

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 OF THE CITY OF PFLUGERVILLE, TEXAS, TITLE V PUBLIC WORKS, CHAPTER 53 INDUSTRIAL WASTES, BY ADDING SECTIONS 53.070 THROUGH 53.083 TO COMPLY WITH FEDERAL AND STATE REGULATIONS; PROVIDING FOR A VIOLATION AS A CLASS C MISDEMEANOR AND A FINE AMOUNT NOT TO EXCEED \$2,000.00; PROVIDING FOR SEVERABILITY AND REPEALER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Pflugerville, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City Council of the City of Pflugerville deems the introduction of fats, oils, and grease into the City’s wastewater collection system to be potentially detrimental to the public’s health, safety, and welfare of its citizens and deems it necessary to adopt ordinances to protect the public health, safety, and welfare; and,

WHEREAS, the City of Pflugerville has declared that, fats, oil, and grease should be prevented from entering the wastewater collection system and pass through the Publicly Owned Treatment Works without the proper pretreatment and to prevent them from polluting receiving waters, protect Publicly Owned Treatment Works personnel, and to enable the City to comply with its National Pollutant Discharge Elimination System permit; and,

WHEREAS, the City of Pflugerville deems it necessary to adopt an Fats, Oil, and Grease Management Program in order to comply with the federal Clean Water Act and state regulations as established by the Environmental Protection Agency relating to General Pretreatment Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Amendment to Municipal Code of Ordinances. The City of Pflugerville, Texas Code of Ordinances, Title V (titled “*Public Works*”), Chapter 53 (titled “*Fats, Oil, and Grease Management*”), is amended by adding Sections 53.070 through 53.083, as shown on the attached **Exhibit A**.

Section 3. Severability. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 4. Repealer. This ordinance shall be cumulative of all other ordinances of the City of Pflugerville, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Pflugerville except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Section 5. Penalty. A violation of this Ordinance shall be a Class C Misdemeanor with a fine amount not to exceed \$2,000.00, as provided in Section 10.99 of the City of Pflugerville Code of Ordinances.

Section 6. Effective Date. This Ordinance will take effect upon its adoption by the City Council in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this _____ day of _____ 2021.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Victor Gonzales, Mayor

ATTEST:

Trista Evans, City Secretary

APPROVED AS TO FORM:

Charles Zech, City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, PC