

ORDINANCE NO. 2016-O-13

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALACIOS, TEXAS TO ADD ARTICLE 4.10 WHICH REGULATES TIRE GENERATORS; CONTAINING A SAVINGS CLAUSE; REPEALING INCONSISTENT ORDINANCES; AND PROVIDING FOR THE PUBLICATION AND THE EFFECTIVE DATE THEREOF.

WHEREAS, the City Council of the City of Palacios has determined that the unregulated disposal and storage of tires within the City of Palacios adversely affects the health and safety of the citizens of Palacios, and negatively affects the value and use of surrounding properties; and

WHEREAS, in order to address these adverse affects and protect its citizens and their property, the City Council of the City of Palacios has determined that the regulations proposed below are needed and necessary, but will still allow tire generators to operate their businesses; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALACIOS, TEXAS:

SECTION 1: That the Code of Ordinances of the City of Palacios, Texas is hereby amended by adding the following sections, which read as follows:

ARTICLE 4.10 TIRE GENERATORS

Sec. 4.10.001 Definitions

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Scrap Tire Generators: tire dealers, junkyards, fleet operators, and others who generate scrap tires. To be referred to as generators.

Scrap Tire Processing Facilities: operations that shred, bale, recycle, or recover energy from scrap tires.

Transportation Facilities: marine terminals, rail yards, or trucking facilities that store more than 500 scrap tires or equivalent scrap tire pieces for more than 30 days.

Sec. 4.10.002 Scrap tire generators

- (a) Tire sales, scrap tire generators and scrap tire storage facilities shall be located in commercial only zones.
- (b) Scrap tire generators shall follow the fencing requirements as a junkyard, salvage yard, wrecking yard.
- (c) Generators may not store more than 500 scrap tires on the ground.
- (d) Generators who are registered with TCEQ may store up to 2,000 tires in a closed and lockable trailer.
- (e) Generators shall stack, sort, classify and arrange good useable tires in an organized manner for sale.

(f) Generators shall document the removal of all scrap tires using manifests, work orders, invoices, or other records.

(g) Generators shall allow only registered scrap tire transporters to remove their scrap tires and ensure the tires are delivered to an authorized facility.

Sec. 4.10.003 Scrap tire storage facilities

Storage sites that store more than 500 whole used or shredded tire pieces shall register with TCEQ.

Sec. 4.10.004 Transportation facilities

Transportation facilities shall register with TCEQ.

Sec. 4.10.005 Scrap tire processing facilities

(a) Scrap tire processing facilities shall follow the fencing requirements as a junkyard, salvage yard, wrecking yard.

(b) Scrap tire processing facilities shall register with TCEQ.

(c) Scrap tire processing facilities that store more than 500 tires shall register with TCEQ as a tire storage facility.

Sec 4.10.006 Penalties for non compliance

Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) for each violation. Nothing herein contained shall prevent the City of Palacios from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 2: If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

SECTION 3: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 4: This Ordinance shall become effective after its approval and adoption upon second and final reading and its publication pursuant to law.

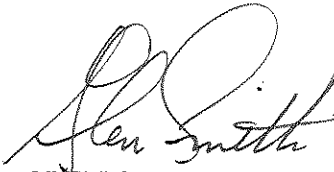
PASSED AND APPROVED on first reading this 15th day of November, 2016.

PASSED, APPROVED AND ADOPTED on second and final reading this 13th day of December, 2016.

CITY OF PALACIOS, TEXAS

Reviewed 10/17/16




GLEN SMITH, Mayor

ATTEST:


ANGELA FLORES, City Secretary

APPROVED AS TO FORM:

RANDALL B. STRONG, City Attorney

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