

Ordinance

Amending Chapter 35 of the Corpus Christi Code of Ordinances to revise Article VII. - HAZARDOUS SUBSTANCES, LIQUIDS, AND GAS PIPELINES AND DISTRIBUTION SYSTEMS; and providing for severance, publication, penalty, and an effective date

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CORPUS CHRISTI, TEXAS THAT:

SECTION 1. Chapter 35 of the Corpus Christi Code of Ordinances is amended by revising Article VII – HAZARDOUS SUBSTANCES, LIQUIDS, AND GAS PIPELINES AND DISTRIBUTION SYSTEMS, as follows:

ARTICLE VII. - HAZARDOUS SUBSTANCES, LIQUIDS, AND GAS PIPELINES AND DISTRIBUTION SYSTEMS

Sec. 35-146. - Definitions.

[For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:]

Emergency Management Office of the City of Corpus Christi is created and described in chapter 15 of the Code of Ordinances, the chief executive officer being the city manager, who may delegate duties and responsibilities.

Hazardous liquid, as defined by the Texas Railroad Commission at 16 Texas Administrative Code, Section ~~7.808.5~~. Definitions, shall mean Petroleum, petroleum products, anhydrous ammonia, or any substance or material which is in liquid state, excluding liquefied natural gas (LNG), when transported by pipeline facilities and which has been determined by the United States Secretary of Transportation to pose an unreasonable risk to life or property when transported by pipeline facilities.~~petroleum or any petroleum product, and any substance or material which is in a liquid state, when transported by pipeline facilities and which has been determined by the United States secretary of transportation to pose an unreasonable risk to life or property when transported by pipeline facilities. The term shall be enlarged to include liquefied natural gas, and anhydrous ammonia should such materials at any time be introduced into any pipeline subject of this article.~~ It shall also include carbon dioxide, defined at 49 CFR ~~192.2195.2~~, as a fluid consisting of more than ninety (90) per cent carbon dioxide molecules compressed to a supercritical state.

Jurisdiction of the City of Corpus Christi for application of this article shall include the area within the corporate boundaries of the City of Corpus Christi and the geographical area five thousand (5,000) feet beyond the corporate boundaries of the

city, under authority of the Texas Local Government Code, section 42.001, to promote and protect the general health, safety, and welfare of persons residing in and adjacent to municipalities, and to define nuisance under authority of the Texas Local Government Code, section 217.042.

~~Idled pipeline shall mean a pipeline that has been inactive for at least five (5) years.~~

~~Inactive pipeline shall mean a pipeline that has temporarily been taken out of service for a period of at least six (6) months for hazardous materials or hazardous liquids and one (1) year for natural gas with the expectation that the pipeline may be reactivated within five (5) years even though there may be no specific plans to reactivate the pipeline.~~

Local distribution company (LDC) means a municipal operator of a natural gas distribution system recognized by local ordinance as a utility and engaged primarily in providing natural gas service to residential, commercial and industrial end users.

Owner or operator shall mean any person who engages in the pipeline transportation or movement of gas, hazardous liquids, or chemicals.

Person shall mean any individual, corporation, joint venture, partnership, municipality, or legal entity, including trustee, assignee, receiver, and personal representative.

Pipeline shall mean all parts of those physical facilities through which gas, hazardous liquids, or chemicals move in transportation, including, but not limited to, pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, pumping units, regulator stations, delivery stations, terminals, holders, and fabricated assemblies and breakout tanks whether or not laid in public or private easement or public or private right of way within the city or its jurisdiction.

Pipelines excluded from this article are pipelines with normal operating pressures below twenty (20) pounds per square inch gauge. Also exempted are those pipelines which meet all of the following three (3) conditions:

- (1) The pipelines serve as private infrastructure to refineries/petrochemical plants, and storage areas, and terminals;
- (2) The refinery/petrochemical plant infrastructure, storage area, or terminal incorporating the pipeline(s) serves a manufacturing or refining function exclusive to the respective refinery/petrochemical plant; and
- (3) The pipeline is within the premises boundary of the refinery/petrochemical plant, storage area, or terminal.

New pipelines, as referred to in section 35-153, shall mean pipelines constructed after the effective date of this article but shall not include (a) the replacement or repair of any existing pipeline; (b) the realignment of a portion of an existing pipeline to a position that is not greater than ~~fifty (50)~~200 feet from its original position; or (c) surface appurtenances added to existing pipelines.

Pipeline emergency shall refer to a pipeline incident in which any of the following has occurred or is occurring:

- (1) Fire or explosion not initiated by the owner/operator as part of its operations, (in accordance with accepted safety practices).
- (2) Release of a gas, hazardous liquid, or chemical which could adversely impact the environment or health of individuals, livestock and/or domestic animals, and wildlife, within the city or its jurisdiction.
- (3) Death of any person.
- (4) Bodily harm of any person which results in loss of consciousness, the need to assist a person from the scene of the incident, or the necessity of medical treatment in excess of first aid.
- (5) Damage to private or public property not owned, by the pipeline owner or operator in excess of ~~five thousand dollars (\$5,000.00)~~\$50,000 in combined values.
- (6) The re-routing of traffic or the evacuation of building(s).

Unregulated pipeline are those pipelines within the city or its jurisdiction which enjoy exemptions under federal and state rules which exclude such lines from construction standards, safety standards, or reporting requirements of either or both governmental entities.

Sec. 35-147. - Pipeline information reporting requirements.

- (a) Every owner or operator of a pipeline, existing at the effective date of adoption of this article, shall furnish the emergency management office the following information for retention purposes:
 - (1) ~~Six (6) copies~~An electronic copy of schematic drawings and maps showing the horizontal location of each pipeline and their relationship to streets, highways, railroads, etc, to the extent of the best information available to the pipeline owner or operator. For purposes of emergency response and securing the area for access to shutoff valves, the drawings should also highlight shutoff valves and other pipeline facilities. The precision or accuracy of the location of the lines, valves, and other facilities shall also be noted for both horizontal and vertical, but in no case exceed plus or minus twenty-five (25) feet horizontal. Shutoff valves will only be operated by the owner/operator or under the direction or authorization of the owner/operator.
 - (2) A description of the materials transported, their source and their destination, and a copy of the ~~material~~-safety data sheet (~~M~~SDS) for the materials transported.
 - (3) The normal operating pressure range and the maximum allowable operating pressure of the pipeline.
 - (4) The name, title, business address and telephone number of the person(s) responsible for the operation of the pipeline(s).

- (5) Identification of each pipeline as regulated under interstate or intrastate rules/regulations.
- (6) Where a pipeline is unregulated as to either or both intrastate/interstate rules and regulations, the owner or operator shall so state. The owner or operator shall also specifically: (a) identify the exculpatory rules or regulations, and (b) the operating condition of the pipeline, which give rise to such unregulated status.

If any of the above information changes, the pipeline owner or operator shall furnish to the emergency management office updated information within ~~fourteen (14)~~30 days of the change.

- (b) The owner or operator of any pipeline shall provide to the emergency management office the name, mailing address, and telephone number of at least one (1) officer, person or contact (example: manned response center, a title such as a dispatcher, etc.) available on a twenty-four-hour basis who:
 - (1) Can initiate appropriate actions to respond to an emergency situation.
 - (2) Has access to information on the location of the closest shut-off valve to any specific point in the city or its jurisdiction
 - (3) Can furnish the common name of the material then being carried by the pipeline.

Any change in the above described twenty-four-hour contact information must be reported to the emergency management office by contacting ~~the police dispatch center (512-886-2802)~~(361) 826-1100 prior to such change.

- (c) Every owner or operator of a pipeline shall be required to file an annual verified safety report in letter form with the Emergency Management Office ~~city manager or his designee~~ on or before March 31 of each year to cover a reporting period of March 1 through February [28].
 - (1) Stating that the pipeline has no outstanding safety violations as determined in an inspection or audit by either the Texas Railroad Commission and/or the U.S. Department of Transportation with regards to any pipeline operating in the City of Corpus Christi or its jurisdiction. Alternatively, if there are any safety violations as determined by U.S. Department of Transportation or the Texas Railroad Commission that have not been corrected, these shall be described to the city in the annual safety report letter.
 - (2) Accompanied by evidence that the pipeline owner or operator has current liability insurance covering each respective pipeline in the minimum amount of five million dollars (\$5,000,000.00) or has a self insured fund program, verified by an independent certified public accountant, which program and verification will be reviewed and judged to determine equivalency by the Risk Management Department of the City of Corpus Christi. Insurance carriers must be licensed to do business in the State of Texas and possess at least an A rating by the A.M. Best Company.

- (3) Stating that the pipeline information on file with the emergency management office as described in paragraphs (a) and (b) in section 35-147 is correct. Alternatively, if the information on file is no longer correct, updated or corrected information should be submitted with the annual safety report letter.
- (4) Owners or operators of any unregulated pipeline who shall experience no reporting responsibility to the Texas Railroad Commission or the United States Department of Transportation, and who shall otherwise operate outside the safety regulation of either those agencies, shall additionally provide the following pertaining to the preceding reporting period March 1 through end of February:
 - a. Copies of ~~internal~~ reports of responses to pipeline emergencies, as pipeline emergency is defined in this article.
 - ~~b. Current operations and maintenance manual.~~
 - eb. Current emergency plan or planning manual.
- (5) The annual safety report letter shall be submitted with respect to all pipelines owned or operated by the designated owner or operator, which pipelines are existing at the effective date of adoption of this article. The safety report letter and verification shall be executed by an officer or a person who is authorized to sign such safety report letter and make verification. The prescribed form of the verification on the safety report letter shall read:

Verification

I, (name) , (title) , of (owner/operator) , am authorized to make and have made the foregoing annual safety report letter to the City of Corpus Christi under that City's Emergency Response Ordinance. Any attachments made to this letter are true and correct copies of originals and the information provided in this letter is true and correct to the best of my knowledge and is information based upon the standard of inquiry and investigation as would be made by a reasonably prudent pipeline owner or operator within the City's jurisdiction.

Signature of officer or owner/operator

STATE OF TEXAS §

COUNTY OF [place safety report letter is made]

The foregoing annual safety report letter was sworn to and subscribed before me by (signatory of letter) on this _____ day of _____, 1920.

Signed:
Notary Public for the State of Texas

Printed name: _____

My commission expires: _____

- (d) An annual fee in the amount of one hundred twenty-five dollars (\$125.00) for administrative costs shall be remitted by each operator or owner for each pipeline on or before March 31 of each year with the annual safety report letters required in section 35-147 paragraph ~~(c). No single owner or operator shall be required to pay more than one thousand dollars (\$1,000.00) in administrative costs for the first year of this reporting requirement, which report shall be due March 31, 1994.~~
- (e) A copy of all initial or follow-up reports provided to the U.S. Department of Transportation or the Texas Railroad Commission on unsafe pipeline conditions, pipeline emergencies, or pipeline incidents within the city's jurisdiction must be concurrently filed with the Emergency Management Office~~city manager~~. In addition, any initial or follow-up reports filed with state and federal environmental regulatory agencies pertaining to pipeline releases within the city's jurisdiction which threatened to impact the environment, public health or safety, must be filed concurrently with the Emergency Management Office~~city manager~~.
- (f) Upon request the pipeline owner or operator will provide the Emergency Management Office~~city manager~~ other documents for review which are required for submittal to or to be maintained on file for the U.S. Department of Transportation and the Texas Railroad Commission such as:
 - (1) Operations and maintenance manuals.
 - (2) Employee training records.
 - (3) Annual inspection reports.
 - (4) Repair records.
 - (5) Operating records.
 - (6) Insurance policy.

In the case of unregulated pipelines, the city manager or designee may request any such other information he may in his discretion deem necessary to the best interests of the city and to the necessary protection of public health, safety, and welfare.

Sec. 35-148. - Incident reporting—Emergencies.

- (a) Upon the discovery of a pipeline emergency the following communications are to be initiated by the affected pipeline owners or operators:
 - (1) Immediately contact the City of Corpus Christi 911 in cases of injury or imminent danger to health or safety, and report the incident while indicating

what emergency response assistance appears to be required. In reporting the incident provide the following information:

- a. A general description of the incident;
 - b. The location of the incident;
 - c. The name and telephone number of the person reporting the incident;
 - d. The name of the pipeline owner or operator;
 - e. Whether or not any hazardous material is involved, identify the material;
 - f. Any other information as requested by the dispatcher.
- (2) The pipeline owner or operator shall contact any other emergency response groups that are necessary which may not be activated through the City of Corpus Christi 911 system.
- (3) The pipeline owner or operator is to contact the ~~local emergency planning committee (LEPC)~~Crisis Management Dispatch no later than ~~one (1)~~2 hours after the discovery of the incident at ~~Corpus Christi Fire Department Station #9 (512-884-8512), or successor telephone number of the LEPC(361) 885-7000.~~

~~Sec. 35-149. - Same - Nonemergency leaks.~~

~~Nonemergency pipeline leaks which are required to be reported to the U.S. Department of Transportation or to the Texas Railroad Commission shall also be reported to the local emergency planning committee (LEPC). Leaks of certain materials required by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to be reported to the LEPC no later than one (1) hour after discovery shall be reported by contacting CCFD Station #9 (512-884-8512), or successor telephone number of the LEPC.~~

Sec. 35-~~150~~149. - Emergency response plans.

- (a) Each pipeline owner or operator shall maintain written procedures to minimize the hazards resulting from an emergency. These procedures shall at a minimum provide for:
- (1) Prompt and effective response to emergencies including:
 - a. Leaks or releases which can impact public health or safety.
 - b. Fire or explosions at or in the vicinity of a pipeline or pipeline facility.
 - c. Natural disasters.
 - (2) Effective means to notify and communicate required and pertinent information to local fire, police, and public officials during an emergency.

- (3) The availability of personnel, equipment, tools, and materials as necessary at the scene of an emergency.
 - (4) Measures to be taken to reduce public exposure to injury and probability of accidental ignition.
 - (5) Emergency shutdown and pressure reduction of any section of a pipeline system.
 - (6) The safe restoration of service following an emergency.
 - (7) A follow-up incident investigation to determine the cause of the incident and require the implementation of corrective measures.
- (b) Each pipeline owner or operator shall meet annually with representatives of the City of Corpus Christi fire department, police department, and the emergency management office to review emergency response plans. These reviews will be in accord with U.S. Department of Transportation and Texas Railroad Commission requirements and the owner or operator will:
- (1) Furnish or update a copy of the emergency response plan described in section 35-150(a).
 - (2) Review the responsibilities of each governmental organization in response to an emergency.
 - (3) Review the capabilities of the owner or operator to respond to an emergency.
 - (4) Identify the types of incidents which will result in or require contacting the city.
 - (5) Plan mutual activities that the city and the owner or operator can engage in to minimize risks associated with pipeline operation.

At this meeting the City of Corpus Christi will provide the pipeline owner or operator with a list of additional contacts which should be made in the event of a pipeline emergency. The city will inform the pipeline owner or operator of the emergency response groups that will be contacted through 911.

Sec. 35-~~151~~150. - One call system.

- (a) The owner or operator of any pipeline which transports gas, hazardous liquids, or chemicals located in the city's jurisdiction shall ~~belong to a specifically designated underground utility coordinating system. The coordinating system shall be designated by the pipeline owners and operators in consultation with the city and the local emergency planning committee~~ be a member of a recognized one call system. ~~A selected underground utility coordinating system will be utilized for a minimum of five (5) years unless there is an agreement to change to an alternate system between the city, pipeline owners and operators and the local emergency planning committee. The selected underground utility coordinating system may be~~

~~different that the one (1) used by the city for other underground utility services such as the LDC.~~

- (b) ~~48 hours p~~Prior to beginning any excavation, trenching, or digging using powered equipment or hand tools which may damage a pipeline, any person within the city's jurisdiction shall be required to contact ~~all the appropriate underground utility coordinating systems~~one call system and determine if there are any pipelines or public utilities in the vicinity of the proposed activities.
- (c) If physical contact is made with a pipeline during any excavation, trenching or digging, the pipeline company must be notified by the person or agency making the physical contact with the pipeline for any necessary pipeline inspection or repairs.

Sec. 35-152. - Pipeline repairs and maintenance.

- (a) All repairs and maintenance are to be done in accord with U.S. Department of Transportation, Texas Railroad Commission mechanical integrity requirements. This requirement applies to all pipelines covered by this article, unregulated as well as those operating under state and federal rules.
- (b) If nonemergency repairs necessitate excavation of the pipeline, prior notification is required to occupants of business establishments and residential dwellings located within three hundred (300) feet from the centerline of the situs of the pipeline excavation; however, if nonemergency repairs require excavation of a pipeline located within twenty-five (25) feet of another pipeline. ~~prior~~Prior notice obligations shall be enlarged from three hundred (300) feet to five hundred (500) feet for locations occupied by more than twenty (20) buildings intended for human occupancy or well-defined outside recreational areas or other places of public assembly.
- (c) Above ground nonemergency repairs that are not routine maintenance necessitate prior notification to occupants of businesses and residential dwellings within one hundred (100) feet from the centerline of the pipeline section to be repaired.
- (d) Without limitation of the methods of giving the notice required in subsections (b) and (c) hereof: ~~the~~the leaving of a written notice on the front door of a residence or business establishment. or the posting of a written notice at the entry or four (4) corners of any recreational area or place of public assembly to be noticed shall be deemed compliance with this section.

Sec. 35-~~153~~151. - New pipelines.

- (a) At least forty-five (45) days prior to the scheduled commencement of the construction of a new pipeline, the pipeline owner or operator shall notify the ~~city manager~~Fire Chief, or his designee, of its intention to construct the pipeline and shall submit the following information:

- (1) The name, business address, and telephone number of the pipeline owner and operator.
 - (2) The names, titles, and telephone numbers of the following persons:
 - a. The person submitting the information,
 - b. The person designated as the principal contact for submittal information,
 - c. The person designated as the twenty-four-hour emergency contact,
 - d. The person or firm which will operate the pipeline.
 - (3) The origin point and the destination of the segment of the pipeline.
 - (4) A description of the substance to be transported through the pipeline. A copy of the substance ~~material~~ safety data sheet (MSDS) shall be included with the submittal.
 - (5) The maximum allowable operating pressure on the pipeline as determined according to U.S. Department of Transportation and Texas Railroad Commission procedures.
 - (6) The normal operating pressure range of the pipeline.
 - (7) Engineering plans, drawings and/or maps with summarized specifications showing the horizontal pipeline location, pipeline covering depths, and location of shutoff valves. (Location of shut off valves must be known in order for emergency responders to clear area for access to valves.) To the extent that information can be reasonably obtained, drawings shall show the location of other pipelines and utilities which will be crossed or paralleled within five (5) feet.
 - (8) A description of the consideration given to matters of public safety and the avoidance, as far as practicable, of existing inhabited structures and congregated areas.
 - (9) Detailed cross section drawings for all public street right-of-way and easement crossings.
 - (10) The design criteria under which the pipeline will be constructed.
- (b) Within thirty (30) days following notification to the city, the director of engineering services, emergency management coordinator, city manager or his designee, and the pipeline owner or operator shall informally review for completeness and make technical comment on the submitted new pipeline information. At that time city staff shall make comments related to conditions or requirements under the City of Corpus Christi ~~licensing revocable easements~~ policy on the pipeline use of public property.
 - (c) At the time of notification to the city of the intent to construct the pipeline, the pipeline owner or operator shall give notice that the information provided in section 35-153 paragraph (a) is available to the public. Notice to the public shall be made in the daily local newspaper having the largest circulation in Corpus Christi. Notice

shall be provided in the public notice section of at least five (5) successive issues and include the following information:

- (1) General description of planned activity.
- (2) Proposed pipeline construction area.
- (3) Type of material to be transported.
- (4) Pipeline owner or operator.
- (5) Location of proposed pipeline information for public review.
- (6) Scheduled location and time for new pipeline information meeting.

In addition, an announcement of the scheduled location and time for the public information meeting shall be published concurrently in the local news section of two (2) successive issues of said newspaper in a size not less than two (2) columns by two (2) inches.

- (d) The public may review the proposed pipeline information made available pursuant to section 35-153(c) for a period of fourteen (14) days following the publication of the first public notice and submit comments, if any, within such period to both the director of engineering services and the pipeline owner or operator.
- (e) Within twenty (20) days of notification to the city of the intent to construct the pipeline, the pipeline owner or operator shall conduct a public information meeting. At this meeting the owner/operator shall review the proposed construction and operation of the new pipeline.
- (f) Following the public review period, but not more than forty-five (45) days following notification to the city of intent to construct a new pipeline, the pipeline owner/operator shall meet with the director of engineering services to review any public comments. If there are no substantive, nonresolvable technical issues, construction of the pipeline will proceed. If there are substantive, nonresolvable technical issues concerning matters that do not fall within the exclusive jurisdiction of the department of transportation or the Texas Railroad Commission, an administrative hearing shall be held within fourteen (14) days as provided in subsection (g) below.
- (g) An administrative hearing shall be conducted to seek resolution of any substantive, nonresolvable technical issues. The hearing will be conducted before the pipeline review panel [see subsection 35-153(h)]. A quorum of at least three (3) pipeline review panel members must be present to conduct the hearing with at least one (1) of the panel members present at the hearing having emergency management/LEPC expertise. The pipeline review panel will render a decision within seven (7) days of the date of such hearing.
- (h) The city council shall appoint five (5) persons to the pipeline review panel four (4) of whom shall have technical expertise in the construction, maintenance, or operation of pipelines, at least one (1) of which shall have emergency management experience, and the additional person shall be a community representative. Personnel of the city's emergency management office will supply staff support to the

panel. Each member of the pipeline review panel shall be appointed for a term of two (2) years and until his successor is appointed.

- (i) All pipelines will be constructed repaired, and/or replaced in compliance with all statutory or regulatory requirements of the U.S. Department of Transportation and the Texas Railroad Commission.
- (j) The pipeline owner or operator will give notice of the commencement of pipeline construction to all residents and business establishments that are within three hundred (300) feet of the proposed centerline of the pipeline, but not less than forty-eight (48) hours prior to commencement of construction.
- (k) Upon completion of pipeline construction the pipeline owner or operator shall provide the city with as-built pipeline drawings within one hundred twenty (120) days. Accuracy of as-built drawings shall meet a survey level of one (1) foot to fifty thousand (50,000) feet. The drawings shall also be supplied in a ~~DXF-computer~~ fileworkable electronic document with the location tied to one (1) nearby GPS (Global Positioning System) city monument. If the new pipeline length exceeds one thousand (1,000) feet within the city or its jurisdiction, the pipeline should be tied to at least two (2) GPS city monuments.
- (l) Any change in service of a pipeline not previously addressed by this article to gas, hazardous liquid, or chemical service must be reviewed in accordance with the new pipeline review procedure outline in subsections 35-153(a)—(g) as if it were new pipeline construction.
- (m) The city manager or his designee has the authority under this article to modify any of the procedural requirements in section 35-153 if it is in the best interest of the City of Corpus Christi.

Sec. 35-~~154~~152. - Pipeline markers and security.

- (a) In accordance with U.S. Department of Transportation and Texas Railroad Commission requirements, pipeline owners or operators are to place and maintain permanent line markers as close as practical over the pipeline(s) at each crossing of a public street, railroad or navigable waterway. Marker(s) will also be maintained along each pipeline(s) that is located above ground in an area accessible to the public. The markers shall be of permanent type construction and contain labeling identifying the:
 - (1) Pipeline owner or operator.
 - (2) Twenty-four-hour contact telephone number.
 - (3) A broad description of the product transported in the pipeline.
- (b) Line marker(s) shall not be required over pipelines located offshore or under inland navigable waterways. Marker(s) for these lines shall be located as close as practical to the shore/vegetation line of these waters.

- (c) No person shall tamper with, deface, damage, or remove any pipeline marker, or tamper with or operate any pipeline shut-off valves, except the pipeline owner or his duly authorized agent, within the city's jurisdiction.
- (d) Upon the specific written request of the owner of a residential property, the pipeline owner or operator shall install temporary pipeline markers to reduce the possibility of pipeline damage or interference.
- (e) No person shall excavate within pipeline right-of-way without compliance with the Texas "One-Call" Statute (Chapter 251, Texas Utility Code).
- (f) No person shall construct within pipeline right-of-way without compliance with the statute governing construction in pipeline right-of-way (Chapter 756, subchapter G, Texas Health and Safety Code).

~~Sec. 35-155. -- Inactive and idled pipelines.~~

~~(a) Inactive pipelines.~~

- ~~(1) All reporting records specified in section 35-147 of this article shall be maintained on inactive pipelines.~~
- ~~(2) Inactive pipelines shall be purged of gas, hazardous liquids, and chemicals, and physically isolated. These pipelines shall be maintained to prevent deterioration.~~
- ~~(3) The means used to physically isolate the inactive pipeline shall be included in the information retained on file for reporting as specified in section 35-147.~~

~~(b) Idled pipelines.~~

- ~~(1) An entry shall be made to the required reporting records in section 35-147 that the pipeline has been idled.~~
- ~~(2) Idled pipelines shall be purged, disconnected from all sources or supplies of gas, hazardous liquids, and chemicals, and capped or sealed at the ends.~~
- ~~(3) Reactivation of idled pipelines shall require notification to the emergency management coordinator, the city's director of planningdevelopment services, and the city's director of engineering services. Included in the notification shall be any updates to the pipeline information required in section 35-147. Reactivation shall require pressure testing for integrity and compliance with U.S. Department of Transportation regulations.~~

Sec. 35-~~156~~153. - Public education.

In keeping with the Natural Gas Pipeline Safety Act of 1968, 49 CFR 192.614, Damage Prevention, 192.615 Emergency Plans, the Hazardous Liquids Pipeline Safety

Act of 1979, 49 CFR, 195.408, Communications, 195.440, Education, and the Community Right-to-Know Act:

- (1) Each pipeline owner/operator shall maintain a public education program which is communicated to residents and business establishments within six hundred sixty (660) feet of the centerline of a pipeline.
- (2) Pipeline information communicated to residents and business establishments shall contain the following subjects:
 - a. Pipeline location.
 - b. Material transported within the pipeline.
 - c. Pipeline markers.
 - d. How to recognize a pipeline leak.
 - e. How to report a pipeline leak.
 - f. Contact information regarding underground utility systems
 - g. Additional requirements for excavations near pipelines.
 - h. Response needs during a pipeline emergency, including instructions for sheltering in place.
- (3) Public education information will be communicated at least biannually in both English and Spanish.

Sec. 35-~~157~~154. - Violations of article.

- (a) Any owner or operator of a pipeline subject to this article, who shall have failed to comply with this article, shall be deemed to maintain a nuisance.
- (b) It shall be a violation of this article for a person to knowingly make a misrepresentation of any information to be reported under this article. It shall also be a violation of this article if the person makes such misrepresentation as a result of failure to exercise such due diligence of investigation or inquiry as would a reasonably prudent pipeline owner or operator conducting his business within the city's jurisdiction.
- (c) Each violation of any section, subsection, or part of this article shall be a separate offense. Each day of ongoing violation shall be a separate offense, and shall carry with it a fine of not less than one thousand dollars (\$1,000.00) per day nor more than two thousand dollars (\$2,000.00) per day.
- (d) The city shall be entitled to injunctive relief in a court of appropriate jurisdiction to prevent violation of or to compel compliance with this article.

Sec. 35-~~158~~155. - No grant of city easement; no assumption of responsibility by city.

- (a) Nothing in this article grants permission for the use of any street, way, or property of the city, and any such use shall be subject to consent of the city at its sole discretion.
- (b) Nothing in this article shall be construed as an assumption by the city of any responsibility of an owner or operator of a pipeline not owned by the city, and no city officer, employee or agent shall have authority to relieve an owner or operator of a pipeline from their responsibility under this article or any other law.

Sec. 35-~~159~~156. - Effect of other laws.

The provisions of this article shall be subject to any federal and state legislation, rules, or regulations presently or hereafter enacted or adopted to the extent that said laws and regulations preempt or supersede the authority of the city with respect to this article or provision hereof.

SECTION 2. If for any reason any section paragraph subdivision clause phrase word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction it shall not affect any other section paragraph subdivision clause phrase word or provision of this ordinance for it is the definite intent of this City Council that every section paragraph subdivision clause phrase word or provision hereof be given full force and effect for its purpose.

SECTION 3. Publication shall be made one time in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 4. Penalties are as provided in Section 1-6 of the Code of Ordinances.

SECTION 5. This ordinance takes effect after official publication.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2017, by the following vote:

Mayor	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Joe McComb	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2017, by the following vote:

Mayor	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Joe McComb	_____		

PASSED AND APPROVED on this the _____ day of _____, 2017.

ATTEST:

Rebecca Huerta
City Secretary

Mayor