

CITY OF FOREST HILL

ORDINANCE NO. #2010-05-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOREST HILL, TEXAS AMENDING CHAPTER 54, FIRE PROTECTION AND PREVENTION, OF THE CITY'S CODE OF ORDINANCES RELATIVE TO THE REGULATION OF ABOVE-GROUND STORAGE TANKS FOR FLAMMABLE OR COMBUSTIBLE LIQUIDS; ESTABLISHING DEFINITIONS; ESTABLISHING GENERAL REQUIREMENTS; ESTABLISHING FUEL DISPENSING REQUIREMENTS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, above-ground storage tanks are prohibited by Section 54-35 of the Forest Hill Code of Ordinances;

WHEREAS, the City Council has determined that above-ground storage tanks for flammable and combustible liquids shall be allowed within city limits and therefore shall do so by and through the appropriate public meeting process to repeal the current regulations set forth in Section 54-35 of the Forest Hill Code of Ordinances and replace with a new Section 54-35;

WHEREAS, the City Council of the City of Forest Hill, Texas has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Forest Hill, Texas to adopt this ordinance regulating above-ground storage tanks for flammable or combustible liquids.

WHEREAS, the City Council of the City of Forest Hill, Texas has determined that is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens of the City that the Code of Ordinance provisions relative to the regulation of above-ground storage tanks for flammable or combustible liquids, be established as hereinafter stated.

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

SECTION 1: LEGISLATIVE FINDINGS: All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2: Section 35, "Above-ground Storage Tanks for Flammable or Combustible Liquids" of Chapter 54, "Fire Protection and Prevention" of the City of Forest Hill Code of Ordinances is hereby repealed and this new Section 54-35 is enacted to read in its entirety as follows:

"Section 54-35.

Above-ground Storage Tanks for Flammable or Combustible Liquids

Above-ground tanks used for above-grade storage of Class II or IIIA liquids are allowed to be protected above-ground tanks and when approved by Specific Use Permit from the City Council. Above-ground storage tanks shall be designed in accordance with the currently adopted Fire Code and with the following:

- (1) Shall only be allowed to be located in LI (Light Industrial) and HI (Heavy Industrial) zoning districts by order of a Specific Use Permit from City Council.
- (2) Above-ground storage tanks shall not be placed inside a building.
- (3) Premises shall not exceed an aggregate amount of 12,000 gallons.
- (4) Shall adhere to any and all Federal, State, and Local regulations, including but not limited to those found in the currently adopted Fire Code."

SECTION 3: SEVERABILITY. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

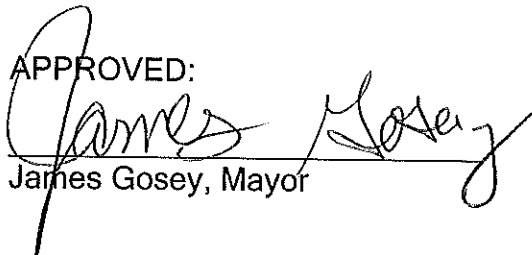
SECTION 4: REPEAL OF CONFLICTING ORDINANCES. All ordinances, orders and resolutions heretofore passed and adopted by the City Council of the City of Forest Hill, Texas are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith, except for the City's Zoning Ordinance unless repealed or amended consistent with state law and city ordinance.

SECTION 5: PROPER NOTICE AND MEETING. It is hereby officially found and determined that the meeting at which the Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 6: EFFECTIVE DATE. This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Forest Hill, Texas on this 20th day of July, 2010.


APPROVED:


James Gosey, Mayor

ATTEST:


Grace Edwards, Interim City Secretary

APPROVED AS TO FORM:



Warren Spencer, City Attorney

