

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, APPROVING RESOLUTION NO. 2010-08-171, ADOPTED BY THE DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD ON AUGUST 5, 2010 FOR THE PURPOSE OF AMENDING PARTS ONE THROUGH NINE OF THE DALLAS-FORT WORTH INTERNATIONAL AIRPORT CONSTRUCTION AND FIRE PREVENTION RESOLUTION (ADOPTED BY RESOLUTION NO. 88-147), AS AMENDED, EXCEPT THAT THE CHANGE TO SECTION 6(B) OF PART NINE OF THE DALLAS-FORT WORTH INTERNATIONAL AIRPORT CONSTRUCTION AND FIRE PREVENTION STANDARDS RESOLUTION (ADOPTED BY RESOLUTION NO. 88-147) ADOPTING THE 2008 NATIONAL ELECTRICAL CODE AND CERTAIN 2009 SERIES MODEL CODES PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., WITH PROPOSED LOCAL AMENDMENTS; TO AMEND PART NINE OF THE CONSTRUCTION AND FIRE PREVENTION STANDARDS FOR OIL AND GAS EXPLORATION AND PRODUCTION; PROVIDING FOR A FINE NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS PER DAY FOR ANY VIOLATION THEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 8.F of the Contract and Agreement, as amended, between the City of Fort Worth, and the City of Dallas, Texas, provides that the Dallas-Fort Worth International Airport Board shall have the power, by a duly adopted order, to adopt and enforce rules and regulations for the orderly, safe, efficient and sanitary operation of the Airport, and to prescribe reasonable penalties for the breach of any rule or regulation not to exceed the maximum fines authorized by state law; and

WHEREAS, Sections 22.082 of the Texas Transportation Code, Chapter 22, Subchapter D and Section 8.F of the 1968 Contract and Agreement, as amended, provide that such orders by the Dallas-Fort Worth International Airport Board shall become effective only upon approval of the governing bodies of the Cities of Fort Worth and Dallas and proper publication; and

WHEREAS, pursuant to the foregoing, the Dallas-Fort Worth International Airport

Board adopted the Construction and Fire Prevention Standards Resolution No. 88-147, which establishes standards for construction and fire prevention to protect the health, safety and welfare of the public; and

WHEREAS, on August 5, 2010, the Dallas-Fort Worth International Airport Board passed, approved, and ordered Resolution No. 2010-08-171, which amends the Dallas-Fort Worth International Airport Board's Construction and Fire Prevention Standards Resolution (adopted by Resolution No. 88-147), as amended, to adopt the 2008 National Electrical Code and certain 2009 series Model Codes published by the International Code Council, Inc., with proposed local amendments and to amend Part Nine of the Construction and Fire Prevention Standards for Oil and Gas Exploration and Production to amend requirements for disposal of water on Airport property, clarify the use of explosives within Airport property and add references to Texas Railroad Commission regulations; and

WHEREAS, in accordance with Section 3 of Chapter 9 of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board, as amended, the Airport Board has requested that the City Councils of the Cities of Fort Worth and Dallas approve its said Resolution No. 2010-08-171 in order that it may become effective;

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

SECTION 1.

That all of the declarations and findings contained in the preamble of this ordinance are made a part hereof and shall be fully effective as part of the ordained subject matter of this ordinance.

SECTION 2.

That Resolution No. 2010-08-171 of the Dallas-Fort Worth International Airport Board, a duly certified copy of which is attached hereto as Exhibit "A" and made a part of this ordinance by reference, is hereby approved, except that the following change to Section 6(b) of Part Nine of the Dallas-Fort Worth International Airport Construction and Fire Prevention Standards Resolution (adopted by Resolution No. 88-147), as amended, that is contained in Resolution No. 2010-08-171 is not approved and will have no effect:

(b) The Operator must apply for and obtain a Permit for the Drilling of each Well or Disposal Well. The Operator shall neither apply for nor obtain a "blanket" Permit for more than one (1) well. ~~A Disposal Well permit will only be issued for disposal of Brackish Water from oil and gas exploration and production, treatment or transportation of hydrocarbons within the boundaries of Dallas/Fort Worth International Airport property.~~ All Disposal Wells must deposit Brackish Water into the Ellenberger formation. Each new Well or Disposal Well established at the ground surface will be considered a new Well or Disposal Well as applicable.

SECTION 3.

That after publication of a substantive statement relating to the contents of Resolution No. 2010-08-171 of the Dallas-Fort Worth International Airport Board in a newspaper of general circulation in each of the counties of Tarrant and Dallas, stating that a breach of any provision of Resolution No. 2010-08-171 will subject the violator to a penalty, and stating that the full text of Resolution No. 2010-08-171 and any attachments to it are on file in the principal office of the Airport Board to be read by any interested party, Resolution No. 2010-08-171 shall thereafter have the same force and effect within the boundaries of the Dallas-Fort Worth International Airport as an ordinance by the City Council of the City of Fort Worth would have in the City of Fort Worth, and the penalty shall be enforced in the same manner in which penalties prescribed by other ordinances of the City of Fort Worth are enforced.

SECTION 4.

That the sections, paragraphs, sentences, clauses and phrases of this ordinance and Resolution No. 2010-08-171 are severable, and if any phrase, clause, sentence, paragraph or section shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance or Resolution No. 2010-08-171, since the same would have been enacted without the incorporation of any unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5.

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 or Resolution No. 2010-08-171 shall be fined not more than Five Hundred Dollars (\$500.00) or more than Two Thousand Dollars (\$2000.00) for each offense relating to fire safety, public health and sanitation, or the dumping of refuse. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of any other ordinances affecting the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board 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 7.

That the City Secretary of the City of Fort Worth, Texas is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two days in the official newspaper of the City of Fort Worth, Texas, as authorized by Texas Local Government Code, Section 52.013.

SECTION 8.

That this ordinance shall take effect immediately from and after its passage and publication as required by law, in accordance with the provisions of the Charter of the City of Fort Worth, and it is accordingly so ordained.

APPROVED AS TO FORM AND LEGALITY:

By: _____
Assistant City Attorney

Adopted: _____

Effective: _____