



**ORDINANCE NO. 3895**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF FARMERS BRANCH, TEXAS, BY REPEALING AND REPLACING DIVISIONS 2 AND 3 OF ARTICLE III “SANITARY SEWER SYSTEM” OF CHAPTER 86 “UTILITIES” ADOPTING NEW UNIFORM REQUIREMENTS FOR USERS OF THE PUBLICLY OWNED TREATMENT WORKS (POWTs); PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** The City of Farmers Branch, 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 Farmers Branch deems it necessary to repeal and replace legislation approving uniform requirements for users of the Publicly Owned Treatment Works (POWTs) and to provide for compliance and enforcement of all applicable state and federal laws.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** The recitals set forth above are true and correct and are incorporated as if fully set forth herein.

**SECTION 2.** The Code of Ordinances of the City of Farmers Branch, Texas, is hereby amended by repealing Divisions 2 and 3 of Article III, “Sanitary Sewer System” of Chapter 86 “Utilities” in their entirety and replacing them with the attached **Exhibit A**.

**SECTION 3.** Ordinance Nos. 2709 and 3011 are hereby repealed, except that such repeal shall not affect, limit, or excuse the violation or enforcement of a violation of Ordinance Nos. 2709 and 3011 arising prior to the effective date hereof.

**SECTION 4. Penalty Provision.** In addition to a maximum civil penalty of one thousand dollars (\$1,000) per violation per day of this Ordinance, any person, firm, corporation, or business entity violating this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, therefore, shall be fined a sum of a minimum of five hundred dollars (\$500.00) per day and not to exceed two thousand dollars (\$2,000.00) per day, and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. The City of Farmers Branch retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**SECTION 5.** Savings/Repealing Clause. 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 portion of conflicting ordinances shall remain in full force and effect.

**SECTION 6.** Severability. 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 City of Farmers Branch 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 7.** Effective Date. This ordinance shall be in full force and effective ten (10) days after the date of final approval from the State.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,  
TEXAS, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2024.**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Stacy Henderson, City Secretary

\_\_\_\_\_  
Terry Lynne, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Whitt Wyatt, City Attorney