

ORDINANCE NO. 2019-08

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS BY ADDING LANGUAGE TO SECTION 46-92, SAME – HEAVY METALS AND TOXIC MATERIALS, OF ARTICLE III, INDUSTRIAL WASTES, OF CHAPTER 46, UTILITIES, TO ALLOW THE CITY MANAGER OR DESIGNEE TO DETERMINE IF LISTED MATERIALS CAN BE DISCHARGED INTO SEWER SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas finds that it is in the best interest of the health, safety and welfare of its citizens to amend Section 46-92 of its Code of Ordinances to give the City Manager or designee the discretion to allow certain materials to enter into the City’s sewer system; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. The facts and matters contained in the preamble to this ordinance are hereby found to be true and correct.

Section 2. Section 46-92, Same – Heavy Metals and Toxic Metals, of Article III, Industrial Wastes, of Chapter 46, Utilities, of the Code of Ordinances of the City of Tomball, Texas is hereby amended by adding thereto the language underscored below:

“Sec. 46-92. - Same—Heavy metals and toxic materials.

The following list of heavy metals and toxic materials, but not limited to, shall not be discharged into the sewer system, unless approved, in writing, by City Manager or designee.

- (1) Arsenic.
- (2) Barium.

- (3) Boron.
- (4) Cadmium.
- (5) Chromium (total).
- (6) Copper.
- (7) Lead.
- (8) Manganese.
- (9) Mercury.
- (10) Nickel.
- (11) Selenium.
- (12) Silver.
- (13) Zinc.
- (14) Antimony.
- (15) Beryllium.
- (16) Bismuth.
- (17) Cobalt.
- (18) Molybdenum.
- (19) Tin.
- (20) Uranylion.
- (21) Rhenium.
- (22) Strontium.
- (23) Tellurium.
- (24) Herbicides.
- (25) Fungicides.
- (26) Pesticides. “

Section 3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance

shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF MARCH 2019.

| | |
|---------------------|------------|
| COUNCILMAN FORD | <u>AYE</u> |
| COUNCILMAN STOLL | <u>AYE</u> |
| COUNCILMAN DEGGES | <u>AYE</u> |
| COUNCILMAN TOWNSEND | <u>AYE</u> |
| COUNCILMAN QUINN | <u>AYE</u> |

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF APRIL 2019.

| | |
|---------------------|---------------|
| COUNCILMAN FORD | <u>AYE</u> |
| COUNCILMAN STOLL | <u>ABSENT</u> |
| COUNCILMAN DEGGES | <u>AYE</u> |
| COUNCILMAN TOWNSEND | <u>ABSENT</u> |
| COUNCILMAN QUINN | <u>AYE</u> |

Gretchen Fagan
Gretchen Fagan, Mayor

ATTEST:

Doris Speer
Doris Speer, City Secretary