

ORDINANCE NO. 22-2017

AN ORDINANCE AMENDING CHAPTER 10 "FIRE PROTECTION AND PREVENTION" ARTICLE IV "LIQUEFIED PETROLEUM GAS" REGULATING LIQUEFIED PETROLEUM GAS WITHIN THE CITY OF ABILENE'S JURISDICTION BY REPEALING AND REPLACING THE ARTICLE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, under Section 113.051 of the Natural Resources Code, the Legislature has mandated that the Texas Railroad Commission "...promulgate and adopt rules or standards or both relating to any and all aspects or phases of the LPG industry that will protect or tend to protect the health, welfare, and safety of the general public;"

WHEREAS, the Texas Railroad Commission has adopted Liquefied Petroleum Gas Safety Rules pursuant to Section 113.052 and 113.003 of the Texas Natural Resources Code;

WHEREAS, the City of Abilene has interpreted and applied Chapter 10, Article IV, of its Code of Ordinances in compliance with the applicable Texas Railroad Commission Rules and State law consistently since September 1, 2011;

WHEREAS, this ordinance shall include the elimination of any ordinance that presents a conflict, of any kind, with applicable Texas Railroad Commission Rules or the Constitution and laws of the United States and the State of Texas.

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

- PART 1:** That Chapter 10, Article IV, of the Code of Ordinances, City of Abilene, Texas, entitled "Liquefied Petroleum Gas," is hereby replaced as set out in Exhibit A, attached and made a part of this ordinance for all purposes.
- PART 2:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.
- PART 3:** That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.
- PART 4:** Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

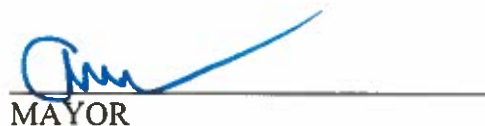
PASSED ON FIRST READING on this 22nd day of June, 2017.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 9 day of July, 2017, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 13th day of July, 2017, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 13th day of July, 2017.

ATTEST:


CITY SECRETARY


MAYOR


CITY ATTORNEY

EXHIBIT A

ARTICLE IV. LIQUEFIED PETROLEUM GAS

Sec. 10-100. Adoption of Liquefied Petroleum Gas Safety Rules.

The City hereby adopts the Liquefied Petroleum Gas Safety Rules previously adopted by the Texas Railroad Commission as set forth in Title 16 of the Texas Administrative Code, Chapter 9, including any and all future amendments thereto. The rules hereby adopted are on file in the Fire Marshal's Office and City Secretary's Office all such copies shall be open to public inspection during business hours of the offices where they are maintained.

Sec. 10-101. Enforcement.

The code hereby adopted shall be enforced by the City of Abilene Fire Marshal's Office.

Sec. 10-102. Construction of City codes.

All ordinances, orders, rules, or codes adopted by the City shall be construed in a manner consistent with this Article on all matters relating to Liquefied Petroleum Gas.

Sec. 10-103. Conflict with City codes.

In the event of conflict between any ordinance, order, rule, or code adopted by the City and this Article, this Article shall control.

Sec. 10-104. Adoption of rules, regulations, policies, practices, procedures, or standards.

City staff shall not adopt or enforce any rule, regulation, practice, policy, procedure, or standard that conflicts with this Article. A violation under this section shall not constitute a misdemeanor and shall not be subject to section 1-9 of this Code.

Sec. 10-105. Construction with other law.

This Article shall not be construed so as to conflict with the Texas Railroad Commission Liquefied Petroleum Gas Safety Rules, including any and all future amendments thereto, or the Constitution and laws of the United States and the State of Texas.