and hoses used in the collection and transportation of scavenger waste shall be modern equipment in good repair. When more than one vehicle is used by an applicant, each vehicle shall bear an identifying number.
- (g) All applicants for a permit shall furnish the following information with each application:
 - (1) Name and address of applicant;
 - (2) Volume of scavenger waste for each numbered vehicle; and
 - (3) Number of scavenger vehicles in collection service.
- (h) The city manager or the city manager's designee shall require haulers of industrial waste to obtain wastewater discharge permits. The city manager or the city manager's designee may require generators of hauled industrial waste to obtain wastewater discharge permits. The city manager or the city manager's designee also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.
- (i) Industrial waste haulers may discharge loads only at locations designated by the city manager or the city manager's designee. No load may be discharged without prior consent of the city manager or the city manager's designee. The city manager or the city manager's designee may collect samples of each hauled load to ensure compliance with applicable standards. The city manager or the city manager's designee may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

- (k) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Secs. 14-57—14-85. Reserved.

ARTICLE IV. BUILDING SEWERS AND CONNECTIONS

Sec. 14-86. Permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the chief building official.

Sec. 14-87. Permit classes; application.

- (a) *Classes established.* There shall be two classes of building sewer permits:

- (1) For residential and commercial service; and
- (2) For service to establishments producing industrial waste.

In either case, the owner shall make an application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the chief building official.

- (b) *Wastewater analysis.* When requested by the city manager or the city manager's designee, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The city manager or the city manager's designee is authorized to prepare a form for this purpose and may periodically require users to update this information.
- (c) *Wastewater discharge permit requirement.*
 - (1) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the city manager or the city manager's designee, except that a significant industrial user that has filed a timely application pursuant to subsection (d) of this section may continue to discharge for the time period specified therein.
 - (2) The city manager or the city manager's designee may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.
 - (3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in section 14-168. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.
- (d) *Wastewater discharge permitting, existing connections.* Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of the ordinance from which this chapter is derived and who wished to continue such discharges in the future, shall, within 30 days after said date, apply to the city manager or the city manager's designee for a wastewater discharge permit in accordance with subsection (f) of this section, and shall not cause or allow discharges to the POTW to continue after 60 days of the effective date of the ordinance from which this chapter is derived except in accordance with a wastewater discharge permit issued by the city manager or the city manager's designee.

- (e) *Wastewater discharge permitting, new connections.* Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with subsection (f) of this section, must be filed at least 30 days prior to the date upon which any discharge will begin or recommence.
- (f) *Wastewater discharge permit application contents.* All users required to obtain a wastewater discharge permit must submit a permit application. The city manager or the city manager's designee may require all users to submit as part of an application the following information:
- (1) All information required by section 14-163;
 - (2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (4) Each product produced by type, amount, process or processes, and rate of production;
 - (5) Type and amount of raw material processed (average and maximum per day);
 - (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 - (7) Time and duration of discharges; and
 - (8) Any other information as may be deemed necessary by the city manager or the city manager's designee to evaluate the wastewater discharge permit application.

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

- (g) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- (h) *Wastewater discharge permit decisions.* The city manager or the city manager's designee will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the city manager or the city manager's designee will determine whether to issue a wastewater discharge permit. The city manager or the city manager's designee may deny any application for a wastewater discharge permit.
- (i) *Wastewater discharge permit duration.* A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the city manager or the city manager's designee. Each wastewater discharge permit will indicate a specific date upon which it will expire.
- (j) *Wastewater discharge permit protections.* A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the city manager or the city manager's designee to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
- (k) *Wastewater discharge permit contents.* Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;
 - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with subsection (m) of this section, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (3) Effluent limits based on applicable pretreatment standards;
 - (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling, frequency, and sample type based on federal, state and local law;
 - (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
- (l) *Conditions on wastewater discharge permits.* Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
 - (8) Other conditions as deemed appropriate by the city manager or the city manager's designee to ensure compliance with this chapter, and state and federal laws, rules, and regulations.
- (m) *Wastewater discharge permit modification.* The city manager or the city manager's designee may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 - (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
 - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (4) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;
 - (5) Violation of any terms or conditions of the wastewater discharge permit;

- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
 - (8) To correct typographical or other errors in the wastewater discharge permit; or
 - (9) To reflect a transfer of the facility ownership or operation to a new owner or operator.
- (n) *Wastewater discharge permit transfer.* Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days' advance notice to the city manager or the city manager's designee and the city manager or the city manager's designee approved the wastewater discharge permit transfer. The notice to the city manager or the city manager's designee must include a written certification by the new owner or operator which:
- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - (2) Identifies the specific date on which the transfer is to occur; and
 - (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.
- (o) *Wastewater discharge permit revocation.* The city manager or the city manager's designee may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (1) Failure to notify the city manager or the city manager's designee of significant changes to the wastewater prior to the changed discharge;
 - (2) Failure to provide prior notification to the city manager or the city manager's designee of changed conditions pursuant to section 14-165(e);
 - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (4) Falsifying self-monitoring reports;
 - (5) Tampering with monitoring equipment;
 - (6) Refusing to allow the city manager or the city manager's designee timely access to the facility premises and records;
 - (7) Failure to meet effluent limitations;
 - (8) Failure to pay fines;
 - (9) Failure to meet compliance schedules;
 - (10) Failure to complete a wastewater survey or the wastewater discharge permit application;
 - (11) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 - (12) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.
- (p) *Wastewater discharge permit voidance.* Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.
- (q) *Wastewater discharge permit reissuance.* A user with an expiring wastewater discharge permit must apply for reissuance by submitting a complete permit application, in accordance with subsection (f) of this section, a minimum of 60 days prior to the expiration of the user's existing wastewater discharge permit.

- (r) *Reconsideration of wastewater discharge permit decision and judicial review of final administrative wastewater discharge permit decision.*
- (1) The city manager or the city manager's designee shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the city manager or the city manager's designee to reconsider the terms of a wastewater discharge permit within 30 days' notice of its issuance.
 - (2) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 - (3) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
 - (4) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
 - (5) If the city manager or the city manager's designee fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
 - (6) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the superior court of the county within 30 days after entry of said final decision. Except for the requirement that the action be filed in the superior court of the county, the judicial review shall be without a jury as set forth in O.C.G.A. § 50-13-19.

Sec. 14-88. Payment of connection cost and fees; indemnification of city.

All costs and expenses incident to the connection of the building sewer from the owner's building to the city property line shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the connection of the building sewer. Any connection from the city property line into the public sewer shall be made by the city and the owner shall pay the city the current prescribed connection fee, as set by city council and kept on file and maintained in the office of the clerk of the city. All costs, expenses, and impact and applicable other fees in connection with developments requiring sewer main extensions shall be borne by the owner/developer. The City Engineering Department will review all building and development plans and process tap fees, connection fees and or impact fees in accordance with the fee schedule.

Sec. 14-89. Separate and joint building sewers.

A separate and independent building sewer shall be provided for every building. Where one building stands at the rear of another and no private sewer is available, the building sewer from the front building may be extended to the rear building. A joint sewer for planned developments may be approved.

Sec. 14-90. Connection of old building sewers.

Old building sewers may be used in connection with the buildings when they are found, on examination and test by the chief building official, to meet all requirements of this chapter, provided no further work needs to be done by the city.

Sec. 14-91. Pipe specifications.

The building sewer pipe shall be of a type and shall meet the ASTM standards defined within tables 702.1abd 702.2, of the edition of the International Plumbing Code as required as a mandatory code as recorded by the Georgia Department of Community Affairs and in force at the time of application for the project. All sewer pipe installations are subject to connection and pipe installation inspections by the City of Thomasville Building and Engineering Departments. Sewer extension and sewer accessories shall be designed and constructed in accordance with the City of Thomasville specifications which are on file with City of Thomasville Engineering Department.

Sec. 14-92. Size and slope of building sewers.

The size and slope of the building sewer shall be subject to the approval of the chief building official, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than one-eighth inch per foot.

Sec. 14-93. Location of building sewer at building.

Whenever possible, the building sewer shall be brought to the building at an elevation below the footing or basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The building sewer shall be laid at uniform grade and in alignment insofar as possible. Changes in direction shall be made only with proper fittings. No connections to inflow sources including surface water drains, roof drains or any other inflow sources identified by the City Engineering Department are permitted.

Sec. 14-94. Artificial lifting of sanitary sewage to building sewer.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

Sec. 14-95. Excavation, pipe laying and backfill specifications.

All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the chief building official. No backfill shall be placed until the line work has been inspected. All work shall be in compliance with applicable OSHA requirements and ASTM Specifications, and specifications and other requirements of the City of Thomasville on file with the City of Thomasville Engineering Department.

Sec. 14-96. Joints and connections.

- (a) All joints and connections shall be made gastight and watertight. Installations shall meet with the manufacturer's specifications and the outlined requirements for installation and ASTM standards within the edition of the International Plumbing Code as required as a mandatory code as recorded by the Georgia Department of Community Affairs at the time of application for the project. and specifications and other requirements of the City of Thomasville, on file with City of Thomasville Engineering Department.
- (b) Other jointing materials and methods may be used only by approval of the chief building official.

Sec. 14-97. Connection of building sewer into public sewer.

The connection of the building sewer into the public sewer shall be made at the point of the city stub out. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for connection only when approved by the chief building official.

Sec. 14-98. Notice of readiness for inspection and connection.

The applicant for the building sewer permit shall notify the chief building official when the building sewer is ready for inspection and connection to the public sewer.

Sec. 14-99. Barricades and lights at excavations; restoration of street surface.

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

Secs. 14-100—14-126. Reserved.

ARTICLE V. USE OF THE PUBLIC SEWERS RESTRICTED

Sec. 14-127. Prohibited discharges.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer. No person shall discharge or cause to be discharged any garbage that has not been properly shredded. The installation of any garbage grinder equipped with a motor of three-quarters horsepower or greater shall be subject to the review and approval of the city manager or the city manager's designee.

Sec. 14-128. Discharges into storm sewer or natural outlet.

Stormwater and all other unpolluted drainage shall be discharged to sewers designated as storm sewers, or to a natural outlet approved by the city manager or the city manager's designee. Industrial cooling water or unpolluted process waters may be discharged upon approval of the city manager or the city manager's designee to a storm sewer or natural outlet, provided the discharger has obtained a discharge permit and required approvals from the state environmental protection division. The discharge of sanitary wastewater into storm sewer systems is prohibited without exception.

Sec. 14-129. Prohibited discharges specifically.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a wastewater system whether the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user shall not contribute the following substances to the wastewater treatment system:

- (1) Any liquids, solids or gases which by reason of their nature or quantity or may be sufficient either alone or by interaction with other substances to cause a fire or explosion or be injurious in any other way to the wastewater system or the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which the city, the state or EPA has notified the user is a fire hazard to the system;
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissue, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stones or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;
- (3) Any wastewater having a pH less than 5.0 or more than 10.0 unless the wastewater system is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the POTW. A change of no more than three pH units shall be allowed in any 24-hour period;
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the Act;
- (5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;
- (6) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act, and criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used;
- (7) Any substances which will cause the POTW to violate its NPDES permit or the receiving water quality standards;
- (8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
- (9) Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Celsius (104 degrees Fahrenheit) unless the POTW is designed to accommodate such temperature;
- (10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall the slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities, or flow during normal operation;

- (11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations;
- (12) Any wastewater which causes a hazard to human life or creates a public nuisance;
- (13) Any waters or wastes containing concentrated acid, iron, pickling wastes or concentrated plating solutions whether neutralized or not;
- (14) Materials which exert or cause unusual concentration of inert suspended solids, such as, but not limited to, Fuller's earth, lime slurries, and lime residues or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate;
- (15) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21;
- (16) Petroleum oil, nonbiodegradable cutting oil, or products of mineral origin, in amounts that will cause interference or pass through;
- (17) Pollutants that result in toxic gases, vapors, or fumes that cause worker health or safety problems;
- (18) Trucked or hauled pollutants, except at discharge points designated by the city manager or the city manager's designee in accordance with section 14-56(i);
- (19) Any substance, which if released in large enough quantities, is classified as hazardous waste under 40 CFR part 261.

Sec. 14-130. Effluent limitations.

- (a) No user shall discharge wastewater which exceeds the following concentration limits at the point of discharge into the city's collection system:

<i>Daily Maximum</i>	<i>mg/L</i>
1. Arsenic	0.052
2. Cadmium	0.026
3. Chromium +3	3.51
4. Chromium +6	2.98
5. Copper	0.14
6. Cyanide	0.082
7. Lead	0.43
8. Mercury	0.00025
9. Nickel	0.23
10. Selenium	0.033
11. Silver	0.33
12. Zinc	0.31
13. BOD	300
14. COD	Monitor Only*
15. Suspended Solids	400
16. Oil and Grease	100
17. Total Kjeldahl Nitrogen	40

*The City may issue industry-specific concentration limits if monitoring shows COD needs to be incorporated into an industrial pretreatment permit.

- (b) The above concentration limits are set by the city council as maximums. The limits may be reduced by order of the city manager or the city manager's designee at any time when it is found that the wastewater plant does not meet its proper limits of treatment, and the city manager or the city manager's designee may establish concentration limits for other substances as may be appropriate. All users on the system must comply with such revised standard limits.

Sec. 14-131. Violations of prohibited discharges.

When the city manager or the city manager's designee determines in accordance with sound engineering standards that a user is contributing to the POTW any of the substances identified in section 14-129 in such amount as to interfere with the operation of the POTW, or as listed in section 14-130, the city manager or the city manager's designee shall:

- (1) Advise the user of the impact of the contribution on the POTW; and
- (2) Develop effluent limitations for such user to correct the interference with the POTW and restrict pollutants discharged to city sewer to levels specified in section 14-130.

Secs. 14-132—14-160. Reserved.

ARTICLE VI. INDUSTRIAL DISCHARGE REQUIREMENTS

Sec. 14-161. Grease, oil, and sand interceptors.

- (a) Grease, oil, and sand interceptors shall be provided when, in the opinion of the city manager or the city manager's designee, based on sound engineering standards, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city manager or the city manager's designee and shall be located so as to be readily and easily accessible for cleaning and inspection. All interceptors shall be supplied and properly maintained continuously in satisfactory and effective operation by the owner at the owner's expense.
- (b) All eating and quick food establishments not now existing shall provide a grease interceptor of 1,000 gallons capacity or larger between the kitchen and sewer tap. The sewer line from restrooms shall not be tied to the grease interceptor. Grease interceptors shall be installed with an access manhole brought up to or slightly above grade for easy cleaning. Where unusual conditions which make the provisions of this subsection prohibitive or not required, an alternative system approved by the city manager or the city manager's designee can be utilized, provided it removes grease to levels below those fixed in this chapter.
- (c) All existing eating and quick food establishments presently operating without a grease interceptor shall be required to install one whenever it is deemed necessary by the city manager or the city manager's designee, upon recommendation by the city manager or the city manager's designee of the sewer department, to prevent grease from entering public sewers.
- (d) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, bolted in place, shall be gastight and watertight, wherever desirable.
- (e) When installed, all grease, oil and sand interceptors shall be maintained at the owner's expense, in continuously efficient operation at all times. All interceptors shall be pumped and cleaned at least every six months or more often if deemed necessary by the city manager or the city manager's designee. An inspection of existing conditions may be made by authorized city personnel at any time it appears that there may be a problem.

Sec. 14-162. Pretreatment facilities required.

- (a) Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards and local limits and prohibitions as outlined in section 14-129 within the time limitations as specified by the federal, state or local pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city and shall be prepared by a registered engineer before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the city. The city in no way shall be responsible for the design and operation of the facilities. The review contemplated hereunder is intended only to ensure compatibility of the pretreatment system with the city's system.
- (b) No industry will exceed the pretreatment limits as established by the EPA in accordance with section 307(b) and (c) of the Act (33 USC 1317(b), (c)) which applies to a specific category of industrial users.
- (c) No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The city manager or the city manager's designee may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

Sec. 14-163. Federal categorical standards.

The categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405—471 are hereby incorporated.

- (1) Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed pursuant to this chapter for sources in that subcategory, shall immediately supersede the limitations locally imposed. The state environmental protection division shall notify all affected users of the new standard and applicable reporting requirements.
- (2) Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the state for modification of specific limits in the federal pretreatment standards. The term "consistent removal" means reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system for 95 percent of the samples taken when measured according to the procedures set forth in 40 CFR 403.7(c)(2), in part 403, General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained.
- (3) Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the city manager or the city manager's designee a report which contains the information listed below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the city manager or the city manager's designee a report which contains the information listed in

subsection (4) of this section. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- (4) Users described above shall submit the information set forth below:
- a. *Identifying information.* The name and address of the facility, including the name of the operator and owner;
 - b. *Environmental permits.* A list of any environmental control permits held by or for the facility;
 - c. *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operations carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;
 - d. *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e);
 - e. *Measurement of pollutants.*
 1. The categorical pretreatment standards applicable to each regulated process;
 2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the city manager or the city manager's designee, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 14-166(b);
 3. Sampling must be performed in accordance with procedures set out in section 14-166(c);
 - f. *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements;
 - g. *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in subsection (5) of this section;
 - h. *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with section 14-87.
- (5) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by this chapter:
- a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
 - b. No increment referred to above shall exceed nine months;
 - c. The user shall submit a progress report to the city manager or the city manager's designee no later than 14 days following each date in the schedule and the final date of compliance including, as a

- minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- d. In no event shall more than nine months elapse between such progress reports to the city manager or the city manager's designee.
- (6) Reports on compliance with categorical pretreatment standard deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the city manager or the city manager's designee a report containing the information described in subsection (7) of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 14-87.
- (7) Periodic compliance reports.
- a. All significant industrial users shall, at a frequency determined by the city manager or the city manager's designee but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 14-87.
- b. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- c. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the city manager or the city manager's designee, using the procedures prescribed in section 14-166, the results of this monitoring shall be included in the report.

Sec. 14-164. Maintenance of facilities.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, at the owner's expense.

Sec. 14-165. Information and notification of industrial discharge requirements.

- (a) *Annual list of significant noncompliance.* The city shall annually publish in the local newspaper a list of the users who were in significant noncompliance with any pretreatment requirements or standards once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user during the same 12 months.
- (b) *Information and data on a user.* Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the city manager's or the city manager's designee's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the city manager or the city manager's designee, that the release of such information would divulge information,

processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

- (c) *Reports of changed conditions.* Each user must notify the city manager or the city manager's designee of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change.
 - (1) The city manager or the city manager's designee may require the user to submit information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 14-87(f).
 - (2) The city manager or the city manager's designee may issue a wastewater discharge permit under section 14-87(i) or modify an existing wastewater discharge permit under section 14-87(l) in response to changed conditions or anticipated changed conditions.
 - (3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20 percent or greater, and the discharge of any previously unreported pollutants.
- (d) *Reports from unpermitted users.* All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the city manager or the city manager's designee as the city manager or the city manager's designee may require.
- (e) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the city manager or the city manager's designee within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city manager or the city manager's designee within 30 days after becoming aware of the violation. The user is not required to resample if the city manager or the city manager's designee monitors at the user's facility at least once a month, or if the city manager or the city manager's designee samples between the user's initial sampling and when the user receives the results of this sampling.

Sec. 14-166. Monitoring facilities.

- (a) *Analytical requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.
- (b) *Sample collection.*
 - (1) Except as indicated in subsection (b)(2) of this section, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the city manager or the city manager's designee may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
 - (2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

- (c) *Timing.* Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
- (d) *Recordkeeping.* Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the city manager or the city manager's designee.
- (e) *Right of entry; inspection and sampling.* The city manager or the city manager's designee shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the city manager or the city manager's designee ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
 - (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the city manager or the city manager's designee or other designated person, will be permitted to enter without delay for the purposes of performing specific responsibilities.
 - (2) The city manager or the city manager's designee shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the users operations.
 - (3) The city manager or the city manager's designee may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated as often as need to ensure their accuracy.
 - (4) 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 user at the written or verbal request of the city manager or the city manager's designee and shall not be replaced. The costs of clearing such access shall be borne by the user.
 - (5) Unreasonable delays in allowing the city manager or the city manager's designee access to the user's premises shall be a violation of this chapter.
- (f) *Access refusal.* If the city manager or the city manager's designee has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the city manager or the city manager's designee may seek issuance of a search warrant from the municipal court of the city.

Sec. 14-167. Accidental spills.

- (a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the state environmental protection division for review before

construction of the facility. All existing users shall complete such a plan by January 1, 1983. No industrial user who commences contribution to the POTW after the effective date of the ordinance from which this chapter is derived shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the state environmental protection division. Review of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the state environmental protection division and the city of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- (b) Within 24 hours following an accidental discharge, the user shall submit to the state environmental protection division and the city a detailed written report describing the cause of the discharge and the measures taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.
- (c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Sec. 14-168. Pretreatment requirements and enforcement.

- (a) *The pretreatment program of the city is developed and enforced by the city.* The city shall have full power to do any and all of the following:
 - (1) Deny or condition any increased or new discharges;
 - (2) Require compliance with pretreatment standards;
 - (3) Control industrial discharges to the treatment works to ensure compliance;
 - (4) Require the development of an industrial compliance schedule for installation of required technologies;
 - (5) Require submission of appropriate notices and industrial self-monitoring reports necessary to assess and assure compliance;
 - (6) Conduct, as necessary, inspections, surveillance and monitoring procedures to independently determine compliance or noncompliance;
 - (7) Have access to industrial records and entry to any industrial user's premises, where an effluent source or treatment system is located.
- (b) *Notification of violation.* When the city manager or the city manager's designee finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city manager or the city manager's designee may serve upon that user a written notice of violation. Within five days of the receipt of this notice, 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 user to the city manager or the city manager's designee. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of this notice of violation. Nothing in this section shall limit the authority of the city manager or the city manager's designee to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- (c) *Consent orders.* The city manager or the city manager's designee may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the

noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to subsections (e) and (f) of this section and shall be judicially enforceable.

- (d) *Show cause hearing.* The city manager or the city manager's designee may order a user which has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the city manager or the city manager's designee and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 30 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
- (e) *Compliance orders.* When the city manager or the city manager's designee finds that a user violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard requirement, the city manager or the city manager's designee may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. 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 user 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 user.
- (f) *Cease and desist orders.* When the city manager or the city manager's designee finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard requirement, or that the user's past violations are likely to recur, the city manager or the city manager's designee may issue an order to the user directing it to cease and desist all such violations and directing the user to:
 - (1) Immediately comply with all requirements; and
 - (2) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease-and-desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

- (g) *Administrative fines.*
 - (1) When the city manager or the city manager's designee finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city manager or the city manager's designee may fine such user in an amount not to exceed \$1,000.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.
 - (2) Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of ten percent of the unpaid balance, and interest shall accrue thereafter at a rate of one percent per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
 - (3) Users desiring to dispute such fines must file a written request for the city manager or the city manager's designee to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the city manager or the city manager's designee may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with

any interest accruing thereto, shall be returned to the user. The city manager or the city manager's designee may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

- (4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (h) *Emergency suspension.* The city manager or the city manager's designee may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The city manager or the city manager's designee may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
- (i) *Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution.* In the event of a user's failure to immediately comply voluntarily with the suspension order, the city manager or the city manager's designee may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city manager or the city manager's designee may allow the user to recommence its discharge when the user has the termination proceedings in subsection (k) of this section are initiated against the user.
- (j) *Discharge representing imminent danger statement.* A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence; to the city manager or the city manager's designee prior to the date of any show cause or termination hearing under subsection (d) of this section. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.
- (k) *Termination of discharge.* In addition to the provisions in section 14-87(n), any user who violates the following conditions is subject to discharge termination:
- (1) Violation of wastewater discharge permit condition;
 - (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
 - (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
 - (5) Violation of the pretreatment standards in section 14-163.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (d) of this section why the proposed action should not be taken. Exercise of this option by the city manager or the city manager's designee shall not be a bar to, or a prerequisite for, taking any other action against the user.

(l) *Judicial enforcement remedies.*

- (1) *Injunctive relief.* When the city manager or the city manager's designee finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other treatment standard or requirement, the city manager or the city manager's designee may petition the superior or state court of the county through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The city manager or the city manager's designee may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct

environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

- (2) The city manager or the city manager's designee may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
- (3) In determining the amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- (4) *Criminal prosecution.*
 - a. A user who violates any provision of this chapter, wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement hereunder shall, upon conviction, be guilty of a misdemeanor and shall be punished as set forth in subsection (1)(3)d of this section.
 - b. A user who introduces any substance into the POTW which causes personal injury or property damage shall upon conviction, be guilty of a misdemeanor and shall be punished as set forth in subsection (1)(3)d of this section.
 - c. A user who knowingly makes any false statements, representations, certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be guilty of a misdemeanor and shall be punished as set forth in subsection (1)(3)d of this section.
 - d. Each violation of any portion of the foregoing subsections shall constitute a separate offense. Any user convicted of any such offense shall be subject to such punishment as the municipal court of the City of Thomasville shall impose, subject to all limitations contained in the Charter of the city.
- (5) *Remedies nonexclusive.* The remedies provided for in this chapter are not exclusive. The city manager or the city manager's designee may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city manager or the city manager's designee may take other action against any user when the circumstances warrant. Further, the city manager or the city manager's designee is empowered to take more than one enforcement action against any noncompliant user.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal or local requirements.

Sec. 14-169. Affirmative defenses to discharge violation.

- (a) Upset.
 - (1) For the purposes of this section, the term "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (a)(3) of this section are met.

- (3) A user who wished to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- a. An upset occurred, and the user can identify the cause of the upset;
 - b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - c. The user submitted the following information to the city manager or the city manager's designee within 24 hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days:
 1. A description of the indirect discharge and cause of noncompliance;
 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (b) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (c) Users will have the opportunity for judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (d) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
- (e) Prohibited discharge standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 14-127 or the specific prohibitions in section 14-129 if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:
- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
 - (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.
- (f) Bypass.
- (1) Definitions. The following words, terms and phrases, when used in this subsection (f), shall have the meanings ascribed to them in this subsection (f)(1), except where the context clearly indicates a different meaning:
- Bypass* means the intentional diversion of wastestreams from any portion of a user's treatment facility.
- Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (f)(3) and (4) of this section.

- (3) If a user knows in advance of the need for a bypass, it shall submit prior notice to the city manager or the city manager's designee, at least ten days before the date of the bypass, if possible. A user shall submit oral notice to the city manager or the city manager's designee of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The city manager or the city manager's designee may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (4) Bypass is prohibited, and the city manager or the city manager's designee may take an enforcement action against a user for a bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The user submitted notices as required under subsection (f)(3) of this section.

The city manager or the city manager's designee may approve an anticipated bypass, after considering its adverse effects, if the city manager or the city manager's designee determines that it will meet the three conditions listed in subsection (f)(4)a of this section.

Secs. 14-170—14-191. Reserved.

ARTICLE VII. CHARGES

Sec. 14-192. Basis.

Charges for sewerage service shall be made and billed in compliance with the EPA user charge system approved by the city council by resolution prior to the effective date of the ordinance from which this section derives. The user charge system shall result in the calculation of three unit charges:

- (1) An administrative charge to be calculated based on the administration costs and the number of wastewater customers to be assessed on each connection for which a separate bill is issued;
- (2) An operation, maintenance, and replacement fee based on the volume of water used by wastewater customers and the total operation, maintenance, and replacement costs incurred by the city to be assessed on the basis of water used per 1,000 gallons; and
- (3) A surcharge rate may be applied to all over-strength wastes to be based on the strength and volume of such wastes and the costs of treatment. However, the utility reserves the right to reject over-strength waste, require pretreatment, or limit quantities. If the utility agrees to accept over-strength waste, the surcharge rate shall be calculated based on strength above over-strength limit divided by the over-strength limit, times the prevailing volume rate.

Sec. 14-193. Tapping pollutants.

Any user who discharges any toxic pollutants or other constituents which cause an increase in the cost of managing the effluent or the sludge of the aforementioned treatment works shall be required to pay for such increased costs.

Sec. 14-194. Review of rates.

The city shall review not less often than every two years the wastewater contribution of users, the total costs of operation and maintenance of the treatment works, and the approved user charge system. The city shall revise the charges for users to accomplish the following:

- (1) Maintain the proportionate distribution of operation and maintenance costs among users;
- (2) Generate sufficient revenue to pay the total operation and maintenance costs necessary for proper operation and maintenance, including minor replacement, of the treatment works; and
- (3) Apply excess revenues collected to adjust future rates accordingly.

Sec. 14-195. Notification.

The city will notify each user at least annually, in conjunction with a regular bill or other mailing, of the rate attributable to the user charge.

Sec. 14-196. Precedence.

The user charge system shall take precedence over any terms or conditions of agreements or contracts between the city and users which are inconsistent with the requirements of section 204(b)(1)(A) of the Act and 40 CFR part 35, dated September 27, 1978.

Sec. 14-197. Sewer user charges.

- (a) The EPA user charge, which includes charges for operations, maintenance, and replacement expenses, will be assessed for all contributions to the publicly owned treatment works. The current rates are on file in the office of the city clerk and in the office of the city utilities administrative offices.
- (b) The volume applicable will not exceed 12,000 gallons of water used by residential customers only.

Sec. 14-198. Private systems.

Sewer service charges to any customer who operates a private water system, all or any part of which enters the city sanitary system, shall be by contract. Such contract charges shall be in addition to metered charges listed in section 14-197.

Sec. 14-199. Sewer fees and costs.

- (a) All work on private property beyond the street right-of-way or property line where sewer service is available shall be performed at the expense of the owner and in conformity with this Code. The city shall make all connections to the city sanitary sewers, including all excavation and laying all pipe necessary to construct the sewer lines from the laterals, outfalls, or main lines to the margin of the city's, state's, or county's right-of-way or the perimeter of the private property to be served. A tap fee will be charged to any commercial unit or residential unit that will require a new tap to be constructed for a physical connection.
- (b) The typical sewer tap fee for a six (6) inch connection directly into a city sanitary sewer main is set by city council and kept on file and maintained in the office of the clerk of the city.
- (c) In addition to the sewer tap fee, additional charges and fees that shall be paid by the owner may include but not be limited to the following:
 - a. Construction Costs: Any materials, labor or equipment that is outside the normal scope and costs covered in a tap fee. For example, a sewer main that is required to be extended to serve the new site, the developer or landowner will be required to pay all construction costs associated with it.
 - b. Connection Fees: Any developer or landowner who receives a building permit or other construction permit for any development activity or who undertakes any development activity within the City's corporate limits for which a building permit is required, or other construction permit if a building permit is not required, shall pay the sewer connection fees. The connection fee is set by the city council and kept on file at the city clerk's office.
 - c. Impact Fees: Costs associated with any upgrades or improvements to the sewer system to serve any new sources or expansion of sewer requirements of existing sources.
- (d) Development construction: including but not limited to multiple users such as apartments, townhomes, residential lots, units, subdivisions, and assisted living facilities by way of illustration and not limitation. The developer and or land owner shall pay for all sewer extensions, construction costs, connection fees, tap fees, impact fees, engineering fees and all other costs associated with the sewer system. All sewer extensions and sewer accessories shall be installed by developer's or land owner's licensed utility contractor and inspected by City Engineering Department and or City Utility Department. The developer and or land owner shall pay connection fees per unit. Connection fees, tap fees and engineering fees are set by city council and kept on file and maintained in the office of the clerk of the city.
- (e) Where sewer connections are to be made to sanitary sewer main lines in excess of eight (8) inches in diameter, such connections will only by at manholes. The cost of such manholes, if not existing will be included in the cost of sewer fees as listed above.

Sec. 14-200. Adjustments in billing.

The city manager or the city manager's designee shall be authorized to make equitable adjustments in billings for water and sewerage services in cases where leaks in pipes and plumbing facilities result in increased billings without fault on the part of the customer. Such adjustments shall be made based on an average of prior billings only after repairs have been made as certified by a licensed plumber, and shall be limited to three months' billings.

Sec. 14-201. Time of payment; delinquency penalty.

- (a) The sewer service charges provided for in this chapter shall be due and payable in the same manner as water service charges and subject to the same delinquency penalties as water service charges.
- (b) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the municipal sewerage works. Any person violating this provision shall be subject to immediate arrest under an appropriate charge.

- (c) The city manager or the city manager's designee and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter.

Sec. 14-202. Cutting off water for delinquency.

Where the sewerage customer is also a water customer, the failure of such customer to pay such fees and charges shall authorize the city to cut off the water supply of such customer in the same manner that water is cut off for failure to pay water bills.

Sec. 14-203. Deposits apply to sewer charges also.

All deposits made as security for the payment of water bills shall, in the same manner, secure and be liable for the payment of the sewer fees and charges as provided in this article.

Secs. 14-204—14-229. Reserved.

ARTICLE VIII. ENFORCEMENT

Sec. 14-230. Discontinuance of service.

- (a) The service under any application or contract may be discontinued for any of the following reasons:
 - (1) For misrepresentation in application as to property or fixtures to be supplied, or the use to be made of the water supply or character of waste discharged into the sanitary sewerage system;
 - (2) For the use of water for any other property or purpose than that described in the application;
 - (3) For willful or negligent waste of water through improper or imperfect service pipes, fixtures, meters, private fire protection systems or otherwise;
 - (4) For failure to protect the connections, service lines and fixtures, or to maintain them in good order;
 - (5) For nonpayment of any account for water or sewer service furnished or of any scheduled fee or charge as required by the provisions of this chapter, rules and regulations promulgated pursuant to the terms hereof, or any amendments hereto;
 - (6) For molesting any service pipe, meter, curb-stop-cock, seal, or any other appliance of the water and sewerage department controlling or regulating the water supply;
 - (7) In case of vacancy of premises;
 - (8) For violation of any provision of this chapter or amendments thereto;
 - (9) For violation of any rules or regulations promulgated by the director, and under authority of the provisions of this chapter or amendments thereto;
 - (10) For turning off or on water at the water main or water connection or curb stop, by a plumber, owner or other unauthorized person, or for disconnecting or removing the meter, without the prior written consent of the city manager or the city manager's designee. Emergency cut-off of such water without damage to any city property shall not be considered a cause of discontinuance of service.
- (b) The city manager or the city manager's designee shall have authority to order the temporary discontinuance of water or sewer service in any emergency, under exigent circumstances, or whenever such discontinuance is necessary to protect life, health or property or to prevent immediate interference with the city systems.

- (c) In all other circumstances, service shall be discontinued only after five days' written notice delivered to an adult person occupying the premises served, or posted in a conspicuous place thereon, stating the reason for discontinuance and informing the user of the user's right to a hearing before the city manager or the city manager's designee upon such user's appearance before the city manager or the city manager's designee within such five working days during regular business hours.

Sec. 14-231. Liens.

- (a) Any charges made by the city for furnishing water and sewer services and services related thereto, including connection fees, meter installation fees, tapping fees, and charges for every kind of service necessary or incidental to the furnishing of water and sewer services, shall constitute a lien against the real property to which such services are furnished, whether such real property is located within or without the corporate limits of the city, upon the issuance and recording of an.
- (b) Should the customer fail to pay any of the foregoing charges and such charges be in default for a period of ten days after the due date, the city manager or the city manager's designee shall be authorized to have an execution issued by the city clerk, which execution shall issue against the property as described on the latest ad valorem tax digest and in personam against the owner of the property, for the principal amount due, plus interest at the rate of 12 percent per annum from the due date and the sum of \$2.50 cost for issuance of the execution. Subsequent costs shall be the same as those allowed by law relative to tax executions. The execution shall constitute a lien against the property from the time of its filing, which lien shall rank on a parity with and be of equal dignity to other liens for special tax assessments.

Sec. 14-232. Existing contractors.

Any and all contracts, franchises and regulations now in force and effect between the city and any person for the operation of buses are recognized and accepted according to the terms and provisions therein stipulated and until amended by proper ordinance or resolution. "

SECTION II

This ordinance shall be effective on the date of its final reading and passage.

SECTION III

BE IT FURTHER ORDAINED all ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION IV

BE IT FURTHER ORDAINED and it is hereby declared to be the intention of the Mayor and Council of the City of Thomasville that all sections, paragraphs, sentences, clauses, and phrase of this Ordinance are and were, upon their enactment, believed by the Mayor and the Council to be fully valid, enforceable, and constitutional.

SECTION V

BE IT FURTHER ORDAINED and it is hereby declared by the Mayor and the Council of the City of Thomasville that (i) to the greatest extent allowed by law, each and every section paragraph sentence, clause or phrase of this Ordinance is severable from every other section paragraph sentence, clause or phrase of this Ordinance and (ii) that to the greatest extent allowed by law, no section paragraph, sentence, clause or phrase of his ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of his ordinance.

SECTION VI

BE IT FURTHER ORDAINED and it is hereby declared that in the event that any phrase, clause, sentence, paragraph or section of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgement or decree of any court of competent jurisdiction, it is the express intent of the Mayor and the Council of the City of Thomasville that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs or sections of this ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION VII

This ordinance was introduced and read at a lawful meeting of the City council for the City of Thomasville, Georgia, held May 13, 2024, and read the second time, passed and adopted in like meeting held on May 28, 2024.

CITY OF THOMASVILLE, GEORGIA

By: Todd Mobley
Todd Mobley, Mayor

Attest: Felicia Brannen
Felicia Brannen, City Clerk

[seal]