

## STATE OF TEXAS

AN ORDINANCE AMENDING THE SEGUIN CODE OF ORDINANCES CHAPTER 18 BUILDINGS AND BUILDING REGULATIONS BY THE ADDITION OF A NEW SECTION 18-27 REGULATING LIQUEFIED PETROLEUM GAS WITHIN THE CITY'S JURISDICTION THROUGH THE ADOPTION THE TEXAS RAILROAD COMMISSION'S LP-GAS SAFETY RULES IN CONFORMITY WITH SECTION 113.054 OF THE NATURAL RESOURCES CODE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING STAFF TO PREPARE THIS ORDINANCE AS A SUPPLEMENT TO THE CODE OF ORDINANCES.

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; and

WHEREAS, the Texas Railroad Commission has adopted Liquefied Petroleum Gas Safety Rules; and

WHEREAS, under Section 113.054 of the Natural Resources Code, "the Texas Railroad Commission's rules and standards preempt and supersede any ordinance, or rule adopted by a political subdivision of this state..."; and

WHEREAS, the Section 113.054 of the Natural Resources Code authorizes the City to petition the Railroad Commission's executive director for "... permission to promulgate more restrictive rules and standards ... if the political subdivision can prove that the more restrictive rules and standards enhance public safety."

NOW THEREFORE BE IT ORDAINED by the City Council of Seguin, Texas:

**SECTION ONE.** Chapter 18, Buildings and Building Regulations, Article II, Building Codes, Section 18-27, Reserved is amended to read as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

Sec. 18-27 Liquefied Petroleum Gas

(a) 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.

(b) Exclusive Regulation. Notwithstanding any other provision of the City's Code of Ordinances, the Liquefied Petroleum Gas Safety Rules adopted under Sec. 18-27(a) 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.

(c) Construction of City Codes. All ordinances, orders, rules, or codes adopted by the City shall be construed in a manner consistent with Sec. 18-27 on all matters relating to Liquefied Petroleum Gas.

(d) Conflict With City Codes. In the event of conflict between any ordinance, order, rule, or code adopted by the City and Sec. 18-27, Sec. 18-27 shall control.

(e) 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 Sec. 18-27.

(f) Construction Consistent With Texas Railroad Commission. Sec. 18-27 shall not be construed so as to conflict with the Texas Railroad Commission's interpretation of the Liquefied Petroleum Gas Safety Rules, including any and all future amendments thereto.

**SECTION TWO.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION THREE.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION FOUR.** This Ordinance shall become effective ten days after the date of its final passing.

**SECTION FIVE.** City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

**PASSED AND APPROVED** on first reading this 1<sup>st</sup> day of June 2021.

**PASSED AND APPROVED** on second reading this 15<sup>th</sup> day of June 2021

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DONNA DODGEN, Mayor

ATTEST:

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Naomi Manski, City Secretary