

13.1

CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM CITY CLERK DEPT.

DEPARTMENT: Fire
AGENDA DATE: August 22, 2017
CONTACT PERSON/PHONE: Mario D'Agostino, Fire Chief, 915-485-5605
DISTRICT(S) AFFECTED: All

2017 AUG -1 PM 4:59

STRATEGIC GOAL: NO. 2 Set the Standard for a Safe and Secure City

SUBJECT:

An Ordinance regulating liquefied petroleum gas within the City's jurisdiction, adopting the Texas Railroad Commission's LP-Gas Safety Rules in conformity with Section 113.054 of the Natural Resources Code, repealing all other ordinances or parts thereof purporting to regulate liquefied petroleum gas within the City's jurisdiction only to the extent that such other ordinances or parts thereof relate to liquefied petroleum gas; and providing a savings clause.

BACKGROUND / DISCUSSION:

This proposed Ordinance acknowledges the Texas Railroad Commission's LP-Safety Gas Rules in accordance with the Natural Resource Code and it repeals all previous ordinances that regulate the sale and use of propane within the City Limits.

PRIOR COUNCIL ACTION:

There is no prior City Council action.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



AN ORDINANCE REGULATING LIQUEFIED PETROLEUM GAS WITHIN THE CITY'S JURISDICTION, ADOPTING THE TEXAS RAILROAD COMMISSION'S LP-GAS SAFETY RULES IN CONFORMITY WITH SECTION 113.054 OF THE NATURAL RESOURCES CODE, REPEALING ALL OTHER ORDINANCES OR PARTS THEREOF PURPORTING TO REGULATE LIQUEFIED PETROLEUM GAS WITHIN THE CITY'S JURISDICTION ONLY TO THE EXTENT THAT SUCH OTHER ORDINANCES OR PARTS THEREOF RELATE TO LIQUEFIED PETROLEUM GAS; AND PROVIDING A SAVINGS CLAUSE.

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;

Whereas, under Section 113.054 of the Natural Resources Code, the Texas Railroad Commission's rules and standards "...preempt and supersede any ordinance, order, or rule adopted by a political subdivision of this state relating to any aspect or phase of the liquefied petroleum gas industry;"

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF EL PASO, TEXAS:

Section 1. Title 9, Chapter 9.52, 9.52.150 – Chapter 38, entitled "Liquefied Petroleum Gases, amended" be, and hereby is, repealed in its entirety and replaced as follows:

9.52.150 – Chapter 38. Liquefied Petroleum Gas.

Sec. 9.52.150.1 Adoption of Liquefied Petroleum Gas Safety Rules. The City hereby adopts the Liquefied Petroleum Gas Safety Rules previously adopted by the Texas Railroad Commission, including any and all future amendments thereto.

Sec. 9.52.150.2 Exclusive Regulation. The Liquefied Petroleum Gas Safety Rules adopted under Sec. 9.52.150.1 and the rules and standards, if any, promulgated with the permission of the Texas Railroad Commission's executive director shall be the City's exclusive regulations for Liquefied Petroleum Gas.

Sec. 9.52.150.3 Conflict With City Codes. In the event of conflict between any ordinance, order, rule, or code adopted by the City and 9.52.150 – Chapter 38. Liquefied Petroleum Gas, 9.52.150 – Chapter 38. Liquefied Petroleum Gas shall control.

Section 2. All ordinances or parts thereof regulating or purporting to regulate liquefied petroleum gas be, and hereby are, repealed to the extent that such ordinances or parts thereof relate to liquefied petroleum gas.

Section 3. If any part or portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of the ordinance.

Dee Margo, Mayor
City of El Paso


ATTEST:

Laura D. Prine
City Clerk



Mario M. D'Agostino
Fire Chief

APPROVED AS TO FORM:



Oscar G. Gabaldón, Jr.
Assistant City Attorney

CITY CLERK DEPT.
2017 AUG -2 AM 9:55