

An Ordinance of the City of Plano, Texas, repealing Ordinance Nos. 2008-7-10 and 2008-11-15 codified as Article VIII, Waste Hauling of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano and replacing it with a new Article VIII, Liquid Waste Management; providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause and an effective date.

WHEREAS, on July 28, 2008, the City Council of the City of Plano duly passed Ordinance No. 2008-7-10, and adopted certain revisions per Ordinance No. 2008-11-15 on November 10, 2008 codified as Article VIII, Waste Hauling of the Code of Ordinances of the City of Plano; and

WHEREAS, the establishment and implementation of the Capacity, Management, Operation & Maintenance plan for management of the wastewater collection system is federally required, and staff recommends adopting the revised standards to include regulations on the discharge of fats, oils, and grease and other pollutants to the wastewater collection system to satisfy federal requirements; and

WHEREAS, the City Council of the City of Plano, after consideration of the recommendations of staff and all matters attendant and related thereto, is of the opinion that in the best interest of the City and its citizens and to promote health, safety, and welfare of the citizens of Plano and the general public, the current Waste Hauling ordinance as provided in Article VIII, Code of Ordinances be repealed in its entirety and a new Article VIII, Liquid Waste Management be adopted.

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

Section I. Ordinance Nos. 2008-7-10 and 2008-11-15 codified as Article VIII, Waste Hauling of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano are hereby repealed and replaced with this new Article VIII, Liquid Waste Management, to read in its entirety as set forth below:

“ARTICLE VIII. - LIQUID WASTE MANAGEMENT

DIVISION 1. - GENERALLY

Sec. 21-351. Applicability.

This Article shall not apply to residential uses.

Sec. 21-352. Definitions.

For the purpose of this Article, the terms and phrases used in this Article shall have the following meanings:

Approved. Accepted as satisfactory under terms of this Article and is given written approval by the approving authority.

Approving authority. City of Plano or its duly authorized deputy, agent or representative.

Director. Director of the City of Plano Environmental Health and Sustainability Department or his or her duly authorized representative.

Disposal. The discharge, deposit, injection, dumping, spilling, leaking, or placing of grease trap waste, grit trap waste, septage, or waste oil into or onto any premises or into the air.

Disposal facility. A premises, with a permit to operate from the state, at which liquid waste is processed, treated, and/or intentionally placed into or on any land and at which the waste will remain for final disposal.

Fat, oil, and grease (FOG). A substance derived from an animal and/or plant source that is used in, or is a by-product of, the cooking or food preparation process. All are sometimes referred to herein as “grease” or “greases”.

Food processing plant. As defined in Chapter 9 of the City of Plano’s Code of Ordinances.

Food service facility. A food preparation or food service establishment where food is prepared, served or offered for sale, including, but not limited to, bakeries, bars, butcher shops, cafes, clubhouses, delicatessens, ice cream parlors, hospitals, hotels, restaurants, or schools. This shall not include a single-family residence or dwelling not used for the commercial preparation or sale of food.

Grease trap. A device that separates or retains FOG generated from food preparation prior to wastewater entering the sanitary sewer collection system, including, but not limited to, grease, light density liquids, fatty liquids, semi-liquid substances, waterborne fats, oils, and solids.

Grease trap waste. Substance removed from a grease trap, including, but not limited to, grease, light density liquids, fatty liquids, semi-liquid substances, waterborne fats, oils, and solids.

Grit/sand trap. A receptacle designed or constructed to intercept or prevent the passage of petroleum based oil, grease wastes, and solids into the sanitary sewer system.

Grit/sand trap waste. The liquids or solids removed from a grit/sand trap.

Hazardous waste. Liquid, semi-liquid or solid waste or combination waste, which has one or more of the following characteristics:

- (1) Toxic, corrosive, reactive, flammable, combustible, explosive, or otherwise capable of causing personal injury or illness; or
- (2) Hazardous to human health or the environment when improperly treated, stored, transported, disposed of, or managed; or

- (3) Is identified as a hazardous waste in the Texas Solid Waste Disposal Act, as amended, or 40 CFR Part 261.3, as amended.

Liquid waste. Solid, liquid or gaseous substance or any combination thereof that is derived from a grease trap, grit/sand trap, waste oil recovery trap, chemical toilet, septic tank, or washwater operations.

Liquid waste transport vehicle. An approved mobile device in which liquid waste may be transported upon a public street or highway.

Local Limits. The discharge limits found in Section 21-302 Prohibited Discharges and Section 21-303 Hazardous Metals and Chemical or Toxic Substances of the City of Plano Code of Ordinances, as amended.

Manifest system. A system of documents, commonly known as “trip tickets,” issued by the Director that are used to track generation, transportation, or disposal of waste products.

Municipal separate storm sewer system or MS4. The system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City of Plano and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

Operator. A person who causes, creates, generates, stores, or otherwise produces liquid waste.

Owner. Any person who owns, operates, or has care, custody, or control over any portion of a premises or a facility regulated under this Article.

Permit. The document issued by the *Director* that authorizes a person to operate, own, manage, or service a grease trap or grit/sand trap.

Person. An association, corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

Premises. A lot, plot or parcel of land, body of water, water course, stream, easement or public right-of-way, including any structures thereon.

Publicly owned treatment works or POTW means a treatment works as defined by Section 212 of the Clean Water Act, (33 U.S.C. 1292), as amended. This definition includes, but is not limited to, any devices or systems used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial wastes of a liquid nature. For the purposes of this Article, POTW shall refer to the North Texas Municipal Water District.

Sanitary sewer. A public sewer that conveys domestic wastewater or industrial wastewater.

Sample Port. An area which is designed for the removal of effluent water from the discharge line of a grease trap, grit/sand trap, septage tank, or the effluent sewer line of a building that does not have a trap and is being tested to determine compliance of effluent water discharge standards.

Septage. Waste removed from a portable toilet, chemical toilet, or septic tank.

Spill. The accidental or intentional loss or unauthorized loss or discharge of grease trap waste, grit/sand trap waste, septage, waste oil, or raw material.

Storm sewer or storm drain. A sewer which carries storm water, surface water, and drainage, but excludes sewage and polluted industrial wastes and is not part of a POTW.

TCEQ. Texas Commission on Environmental Quality and its predecessor and successor agencies.

Transporter. A person who operates a vehicle for the purpose of transporting liquid waste.

Trap. A grit/sand trap or grease trap.

Trip ticket. A system of documents, commonly known as “manifest system”, issued by the Director that are used to track generation, transportation, or disposal of waste products.

Washwater. Water-borne solids, liquids, gaseous substances, or other residue and debris resulting from a washing or cleaning process.

Washwater operation. A commercial cleaning process that generates washwater as a result of washing vehicles, equipment, structures, or paved surfaces.

Sec. 21-353. Offenses.

- (a) A person shall not generate fat, oil, or grease from a food processing plant and/or food service facility without installing, using, and maintaining appropriate grease traps as required by this Article.
- (b) A person shall not discharge or allow the discharge of any suspended solids, petroleum oil, non-biodegradable cutting oil, mineral oil, or any fat, oil or grease into the POTW in concentrations that cause a visible sheen, detrimental effect, or blockage in the POTW.
- (c) A person shall not wash, clean, service, or perform a cleaning or maintenance activity on a motorized or electric vehicle or equipment without installing, using, and maintaining a grit/sand trap(s) as required by Section 21-363 of this Article, as amended.
- (d) A person shall not discharge or allow the discharge of liquid waste to an unapproved disposal facility, offer liquid waste for sale, or exchange liquid waste for barter. This prohibition does not apply to recycled cooking oils that are being sold or exchanged for recycling purposes.

- (e) A person shall not intentionally or unintentionally allow pollutants that exceed Local Limits to enter the POTW.
- (f) A person shall not allow liquid waste to accumulate upon a premises.
- (g) A person shall not discharge or allow the discharge of liquid waste onto another premises or into the MS4, a street or highway, a parking lot, a water course or a stream.

Secs. 21-354 - 21-360. Reserved.

DIVISION 2. - LIQUID WASTE GENERATION

Sec. 21-361. Generally.

- (a) Permit Required.
 - (1) A person must have an approved permit on file with the approving authority before installing or operating a grease trap or grit/sand trap.
 - (2) A permit is non-transferable.
 - (3) At such time any information submitted on the approved permit has changed a person shall immediately notify the approving authority by completion and submittal of a new application.
- (b) Inspection.
 - (1) Routine inspection. After the approving authority presents official credentials and provides verbal notice of the purpose of the inspection of trap(s), the owner shall grant access to traps, allow the approving authority to inspect traps, and provide information and records related to the operation and maintenance of traps, during the facility's hours of operation and other reasonable times.
 - (2) In the event of a discharge, the owner shall grant access and allow the approving authority to inspect all portions of the premises that are reasonably related to the discharge.
- (c) Installation and Maintenance.
 - (1) A person shall install and maintain a trap in compliance with this Article.
 - (2) A person shall install and maintain a trap so that it is readily and easily accessible for cleaning or inspection.
 - (3) A person shall install and maintain a trap pursuant to a single certificate of occupancy unless a variance has been approved by the Director.

Sec. 21-362. Grease Traps.

(a) New Grease Traps.

- (1) A grease trap shall be installed, operated, and maintained in accordance with the manufacturer's recommendations, this Article, Chapter 9 of this code of ordinances, or the City of Plano Plumbing Code, whichever is most restrictive, unless a variance has been approved by the Director.
- (2) A person that performs food preparation activity at a food processing plant and/or food service facility shall install and maintain a grease trap in accordance with this Article.
- (3) An operator of a grease trap shall install and maintain a sample port in compliance with written specifications for installation of the sample port obtained by the operator from the approving authority.

(b) Existing Grease Traps.

- (1) Existing grease traps shall be operated and maintained in accordance with manufacturer's recommendations, this article, Chapter 9 of this code of ordinances, or City of Plano Plumbing Code, whichever is most restrictive, unless a variance has been approved by the Director.
- (2) If notified by the approving authority that a grease trap is not functioning properly in violation of federal, state, and/or local standards or regulations, said person shall install and maintain an approved grease trap and sample port.
- (3) A person that performs food preparation activity at an existing food processing plant and/or food service facility shall be required to install and maintain a grease trap in accordance with this Article.

(c) Responsibility.

- (1) A person generating liquid waste shall:
 - (A) Install a grease trap as required by this Article;
 - (B) Maintain the grease trap in good repair and sanitary condition;
 - (C) Not install or use any system, process, or pretreatment or alter the design or function of a grease trap, unless approved by the Director, including, but not limited to, the use of enzymes, bacteria, or other additives;

- (D) Supervise the proper cleaning and complete removal of the contents of the trap;
- (E) Immediately report spills and accidents involving liquid waste to the approving authority by phone or email;
- (F) Clean up spills immediately;
- (G) Abate unsanitary conditions immediately;
- (H) Dispose of material used for abatement in a timely manner and by means approved by the Director;
- (I) Protect the MS4 and the environment from discharges of liquid waste, washwater, and other contaminants caused by spill, overflow, or the remediation of spill or overflow; and
- (J) Not discharge waste of any kind into the MS4.

(d) Trap Evacuation.

- (1) Grease traps shall be evacuated and cleaned as required by the following sections to prevent accumulation of sediment or floating material that would impair the efficiency of the grease trap, to ensure the discharge is in compliance with local discharge limits, and to ensure no visible grease is observed in discharge.
- (2) Grease traps shall be completely evacuated at a minimum of every ninety (90) days, or more frequently if one of the following conditions apply and written notice has been given to the operator by the approving authority:
 - (A) Twenty-five percent (25%) or more of the wetted height of the grease trap, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils, or greases; or
 - (B) The discharge exceeds Local Limits; or
 - (C) There is a history of noncompliance; or
 - (D) The Director determines more frequent service, a single event service, or scheduled service is necessary for the proper operation of the grease trap.
- (3) Each grease trap shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so the trap is fully evacuated within a twenty-

four (24) hour period, in accordance with 30 Texas Administrative Code, Chapter 312, Section 312.143, as amended.

- (4) If a person ceases operation of a grease trap, the person is required to pump the trap before abandoning the operation.
 - (5) A person that generates liquid waste shall not allow hazardous waste or liquid waste in combination with hazardous waste to be removed from a premises by a liquid waste transporter operating under a city permit. Removal of hazardous waste shall only be performed by an industrial hazardous waste hauler registered with the state.
 - (6) When liquid waste is picked up, a person representing the operator or owner shall verify the accuracy of the trip ticket provided by the transporter.
 - (7) A person that generates liquid waste shall maintain a copy of all trip tickets for a period of no less than three (3) years at the premises of generation.
 - (8) All trip tickets shall be available for review upon request of the Director.
- (e) Variances.
- (1) Any person may submit to the Director a written request for a variance from this Article.

Sec. 21-363. Grit/Sand Traps.

- (a) New Grit/Sand Traps.
- (1) A grit/sand trap shall be installed, operated, and maintained in accordance with the manufacturer's recommendations, this Article, or in accordance with the City of Plano Plumbing Code, whichever is most restrictive, unless a variance has been approved by the Director.
 - (2) A person washing, cleaning, servicing, or performing a cleaning or maintenance activity on a motorized or electric vehicle or equipment shall install and maintain a grit/sand trap if a newly proposed or existing floor drain is located in the areas of operation.
 - (3) An operator of a grit/sand trap shall install and maintain a sample port in accordance with the written specifications of the approving authority.

(b) Existing Grit/Sand Traps.

- (1) Existing facilities that wash, clean, service, or perform a cleaning or maintenance activity on a motorized or electric vehicle or equipment with floor drains in the areas of operation that undergo a change of ownership or are expanded or renovated to add floor drains in areas of operation must install and maintain a grit/sand trap.
- (2) Existing grit/sand traps shall be operated and maintained in accordance with the manufacturer's recommendations, this Article, or the City of Plano Plumbing Code, whichever is most restrictive, unless a variance has been approved by the Director.
- (3) If notified by the approving authority that a grit/sand trap is not functioning properly in violation of federal, state, and/or local standards or regulations, said person shall install and maintain an approved grit/sand trap and sample port.

(c) Responsibility.

- (1) The owner or operator of a premises generating liquid waste shall:
 - (A) Install a grit/sand trap as required by this Article.
 - (B) Maintain the grit/sand trap in good repair and sanitary condition.
 - (C) Not install or use any system, process, or pretreatment or alter the design or function of the grit/sand trap unless approved in writing by the Director, including, but not limited to, the use of enzymes, bacteria, or other additives.
 - (D) Supervise the proper cleaning and complete removal of the contents of the trap.
 - (E) Immediately report spills and accidents involving liquid waste to the approving authority by phone or email.
 - (F) Clean up spills and abate unsanitary conditions immediately.
 - (G) Dispose of material used for abatement in a timely manner and by means approved by the Director.
 - (H) Protect the MS4 and the environment from discharges of liquid waste, washwater, and other contaminants caused by spill or overflow or the remediation of spill or overflow.
 - (I) Not discharge waste of any kind into the MS4.

(d) Trap Evacuation.

- (1) Grit/sand traps shall be evacuated and cleaned as required by the following sections to ensure the efficiency of the grit/sand trap is not impaired.
- (2) A person shall have the grit/sand trap completely evacuated, including the cleaning of the trap sides and bottom, by a transporter permitted by the city when the discharge exceeds Local Limits and at one of the following frequencies:
 - (A) At a frequency specified by a variance granted by the Director;
 - (B) Every 180 days or more frequently if the Director determines more frequent service, a single event service, or scheduled service is necessary for the proper operation of the grit/sand trap. Written notice will be given to the operator by the approval authority specifying the required frequency.
- (3) Each grit/sand trap shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so the trap is fully evacuated within a twenty-four (24) hour period, in accordance with 30 Texas Administrative Code, Chapter 312, Section 312.143, as amended.
- (4) If a person ceases operation of a grit/sand trap, the person is required to pump the trap before abandoning the operation. If the operator fails to empty a trap, the owner shall be held responsible for evacuation of the grit/sand trap.
- (5) A person that generates liquid waste shall not allow hazardous waste or liquid waste in combination with hazardous waste to be removed from the premises by a liquid waste transporter operating under a city permit. Removal of hazardous waste shall only be performed by an industrial hazardous waste hauler registered with the state.
- (6) When liquid waste is picked up, a person representing the operator or owner shall verify the accuracy of the trip ticket provided by the transporter.
- (7) A person that generates liquid waste shall maintain a copy of all trip tickets for a period of no less than three (3) years at the premises of generation.
- (8) All trip tickets shall be available for review upon request of the Director.

(e) Variance.

- (1) Any person may submit to the Director a written request for a variance from this Article.

Secs. 21-364 – 21-380. Reserved.

DIVISION 3. – LIQUID WASTE TRANSPORT, DISPOSAL FACILITY

Sec. 21-381. Liquid Waste Transport Vehicle.

- (a) Permit and inspection.
 - (1) A person shall obtain a permit for each liquid waste transport vehicle that operates within the City of Plano.
 - (2) Each permit holder shall display the permit sticker on the back of the tank of the liquid waste transport vehicle.
 - (3) A person operating a liquid waste transport vehicle shall comply with the following and provide documentation or otherwise demonstrate to the approving authority that the following conditions have been met:
 - (A) Vehicle must be registered and authorized by TCEQ;
 - (B) Vehicle shall contain a single tank as an integral part of the vehicle used for transportation of liquid waste;
 - (C) Piping, valves, and all connections shall be permanently attached to tank and/or vehicle;
 - (D) Tank shall be liquid tight;
 - (E) Tank shall be constructed and mounted to allow proper cleaning of the exterior and interior;
 - (F) Piping, valves, and connections shall be accessible and easily cleaned;
 - (G) Inlets (openings) of tank shall be constructed so waste will not spill or leak during transfer, filling, or during transport;
 - (H) Outlet connections shall be constructed and maintained so no liquid waste will seep, leak, or spill from the openings during loading, transport, or discharge;
 - (I) Outlets including pumps, valves, cylinders, diaphragms, and other appurtenances shall be designed and maintained to control spillage, spray, leakage, or seeps while in use or during transport;
 - (J) Vehicle must be equipped with the necessary tools to clean a trap in accordance with this Article; and

(K) Vehicle must be equipped with a functional volume measuring or indicating device.

(b) Maintenance, Operation.

(1) Persons operating a liquid waste transport vehicle shall perform the following maintenance:

(A) Maintain vehicle in a clean condition so as not to create spray or emit obnoxious odors during operations;

(B) Maintain hoses, tanks, valves, pumps, cylinders, seals, diaphragms, pipes, and other attached equipment in good repair;

(C) Provide plugs or caps for each valve to be used during transport; and

(D) Cause a vehicle exterior to be clean and odor free at the beginning of each work day.

(c) Responsibility.

(1) A person operating a liquid waste transport vehicle shall:

(A) Determine if the content of the trap is acceptable waste for the permitted vehicle;

(B) Ensure the vehicle is equipped and of sufficient size to handle the load; and

(C) Ensure the materials to be transported are not hazardous as defined in this Article.

(2) A liquid waste transporter shall use a disposal facility permitted and approved by the city, state, or federal government.

(3) A liquid waste transporter shall use a liquid waste tracking manifest system approved by the Director such as, but not limited to, City of Plano trip ticket books or an approved computer or internet based reporting system.

(A) A person transporting liquid waste shall be required to complete the trip ticket as written in the instructions on the book.

(B) A person transporting liquid waste must maintain a completed copy of the trip ticket book for a period of three (3) years. Copies of the manifests must be made available to the Director upon immediate request.

- (C) A complete copy of the trip ticket shall be provided to the Director within 15 days of the date of receipt of the liquid waste from the operator.

Sec. 21-382. Disposal Facility.

- (a) A person operating a disposal facility shall not allow liquid waste on their premises to enter another premises or the MS4.
- (b) A person operating a disposal facility shall not store liquid waste in a manner that creates a noxious odor or in a manner that creates or may create a health hazard.
- (c) A person operating a disposal facility shall comply with the following:
 - (1) Obtain and maintain compliance with all licenses and/or permits required by local, state and/or federal law;
 - (2) Accept waste only from a transporter with a permit to haul waste;
 - (3) Maintain trip ticket copies for a period of three (3) years;
 - (4) Accept only those classes of wastes authorized by license or permit; and
 - (5) Make available all records requested by the Director.

Secs. 21-383 - 21-390. Reserved.

DIVISION 4. – ENFORCEMENT

Sec. 21-391. Authority.

- (a) Authority for Criminal Enforcement and Abatement. The city manager or his designee shall have authority for enforcement of criminal offenses and for abatement, assessment of expenses, and obtaining liens pursuant to this Article.

Sec. 21-392. Permit Denial, Suspension, Revocation.

- (a) The Director may suspend or revoke a permit if it is determined that a person has violated this Article. The notice shall be issued to the owner or operator in writing and delivered by certified mail and/or in person and include the following:
 - (1) State the reasons for the suspension or revocation;
 - (2) State the evidence that the person shall provide in order to demonstrate that the reasons for suspension or revocation have been eliminated;

- (3) State that the permit holder may request an appeal hearing by submitting a timely request to the Director pursuant to the section of this code; and
 - (4) Provide the name and address of the person to whom a request for appeal hearing may be made.
- (b) Emergency suspension. If the Director finds a condition constituting an imminent health or environmental hazard as defined by local, state, or federal law, the Director may issue an emergency suspension of said permit without prior warning, notice, or hearing.

Sec. 21-393. Appeal.

- (a) If the Director issues an order, denies the issuance of a permit, or suspends or revokes a permit, the person may file for an appeal made in writing to the City Manager or their designee within 10 business days from the date of certified mail or conspicuous posting on property. The appeal shall:
- (1) Set forth the decision of the Director complained of;
 - (2) Contain any documents and argument on this issue for the City Manager or their designee to consider; and
 - (3) If applicable, discuss any emergency or exigent circumstances that appellant believes are material to when the hearing should be set.
- (b) A hearing shall be scheduled at a time and place designated by the City Manager or their designee no later than five (5) business days after receiving an appeal that conforms with the requirements of this Article, and the City Manager or their designee's written decision shall be furnished to the appellant no later than five (5) business days after the date of the hearing.

Sec. 21-394. Penalty.

- (a) In addition to prohibiting certain conduct by persons, it is the intent of this article to hold a corporation or association legally responsible for prohibited conduct performed by an agent acting on behalf of a corporation or association and within the scope of his office or employment.
- (b) Any person, operator, or owner who violates any provision of this article, or fails to comply with any provision hereof, shall be subject to the penalty as provided for in section 1-4(a) of the Code of Ordinances of the City of Plano. Each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.
- (c) It shall be an offense to intentionally or knowingly fail to comply with any provision of this Article. Any person intentionally or knowingly violating a provision of this Article

shall be punished by a fine not to exceed \$2,000.00. Each day a violation occurs shall constitute a separate offense.

(1) Repeat and Habitual Offenders.

(A) If it is shown on the trial of an offense under this Article that the defendant has previously been finally convicted of an offense under this Article, on conviction the person shall be punished by a fine of not less than \$500.00 and not to exceed \$2,000.00.

(B) If it is shown on the trial of an offense under this Article that the defendant has previously been finally convicted of two or more offenses under this Article, on conviction the person shall be punished by a fine of not less than \$1,000.00 and not to exceed \$2,000.00.

(C) This subsection for Repeat and Habitual Offenders applies only to a person finally convicted of a second or subsequent offense within three years of the date on which the most recent preceding offense was committed.

(d) In addition to the criminal offenses and penalties prescribed in this Article, the City may pursue other remedies such as abatement of nuisances, injunctive relief, administrative adjudication, and revocation of licenses or permits. Any person found guilty of violating provisions of this article shall become liable to the city for any expense, loss, or damage incurred by the city for reason of appropriate clean-up and disposal of said waste materials.”

Section II. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provision of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with this Ordinance shall remain in full force and effect.

Section III. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section IV. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section V. Any violation of the provisions or terms of this Ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Sections 1-4(a) and 21-394(c) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. This ordinance shall have a delayed effective date of January 1, 2019. This Ordinance shall be published upon passage as required by law.

DULY PASSED AND APPROVED this the 8th day of October 2018 to become effective on January 1, 2019.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY