



## **ARTICLE XX. Automotive Related Business Regulations**

### **Sec. 13-530. Purpose and Policy.**

This ordinance serves to:

- (a) Prevent the introduction of pollutants into any Publicly Owned Treatment Works that will interfere with its operation;
- (b) Prevent the introduction of pollutants into the municipal separate storm sewer system (MS4) or waters of the United States;
- (c) Enable the City of Grand Prairie to comply with its Texas Pollutant Discharge Elimination System permit conditions as well as any and all other federal or state laws to which the City is subject;
- (d) Prevent the illegal discharge of pollutants into the environment;
- (e) Protect and promote the public health, safety, welfare and aesthetics of the City of Grand Prairie.

This ordinance provides for permitting, monitoring, compliance, and enforcement activities; and the setting of fees relative to the program established herein.

### **Sec. 13-531. Applicability.**

- (a) This Article sets forth uniform requirements for businesses engaged in automotive-related activities in Grand Prairie city limits and its extra territorial jurisdiction. The following automotive-related activities will be regulated under this ordinance:
  1. Automotive salvage;
  2. New or used automobile sales, rental, or leasing;
  3. Automotive parts sales, new or used, including, but not limited to tires, tubes, engines, transmissions, exhaust systems, radiators, brakes and body parts, or any aftermarket or replacement parts;
  4. Automotive repair and/or part replacement, including, but not limited to tires, tubes, engines, transmissions, exhaust systems, radiators, brakes and bodies;

5. Automotive front-end alignments;
  6. Automotive painting and/or body work;
  7. Automotive oil changes and lubrication shops;
  8. Automotive washing, cleaning, polishing or detailing (excluding self-serve car washes);
  9. Storing operable or inoperable vehicles such as a vehicle holding yards or truck storage facilities;
  10. Performing any of the above referenced activities on the business'/facility's own fleet if such activity takes place within Grand Prairie city limits or its extra territorial jurisdiction; and
  11. Transportation companies performing any of the above referenced activities within the City of Grand Prairie city limits or its extra territorial jurisdiction.
- (b) Nothing in this Article shall be construed as removing any duty, obligation, or requirement mandated by state or federal law or any other provision of the Grand Prairie Code of Ordinances or Unified Development Code.
- (c) Nothing in this Article shall be construed as permitting or authorizing any activity which is illegal or otherwise prohibited under state or federal law or any other provision of the Grand Prairie Code of Ordinances or Unified Development Code.
- (d) To the extent this Article addresses a matter regulated under another provision of the Grand Prairie Code of Ordinances, both shall be read in a manner to give each their full effect to the extent possible. If a conflict exists between this Article and any other provision of the City of Grand Prairie Code of Ordinances, the more stringent provision shall apply.
- (e) The provisions of this Article, as revised, by City Council on January 7, 2020, shall apply to existing Automotive Related Businesses beginning April 7, 2020. All Automotive Related Businesses shall obtain a permit to operate prior to April 7, 2020. The previously existing ordinance shall continue in effect until April 7, 2020 for existing Automotive Related Businesses.

**Sec. 13-532. Abbreviations.**

The following abbreviations, when used in this ordinance, shall have the designated meanings:

MS4 - Municipal Separate Storm Sewer System.

UDC - Unified Development Code of the City of Grand Prairie, Texas

**Sec. 13-533. Definitions.**

The following words and phrases, when used in this Article, shall have the meanings respectively ascribed to them:

*Automobile.* A motor vehicle as that term is defined by this Article. For the purposes of this Article, “automobile” may be used interchangeably with “vehicle” or “motor vehicle”.

*Automotive Related Business.* A business engaged in automotive related activities which are regulated by this Article.

*Automotive.* Relating to or concerned with vehicles.

*Automotive salvage dealer.* Any person engaged in the business of disassembling automobiles, trucks, pickups, or any other motor vehicles for the purpose of resale or reuse of any part thereof, and the keeping and maintaining of premises in the city on which any act of salvage, resale or reuse is performed.

*Automotive salvage yard.* A place or property where the principal use is the storage, parking, or holding of inoperable vehicles for the purpose of retail or wholesale sales of said vehicles, or salvaging of any parts thereof; or short or long term storage of said vehicles or portions thereof; including the dismantling, and partial dismantling, crushing, or compacting of said vehicles.

*Change in ownership.* A transfer of more than fifty percent (50%) of the ownership or control of an Automotive Related Business, except by bequest or other operation of law upon the death of the person possessing the ownership or control.

*City.* The City of Grand Prairie or any authorized person acting in its behalf.

*Code Compliance Manager.* The director or manager designated by the City Manager to oversee Grand Prairie Code Compliance or his designee.

*Debris.* Solid waste (as defined in Texas Health and Safety Code 361.003) or other discarded materials.

*Designated Hearing Authority.* The person designated by the City Manager to hear appeals under this Article.

*Director.* The director or manager of the departments or divisions designated by the City Manager to enforce and administer this Article, including the Code Compliance Manager and Environmental Quality Manager, or his designee.

*Employee.* Any person who renders any service whatsoever to the customers of an Automotive Related Business or who works in or about an Automotive Related Business and who receives compensation for such service or work from the Operator or owner of the Automotive Related Business or from the customers therein.

*Environmental Quality Manager.* The director or manager designated by the City Manager to oversee environmental quality within the City.

*Floodplain.* Any land area susceptible to being inundated by flood water from any source.

*Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than the designated height as established in Article 15 of the City's Unified Development Code.

*Hazardous.* Any matter which is or may be reasonably expected to be dangerous to human health, the environment, or property, and shall include, but not be limited to, those substances defined as hazardous waste or material under Chapter 26, Article VI, Section 26-100 of the City of Grand Prairie Code of Ordinances or by federal or state agencies.

*Industrial waste.* Waste resulting from any process of industry, manufacturing, trade or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater or distinct from normal wastewater.

*Inoperable vehicle.* Any vehicle that is self-propelled and is:

- (a) Wrecked, dismantled, or partially dismantled, or discarded; or
- (b) Inoperable and has remained inoperable for more than
  - (1) Seventy-two (72) consecutive hours, if the vehicle is on public property; or
  - (2) Thirty (30) consecutive days, if the vehicle is on private property.

*Inoperable vehicle holding yard.* A place or property where the principal use is limited to the storage, parking, or holding of three (3) or more whole inoperable vehicles for the purpose of retail or wholesale sales of said vehicles; or short or long term storage of said vehicles; provided, however, that no repairs, dismantling, or partial dismantling, crushing, or compacting of said vehicles shall take place on said yard.

*Motor Vehicle or Vehicle.* A watercraft, an all-terrain vehicle, a motorcycle, or an off-road vehicle, or a motor vehicle as defined by Texas Transportation Code Section 501.002, as amended.

*Municipal separate storm sewer system (MS4).* The system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or

storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

*Natural outlet.* Any outlet into a watercourse, ditch, lake or other body of surface water or groundwater.

*Nonrepairable motor vehicle.* A motor vehicle:

- (a) that is damaged, wrecked, or burned to the extent that the only residual value of the vehicle is as a source of parts or scrap metal;
- (b) that comes into this state under a comparable ownership document that indicates that the vehicle is nonrepairable;
- (c) that a salvage vehicle dealer has reported to the department under Section 501.1003 of the Texas Transportation Code;
- (d) for which an owner has surrendered evidence of ownership for the purpose of dismantling, scrapping, or destroying the motor vehicle; or
- (e) that is sold for export only under Section 501.099 of the Texas Transportation Code.

*Operates or Causes To Be Operated.* To cause to function, to put in operation, or to keep in operation. A person may be found to be operating or causing to be operated an Automotive Related Business whether or not that person is an owner, part owner, Permittee or manager of the business.

*Operator.* An individual, corporation, or other legal entity who is in control of the operations of an Automotive Related Business, including, but not limited to, a person designated by the Permittee under Section 13-534 of this Article. This control can be either on an hourly basis, daily basis, weekly basis, or shift basis, or any combination thereof. An Operator includes, but is not limited to manager, assistant manager, or shift manager.

*Permittee.* A person in whose name a permit to operate an Automotive Related Business has been issued, as well as any and all individuals listed as applicants, owners or permittees on the application for a permit.

*Person.* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

*Regulated Materials.* Any material regulated by the state and/or federal regulatory agencies including, but not limited to, oils, petroleum products, and vehicle fluids.

*Regulatory Authority.* The City Manager or the duly authorized representative of the City Manager.

*Salvage motor vehicle.* A motor vehicle that:

- (a) has damage to or is missing a major component part to the extent that the cost of repairs, including parts and labor other than the cost of materials and labor for repainting the motor vehicle and excluding sales tax on the total cost of repairs, exceeds the actual cash value of the motor vehicle immediately before the damage; or
- (b) comes into this state under an out-of-state salvage motor vehicle title or similar out-of-state ownership document.

*Sewage.* Human excrement and gray water (household showers, dishwashing operations, etc.).

*Shall* is mandatory; *May* is permissive.

*State environmental regulatory authority.* The state's agencies that have the authority to adopt and enforce any environmental rules necessary to carry out its powers and duties under the laws of Texas.

*Stormwater.* Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

*Tank System.* Above-ground tank or underground tank and any distribution equipment.

*Trap.* A device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.

*Transfer of Ownership or Control.* With regard to an Automotive Related Business means and includes any of the following:

- (a) the sale, lease, or sublease of the business;
- (b) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (c) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

*Transportation Company.* A company which uses vehicles owned or leased by the company for transportation of persons or property from one place to another including vehicle rental companies, bus lines, and other similar businesses.

*Waste.* Rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, or industrial activities.

*Wastewater.* A combination of the water-carried waste from residences, business building, institutions, and industrial establishments, together with any ground surface and stormwater that may be present.

*Watercourse.* A natural stream flowing constantly or recurrently on the surface of the earth in a reasonably defined channel.

### **Sec. 13-534. Permit Requirement and Application.**

- (a) A person commits an offense if the person operates or causes to operate an Automotive Related Business without a valid permit issued by the City for the particular type of business to be operated. The fact that a person possesses other types of State or City permits/licenses does not exempt that person from the requirement of obtaining a permit for an Automotive Related Business as required by this Article.
- (b) Any person, association, firm, partnership or corporation desiring to obtain an Automotive Related Business permit shall make application on a form provided by the Environmental Quality Manager. The application shall include, but is not limited to, the name and address of each applicant, designation of person responsible for business operations, a copy of a government issued identification for each applicant, the proposed location and activities of the proposed Automotive Related Business. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including which parking spaces will be used for the operation of the business. Parking spaces in a shared parking lot may only be designated for one Automotive Related Business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale and drawn with marked dimensions.
- (c) The application for an Automotive Related business permit shall include a notarized acknowledgement signed by the property owner acknowledging that:
  - 1. The applicant intends to operate an Automotive Related Business on the premises
  - 2. A valid Certificate of Occupancy and Automotive Related Business permit are required for the legal operation of the business, and
  - 3. The property owner is not relieved from their responsibility or liability under local, state, or federal law for nuisances, environmental violations, and other violations of law on the premises.
- (d) An individual person who wishes to operate an Automotive Related Business must sign the application for a permit as applicant. If a person who wishes to operate an Automotive Related Business is other than an individual, each individual who has a twenty percent (20%) or greater interest in the business must sign the application for a permit as applicant. Each shall be considered a Permittee if a permit is granted.
- (e) All applications for a permit under this Article shall be accompanied by a nonrefundable application fee. An application shall not be considered to have been received until the

fee is paid and all information required by the application form has been submitted. The application fee shall not be prorated in the event an application is tendered before or during the licensing period.

- (f) An applicant for an Automotive Related Business must first obtain an appropriate Certificate of Occupancy and any required Special Use Permit for the Automotive Related Business from the City. The applicant must specify on the face of its application for a Certificate of Occupancy that the proposed use is for an Automotive Related Business and give the name and address of the applicant's contact person for all communications and notices.
- (g) Incomplete Applications. An application which does not include all requested information, including the parking plan, acknowledgement from the property owner, or any other required attachment to the application, shall be considered incomplete. The City will notify the applicant within fifteen (15) calendar days of the application being submitted whether the application is complete or incomplete. The notification that an application is incomplete should include a statement concerning what information is needed to complete the application.
- (h) The permit, if granted, will be valid until suspended, revoked, or surrendered. A permit is surrendered when returned to the City by the owner, when there is a change in ownership of the business, when a new Automotive Related Business permit is issued to the business, or when the business ceases operating at the location specified on the permit. When a permit is surrendered, the owner shall return said permit to the Environmental Quality Manager.
- (i) The permit shall state on its face the name of the person or persons to whom it is granted, the name of the Automotive Related Business, the issue date, the address of the Automotive Related Business, and the Permitted Uses of the Automotive Related Business. The permit is valid only for the specific business, location, and uses specified on the face of the permit.
- (j) A Permittee or Operator commits an offense if the Permittee or Operator fails to continuously and prominently display a legible copy of the permit in a public area of the Automotive Related Business.
- (k) Automotive Related Business permits cannot be transferred. A person commits an offense if the person transfers a permit to another person or operates an Automotive Related Business under the authority of a permit at any place in the City of Grand Prairie other than the address designated on the permit. A transfer of a permit is deemed to have occurred if there is a transfer of more than fifty percent (50%) of the ownership or control of an Automotive Related Business, except by bequest or other operation of law upon the death of the person possessing the ownership or control.
- (l) To the extent it is not an offense under state law, it shall be an offense to counterfeit, forge, change, deface, or alter any permit issued under this Article.



### **Sec. 13-535. Fees.**

The following Fees shall apply to Automotive Related Business:

- (a) The permit application or expanded use application fee for all Automotive Related Businesses is \$25.
- (b) The annual inspection fee for all businesses operating as Automotive Related Businesses other than Automotive Salvage Yards is Two Hundred Fifty Dollars (\$250.00).
- (c) The annual inspection fee for a business operating as an Automotive Salvage Yard is Three Hundred Dollars (\$300.00).
- (d) A bulk storage fee of fifty dollars (\$50.00) shall be paid by the first of January each year by Operators storing greater than twenty-five (25) gallons of hazardous materials, hazardous waste, or other regulated chemicals or material within the 100 year floodplain.
- (e) Monitoring fees for sampling and analysis shall cover the cost to the City and shall include, but not be limited to the cost of labor, equipment, supplies, laboratory charges, and federal reporting requirements. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.
- (f) Fees, other than the permit or expanded use application fees, may appear on the monthly water/sewer bills, relate solely to the matters covered in this Article, and are separate from other fees chargeable by the City.
- (g) If no water/sewer account exists, fees shall be billed to the customer and paid within thirty (30) days of the invoice date.
- (h) The fee for replacement of permits shall be five dollars (\$5.00).
- (i) Any permit issued under this Article may be suspended for nonpayment of the annual inspection fee required in this Article. Notwithstanding any other provision, such permit will only be reinstated upon payment of said fees and, if over thirty (30) days late, an additional fee of fifty dollars (\$50.00). Section 13-537 shall apply to a suspension under this provision.

### **Sec. 13-536. Permit Issuance and Grounds For Denial, Suspension, and Revocation of Permit.**

- (a) *Issuance and Grounds for Denial.* The Environmental Quality Manager shall approve the issuance of an Automotive Related Business permit to an applicant within forty-five (45) calendar days after receipt of an initial application and thirty (30) calendar days after receipt of an expanded use application, unless the Environmental Quality Manager finds one (1) or more of the following to be true:

1. The provided parking plan does not meet the requirements of the Unified Development Code or this Chapter.
2. The location of the Automotive Related Business is or would be in violation of the Unified Development Code of the City of Grand Prairie.
3. The applicant does not have a valid certificate of occupancy authorizing all proposed uses at the location shown in the application.
4. A valid Special Use Permit which is required for the proposed use of the premises does not exist.
5. The conditions of a Special Use Permit, which is required for the proposed use of the premises, have not been met.
6. The operation of the business, as proposed, at the location would violate state, federal, or local laws or regulations.
7. The applicant does not have all valid state licenses which are required to operate the business.
8. The applicant does not have all required environmental permits or licenses.
9. There is an environmental contamination on the premises which has not been remediated in accordance with applicable law.
10. The applicant gave false, fraudulent or untruthful information on the application.
11. The applicant's application for an Automotive Related Business permit was denied within the last twelve (12) months due to the applicant providing false, fraudulent or untruthful information on the application.
12. The applicant's Automotive Related Business permit was revoked within the last twelve (12) months.
13. The applicant is under eighteen (18) years of age.
14. An applicant or an applicant's spouse is overdue in payment to the City of taxes, fees, fines or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to an Automotive Related Business.
15. An applicant or an applicant's spouse has been convicted or placed on deferred adjudication, deferred disposition, probation, or community supervision for six (6) or more violations of this Article within the twelve (12) months immediately preceding the date the application is submitted to the City. The fact that a

conviction or other disposition is being appealed shall have no effect. The offenses providing a basis for denial must have different dates of offense. An offense is considered to be a violation of this Article if the offense is established under this Article or it is an offense established under another Chapter, Article, or Section which is referenced in this Article.

16. The permit fee required by this Article has not been paid.
17. The applicant has not demonstrated that the owner of the Automotive Related Business owns or holds a lease for the property or the applicable portion thereof upon which the Automotive Related Business will be situated or has a legally enforceable right to acquire the same.
18. An applicant or an applicant's spouse has been convicted or placed on deferred disposition, deferred adjudication, probation, or community supervision for a violation of state or federal law or regulation, including regulations of the United States Environmental Protection Agency and Texas Commission on Environmental Quality, related to the illegal dumping, discharge, or storage of pollutants, hazardous materials, or other substance into the environment, MS4, Publicly Owned Treatment Works, or waters of the State including, but not limited to, violations of Chapter 7 of the Texas Water Code for which
  - (a) Less than two (2) years have elapsed since the date of conviction, or the date of release from the terms of community supervision, probation, parole or deferred disposition or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or
  - (b) Less than five (5) years have elapsed since the date of conviction, or the date of release from the terms of community supervision, probation, parole or deferred disposition or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
  - (c) Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.

*(b) Grounds for Suspension.* The Environmental Quality Manager shall suspend the Automotive Related Business permit for a period of time if it is discovered that one or more of the following have occurred:

1. Notice of an environmental contamination on the premises was given and said contamination was not remediated in accordance with applicable law within 10

days of the notice being issued.

2. The Permittee is storing any item or material in the 100- year floodplain or floodway in violation of this Article or other federal, state, or local law.

*(c) Length of Suspension.*

1. The term of suspension shall be:
  - (a) Five (5) days for the business' first violation within a twelve (12) month period;
  - (b) Ten (10) days for the business' second violation within a twelve (12) month period; or
  - (c) Grounds for revocation if the business has had three or more violations of subsection (b) of this section within a twelve (12) month period.
  - (d) In addition to the terms of suspension outlined above, the Permittee shall provide satisfactory proof of remediation prior to resuming operations.
2. A Permittee may elect to pay an administrative penalty of \$500 in lieu of the five (5) day suspension for a first violation. Such election must be made within ten (10) days from the date the notice of suspension was mailed or, if an appeal was filed, within ten (10) days of the date the Hearing Authority's order upholding the suspension was mailed. When applicable, the Environmental Quality Manager and Hearing Authority shall notify the Permittee in the notice of decision of the Permittee's opportunity to pay a penalty fee in lieu of ceasing operation. Payment of this penalty shall be considered, for the purposes of this Subsection, the first suspension. However, this shall not be used as an admission of guilt in a criminal prosecution under this Article. If the Permittee does not provide satisfactory proof of remediation and pay the penalty before the expiration of the thirtieth calendar day after notification, the Permittee loses the opportunity to pay it and shall serve the five (5) day suspension.

*(d) Grounds for Revocation.* The Environmental Quality Manager shall revoke the Automotive Related Business permit if it is discovered that one or more of the following have occurred:

1. A Permittee has been convicted or placed on deferred adjudication, deferred disposition, probation, or community supervision for four (4) or more violations of this Article within the twelve (12) months immediately preceding the revocation. The fact that a conviction or other disposition is being appealed shall have no effect. The offenses providing a basis for revocation must have different dates of offense. An offense is considered to be a violation of this Article if the offense is established under this Article or it is an offense established under

another Chapter, Article, or Section which is referenced in this Article.

2. A Permittee or Operator gave false or misleading information in the material submitted to the Environmental Quality Manager during the application process;
  3. A Permittee or Operator knowingly operated the Automotive Related Business during a period of time when the Permittee's permit was suspended;
  4. A Permittee is delinquent in payment to the City for ad valorem taxes or sales taxes related to the Automotive Related Business;
  5. A permit is transferred in violation of Section 13-534(i).
  6. The Certificate of Occupancy or a Special Use Permit required to operate the business is revoked, surrendered, or otherwise ceases to be valid.
  7. If the Automotive Related Business Owner's lease, ownership, or other legal right to occupy the property or the applicable portion thereof upon which the Automotive Related Business is situated is terminated or ceases to exist.
- (e) *Term of Revocation.* When a permit is revoked, the Permittee is not eligible for an Automotive Related Business permit for a period of one year from the date the revocation takes effect.
- (f) *Date Calculation.* If any deadline provided in this Article falls on a weekend or City Holiday, the deadline shall be extended to the close of business on the next business day. Example: Deadline falling on Saturday will extend to close of business on Monday.

### **Sec. 13-537. Revocation and Suspension Procedure**

- (a) *Burden.* A denial, suspension, or revocation is an administrative procedure. In any hearing relating to such actions under this Section, the burden of proof shall be on the City (except for affirmative defenses), and shall be by a preponderance of the evidence.
- (b) *Notice.* If the Environmental Quality Manager is authorized to deny the issuance of a permit, or suspend or revoke a permit, the Environmental Quality Manager shall give written notice to the applicant or Permittee of his intent to deny, suspend, or revoke the permit or application.
1. The notice shall state the reason for such denial, suspension, or revocation.
  2. The notice shall provide that the denial of issuance, suspension or revocation shall take effect at the expiration of the tenth (10th) calendar day after the date notification was mailed, unless the Permittee provides a written request for hearing or penalty election notice under Section 13-536(c)(2) to the Environmental Quality Manager before the expiration of the tenth calendar day.

- (c) *Stay.* If a written request for hearing from the applicant or Permittee is received by the Environmental Quality Manager before the expiration of the tenth calendar day, the suspension, denial of issuance or revocation will be stayed pending a hearing and a decision by the Environmental Quality Manager. A Permittee may continue to operate under the existing Automotive Related Business permit during any stay of a suspension or revocation. If the denial is based upon an expanded use application, the Permittee may continue to operate as authorized under the current permit during any stay. Approval to operate under this provision does not authorize operation in violation of federal, state, or local laws.
- (d) *Appeal.* The applicant or Permittee shall have ten (10) calendar days from the date notice is received, to request a hearing on the denial, suspension or revocation. The request shall be in writing and delivered to the Environmental Quality Manager. Upon receipt of the request for hearing, a hearing before the designated Hearing Authority shall be scheduled to take place within thirty (30) calendar days unless both parties agree to a certain date beyond the thirty days. The Hearing Authority shall consider only the testimony and evidence admitted for consideration at the hearing. The Hearing Authority shall have ten (10) business days from the date of the hearing to notify the applicant or Permittee of the decision. In making a determination as to the denial, suspension, or revocation of a permit, the Hearing Authority shall consider whether the City has established grounds exist under Section 13-536 of this Article. The Hearing Authority's ruling shall include findings of fact.
- (e) *Appeal Hearing.* The hearing will be open to the public. The provisions of Texas Government Code, Sections 2001.081-.088 shall be used as procedural and evidentiary guidelines.
- (f) *Appeal Determination.* The decision by the Designated Hearing Authority is effective thirty (30) calendar days after the date the decision is mailed to the applicant or Permittee is notified of the decision, unless a reinstatement fee under Section 13-536 of this Article is paid (if available), or an appeal is made to District Court in accordance with the provisions of Article.
- (g) *District Court Appeal.* Upon receipt of written notice of the denial, suspension or revocation of a permit, the applicant whose application for a permit has been denied or whose permit has been suspended or revoked shall have the right to appeal by filing suit in the appropriate district court within thirty (30) calendar days after the receipt of notice of the decision of the Environmental Quality Manager. The applicant shall bear the burden of proof in court. The substantial evidence standard of review shall apply to such appeal. The filing of such suit shall have the effect of staying denial, suspension or revocation for the Automotive Related Business permitted under this Article pending a judicial determination of the appeal. The applicant or Permittee may operate the Automotive Related Business during the stay as provided by Section 13-357(c) above.
- (h) *Notices.* All notices and determinations issued by the City, Hearing Authority or Director

shall be sent certified mail, return receipt requested to the business contact person and address as it appears on the Automotive Related Business permit application or as updated by the applicant or Permittee. The validity of a notice mailed in accordance with this section shall not be affected if the notice is returned by the U.S. Postal Service.

**Sec. 13-538. Compliance with Other Ordinances and State Law Required**

(a) Automotive Related Business building and premise design, maintenance, use and operations shall comply with all applicable provisions of the Unified Development Code of the City of Grand Prairie (UDC) and the Grand Prairie Code of Ordinances. This includes, but is not limited to the following:

1. UDC Article 10, Section 3- Parking & Loading Standards, General Provisions;
2. UDC Article 10, Section 4- Parking & Loading Standards, Minimum Pavement Construction On or Within Non-residential Private Property;
3. Code of Ordinances Chapter 13, Article XV - Vector Control;
4. Code of Ordinances Chapter 13, Article IX - Liquid Waste; Generation, Transportation, and Disposal;
5. Code of Ordinances Chapter 13, Article X - Cross-Connection Control and Prevention;
6. Code of Ordinances Chapter 29 Code Compliance including, but not limited to, Article VII - Junked/Inoperable Vehicles and Sections 29-70 Littering, 29-89 Parking for Certain Purposes Prohibited, 29-89.1 Parking on sidewalks and rights-of-way; towing of vehicles in violation, 29-90 Fence Nuisance, and 29-114 Vegetation height and density restricted in particular.
7. UDC Article 8, Section 9 - Screening

(b) All required state, local, and/or federal registration, permit, discharge, authorization, storage, hauling, or other environmental laws, requirements, and regulations must be complied with. This includes, but is not limited regulations related to the following:

1. Air authorization permits and discharge;
2. Stormwater authorization permits and discharge;
3. Used Oil Collection Center registration and operation;
4. Waste disposal, including the disposal of industrial waste, hazardous waste, regulated waste;
5. The Texas Water Code;
6. The Texas Surface Water Standards; and
7. Tank Systems.

**Sec. 13-539. Change or Expanded Use Prohibited.**

(a) A certificate of occupancy is not transferable. Any transfer of ownership or control in a business voids the existing certificate of occupancy and requires a new certificate of occupancy prior to operation of the business. A new certificate of occupancy or

amendment to the existing certificate of occupancy is required prior to engaging in additional uses or expansion of the existing use.

- (b) Any business storing salvaged vehicles or parts of vehicles and/or salvaging the same shall be considered to be operating as a salvage yard.
- (c) Any business storing used parts which are not needed for the repair of a vehicle for which the business is currently contracted to repair is operating a salvage yard.
- (d) It is an offense to operate an Automotive Related Business without a valid Certificate of Occupancy issued to the current ownership of the business.
- (e) It is an offense for an Automotive Related Business to engage in a use not specifically authorized by both the Certificate of Occupancy and permit.
- (f) It is an offense to expand the existing use of an Automotive Related Business without first obtaining a new or amended Certificate of Occupancy and permit authorizing such expanded use.

**Sec. 13-540. Documentation Requirements.**

- (a) An original or copy of all disposal manifests related to the Automotive Related Business must be maintained on-site for a period of three (3) years from the date of disposal or the period of time required by other law, whichever is longer.
- (b) Any applicable special use permit and the current approved site parking plan shall be maintained on the premises at all times.
- (c) Work orders and all documents related to catalytic converters shall be maintained for a period of two years from the date the vehicle repair was completed, two years from the date the catalytic converter was purchased, sold, or replaced, or the period of time required by other law, whichever is longer.
- (d) Failure to maintain any documentation required by this section is an offense.

**Sec. 13-541. Premise Requirements and Prohibitions.**

- (a) Sufficient off-street/on-site loading space shall be provided to ensure the loading and unloading of vehicles, parts or equipment will not interfere with traffic flow or block roadways and/or fire lanes.
- (b) It shall be an offense for an Automotive Related Business to:
  - 1. Allow debris to accumulate on the premises unless in an approved container;
  - 2. Allow junk, parts, or vehicles to rest upon or protrude over any public street, walkway, or curb, or become scattered or blown off the business premises;



3. Fail to maintain any fence located on the premises in accordance with Section 29-90 of the Grand Prairie Code of Ordinances;
4. Use a parking space for sales, repair work, dismantling, service, or storage of any vehicles or equipment;
5. Repair a vehicle outside of an approved structure;
6. Allow grass clippings, leaves, or any debris to collect on any curb, gutter, storm inlet, storm drain, or watercourse;
7. Fail to maintain the parking area in a manner in which all parking spaces are visibly delineated on the ground with a durable, weather-proof paint; or
8. Allow any holes, ruts, ridges or other defects which create a hazardous driving surface to exist for a period of more than ten (10) days after receiving notice from the City. Hazardous driving surface shall include, but is not limited to, surfaces with holes, ruts, ridges, or other defects which are greater than two (2) square feet in an area or which exceed twenty (20) percent of the total area of the parking lot or driving surface.
9. Operate without having a current garbage removal contract with a company who is authorized by the City of Grand Prairie to remove and transport garbage within the City;

- (c) Auto related businesses must comply with Grand Prairie Code of Ordinances, Chapter 29, Article VII Junked Vehicles which requires all junked/inoperable vehicles to be screened from view from the public right of way.

**Sec. 13-542. Environmental Quality Related Requirements and Prohibitions.**

- (a) Floor drains within buildings that are not connected to an approved oil/water separator shall be capped or plugged in order to prevent contaminants from entering the sanitary sewer system. Failure to cap or plug a floor drain when required is an offense.
- (b) Contaminated soil shall be collected and removed in a proper waste container immediately following a spill. Failure to timely and properly collect and remove the contaminated soil is an offense.
- (c) Discharge of any liquids in or adjacent to any natural outlet, watercourse, storm sewer, or other area under jurisdiction of the MS4 is only permitted to the extent authorized by a federal or state permit and approved by the Regulatory Authority. Discharging any liquids or causing the same to be discharged in violation of this provision shall be an offense.
- (c) It shall be an offense for an Automotive Related Business to:
1. Burn a vehicle or other material on the premises or allow the same to be burned;
  2. Cause or allow any vehicle engine fluids, oils, greases, fuels, or like material to be discharged or deposited on the ground;
  3. Discharge any industrial waste or cause the same to be discharged into a private sewage system;

4. Discharge or deposit any industrial, chemical, hazardous, or other regulated waste or cause the same to be discharged or deposited upon any public or private property;
5. Allow a person take any waste products or contaminated soil off the premises when said person is not a waste hauler properly registered with the state and authorized to transport said item;
6. Discharge water used to wash a vehicle or vehicle parts or allow the same to be discharged to any place other than the sanitary sewer;
7. Cause or allow discharge from vehicle or vehicle part washing operations to enter the sanitary sewer system without first passing through an approved sand/grit trap;
8. Engage in power washing activities without first installing an approved Reduced Pressure Zone (RPZ) valve;
9. Cause or allow any sediment, dust or other solid material from any activity not intended for outside disposal or accumulation to be introduced to the MS4;
10. Discharge cooling, compression, or blow down water or allow the same to be discharged to any place other than the sanitary sewer;
11. Engage in the sanding, grinding, cutting, sawing or other modification of any material that results in fine particle dust on the ground outside of an enclosed structure;
12. Fail to properly dispose of fine particle dust or other discharge created from sanding, grinding, cutting, sawing, or engaging in similar activity; or
13. Fail to maintain potable water, sanitary sewer, or septic system lines in a manner to prevent water or wastewater from discharging on the ground.

**Sec. 13-543. Storage Related Requirements and Prohibitions.**

- (a) A trailer or structure shall not be placed on the premises for use as storage unless authorization from the City for the placement and use of the trailer or structure has been obtained through the issuance of a permit, certificate, or other written document as appropriate. The term “trailer” shall include, but not be limited to, a box van, contractor’s trailer, utility trailer, a railroad boxcar or any other similar mobile transport vehicle not intended for permanent storage. Placing or using a trailer or structure or causing the same to be placed or used on the premises in violation of this provision or any other provision of the Grand Prairie Code of Ordinances or Unified Development Code shall be an offense.
- (d) It shall be an offense for an Automotive Related Business to:
  1. Store combustible materials not necessary or beneficial to the business on the premises of the Automotive Related Business;
  2. Allow items to be kept or stored on the premises of an Automotive Related Business in a manner which creates a fire hazard;
  3. Use the public right of way for the parking or storage of vehicles, or portions thereof, being repaired, stored, sold, transported or otherwise used by the Automotive Related Business;

4. Allow or cause materials to be stored in a drum or container which is not compatible with the material being stored or is otherwise allowing the stored material to leak from the container;
5. Fail to label a drum or container used to store waste or regulated waste with the name, address, phone number of the business, and other items required by local, state, or federal law or regulations;
6. Store waste materials in a manner which is not consistent or in compliance with applicable laws, regulations, permits, or established safety plans; or
7. Store batteries outside.

**Sec. 13-544. Tire Related Requirements and Prohibitions.**

(a) It shall be unlawful for an Automotive Related Business to:

1. Generate, transport, or engage in the retail sale of used or scrap tires without a waste tire generator identification from the state environmental regulatory authority;
2. Allow waste tires to be removed from the premises by a person other than a state registered waste tire hauler; or
3. Store tire or tire parts without rims outside or in a manner in which they will become exposed to the element.

**Sec. 13-545. Provisions Specific to Repair Shops, Body Shops, and Used Car Lots.**

(a) Repair and body shops shall have a valid work order for all customer vehicles located on the premises. The work order shall be created upon receipt of said vehicle on the premises. The work order shall include the Vehicle Identification Number (VIN), owner name, work being done, and date the vehicle arrived on the premises. Nonrepairable Motor Vehicles and Salvage Motor Vehicles are prohibited from being on-site longer than seven (7) calendar days.

(b) It shall be unlawful for a body shop, automotive repair shop, or used car lot to store materials used in connection with the repair or vehicles, vehicle parts, or any other related materials outside an enclosed building or allow the same to be stored outside an enclosed building.

**Sec. 13-546. Provisions Specific to Salvage Operations or Inoperable Vehicle Yards**

(a) Crushing operations must be completed on a concrete pad which contains dikes or other means of keeping all fluids contained. All fluid discharged during crushing operations must be cleaned immediately following said operation.

(b) Vehicles shall not be stacked higher than one (1) foot below the top of the required

screening fence and shall be kept and maintained at all times in rows not exceeding two (2) automobiles in width. Rows shall be a minimum of ten (10) feet apart, so as to provide accessibility for firefighting and other purposes.

- (c) The area on the premises where the automotive salvage/inoperable vehicle yard business is conducted shall be enclosed, except for entrances and exits, with a nontransparent, vertical wall or fence of a minimum height of ten (10) feet measured from ground level. All boundaries established by the issuance of a specific use permit shall be designated by fencing or by another readily identifiable means, such as concrete monuments or poles embedded in concrete to a depth of at least six (6) inches. In the event that two (2) salvage yards exist side by side, or the rear property line of a salvage yard abuts a floodway, any fence erected on that boundary line need not be constructed of a nontransparent material. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the licensed permitted premises and all such entrances and exits shall be covered with paving of a type of material approved by the City engineer.
- (d) Floodway boundaries for the property shall be specifically marked with monument or other permanent structures acceptable to the City for ease in determining on the ground where the floodway is located. The minimum acceptable standard for such monuments shall be an eight-foot-long, four-inch (outside diameter) pipe, set vertically in the ground with at least six (6) feet of pipe visible above the ground level and painted standard international orange.
- (e) No automotive salvage dealer permitted hereunder, or the agent or employee of the Permittee, shall purchase or receive any merchandise from any person under the age of eighteen (18) years without the written consent of a parent or guardian of such person. Such writing shall be maintained and made available for inspection by the representative of the City for a period of at least six (6) months.
- (f) An automotive salvage or inoperable vehicle yard shall not show, display, or store any inoperable, salvage, junk, or nonrepairable vehicle or any part thereof outside the fence enclosure or permitted premises
- (g) It shall be unlawful for a salvage or inoperable vehicle yard to violate any of the provisions contained within this section.

**Sec. 13-547. Floodway and 100-year Floodplain Storage and Management**

- (a) An Automotive Related Business shall not keep or store any vehicle, vehicle part, hazardous materials or waste, or other regulated materials or waste or allow the same to be kept or stored in the floodway.
- (b) An Automotive Related Business shall not keep or store more than twenty-five (25) gallons any of hazardous materials, hazardous waste, or other regulated chemicals or material within the 100-year floodplain unless specifically authorized by the

Environmental Quality Manager pursuant to this section.

- (c) All storage tanks systems are prohibited in the floodway or 100-year floodplain, except above-ground storage tank systems located in the 100-year floodplain which are specifically authorized by the Environmental Quality Manager pursuant to this section.
- (d) All existing underground storage tank systems in violation of this section or underground storage tanks systems which are no longer used must be removed from service in accordance with state environmental regulations pertaining to storage tank permanent removal from service.
- (e) All above-ground storage tanks must have secondary containment equal to or greater than one hundred and ten (110) per cent of the volume of the largest tank or be an approved double-walled tank. All materials used for secondary containment, including secondary containment which consists of diking, must be impervious and compliant with Chapter 12 Fire Protection and Emergency Management of the Grand Prairie Code of Ordinances and the International Fire Code adopted by that Chapter;
- (e) Upon receiving a written request, the Environmental Quality Manager may authorize the storage of more than twenty-five (25) gallons of hazardous materials, hazardous waste, or other regulated chemicals or an above ground tank system within the 100-year flood plain if the Environmental Quality Manager finds sufficient procedures and equipment are in place to prevent environmental contamination during normal operation and in the event of a flood. The written request must be submitted at least thirty (30) days prior to planned construction and shall include:
  - 1. Types of chemicals to be stored;
  - 2. Types of containers or tank system which will be used to store the chemicals;
  - 3. Average volumes to be stored;
  - 4. Site diagram indicating storage area;
  - 5. Description of measures to be taken to ensure the storage area contains sufficient diking or to render the storage areas flood-resistant;
  - 6. A description of current chemical waste disposal methods including the names, addresses and telephone numbers of disposal companies;
  - 7. Copy of any federal or state required hazardous waste registration form; and
  - 8. Any other information as may be deemed by the Director to be necessary to evaluate the request.
- (g) Prior to any storage authorized under this section taking place, the Automotive Related Business Owner shall pay the required bulk storage fee provided in the Fee section of this Article. The bulk storage fee shall be paid annually during the time the storage is authorized
- (h) Prior to any storage authorized under this section, the Automotive Related business shall implement an accidental spill plan approved by the Environmental Quality Division. It will be the responsibility of the Business owner to develop the plan using guidelines

provided by the Environmental Quality Division.

- (i) Any storage authorized under this section shall be conditioned upon the Automotive Related Business allowing periodic inspections of the storage containers and premises by the Environmental Quality Division of the Environmental Services Department and providing an annual report to the Environmental Quality Manager by January 10<sup>th</sup> of each calendar year detailing the types and amounts of chemicals stored within the storage area.
- (j) Authorization granted under this section may be revoked if:
  - 1. The storage container leaks or otherwise discharges the contents of the container in an unauthorized manner;
  - 2. The continued operation of the storage container poses an immediate risk to the health and safety of the community; or
  - 3. The location of the storage containers or manner in which the storage containers are being used or operated is a violation of federal, state, or local law or regulation.
- (k) To revoke authorization granted under this section, the Environmental Quality Manager shall provide the permit holder written notice of the revocation and the grounds for the same. The permit holder has the right to appeal the revocation by submitting a written appeal to the Environmental Quality Manager within ten (10) calendar days of receipt of the notice. Unless prohibited by law, including state or federal flood or environmental regulations, the permit holder may continue bulk storage during the pendency of the appeal once the condition specified in the notice is cured and any spill, if applicable, has been remediated. The appeal hearing shall be held as soon as practical and no later than fourteen (14) calendar days after the request is received. The appeal shall be heard by the Designated Hearing Authority. The Designated Hearing Authority shall issue a written ruling with findings of fact within five (5) business days of the hearing date. The decision of the Designated Hearing Authority shall be final.

**Sec. 13-548. Right of Entry.**

The City's representative(s) shall have the right to enter the premises of any person to determine whether that person is in compliance with all requirements of this Article. Persons shall allow inspecting or monitoring personnel ready access to all parts of the premises for the purposes of inspection, monitoring, records examination and copying, and the performance of any additional duties. Any information concerning a requirement under this Article, including, but not limited to water testing data, construction records, state registrations, environmental and closure records, shall be made readily available upon request. When required by law, a search or inspection warrant must be obtained prior to a search being conducted.

- (a) Where security measures are in force which requires proper identification and clearance before entry into the premises, that person shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City's

representative will be permitted to enter without delay for the purposes of performing specific responsibilities.

- (b) The City's representatives shall have the right to set up on any person's property such devices as are necessary to conduct monitoring of any person's operations.
- (c) Unreasonable delays in allowing inspecting or monitoring personnel access to any person's premises shall be a violation of this Article.

**Section 13-549. Penalty - For violations; other remedies.**

- (a) Any person, agent, property owner, business owner, Operator, manager, sublessor, firm, or corporation who violates any provision of this Article or any permit issued under this Article, including failing to perform a required act or performing a prohibited act, is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the City of Grand Prairie, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation. Each day may be considered a new violation.
- (b) Any person, firm, or corporation who obstructs, impedes, or interferes with a lawfully placed and operated surveillance equipment or the lawful actions of representative of the City, a representative of a City department, or a person who is abating situation pursuant to this Article is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the City of Grand Prairie, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation. It is a rebuttable presumption that the placement and operation of surveillance equipment and the actions of City employees and vendors are lawful
- (c) In addition to proceeding under authority of subsections (a) and (b) of this section, the City is entitled to pursue all criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person, agent, property owner, business owner, Operator, manager, sublessor, firm, or corporation that remains in violation of this Article.
- (d) This section is in addition to any other civil, criminal, administrative or regulatory rights and remedies the City may have and is not intended to limit the City's rights, authority, or defenses in any way.

**Sec. 13-550. Right of Revision.**

The Regulatory Authority reserves the right to establish, by ordinance, more stringent regulations than those set forth by state and federal standards or requirements.

**Sec. 13-551. Search Warrants.**

If the Regulatory Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Regulatory Authority may seek issuance of a search warrant from the appropriate court.

**Sec. 13-552. Responsibility for cleanup costs, damages.**

All owners/occupants are subject to fees as outlined in Chapter 13, Article VI - Abatement of Hazardous Conditions if the owner/occupant fails to comply with this Article.

**Sec. 13-553. Remedies Nonexclusive.**

The remedies provided for in this ordinance are not exclusive. The Regulatory Authority may take any, all, or any combination of these actions against a noncompliant user.

**Sec. 13-554. Administrative Liability.**

- (a) No officer, agent, or employee of the City shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such person's duties under this Article.
- (b) Any suit brought against any officer, agent, or employee of the City as a result of any act required or permitted in this discharge of such duties under this Article shall be defended by the City Attorney until the final determination of the proceedings therein.

**SECTION 2. Severability.**

If any article, section, sub-section, sentence or phrase of this Ordinance should be held to be invalid for any reason whatsoever, such invalidity shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 3. Cumulative Clause.**

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this Ordinance are hereby repealed. Provided that such repeal shall be only to the extent of such



inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this Ordinance.

**SECTION 4. Effective Date**

This ordinance shall be in full force and effect from and after its passage, approval, and publication.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS ON THE 21<sup>ST</sup> DAY OF MARCH, 2023.**