

TOWN OF FAIRVIEW, TEXAS

ORDINANCE NO. 2022-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, AMENDING ARTICLE 3.12 FLOODS AND STORMWATER, DIVISION 3 "STORMWATER QUALITY", SECTION 3.12.153 "GENERAL PROHIBITION", AS HERETOFORE WORDED; REMOVING AND REPLACING ALLOWABLE DISCHARGES; PROVIDING ADDITIONAL ILLICIT DISCHARGES FOR CONSTRUCTION; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council has determined that the public health, safety, and welfare are served by the regulation of storm water quality; and

WHEREAS, the Texas Commission on Environmental Quality requires enforcement regulations to be reviewed AND amended under the TPDES Phase 2 MS4 General Permit TXR040000;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:

Section 1. Sec. 3.12.153 "General Prohibition" Subsection (b), is hereby deleted and replaced in the Code of Ordinances, Town of Fairview, Texas, as follows.

Sec. 3.12.153 "General Prohibition"

[...]

(b) It is an affirmative defense to any enforcement action for violation of subsection (a) of this section that the discharge was composed entirely of one or more of the following categories of discharges:

- 1) Water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- 2) Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
- 3) Discharges from potable water sources that do not violate Texas Surface Water Quality Standards;
- 4) Diverted stream flows;
- 5) Rising ground waters and springs;

- 6) Uncontaminated ground water infiltration;
- 7) Uncontaminated pumped ground water;
- 8) Foundation and footing drains;
- 9) Air conditioning condensation;
- 10) Water from crawl space pumps;
- 11) Individual residential vehicle washing;
- 12) Flows from wetlands and riparian habitats;
- 13) Dechlorinated swimming pool discharges that do not violate Texas Surface Water Quality Standards;
- 14) Street wash water excluding street sweeper waste water;
- 15) Discharges or flows from emergency fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
- 16) Other allowable non-stormwater discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);
- 17) Non-stormwater discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) TXR050000 or the TPDES Construction General Permit (CGP) TXR150000;
- 18) Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; and
- 19) Other similar occasional incidental non-stormwater discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges

Section 2. Sec. 3.12.154 “Specific Prohibitions and Requirements” subsection (h), shall be added to the Code of Ordinances, Town of Fairview, Texas, as follows.

Sec. 3.12.154 “Specific Prohibitions and Requirements”

[...]

(h) In addition, the following discharges are prohibited:

- (1) Wastewater from washout of concrete and wastewater from water well drilling operations, unless managed by an appropriate control;
- (2) Wastewater from washout and cleanout of stucco, paint, from release oils, and other construction materials;
- (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- (4) Soaps or solvents used in vehicle and equipment washing;

and

(5) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate BMPs.

Section 3. That Article 3.12 of the Town of Fairview Code of Ordinances shall remain in full force and effect save and except as amended by this ordinance.

Section 4. That the sections, paragraphs, sentences, phrases, clauses and words of this ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this ordinance or application thereof to any person, firm or corporation, or to any circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the Town Council hereby declares that it would have adopted such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.


Section 5. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a class C misdemeanor and upon conviction be subject to a fine not to exceed \$2,000 per violation or the highest amount allowed by law, whichever is less, in accordance with the general provisions of the Fairview Code. Each day that any violation exists is a separate offense.

Section 6. That these ordinance updates shall take effect upon passage and publication, and it is accordingly so ordained.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, this 1st day of March 2022.


Henry Lessner, Mayor
Town of Fairview

ATTEST:


Tenitrus Bethel, Town Secretary

