

ORDINANCE NO. 0-2011-31

AN ORDINANCE AMENDING CHAPTER 19, "UTILITIES", ARTICLE IV, "INDUSTRIAL WASTES", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, TO COMPLY WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY REQUIREMENTS AND FEDERAL GENERAL PRETREATMENT REGULATIONS BY ADDING A REFERENCE TO JURISDICTIONAL CONTRACTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and welfare of citizens; and

WHEREAS, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of local self-government; and

WHEREAS, Texas Local Government Code Section 51.072(b) states that the grant of powers to a home-rule municipality under the Texas Local Government Code does not prevent, by implication or otherwise, the municipality from exercising the authority incident to self-government; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make and enforce local police, sanitary, and other regulations, and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the City; and

WHEREAS, the Texas Commission on Environmental Quality has established specific requirements for pretreatment compliance; and

WHEREAS, the Texas Commission on Environmental Quality has determined that certain portions of the Tyler City Code relating to Industrial Waste require updating to conform to TCEQ requirements and federal general pretreatment regulations; and

WHEREAS, it is important to amend the requirements in Tyler City Code Section 19-75.c. to add specific regulations related to extra jurisdictional industrial users;

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

PART 1: That the Tyler City Code Chapter 19, "Utilities", Article IV, "Industrial Wastes", is hereby amended by amending Section 19-75 to read as follows:

Sec. 19-75. Wastewater discharge permit eligibility.

- a. No changes...
- b. No changes...
- c. Discharge permitting; extra jurisdictional industrial users.

1. Any significant industrial user located beyond the City limits shall submit a wastewater discharge permit application in accordance with paragraph d. of this section, complete an Extraterritorial Jurisdiction Contract and obtain a wastewater discharge permit before connecting to the POTW.

2. The Manager may require other industrial users located beyond the City limits to submit a wastewater discharge permit application in accordance with paragraph d. of this section, complete an Extraterritorial Jurisdiction Contract and obtain a wastewater discharge permit before connecting to the POTW.

- d. No changes...
- e. No changes...

"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."(Ord. No. O-96-4, 1-24-96) (Ord. No. 0-99-80, 10/20/99) (Ord. No. 0-2011-31; 4/27/11)

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm or corporation violating any provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be April 29, 2011.

PASSED AND APPROVED this 27th day of April, A.D. 2011.



BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK





GARY C. LANDERS, CITY ATTORNEY