

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 37-23

**AN ORDINANCE**

amending Chapter 22 of the City Code as it relates to sewer pretreatment regulations; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 22 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 22-210. Definitions.

The following words and terms as used in this article shall be deemed to mean and be construed as follows, unless the context specifically indicates otherwise:

*Best management practices (BMP).* Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in section 22-217 of this chapter, or pollutants that may bypass or pass through the publicly owned treatment works (POTW) or have an adverse effect upon the wastewater treatment process or the receiving stream. Best management practices may include treatment requirements, operating procedures, a physical, chemical, structural, or managerial practice or device or alternative means, such as management plans, that can help achieve compliance with article VI of this chapter.

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*Industrial wastewater.* The water-carried wastes or liquid wastes from industrial or commercial processes as distinguished from domestic wastewater.

*Instantaneous limit.* The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

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*(POTW) Publicly Owned Treatment Works.* A treatment works as defined by 33 U.S.C. § 1292 which is owned by the City of Columbia. This definition includes any devices or systems used in collection, storage, treatment, recycling, and reclamation of wastewater or industrial wastes of liquid nature and any conveyances which convey wastewater to a POTW treatment plant. POTW shall also include any sewers that convey wastewater to the POTW from users outside the city limits of the City of Columbia who are by contract or agreement with the City, users of the City of Columbia POTW, even though the sewers may not have been constructed by or may not be maintained by the City of Columbia.

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*Pretreatment requirements.* Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

*Pretreatment standards or standards.* Shall mean prohibited discharge or effluent standards, categorical pretreatment standards, and local limits.

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*Significant noncompliance (SNC).* Industrial user violations which meet one of the following criteria:

- (1) Violation of wastewater discharge limits.
  - a. Chronic violations. Sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter during a six (6) month period exceed a numeric pretreatment standard or requirement, including instantaneous limits ~~the same daily maximum limit or the same average limit in a six (6) month period.~~
  - b. Technical Review Criteria (TRC) violations. Thirty-three (33) percent or more of wastewater the measurements taken for each pollutant parameter during a six (6) month period equals or exceeds ~~exceed the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable criteria below: same daily maximum limit or the same average by more than the TRC in a six (6) month period.~~

There are two (2) groups of TRCs:

Group I for conventional pollutants (BOD, TSS, fats, oil, and grease)	TRC = 1.4
Group II for all other pollutants <u>except pH</u>	TRC = 1.2

- c. Any other violation(s) of an effluent or discharge limit (average or daily maximum, instantaneous limit or narrative standard), pretreatment standard

or requirement that the control authority determines ~~believes~~ has caused, alone or in combination with other discharges, interference (e.g. ~~e.g.~~, slug loads) or pass-through, or endangered the health of the POTW personnel or the public.

d. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment or ~~and~~ has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

- (2) Violations of compliance schedule milestones, contained in a local control mechanism or enforcement order, for starting construction, completing construction, or ~~and~~ attaining final compliance by ninety (90) days or more after the schedule date.
- (3) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety-day compliance reports, and periodic reports) within forty-five (45) ~~thirty (30)~~ days from the due date.
- (4) Failure to accurately report noncompliance.
- (5) Any other violation or group of violations, which may include a violation of best management practices, which the City of Columbia determines will adversely affect the operation or implementation of the local pretreatment program.

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#### Sec. 22-210.01. Missouri General Pretreatment Regulation.

The Environmental Protection Agency federal regulation current as of November 9, 2022 and dated July 1, 2021, 40 CFR Parts 403 through 471, inclusive, have been incorporated by reference with substitutions and modifications as defined by and set forth into Missouri state regulation current as of October 31, 2022 and dated May 31, 2020, 10 CSR 20-6.100.

Any federal regulation current as of November 9, 2022 and dated July 1, 2021, 40 CFR Parts 403 through 471, inclusive, referenced in this chapter and article of the City of Columbia, Missouri Code of Ordinances shall be interpreted with all substitutions and modifications as set forth in 10 CSR 20-6.100 current as of October 31, 2022 and dated May 31, 2020.

All referenced and included sources are available for inspection in the city clerk's office.

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Sec. 22-215.05. Specific pollutant limitations.

(a) *Categorical pretreatment standards:* Any industrial user having process waste streams which are subject to any federal categorical pretreatment standards either currently in effect or promulgated or modified after the effective date of this ordinance shall comply with the requirements of such standards. Categorical pretreatment standards as listed in 10 CSR 20-6.100(2) and (3), current as of October 31, 2022 and dated May 31, 2020, are hereby incorporated by reference and are fully enforceable under this ordinance the same as if fully set out herein. Limitations established in such standards shall apply to the treated effluents from the processes regulated by the standard, unless otherwise specified by the standard. When the limits in a categorical pretreatment standard are production based, the director may convert the limits to equivalent mass or concentration for purposes of calculating effluent limitations applicable to individual users. Where regulated process effluents can not be sampled prior to mixing with other wastestreams, alternative limits for the mixed effluent may be established by the director using the combined wastestream formula subject to the provisions of 40 CFR 403.6(e). All users subject to categorical pretreatment standards are also obligated under federal law to comply with the City of Columbia's discharge limitations specified in sections 22-215 and 22-215.05 of this ordinance. When a pollutant in a user's discharge is subject to both a limit from a categorical pretreatment standard and a City of Columbia limit at the same sampling point, the most strict limit shall apply.

(b) *Local limits:* No user shall discharge or cause to be discharged wastewater to the POTW containing concentrations in excess of the limits listed for the substances below:

<i>POLLUTANT</i>	<i>DAILY MAXIMUM (mg/l)</i>
Total Arsenic (As)	<u>0.210</u> <del>0.383</del>
Total Cadmium (Cd)	<u>0.74</u> <del>0.025</del>
Total Chromium (Cr)	<u>5.875</u> <del>7.280</del>
Total Copper (Cu)	<u>3.003</u> <del>3.497</del>
Total Lead (Pb)	<u>0.396</u> <del>0.633</del>
Total Mercury (Hg)	<u>0.042</u> <del>0.018</del>
Total Nickel (Ni)	<u>1.187</u> <del>2.293</del>
Total Silver (Ag)	<u>0.867</u> <del>0.984</del>
Total Zinc (Zn)	<u>10.623</u> <del>21.485</del>
Total Cyanide (CN)	<u>0.244</u> <del>0.199</del>
Total Molybdenum (Mo)	<u>0.162</u> <del>0.376</del>
Total Selenium (Se)	<u>0.097</u> <del>0.476</del>

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Sec. 22-216. Unusual waste subject to review, regulation and approval.

(a) Wastes which are unusual in composition, i.e., contain an extremely large amount of total suspended solids or BOD; are high in dissolved solids such as sodium chloride, calcium chloride, or sodium sulfate; or are in any other way unusual, shall be reviewed by the director, who will determine whether such wastes shall be prohibited from or may be admitted to the city sewers or shall be modified or treated before being admitted. Wastes which, in the opinion of the director, are unusual or highly variable in volume shall be subject to flow equalization or other forms of regulation.

(b) Any water or waste which, by interaction with other water or wastes in the public sewer system, releases obnoxious gases or develops color of undesirable intensity, or forms suspended solids in objectionable concentration, or creates any other condition deleterious to structures and treatment processes, shall be subject to control of the director.

(c) The admission into the public sewers of any water or waste (1) having a five-day biochemical oxygen demand greater than two hundred (200) mg/l; or (2) containing more than two hundred forty (240) mg/l of total suspended solids; or (3) having a COD greater than four hundred (400) mg/l; or (4) having an average daily flow or a maximum peak flow greater than allotted percentages of the total average wastewater flow or maximum peak flow in a sewer or to a treatment facility as allocated by the director; or (5) containing any quantity of substances having the characteristics described in section 22-215 or section 22-215.05, shall be subject to the review and approval of the director. Where necessary in the opinion of the director, the owner shall provide at owner's ~~his~~ expense such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to less than two hundred (200) mg/l, the total suspended solids to less than two hundred forty (240) mg/l and the COD to less than four hundred (400) mg/l; or (2) control the quantities and rates of discharge of such waters or wastes; or (3) reduce objectionable characteristics or constituents to within the maximum limits provided for in section 22-215 or section 22-215.05, or meet applicable state or federal pretreatment standards. Plans, specifications, compliance schedules and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the director, and no construction of such facilities shall be commenced until such approval is obtained in writing.

(d) Any decision of the director concerning this section and/or pretreatment standards may be appealed to the city council by filing a statement with the city clerk within ten (10) days after the director's decision. Such statement shall include:

- (1) Name and address of party;
- (2) Name and address of business;

- (3) Original request to the director;
- (4) Director's decision;
- (5) Additional supporting documentation;
- (6) Suggested reasoning for upholding or denial of appeal.

The city council will decide the appeal within a reasonable time and notify the parties of its decision.

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#### Sec. 22-216.3. Discharge permits.

The director is authorized to establish local pretreatment standards and conditions for all wastewater discharged into city sewer systems. In order to enforce local, state and federal pretreatment standards, the director is authorized to require discharge permits of any person prior to that person discharging wastewater into any city sewer.

- (1) As a condition of issuing a discharge permit, the director may require any permit applicant to sample the discharge, analyze the sample and record and report the results at frequencies and with methods determined by the director.
- (2) As a condition of issuing a discharge permit, the director ~~or his designees~~ shall have the right to enter the premises of the facility generating the wastewater to inspect the facility, sample the wastewater and inspect and copy any records required to be kept relating to the wastewater or to enter any other premises where records are kept relating to the wastewater to inspect those records.
- (3) The director is authorized after investigation to grant or deny the permit, or after the permit is issued to revoke the permit, upon discovery of a violation of the permit restrictions or to reconsider the permit if changes in local, state or federal pretreatment standards so require.
- (4) Permits shall not be issued for a period longer than five (5) years.
- (5) The permittee must submit an application for a new permit at least ninety (90) days before the expiration date of the permit if the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit.
- (6) An expired permit will continue to be effective and enforceable until the permit is reissued if:

- a. The permittee has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit.
  - b. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.
- (7) Permits shall not be transferable without a minimum thirty (30) day notification to the director and a copy of the permit provided to the new owner or operator. The new owner or operator within thirty (30) days of transfer of ownership or operation shall submit to the director an industrial user permit application for modification of the permit indicating changes to the company name, signatory authority, designated facility contact, and any changes in industrial operations.
  - (8) Permits must contain effluent limits, including best management practices, based on pretreatment standards.
  - (9) Permits must contain self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practices) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.
  - (10) The permittee may seek a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge. The request for a waiver must be in accordance with 40 CFR 403.12(e)(2).

Sec. 22-217. Violations; penalties.

(a) If any person is found to be violating any provision of this article, the director may, at director's~~his~~ discretion, pursue any combination of the following remedies:

- (1) Injunctive or other appropriate relief in circuit court restraining the violation, requiring compliance with this article and recovering the city's cost in remediating any damage caused by the violation.
- (2) Prosecution in municipal court.
- (3) Notice of violation to the persons responsible for the violation.

(b) Any person who commits an unlawful act under this article or who knowingly makes any false statement, representation or certification in any application, record plan or other document filed or required to be maintained or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required hereunder shall upon conviction thereof be punished in the same manner as if convicted of a class A

misdemeanor under chapter 16 of this Code. Each day the unlawful act occurs or continues shall constitute a separate offense.

(c) If any person shall fail to remedy a violation after notice of the violation from the director and any hearing required under this article, the director is authorized to do any combination of the following: revoke any discharge permit previously granted; discontinue sewer service to that person; use city or contract forces to remedy the violation and charge the costs of the remedy to the sewer utility account of that person.

(d) If any discharge which appears to present an imminent endangerment to the health or welfare of persons, the director shall have the authority to immediately and effectively halt or prevent any discharge of pollutants.

(e) A list of contributors who were in significant noncompliance with the provisions of this article during the twelve (12) previous months shall be annually published by the director in a local newspaper. The notification shall also summarize any enforcement action taken against the contributors during the same twelve (12) months. ~~For the purposes of this provision, significant noncompliance are violations which meet one of the following criteria:~~

~~(1) Violation of wastewater discharge limits.~~

~~a. Chronic violations. Sixty-six (66) percent or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period.~~

~~b. Technical Review Criteria (TRC) violations. Thirty-three (33) percent or more of the measurements exceed the same daily maximum limit or the same average by more than the TRC in a six (6) month period.  
There are two (2) groups of TRCs:~~

<del>Group I for conventional pollutants (BOD, TSS, fats, oil, and grease)</del>	<del>TRC = 1.4</del>
<del>Group II for all other pollutants</del>	<del>TRC = 1.2</del>

~~c. Any other violation(s) of an effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through, or endangered the health of the sewage treatment personnel or the public.~~

~~d. Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.~~

~~(2) Violations of compliance schedule milestones, contained in a local control mechanism or enforcement order, for starting construction, completing~~



~~construction, and attaining final compliance by ninety (90) days or more after the schedule date.~~

- ~~(3) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety-day compliance reports, and periodic reports) within thirty (30) days from the due date.~~
- ~~(4) Failure to accurately report noncompliance.~~
- ~~(5) Any other violation or group of violations which the City of Columbia determines will adversely affect the operation or implementation of the local pretreatment program.~~

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Sec. 22-219. Testing, reporting and recordkeeping.

(a) Any person discharging other than domestic wastewater to the city sewers shall submit to the director at such intervals as the director ~~he~~ may prescribe a report accurately describing the character and quantity of all such wastes discharged in the city sewers during the period covered by the report. In order to ensure compliance with these provisions, the director may at any time take such measurements, collect such samples, and run such laboratory analyses at the contributor's expense on representative samples of any waste as may be deemed necessary. All tests performed by the city or by the owner for submittal to the city shall be in accordance with standard laboratory methods as set forth in section 22-219.2.

(b) All records, books, documents, memoranda, reports, correspondence and any and all summaries thereof relating to monitoring, sampling, chemical analysis, and documentation associated with best management practices shall be kept for not less than five (5) years.

(c) Records of sampling, analyses, and documentation associated with best management practices shall include, but are not limited to, the following:

- (1) The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures;
- (2) Who performed the sampling or measurements;
- (3) The date(s) analyses were performed;
- (4) Who performed the analyses;
- (5) The analytical techniques or methods used; and

- (6) The results of such analyses.

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#### Sec. 22-219.2. Reporting guidelines.

(a) Within either one hundred eighty (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 director a report which contains the information listed in paragraph (b) below. At least ninety (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 director a report which contains the information listed in paragraph (b) below. 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.

(b) Users described above shall submit the information set forth below.

- (1) *Identifying information.* The name and address of the facility, including the name of the operator and owner.
- (2) *Environmental permits.* A list of any environmental control permits held by or for the facility.
- (3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) 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.
- (4) *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).
- (5) *Measurement of pollutants.*
  - a. The categorical pretreatment standards applicable to each regulated process.
  - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the director, 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 22.219.3 of this ordinance. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation as required by the director or the applicable standard necessary to determine compliance with the standard.

c. Sampling must be performed in accordance with procedures set out in section 22.219.3 of this ordinance.

(6) *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.

(7) *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 following requirements:

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 (9) months;

c. The user shall submit a progress report to the director no later than fourteen (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 (9) months elapse between such progress reports to the director.

(8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with section 22-220 of this ordinance.

(c) Reports on compliance with categorical pretreatment standard deadline. Within ninety (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 director a report containing the information described in section 22-219.2(b)(4-6) of this ordinance. 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 a 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 22-220 of this ordinance.

(d) Periodic compliance reports.

(1) All significant industrial users shall, at a frequency determined by the director 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. In cases where the pretreatment standard requires compliance with best management practices, the user shall submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with section 22-220 of this ordinance.

(2) 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.

(3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director, using the procedures prescribed in section 22-219.3 of this ordinance, the results of this monitoring shall be included in the report.

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#### Sec. 22-219.4. Collection points for samples.

Any contributor shall, upon request by the director, provide a central collection point to facilitate observation, measurement and sampling of the waters or wastes. Such collection points shall be accessible at any time to authorized city personnel and easily

located and shall be constructed in accordance with plans approved by the director. The collection point shall be installed and maintained by the owner at owner's ~~his~~ expense. In the event no collection point is established or required, the nearest downstream manhole shall be considered as a collection point for the property which is being served.

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#### Sec. 22-221. Preliminary treatment facilities.

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

#### Sec. 22-222. Accidental discharges/slugs control plans.

(a) At least once every permit cycle, the director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the director of any accidental or slug discharge, as required by section 22-222.1 of this ordinance, including any discharge that would violate a prohibition under section 22-215 of this ordinance, with procedures for follow-up written notification within five (5) days; and
- (4) Procedures to prevent adverse impact from any accidental spills or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and measures and equipment for emergency response.

(b) Significant industrial users shall notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge.

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SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor