
CAVE CITY, ARKANSAS

INDUSTRIAL PRETREATMENT ORDINANCE

Office of the Mayor
Public Works Director
Cave City, Arkansas
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TABLE OF CONTENTS

	Page
SECTION 1—GENERAL PROVISIONS	1
1.1 Purpose and Policy	1
1.2 Administration	1
1.3 Abbreviations	1
1.4 Definitions	2
SECTION 2—GENERAL SEWER USE REQUIREMENTS	6
2.1 Prohibited Discharge Standards	6
2.2 Local Limits	7
2.3 Cave City Right of Revision	7
2.4 Dilution	7
SECTION 3—PRETREATMENT OF WASTEWATER	8
3.1 Pretreatment Facilities	8
3.2 Accidental Discharge/Slug Discharge Control Plans	8
SECTION 4—REPORTING REQUIREMENTS	8
4.1 Compliance Monitoring	8
4.2 Analytical Requirements	9
4.3 Sample Collection	10
4.4 Date of Receipt of Reports	10
4.5 Recordkeeping	10
4.6 Certification Statement	11
SECTION 5—COMPLIANCE MONITORING	11
5.1 Right of Entry: Inspection and Sampling	11
5.2 Notification of Violation	11
5.3 Bypass	12
SECTION 6 - EFFECTIVE DATE	13

**CAVE CITY ARKANSAS
INDUSTRIAL DISCHARGE PRETREATMENT ORDINANCE**

ORDINANCE NO. 2014-2

SECTION 1—GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for Cave City, AR and enables Cave City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations*[CFR] Part 403). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To enable Cave City, AR to comply with conditions in its National Pollutant Discharge Elimination System permit, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. This ordinance authorizes the regulation of individual wastewater discharges; provides for monitoring, compliance, and requires User reporting.

1.2 Administration

Except as otherwise provided herein, the Public Works Director and / or Mayor shall administer, implement, and regulate the provisions of this ordinance. Any powers granted to or duties imposed upon the Public Works Director and / or Mayor may be delegated by the Public Works Director or the Mayor to a duly authorized Cave City employee.

1.3 Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

- BOD – Biochemical Oxygen Demand
- BMP –Best Management Practice(s)
- CFR –*Code of Federal Regulations*
- CIU – Categorical Industrial User
- EPA – U.S. Environmental Protection Agency
- gpd – gallons per day
- IU – Industrial User
- mg/l– milligrams per liter
- NPDES – National Pollutant Discharge Elimination System
- POTW – Publicly Owned Treatment Works
- RCRA – Resource Conservation and Recovery Act
- SIU – Significant Industrial User
- TSS – Total Suspended Solids

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

- A. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- B. Approval Authority. Because Cave City does not have an EPA-Regulated Pretreatment Program, the Approval Authority is the appropriate Regional Administrator of EPA.
- C. Authorized or Duly Authorized Representative of the User.

(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 operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) The individuals described in paragraphs 1a and 1b, above, may designate a Duly 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 overall responsibility for environmental matters for the company, and the written authorization is submitted to Cave City.
- D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees Celsius, usually expressed as a concentration (e.g., mg/l).
- E. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.
- F. Certification Statement. Shall be included with authorized signature on every written report; the act of making the report official.
- G. City. The City of Cave City, the Mayor, the Public Works Director or the City Council of Cave City.
- H. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- L. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- M. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.
- N. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processor operations or its sludge processes, use or disposal; and therefore, is a cause of aviolation of Cave City's NPDES permit or of the prevention of sewage sludge useor disposal in compliance with any of the following statutory/regulatory provisionsor permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonlyreferred to as the Resource Conservation and Recovery Act (RCRA); any Stateregulations contained in any State sludge management plan prepared pursuant toSubtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic SubstancesControl Act; and the Marine Protection, Research, and Sanctuaries Act.

- O. Local Limit. Specific discharge limits developed and enforced by Cave City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- P Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- Q. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- R. Pass Through. 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 Cave City’s NPDES permit, including an increase in the magnitude or duration of a violation.
- S. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- T. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- U. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- V. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- W. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- X. Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- Y. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

Z. Public Works Director. The person designated by Cave City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Public Works Department or Mayor.

AA. Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by Cave City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

BB. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

CC. Significant Industrial User (SIU).

(1) An Industrial User subject to categorical Pretreatment Standards; or

(2) An Industrial User that:

- (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
- (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- (c) Is designated as such by Cave City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

DD. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

EE. Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

FF. User or Industrial User. A source of indirect discharge.

GG. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

HH. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 2—GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

- A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 5.0 or more than 12.0, or otherwise causing corrosive structural damage to the POTW or equipment;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference;
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
 - (5) Wastewater having a temperature greater than 150 degrees F (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
 - (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (8) Trucked or hauled pollutants.
 - (9) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water,

Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Public Works Director or Mayor ;

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 Local Limits

A. The following pollutant limits are established to protect against Pass Through and Interference and are applied at the point where the wastewater is discharged. No person shall discharge wastewater containing in excess of the following monthly average.

10.0	mg/L	ammonia
1.25	mg/L	aluminum
0.22	mg/L	arsenic
500	mg/L	BOD5
0.03	mg/L	cadmium
0.48	mg/L	chromium
0.48	mg/L	copper
0.05	mg/L	cyanide
0.36	mg/L	lead
0.001	mg/L	mercury
0.25	mg/L	nickel
250	mg/l	total oil and/or grease
0.50	mg/L	silver
250	mg/L	total suspended solids
2.50	mg/L	zinc

All concentrations for metallic substances are for total metal unless indicated otherwise.

2.3 Cave City Right of Revision

Cave City reserves the right to establish, by ordinance, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this ordinance.

2.4 Dilution

No User shall 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. Cave City 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.

SECTION 3—PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment if and as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by EPA, the State, or Cave City, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to Cave City for review, and shall be acceptable to Cave City before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to Cave City under the provisions of this ordinance.

3.2 Accidental Discharge/Slug Discharge Control Plans

Cave City shall evaluate whether each industrial user needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. Cave City may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the City of any accidental or Slug Discharge;
- D. Procedures to prevent adverse impact from any accidental 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/or measures and equipment for emergency response.

SECTION 4—REPORTING REQUIREMENTS

4.1 Compliance Monitoring

- A. If compliance sampling is not conducted by the City, Users must submit no less than twice per year (January 31 and July 31) reports indicating the nature, 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.

B. Cave City may authorize an Industrial User to forego sampling of a pollutant regulated by this ordinance if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

- (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility.
- (2) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
- (3) The request for a monitoring waiver must be signed in accordance with Section 1.4C, and include the Certification Statement.
- (4) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
- (5) Upon approval of the monitoring waiver and revision of the User's permit by the Cave City, the Industrial User must certify on each report in addition to the Certification Statement in Section 4.6, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
- (6) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately comply with the monitoring requirements of Section 4.2, or other more frequent monitoring requirements imposed by Cave City.

C. All periodic compliance reports must be signed and include a Certification Statement.

D. 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.

E. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by Cave City, using the procedures prescribed in Section 4.2 of this ordinance, the results of this monitoring shall be included in the report.

4.2 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 and amendments thereto, 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, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by Cave City or other parties approved by EPA.

4.3 Sample Collection

Reports written to satisfy requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, and be representative of conditions occurring during the reporting period

A. Except as indicated in Section B, below, samples must be collected using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by Cave City. Where time-proportional composite sampling or grab sampling is authorized by Cave City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by Cave City, as appropriate.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

4.4 Date of Receipt of Reports

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.

4.5 Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, 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(s) 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 (3) years.

4.6 Certification Statements

Certification of User Reports —The following certification statement is required by Users submitting reports and must be signed by an Authorized Representative as defined in Section 1.4(C) and 1.4(F):

“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 person or 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.”

SECTION 5—COMPLIANCE MONITORING

5.1 Right of Entry: Inspection and Sampling

Cave City shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance. Users shall allow Cave City 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.

- A. Cave City 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 User’s operations.
- B. Cave City 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 annually to ensure their accuracy.

5.2 Notification of Violation

If Cave City finds that a User has violated, or continues to violate, any provision of this ordinance, or any other Pretreatment Standard or Requirement, Cave City may serve upon that User a written Notice of Violation. Within 5 days of the receipt of such 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 Cave City.

5.3 Bypass

A. For the purposes of this Section,

- (1) Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.
- (2) 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.

B. Bypass Notifications

- (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to Cave City, at least ten (10) days before the date of the bypass, if possible.
- (2) A User shall submit oral notice to Cave City of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) 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. Cave City may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

C. Bypass

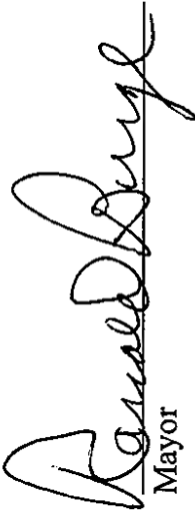
- (1) Unauthorized bypass is prohibited, and Cave City may take an enforcement action against a User for a bypass, unless
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary 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 paragraph (b) of this section.

(2) Cave City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the three conditions listed in paragraph (C)(1) of this Section.

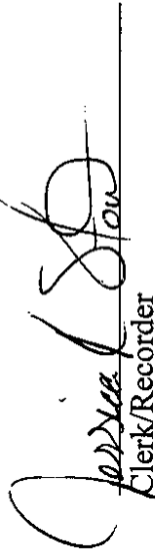
SECTION 6 - EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage and approval, and can be reviewed/revised and presented for re-adoption at any time by the City of Cave City.

Therefore, an emergency is hereby declared to exist, and this ordinance, be necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.


Mayor

5/27/14
Date


Clerk/Recorder