

ORDINANCE NO. 2021-013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, AMENDING ORDINANCE NO. 2020-010 TO AMEND SECTION 3; ESTABLISHING LOT 8A1, REPLAT OF THE FIRST SECTION OF GRAPEVINE INDUSTRIAL PARK OF THE CITY OF GRAPEVINE, TARRANT COUNTY, TEXAS AS A MUNICIPAL SETTING DESIGNATION SITE; PROVIDING FOR THE PROHIBITION OF THE USE OF GROUNDWATER FOR POTABLE AND IRRIGATION PURPOSES FOR THE SITE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A FINE OF UP TO \$2,000.00 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Grapevine adopted Ordinance No. 2005-79 on October 11, 2005 establishing processes, procedures and restrictions associated with a Municipal Setting Designation authorized under Chapter 361, Subchapter W of the Texas Health and Safety Code; and

WHEREAS, Applicant has continuing obligations to satisfy applicable statutory and regulatory provisions concerning groundwater contamination investigation and response actions at the Site; and

WHEREAS, the City Council of the City of Grapevine is of the opinion that it is in the best interest of the public and the City to support Applicant's application to the Texas Commission on Environmental Quality for a Municipal Setting Designation for the Site; and

WHEREAS, on February 4, 2020 City Council adopted Ordinance No. 2020-010 declaring the Municipal Setting Designation "(e) Lot 8A1, Replat of the first section of Grapevine Industrial Park"; and

WHEREAS, after consultation and recommendation by TCEQ, Section 3 of Ordinance No. 2020-010 needs to be adjusted; and

WHEREAS, all constitutional and statutory prerequisites for the approval of this ordinance have been met, including but not limited to the Open Meetings Act; and

WHEREAS, City Council finds that the passage of this Ordinance serves the best interests of the health, safety, and welfare of the public.

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

Section 1. That all of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Section 2. That Section 3 of Ordinance 2020-010 shall be amended to read "That the designated groundwater beneath Lot 8A1, Replat of the first section of Grapevine Industrial Park, City of Grapevine, Tarrant County, Texas is the shallow water table of the designated property. This shallow groundwater is in soils which lie over the Eagle Ford Shale Formation which underlies the site. The designated groundwater zone is associated with a shallow perched groundwater bearing unit (GWBU) located at depths ranging from 0 to 200 feet below ground surface (bgs)."

Section 3. That the City will provide advance written notice to the Texas Commission on Environmental Quality, as much as is practicable, prior to enacting an ordinance repealing or amending this section.

Section 4. That this ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Grapevine, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

Section 5. That 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, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6. That any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than two thousand dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 7. That all rights and remedies of the City of Grapevine, Texas, are expressly saved as to any and all violations of the provisions of the ordinances amended in Section 1, which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 8. That this ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

Section 9. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto to any person or circumstances is held 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 the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 10. That the fact that the present ordinances and regulations of the City of Grapevine, Texas, are inadequate to properly safeguard the health, safety, morals, peace, and general welfare of the inhabitants of the City of Grapevine, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance become effective form and after the date of its passage and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 6th day of April, 2020.

APPROVED:



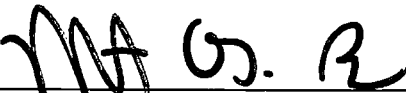
William D. Tate
Mayor

ATTEST:


Tara Brooks
City Secretary



APPROVED AS TO FORM:


Matthew C.G. Boyle
City Attorney

