



ORDINANCE NO. 3416

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH, TEXAS, BY AMENDING CHAPTER 34, ENVIRONMENT, ARTICLE XII, MUNICIPAL SETTING DESIGNATION (MSD), BY AMENDING SECTION 34-613(d)(2) TO CORRECT THE REFERENCE TO SUBSECTION (b)(6) TO SUBSECTION (b)(7); BY AMENDING SECTION 34-614(e)(1) TO CHANGE 45 DAYS TO 90 DAYS; AND BY AMENDING SECTION 34-615(a)(2)(b) TO CHANGE REFERENCE TO SECTION 34-612(b)(6) TO SECTION 34-613(b)(7); PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. That the Code of Ordinances of the City of Farmers Branch, Texas, be, and the same is hereby amended by amending Chapter 34, Environment, Article XII, Municipal Setting Designation (MSD), by amending Section 34-613(d)(2), in part, by correcting the reference to subsection (b)(6) to subsection (b)(7), to read as follows:

“Sec. 34-613. - Application for Approval of MSD.

- (a) ...
- (b) ...
- (c) ...
- (d) An application shall be accompanied by:
 - (1) ...
 - (2) A set of printed mailing labels with the names and addresses of persons listed in subsection (b)(7) above, and the necessary postage or cost thereof;
 - (3) ...
- (e) ...”

SECTION 2. That the Code of Ordinances of the City of Farmers Branch, Texas, be, and the same is hereby amended by amending Chapter 34, Environment, Article XII, Municipal Setting

designation (MSD), by amending section 34-614(e)(1) to change 45 days to 90 days, to read as follows:

“Sec. 34-614. - Staff Review.

- (a) ...
- (b)
- (c) ...
- (d)
- (e) If the Environmental Health Manager determines that the application is complete, a public meeting and a public hearing will be scheduled. The public meeting must be held prior to the public hearing.
 - (1) A public meeting will be scheduled approximately ninety (90) days following the day the application was received; and
 - (2) ...”

SECTION 3. That the Code of Ordinances of the City of Farmers Branch, Texas, be, and the same is hereby amended by amending Chapter 34, Environment, Article XII, Municipal Setting Designation (MSD), by amending Section by amending section 34-615(a)(2)(b) to change reference to Section 34-612(b)(6) to Section 34-613(b)(7), to read as follows:

“Sec. 34-615. - Notice of Public Meeting.

- (a) ...

...
 - (1) The Environmental Health Manager will provide written notice of a public meeting for a proposed MSD, not less than fifteen (15) days before the date of the public meeting by properly addressed and regular postage paid, in the United States mail. Notice will be mailed to:
 - (a) ...
 - (b) Those on the list provided by the Applicant pursuant to Section 34-613(b)(7).
- (b) ...”

SECTION 4. All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This ordinance shall take effect from and after its passage and the publication of the caption of said ordinance as the law and the City Charter in such case provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 10TH DAY OF JANUARY, 2017.

APPROVED:

Bob Phelps, Mayor

ATTEST:

Amy Piukana, City Secretary

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(PGS:12-19-16:TM 82425)