



## Legislation Details (With Text)

**File #:** ORD-3416      **Version:** 1

**Type:** Ordinance      **Status:** Consent Agenda

**File created:** 12/21/2016      **In control:** City Council

**On agenda:** 1/10/2017      **Final action:**

**Title:** Consider adopting Ordinance No. 3416, amending Code of Ordinances Chapter 34, "Environment," Article XII "Municipal Setting Designation" by making certain clerical corrections to Sections 34-613(d)(2) and 34-615(a)(1) and amending the time provided in Section 34-614€(1) for holding a public meeting relating to a Municipal Setting Designation; and take appropriate action.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance 3416 amending Ch 34 re Municipal Settings Designation (MSD)82425

Date	Ver.	Action By	Action	Result
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**Consider adopting Ordinance No. 3416, amending Code of Ordinances Chapter 34, "Environment," Article XII "Municipal Setting Designation" by making certain clerical corrections to Sections 34-613(d)(2) and 34-615(a)(1) and amending the time provided in Section 34-614€(1) for holding a public meeting relating to a Municipal Setting Designation; and take appropriate action.**

**BACKGROUND:**

On May 17, 2016 City Council approved and adopted the Municipal Setting Designation Ordinance (Ch. 34 Article XII) to prohibit use of groundwater in areas designated as contaminated.

The MSD law provides an alternative to persons addressing the groundwater contamination they are responsible for causing, as well as to persons who "volunteer" to address groundwater contamination. The MSD law sets conditions for MSD properties that limit requirements for contaminated groundwater to be investigated and remediated to make the groundwater suitable for use as potable water, when that groundwater is not used for potable water and will not be used for potable water in the future. By providing this alternative way to address contaminated groundwater that will not be used as potable water, persons may be more inclined to develop and redevelop properties in municipal areas that have contaminated groundwater.

**DISCUSSION:**

Based on guidance from City Council, an MSD ordinance has been passed to allow applicants that own property in Farmers Branch that overlies contaminated groundwater to apply for City support for a Municipal Settings Designation through the TCEQ. This amendment corrects some numbering and reference issues and extends the review period from 45 to 90 days to allow for required notifications and public meetings.

**RECOMMENDATION:**

City Administration recommends adopting Ordinance No. 3416 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.

POSSIBLE COUNCIL ACTION:

1. I move to approve adopting Ordinance No. 3416, as presented.
2. I move to approve Ordinance No. 3416, with modifications.
3. I move to table the issue for further study or take no action.

ATTACHMENTS:

1. Ordinance 3416