

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

**DEPARTMENT:** Environmental Services

**AGENDA DATE:** CCA Introduction July 12, 2011; Public Hearing July 19, 2011

**CONTACT PERSON NAME AND PHONE NUMBER:** Ellen A. Smyth, P.E., Director  
(915) 621-6719

**DISTRICT(S) AFFECTED:** Citywide

**SUBJECT:** ORDINANCE

An ordinance amendment related to Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) amending 9.04.020 (Definitions); amending 9.04.070 (Collection Provider) to include triplex and quadriplex; and to clarify that Article VIII only references Designated Municipal Solid Waste Facility; the penalty being as provided in Section 9.04.630 of the El Paso City Code.

**BACKGROUND / DISCUSSION:**

The Environmental Services Department is requesting amendments to Chapter 9.04 to classify triplexes and quadriplexes as residential property, to clarify that triplexes and quadriplexes may utilize a Permitted Hauler other than the City as Collection Provider, and to clarify a Designated Municipal Solid Waste Facility as a facility designated by the City Manager. The inclusion of triplexes and quadriplexes as residential property was recommended by the Environmental LRC on May 19, 2011. The term designated facility refers to delivery of solid waste only to designated facilities owned or operated by the City of El Paso (also known as "flow control")

**PRIOR COUNCIL ACTION:**

August 24, 2010; December 21, 2010; March 29, 2011

**AMOUNT AND SOURCE OF FUNDING:**

N/A

---

**BOARD / COMMISSION ACTION:**

N/A

---

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

*Information copy to appropriate Deputy City Manager*

ORDINANCE \_\_\_\_\_

**AN ORDINANCE AMENDMENT RELATED TO TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.04 (SOLID WASTE MANAGEMENT) AMENDING 9.04.020 (DEFINITIONS); AMENDING 9.04.070 (COLLECTION PROVIDER) TO INCLUDE TRIPLEX AND QUADRIplex; AND TO CLARIFY THAT ARTICLE VIII ONLY REFERENCES DESIGNATED MUNICIPAL SOLID WASTE FACILITY; THE PENALTY BEING AS PROVIDED IN SECTION 9.04.630 OF THE EL PASO CITY CODE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**Section 1.** That Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management), Section 9.04.020 (Definitions.), Subsection 51. be amended to read as “Quadriplex” and that all subsequent numbers be modified accordingly, to amend the definition of “Residential Property”, and to add a definition for “Triplex”, as follows:

**9.04.020 Definitions.**

51. “Quadriplex” means four (4) dwelling units within an Improved Property under the same roof structure, which are arranged, designed or used as residential occupancy and does not include a Mobile Home.
55. “Residential Property” means all Improved Property which is used, or is capable to be used as a Single-Family Dwelling, Duplex, Triplex, Quadriplex or Mobile Home Property, and does not include Improved Property used primarily as a Commercial Property or Mixed-use Property.
68. “Triplex” means three (3) dwelling units within an Improved Property under the same roof structure, which are arranged, designed or used as residential occupancy and does not include a Mobile Home.

**Section 2.** That Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management), Section 9.04.070 (Collection Provider.), be amended to address Triplex and Quadriplex service as follows:

**9.04.070 Collection Provider.**

Excluding Self-transporters, the City shall be the exclusive Hauler of Municipal Solid Waste and Program Recyclable Materials generated at Residential Properties; however, an Owner or Occupant of Residential Properties containing a Triplex or Quadriplex shall have the option to utilize a Permitted Hauler other than the City as Collection Provider.

**Section 3.** That Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management), ARTICLE VIII – DESIGNATED OR AUTHORIZED MUNICIPAL SOLID WASTE FACILITIES, Section 9.04.520 (Designated or Authorized Municipal Solid Waste Facilities.), Subsection A be amended as follows:

**ARTICLE VIII – DESIGNATED MUNICIPAL SOLID WASTE FACILITY**

**9.04.520 Designated Municipal Solid Waste Facility.**

A. For purposes of this Article VIII, the term Designated Municipal Solid Waste Facility shall mean any Municipal Solid Waste Facility designated by the City Manager. Except as otherwise specifically provided in this Chapter, any Person who collects or transports Solid Waste generated and/or otherwise found in the City shall deliver such waste to and shall be required to comply with all posted rules at a Designated Municipal Solid Waste Facility operated by the City. Any failure of any Person to deliver such waste to a Designated Municipal Solid Waste Facility or to adhere to posted rules at such facility shall be considered a violation of this Chapter and is subject to enforcement in accordance with Article X of this Chapter. This Article shall not be construed to prohibit the source separation of Recyclable Materials from Solid Waste prior to collection of such Solid Waste. In addition, this Article shall not be construed to apply to Solid Waste not permitted to be accepted at said Designated Municipal Solid Waste Facility.

**Section 4.** Except as herein amended, Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) shall remain in full force and effect.

*(Signature appear on following page)*

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF EL PASO

\_\_\_\_\_  
John F. Cook  
Mayor

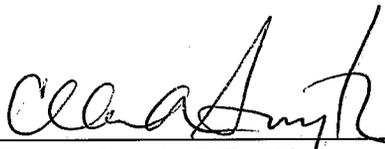
ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Josette Flores  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Ellen A. Smyth, P.E., Director  
Environmental Services Department

ORDINANCE \_\_\_\_\_

**AN ORDINANCE AMENDMENT RELATED TO TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.04 (SOLID WASTE MANAGEMENT) AMENDING 9.04.020 (DEFINITIONS); AMENDING 9.04.070 (COLLECTION PROVIDER) TO INCLUDE TRIPLEX AND QUADRIplex; AND TO CLARIFY THAT ARTICLE VIII ONLY REFERENCES DESIGNATED MUNICIPAL SOLID WASTE FACILITY; THE PENALTY BEING AS PROVIDED IN SECTION 9.04.630 OF THE EL PASO CITY CODE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**Section 1.** That Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management), Section 9.04.020 (Definitions.), Subsection 51. be amended to read as “Quadriplex” and that all subsequent numbers be modified accordingly, to amend the definition of “Residential Property”, and to add a definition for “Triplex”, as follows:

**9.04.020 Definitions.**

- 51. “Quadriplex” means four (4) dwelling units within an Improved Property under the same roof structure, which are arranged, designed or used as residential occupancy and does not include a Mobile Home.
- 55. “Residential Property” means all Improved Property which is used, or is capable to be used as a Single-Family Dwelling, Duplex, Triplex, Quadriplex or Mobile Home Property, and does not include Improved Property used primarily as a Commercial Property or Mixed-use Property.
- 68. “Triplex” means three (3) dwelling units within an Improved Property under the same roof structure, which are arranged, designed or used as residential occupancy and does not include a Mobile Home.

**Section 2.** That Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management), Section 9.04.070 (Collection Provider.), be amended to address Triplex and Quadriplex service as follows:

**9.04.070 Collection Provider.**

Excluding Self-transporters, the City shall be the exclusive Hauler of Municipal Solid Waste and Program Recyclable Materials generated at Residential Properties; however, an Owner or Occupant of Residential Properties containing a Triplex or Quadriplex shall have the option to utilize a Permitted Hauler other than the City as Collection Provider.

**Section 3.** That Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management), ARTICLE VIII – DESIGNATED OR AUTHORIZED MUNICIPAL SOLID WASTE FACILITIES, Section 9.04.520 (Designated or Authorized Municipal Solid Waste Facilities.), Subsection A be amended as follows:

**ARTICLE VIII – DESIGNATED OR AUTHORIZED MUNICIPAL SOLID WASTE FACILITIES**

**9.04.520 Designated or Authorized Municipal Solid Waste Facilities.**

A. For purposes of this Article VIII, the term Designated Municipal Solid Waste Facility shall mean any Municipal Solid Waste Facility designated by the City Manager. Except as otherwise specifically provided in this Chapter, any Person who collects or transports Solid Waste generated and/or otherwise found in the City shall deliver such waste to and shall be required to comply with all posted rules at a Designated the Municipal Solid Waste Facilities operated by the City. ~~A;~~ ny failure of any Person to deliver such waste to a Designated Municipal Solid Waste Facility or to adhere to posted rules at such facility shall be considered a violation of this Chapter and is subject to enforcement in accordance with Article X of this Chapter. This Article shall not be construed to prohibit the source separation of Recyclable Materials from Solid Waste prior to collection of such Solid Waste. In addition, this Article shall not be construed to apply to Solid Waste not permitted to be accepted at said Designated Municipal Solid Waste Facility.

**Section 4.** Except as herein amended, Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) shall remain in full force and effect.

*(Signature appear on following page)*

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF EL PASO

\_\_\_\_\_  
John F. Cook  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Josette Flores  
Assistant City Attorney

\_\_\_\_\_  
Ellen A. Smyth, P.E., Director  
Environmental Services Department