

ORDINANCE 97- 7

AN ORDINANCE OF THE CITY COUNCIL OF BEACH CITY, CHAMBERS COUNTY, TEXAS, CONSENTING TO AN ORDINANCE OF THE CHAMBERS COUNTY COMMISSIONERS COURT PROHIBITING THE ESTABLISHMENT OF SOLID WASTE DISPOSAL FACILITIES WITHIN THE CITY'S CORPORATE BOUNDARIES AND EXTRATERRITORIAL JURISDICTION

WHEREAS the Chambers County Commissioners Court has published notice and held public hearings on an ordinance prohibiting the establishment of landfills and commercial incinerators for municipal, industrial, and hazardous solid waste disposal anywhere within the County where no such facilities already exist; and

WHEREAS the area covered by said ordinance includes the incorporated area and extraterritorial jurisdiction (ETJ) of Beach City (City); and

WHEREAS said ordinance was developed with the prior knowledge and without objection of the City Council of Beach City (Council); and

WHEREAS Council finds that said ordinance is necessary and proper to protect the health and safety of residents of the County including residents of the City and its ETJ, and especially to protect the purity of well water for drinking, and;

WHEREAS Council deems that said ordinance is consistent with the powers and authority granted to the County by the Legislature of the State of Texas in the Health and Safety Code and no consent of Beach City nor any other city is required; and

WHEREAS Council nevertheless desires to assure that no parties contest said ordinance as infringing upon the jurisdiction of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEACH CITY:

1. SECTION 1, IDENTIFYING THE CITY'S BOUNDARIES AND ETJ
 - 1.1. The corporate boundaries of the City are as identified in the County Judge's incorporation order of April 11, 1966, and in subsequent

City annexation ordinances, which territories lie wholly within Chambers County.

1.2. Beach City was incorporated as a Type B general law municipality and is now a Type A general law municipality, and has always had a population of less than 5000, and therefore under the general laws of the state of Texas has one-half (½) mile of ETJ, which territory lies wholly within Chambers County. The ETJ of Beach City includes all area outside of and within one-half (½) mile of the original corporate boundaries of the city as defined in the County Judge's incorporation order of April 11, 1966, excepting:

1.2.1. Territory within two (2) miles of that territory annexed to the City of Baytown by Baytown's annexation ordinance 769-A of March 4, 1966, which territory was Baytown's pre-existing ETJ at the time of Beach City's incorporation, and

1.2.2. Territory which has been annexed to Beach City.

2. SECTION 2, CONSENTING TO THE COUNTY'S ORDINANCE PROHIBITING NEW SOLID WASTE DISPOSAL FACILITIES

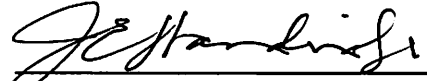
2.1. Council affirms its prior knowledge of and consent to, and hereby consents to, that ordinance of the Chambers County Commissioners Court prohibiting the establishment of landfills and commercial incinerators for municipal, industrial, and hazardous solid waste disposal within the incorporated area and ETJ of Beach City, and decrees that said ordinance shall be applicable in those territories.

3. SECTION 3, PROVIDING FOR SEVERANCE AND EXTENSION

3.1. If any section, subsection, paragraph, sentence, clause, or phase of this ordinance shall for any reason be held unconstitutional, void, or invalid, or not applicable to any particular territory or set of circumstances, such invalidity or inapplicability shall not affect the validity of the remaining provisions or application to other territories or sets of circumstances.

3.2. If the City's incorporated area or ETJ shall ever become or be found to be greater than that described in Section 1, this ordinance shall also apply to the additional territories under the City's jurisdiction.

PASSED AND APPROVED BY THE CITY COUNCIL OF BEACH CITY on this
the 23rd day of September, 1997.



J.E. Standridge, Mayor
City of Beach City

ATTEST:



Margaret Gainer, City Secretary
City of Beach City