

Ordinance No. 2022-07

AN ORDINANCE REGULATING LIQUEFIED PETROLEUM GAS WITHIN THE TOWN'S JURISDICTION, ADOPTING THE TEXAS RAILROAD COMMISSION'S LP-GAS SAFETY RULES IN CONFORMITY WITH SECTION 113.054 OF THE NATURAL RESOURCES CODE, REPEALING ALL OTHER ORDINANCES OR PARTS THEREOF PURPORTING TO REGULATE LIQUEFIED PETROLEUM GAS WITHIN THE TOWN'S JURISDICTION ONLY TO THE EXTENT THAT SUCH OTHER ORDINANCES OR PARTS THEREOF RELATE TO LIQUEFIED PETROLEUM GAS; AND PROVIDING A SAVINGS CLAUSE.

*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;"

*Whereas*, the Texas Railroad Commission has adopted Liquefied Petroleum Gas Safety Rules;

*Whereas*, under Section 113.054 of the Natural Resources Code, the Texas Railroad Commission's rules and standards "...preempt and supersede any ordinance, order, or rule adopted by a political subdivision of this state relating to any aspect or phase of the liquefied petroleum gas industry;"

*Whereas*, the Section 113.054 of the Natural Resources Code authorizes the Town 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;" and

*Whereas*, the Town has not petitioned the Railroad Commission's executive director for permission to promulgate more restrictive rules and standards;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LAGUNA VISTA, TEXAS:

Section 1. An ordinance entitled "Liquefied Petroleum Gas" be, and hereby is, adopted as follows:

Liquefied Petroleum Gas.

Sec. 01. Adoption of Liquefied Petroleum Gas Safety Rules. The Town hereby adopts the Liquefied Petroleum Gas Safety Rules previously adopted by the Texas Railroad Commission, including any and all future amendments thereto.

Sec. 02. Exclusive Regulation. The Liquefied Petroleum Gas Safety Rules adopted under Sec. 01 and the rules and standards, if any, promulgated with the permission of the Texas Railroad Commission's executive director shall be the Town's exclusive regulations for Liquefied Petroleum Gas.

Sec. 03. Construction of Town Codes. All ordinances, orders, rules, or codes adopted by the Town shall be construed in a manner consistent with the above adopted rules on all matters relating to Liquefied Petroleum Gas.

Sec. 04. Conflict With Town Codes. In the event of conflict between any ordinance, order, rule, or code adopted by the Town and this ordinance, this ordinance shall control.

Sec. 05. Adoption of Rules, Regulations, Policies, Practices, Procedures, or Standards. Town staff shall not adopt or enforce any rule, regulation, practice, policy, procedure, or standard that conflicts with this ordinance.

Sec. 06. Construction Consistent With Texas Railroad Commission. This ordinance 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 2. All ordinances or parts thereof regulating or purporting to regulate liquefied petroleum gas be, and hereby are, repealed to the extent that such ordinances or parts thereof relate to liquefied petroleum gas.

Section 3. If any part or portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of the ordinance.

**PASSED AND APPROVED** on first reading on the 12th day of October 2022.

**PASSED AND ADOPTED** on second and final reading on the 9th day of November 2022.

DocuSigned by:

*Michael Carter*

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Michael Carter, Mayor  
Town of Laguna Vista

ATTEST:

DocuSigned by:

*Crystal Chapa*

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Crystal Chapa,  
Town Secretary

APPROVED AS TO FORM:

DocuSigned by:

*Alan Ozuna*

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Alan T. Ozuna  
Town Attorney