

**CITY OF OAK RIDGE  
KAUFMAN COUNTY, TEXAS**

**ORDINANCE 30-10  
PROPANE FACILITY**

**AN ORDINANCE OF THE CITY OF OAK RIDGE, KAUFMAN COUNTY, TEXAS ESTABLISHING REGULATIONS ASSOCIATED WITH THE CONTINUED OPERATION OF THE EXISTING PROPANE DISTRIBUTION FACILITY, INERGY PROPANE, UNDER KAUFMAN COUNTY MANAGEMENT OF INDEPENDENT PROPANE LOCATED IN THE CITY OF OAK RIDGE DISTRICT A AGRICULTURE- EXEMPT ZONING ON THE EAST SIDE OF NORTH STATE HIGHWAY 34, ABOUT ONE THOUSAND FEET NORTH OF THE NORTH STATE HIGHWAY 34 CROSSING OF EAGEN'S BRANCH, AND ACROSS NORTH STATE HIGHWAY 34 FROM A DISTRICT F-1 SINGLE FAMILY DWELLING SUBDIVISION ZONING. PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERALABILITY AND AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, KAUFMAN COUNTY, TEXAS THAT:

WHEREAS, the City Council of the City of Oak Ridge in Kaufman County, Texas has determined that it is now necessary to establish regulations related to the further operation of this propane distribution facility located in the City of Oak Ridge.

WHEREAS, it is the obligation of this Council to protect the health, welfare, and property values of the inhabitants of this City.

SECTION I.

A. Current status of the operation of the existing propane distribution facility:

1. Propane storage tanks are located on the Inergy Propane facility site.
2. Propane tanks suitable for installation at propane usage customer's property, are stored at the facility site awaiting delivery as requested by customers.
3. Fencing around the boundary of the property used by the propane facility operator to operate the business of the owner.
4. The propane facility has been operated as a propane distribution facility for many years, and prior to the incorporation of the City of Oak Ridge, Texas.

B. Proposed change in current status by the propane facility operator:

1. A request has been presented to the City Council of Oak Ridge to permit them to install an additional 30,000 gallon propane storage tank with operation proposed to serve a similar function to the current storage tanks in place on the property.

SECTION II.

A. Current status of zoning districts authorized by the City Council of the City of Oak Ridge:

1. Zoning District F-1 Single Family Dwelling
2. Zoning District A Agricultural Exempt
3. Zoning District B Transitional Agriculture-Exempt
4. Zoning District PG Public & Government

B. The City Council of the City of Oak Ridge hereby states no changes in the structure of the current zoning districts will be made at this time.

C. In response to the request for continued operation of the existing Inergy Propane distribution facility and erection and operation of an additional propane storage tank in the size of 30,000 gallons.

1. The City Council of the City of Oak Ridge, by the passage of this Ordinance in response to the Inergy Propane distribution facility owner, is agreeable to granting a variance to the provisions of the four Zoning Districts in recognition of the existence of this propane distribution facility prior to the incorporation of the City of Oak Ridge which will allow the continued operation of the existing facility and addition of the one propane storage tank requested by Inergy.
2. The granting of this variance is based on compliance with the following conditions, rules, and regulations of the City of Oak Ridge and State of Texas regulatory agencies by Inergy:
  - a. The installation of the additional propane storage tank, continued operation and maintenance of the propane distribution facility will be conducted in accordance with the rules and regulations of the Texas Railroad Commission and any other State regulatory agencies that might have jurisdiction over this type of facility. Since the City of Oak Ridge does not have zoning which provides for this type of facility, the City does not have any regulations associated with the construction , operation or maintenance of the handling of propane distribution.
  - b. The City of Oak Ridge reserves the authority to conduct fire safety conditions of the propane distribution facility.
  - c. The City of Oak Ridge also reserves the right to inspect and insure that fencing required for the operation of the facility is constructed and maintained in accordance

- with the specifications used for the construction of fences.
- d. The City of Oak Ridge reserves the right to inspect and require that the land included within the facility boundaries, stored inventory of customer-type propane tanks, and grass and driveway surfaces are managed in such a manner as is aesthetically pleasing.
  - e. The propane distribution facility owner will be required to secure building permits from the City for construction of any buildings proposed to be constructed after the passage of this Ordinance.
  - g. Prior to the erection of the additional propane storage tank, the propane distribution facility owner will furnish the City with a copy of the documents issued by the Texas Railroad Commission to permit the construction and operation of the additional propane tank.

#### SECTION III.

- A. The City of Oak Ridge City Council approval of a variance to the provisions of the four zoning ordinances of the City which authorizes the continuation of the operation of the Inergy Propane distribution facility, and addition of one propane tank, is a specific waiver which is applicable to this propane distribution facility only.
- B. Any additional requests for any type of propane distribution or related propane sales of other activity shall be considered by the City Council of Oak Ridge with reference to the City Ordinances in effect at the time of the request, as well as the State of Texas rules and regulations in effect at the time of the request.

#### SECTION IV.

#### ENFORCEMENT

Violators will be subject to fines, and any and all other expenses incurred by the City of Oak Ridge in the enforcement process, including legal expenses and court and administrative costs.

#### SECTION V.

NOW THEREFORE BE IT ORDAINED THAT:

- A. The City Council of the City of Oak Ridge hereby grants a variance to the provisions of the four zoning districts currently in effect to Inergy Propane to continue operation of their propane distribution facility and add one additional storage tank to their existing propane distribution facility subject to all of the conditions, regulations, and enforcement procedures stated in Sections I. through IV.

- B. Further, it is hereby declared to be the intention of the City Council of the City of Oak Ridge, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrases, clauses, sentences, paragraphs, or sections of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any unconstitutional phrases, clauses, sentences, paragraphs, and/or sections.

PASSED AND APPROVED THIS 30<sup>TH</sup> DAY OF MARCH 2010.