

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Department of Public Health

AGENDA DATE: Introduction – December 18, 2007
Public Hearing – January 2, 2008

CONTACT PERSON/PHONE: Elaine S. Hengen (915) 541-4550—for the department

DISTRICT(S) AFFECTED: ALL

SUBJECT:

An Ordinance amending Title 10 (Public Peace, Morals and Welfare) of the El Paso City Code, Chapter 10.12 (Offenses Against Public Peace) to change the reference to and assign the duties of The City-County Health Board to the Department of Public Health.

BACKGROUND / DISCUSSION:

On December 31, 2007, the El Paso City-County Health and Environmental District ceased to exist. The City has transferred animal service functions to the Department of Public Health. This provision in Title 10 of the Code, references those functions and regulations, and thus, it is necessary to revise this provision and revise the language from the Health District to the Department of Public Health.

PRIOR COUNCIL ACTION:

None

AMOUNT AND SOURCE OF FUNDING:

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA: _____

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 10 (PUBLIC PEACE, MORALS AND WELFARE) OF THE EL PASO CITY CODE, CHAPTER 10.12 (OFFENSES AGAINST PUBLIC PEACE) TO CHANGE THE REFERENCE TO AND ASSIGN THE DUTIES OF THE CITY-COUNTY HEALTH BOARD TO THE DEPARTMENT OF PUBLIC HEALTH.

WHEREAS, the El Paso City-County Health and Environmental District ("Health District") will cease to exist after December 31, 2007; and

WHEREAS, the City Council has created a City Department of Public Health to provide for public health and other services following the dissolution of the Health District; and

WHEREAS, the El Paso City Code contains many references to the Health District and to individuals or positions at the Health District by their job or other official title, so it is now necessary to change and correct those names and titles so that the responsibilities and references are properly directed to the Department of Public Health.

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

Section 1. That Title 10 (Public Peace, Morals and Welfare), Chapter 10.12 (Offenses against Public Peace) Section 10.12.010 (Firearms—Discharge prohibited), Subsection C. be amended in its entirety as follows:

Section 10.12.010. Firearms—Discharge prohibited.

C. This section shall not apply to law enforcement officers licensed or commissioned pursuant to federal or state law, to persons holding a security officer commission issued by the Texas Board of Private Investigators and Private Security Agencies, or to members of the armed forces or national guard, while in the performance of their official duties; or to persons engaged in the regular business of keeping and maintaining exotic animals, as defined by the code, that are in compliance with all applicable provisions of Title 7 of the code (Animals) and with all applicable standards of care and approved rules and regulations as enforced by the department of public health, who must discharge a firearm for the sole purpose of protecting people from imminent danger by an escaped animal and there are no other reasonable means to disable the animal to prevent physical harm to human life.

Section 2. This ordinance shall take effect at 12:00:01 a.m., January 1, 2008.

Section 3. Except as herein amended, Title 10 (Public Peace, Morals and Welfare) shall remain in full force and effect.

ADOPTED this ____ day of _____ 200__.

CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

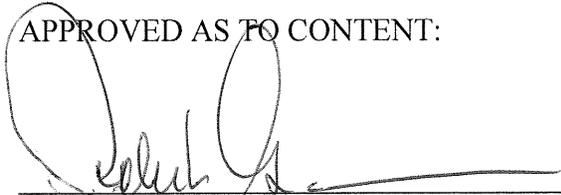
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Josette Flores
Assistant City Attorney

APPROVED AS TO CONTENT:



Dr. Robert Galvan, PH, MPH, MA, DAAS

CITY CLERK DEPT.
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