

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

**DEPARTMENT:** Environmental Services Department  
**AGENDA DATE:** CCA Introduction 8/4/09; Public Hearing 8/11/09  
**CONTACT PERSON/PHONE:** Ellen Smyth, 621-6719  
**DISTRICT(S) AFFECTED:** Citywide

**SUBJECT: ORDINANCE**

AN ORDINANCE AMENDING TITLE 5 (BUSINESS, TAXES, LICENSES AND REGULATIONS), CHAPTER 5.48 (LAUNDRIES), TO CORRECT REFERENCES TO PUBLIC LAUNDRY; AMENDING SECTION 5.48.010 (PUBLIC LAUNDRY/DEFINED); ADDRESSING A RE-INSPECTION FEE IN SECTION 5.48.020 (LICENSE-REQUIRED-APPLICATION-INVESTIGATION-ISSUANCE) AND SECTION 5.48.030 (LICENSE-FEE-EXPIRATION); AND SECTION 5.48.050 (LICENSE-DENIAL-SUSPENSION-REVOCAION) BY SPECIFYING THE TIME FOR A FINAL RULING ON AN APPEAL; THE PENALTY AS IS PROVIDED IN SECTION 5.32.160 OF THE EL PASO CITY CODE.

**BACKGROUND / DISCUSSION:**

The Environmental Services Department is requesting an ordinance be revised to update administrative language and the language pertaining to the existing fee structure relating to public laundry licenses. These functions were previously part of the El Paso City-County Health & Environmental District. During the past year, we have reviewed the ordinances and procedures for this function and propose the following recommendations.

**PRIOR COUNCIL ACTION:** N/A

**AMOUNT AND SOURCE OF FUNDING:** N/A

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**BOARD / COMMISSION ACTION:** N/A

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\*\*\*\*\*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 5 (BUSINESS, TAXES, LICENSES AND REGULATIONS), CHAPTER 5.48 (LAUNDRIES), TO CORRECT REFERENCES TO PUBLIC LAUNDRY; AMENDING SECTION 5.48.010 (PUBLIC LAUNDRY/DEFINED); ADDRESSING A RE-INSPECTION FEE IN SECTION 5.48.020 (LICENSE-REQUIRED-APPLICATION-INVESTIGATION-ISSUANCE) AND SECTION 5.48.030 (LICENSE-FEE-EXPIRATION); AND SECTION 5.48.050 (LICENSE-DENIAL-SUSPENSION-REVOCATION) BY SPECIFYING THE TIME FOR A FINAL RULING ON AN APPEAL; THE PENALTY AS IS PROVIDED IN SECTION 5.32.160 OF THE EL PASO CITY CODE.

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

**Section 1.** That all references in Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.48 (Laundries) of the El Paso City Code to the term laundry shall be substituted with the term “public laundry”, with the exception of Section 5.48.180 which shall not be changed.

**Section 2.** That Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.48 (Laundries), Section 5.32.010 (Public Laundry/defined) be amended as follows.

**5.48.010 Public laundry defined.**

Any place, room, building or structure which is used for the purpose of washing, drying, dry cleaning, pressing, starching or ironing wearing apparel, household linens or other washable fabrics for or self-serviced by the general public, shall be deemed a public laundry for the purposes of this chapter.

**Section 3.** That Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.48 (Laundries), Section 5.48.020 (License-Required-Application-Investigation-Issuance), be amended in its entirety as follows:

**5.48.020 License-Required-Application-Investigation-Issuance.**

A. It is unlawful for any person to operate any public laundry business within the city without first obtaining a license therefore. Application for such license shall be made in writing to the Director of the Development Services Department on a form to be provided by him for that purpose, together with the required application fee identified in the adopted budget resolution for the current fiscal year or other appropriately adopted resolution by the City Council. The application shall be sworn to by the applicant and shall contain the following information:

1. The full name and the city address of the individual(s) or organization applying for the license;
2. Information relating to compliance with the physical requirements for a public laundry as required in this chapter; and
3. Such other information, attachments, and submissions that are requested on the application form as reasonably necessary for a fair determination as to whether the license should be issued.

B. It is unlawful for any person to solicit laundry business within the City, whether such public laundry is operated inside or outside of the City, without such person having first obtained a license as provided herein and having complied with all the provisions of this chapter and paid the license fee identified in the adopted budget resolution for the current fiscal year or other appropriately adopted resolution by the City Council.

C. Upon receipt of a proper application as provided in this chapter, the Director of the Development Services Department or designee shall review the application and forward a copy of the application to the Director of the Department of Environmental Services. The two directors shall cause an investigation to be made of the premises described in such application for the purpose of determining whether the conditions therein conform with the provisions of this chapter and whether a license should be issued. Such investigation shall be completed within thirty days after the date of receipt of the application. If such investigation reveals a violation of any of the provisions stated in this ordinance, the applicable re-inspection fee identified in the adopted budget resolution for the current fiscal year or other appropriately adopted resolution by the City Council, shall be assessed and paid to the City five days before a re-inspection is conducted.

D. The Director of the Development Services Department in accordance with the applicable provisions of this chapter shall issue the license applied for within ten days of the completion of the investigation, unless said Director finds any of the following:

1. One or more of the statements made in the application are not true;
2. The applicant has failed to submit a complete application;
3. The required fee has not been paid; or
4. The conditions of the proposed public laundry do not conform with the provisions or requirements of this chapter.

**Section 4.** That Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.48 (Laundries), Section 5.48.030 (License-Fee-Expiration) be amended as follows:

**5.48.030 License-Fee-Expiration.**

For every license issued under the provisions of this chapter there shall be paid to the City by each applicant an annual license fee, and where appropriate, a re-inspection fee, as identified in the adopted budget resolution for the current fiscal year or other appropriately adopted resolution by the City Council. Such license year is to be uniform and is to commence on the first day of January in each successive year and every such license shall expire on the thirty-first day of December following the date of its issuance.

**Section 5.** That Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.48 Laundries), Section 5.48.050 (License-Denial-Suspension-Revocation), Subsection C be amended as follows:

**5.48.050 License-Denial-Suspension-Revocation.**

C. The City Manager or designee shall review the report of the Director of the Development Services Department and the appellant's rebuttal. The City Manager or designee may allow the appellant to make an oral presentation or submit additional rebuttal. The City Manager or designee shall make a ruling on the appeal within ten days after the appeal has been filed.

**Section 6.** That Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.48 (Laundries), Section 5.48.180 (Applicability of provisions) Subsection A. be amended as follows:

**5.48.180 Applicability of provisions.**

A. The provisions of this chapter shall not apply to any room located in a dwelling, in which room domestic laundry work is done by or for the occupants thereof exclusively, or to any person doing private laundry work in their home for personal customers; provided, that not more than two persons shall be so employed in such domestic laundry work.

**Section 7.** That Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.48 Laundries), Section 5.48.190 (Inspections) be amended as follows:

**5.48.190 Inspections.**

The Director of the Department of Environmental Services is authorized to inspect or cause to be inspected from time to time, all premises wherein public laundries are operated for the purpose of ascertaining whether the provisions of this chapter and all other ordinances of the City relative to the keeping and operating of public laundries are being complied with, and it shall be his duty to cause all such ordinances and laws to be strictly enforced.

**Section 8.** That Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.48 (Laundries), Section 5.48.200 (Public Facilities) be added as follows:

**5.48.200 Public Facilities.**

The owner, proprietor or manager of any public laundry shall be required to make available for inspection by the Director of the Department of Environmental Services all public facilities subject to Section 18.20.080 of the City Code.

**Section 9.** That Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.48 ( Laundries), Section 5.48.210 (Violation and penalty) be added as follows:

**5.48.210 Violation and penalty.**

Any person who violates a provision of this chapter shall, upon conviction, be guilty of a misdemeanor and punished by a fine not to exceed two thousand dollars. Each day the violation occurs shall constitute a separate offense.

**Section 10.** This ordinance shall take effect on September 1, 2009.

**Section 11.** Except as expressly herein amended, Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.48 (Laundries) of the El Paso City Code shall remain in full force and effect.

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009.**

THE CITY OF EL PASO:

ATTEST:

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

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Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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Josette Flores  
Assistant City Attorney

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