

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING SECTION 13.11.001, "PLAN ADOPTED," OF ARTICLE 13.11, "FOG OUTREACH PLAN," OF CHAPTER 13, "UTILITIES," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, BY REPEALING THE EXISTING FOG OUTREACH PLAN AND REPLACING IT WITH A NEW FOG OUTREACH PLAN, ATTACHED AS EXHIBIT A TO THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Prosper, Texas (the "Town"), recognizes that the wastewater supply available to its water customers is limited; and

WHEREAS, the Town further recognizes that due to natural limitations, system failures and other acts of God which may occur, the Town cannot guarantee an uninterrupted wastewater supply for all purposes at all times; and

WHEREAS, pursuant to the Texas Water Code and the regulations of the Texas Commission on Environmental Quality (the "Commission"), in 2016 the Town adopted a Fats, Oils and Grease (FOG) Outreach Plan; and

WHEREAS, the Town has determined the need to amend the 2016 FOG Outreach Plan and has determined that doing so will be in the best interests of the public; and

WHEREAS, pursuant to Chapters 51 and 54 of the Texas Local Government Code, the Town is authorized to adopt any such ordinances necessary to preserve and protect its wastewater resources; and

WHEREAS, the Town Council desires to adopt an amended FOG Outreach Plan for the Town of Prosper as official Town policy for non-domestic users of the Town's wastewater treatment works; and

WHEREAS, the Town Council has investigated and determined that it will be advantageous and beneficial to the citizens of Prosper and will protect the public health, safety and welfare to adopt an amended FOG Outreach Plan.

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

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, Exhibit A, "Fog Outreach Plan," referenced and incorporated in Section 13.11.001, "Plan Adopted," of Article 13.11, "FOG Outreach Plan," of Chapter 13, "Utilities," of the Code of Ordinances of the Town of Prosper, Texas, is hereby repealed and replaced with a new FOG Outreach Plan, attached hereto as Exhibit A.

SECTION 3

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 5

The Town Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code, as amended.

SECTION 6

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Prosper, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS ON THIS 24TH DAY OF OCTOBER, 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT A
(FOG Outreach Plan)