

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 17 (HOUSING), CHAPTER 17.12 (TRAILER COURTS), SECTION 17.12.030 (LICENSE – PROCEDURE FOR OBTAINING) BY CLARIFYING THE PROCESS; SECTION 17.12.040 (LICENSE – FEE) BY REMOVING THE FEE AMOUNTS AND SECTION 17.12.050 (LICENSE – RENEWAL) BY CLARIFYING THE AUTHORITY FOR SUCH FEE; AND CLARIFYING AUTHORITY AND TITLES IN SECTION 17.12.110, 17.12.120 AND 17.12.130; THE PENALTY AS IS PROVIDED IN SECTION 17.12.150 OF THE EL PASO CITY CODE

BACKGROUND / DISCUSSION:

The Environmental Services Department is requesting an ordinance be revised to update administrative tasks and the language pertaining to the existing fee structure relating to trailer court business 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

BOARD / COMMISSION ACTION: N/A

*****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 17 (HOUSING), CHAPTER 17.12 (TRAILER COURTS), SECTION 17.12.030 (LICENSE – PROCEDURE FOR OBTAINING) BY CLARIFYING THE PROCESS; SECTION 17.12.040 (LICENSE – FEE) BY REMOVING THE FEE AMOUNTS AND SECTION 17.12.050 (LICENSE – RENEWAL) BY CLARIFYING THE AUTHORITY FOR SUCH FEE; AND CLARIFYING AUTHORITY AND TITLES IN SECTION 17.12.110, 17.12.120 AND 17.12.130; THE PENALTY AS IS PROVIDED IN SECTION 17.12.150 OF THE EL PASO CITY CODE

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

Section 1. That Title 17 (Housing), Chapter 17.12 (Trailer Courts), Section 17.12.030 (License – Procedure for obtaining) of the El Paso City Code, shall be and hereby is amended and replaced with the following:

17.12.030 License – Procedure for obtaining.

A. The applicant for the license required in Section 17.12.020 shall submit to the Director of the Development Services Department two copies of plans for the proposed trailer court. The plans shall be drawn to scale, in sufficient detail to show compliance with all applicable ordinances, and shall show all driveways and locations for the parking of house trailers, all buildings, sanitary conveniences, sewer disposal methods, drainage and utility installations. The plans shall be subject to the approval of all city departments concerned as in the case of other building permits.

Provided, submission and approval of such plans shall not be required in connection with the application for a license for any trailer court which was already lawfully in operation on the effective date of Ordinance No. 1518, passed and approved on May 3, 1956, and so continues in operation, but if changes in the design of such existing court be made in the future, the plans for such changes shall be submitted and subject to approval.

B. After approval of the plan the applicant shall apply to the Development Services Department for a license. An applicant shall complete an application form showing the name of the owner of the trailer court, the address to which notices may be sent, the location of the trailer court, and other information reasonably necessary to the enforcement of this chapter. The application shall be accompanied by payment of one-fourth of the annual license fee for each three months or part thereof between the date the license is issued and the next March thirty-first.

C. Prior to issuance of a license, the Director of the Department of Environmental Services shall perform an inspection to ascertain the compliance of the facility with the requirements of this chapter.

D. For facilities that are found to be in compliance with the requirements of this chapter, the Director of the Department of Environmental Services shall promptly notify the Director of the Development Services Department. Facilities in violation of the code, shall be governed by Section 17.12.135 of the City Code.

E. Subject to the approval of the Director of the Department of Environmental Services, and upon receipt of the required fees, the Director of the Development Services Department shall issue the license. The license shall not be valid until a certificate of occupancy has been issued as required by the building code.

F. Licenses are valid only for the location and owner or operator to whom the license is issued. A change in the name of the owner or operator to whom the license is issued shall require the submission of a new application for a new license.

G. Licenses may not be transferred to another party for any use or benefit.

Section 2. That Title 17 (Housing), Chapter 17.12 (Trailer Courts), Section 17.12.040 (License - Fee) of the El Paso City Code, shall be and hereby is amended and replaced with the following:

17.12.040 License – Fees.

A. The annual license fee shall be as identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council. Annual license fees shall be due on March 31st of each year, for the twelve months

following March 31st. The license fee is levied to pay part of the expenses of enforcement of this chapter, and not for revenue.

Section 3. That Title 17 (Housing), Chapter 17.12 (Trailer Courts), Section 17.12.050 (License - Renewal) of the El Paso City Code, shall be and hereby is amended and replaced with the following:

17.12.050 License - Renewal.

A. Licenses may be renewed annually by payment of the annual fee as identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council, provided, if any change is made in the trailer court which would have been required to be shown on the original application, a report thereof shall be made to the Director of the Development Services Department and approval to be obtained as in the case of an original application.

B. Renewal applications shall be made by the applicant on a form available at the Development Services Department.

Section 4. That Title 17 (Housing), Chapter 17.12 (Trailer Courts), Section 17.12.090 (Toilet, bathing and laundry facilities – Building lighting) Subsection J of the El Paso City Code, shall be and hereby is amended by the following:

J. It is unlawful to permit waste from sinks, showers or other fixtures in housetrailer to be deposited on any street, alley, sidewalk, trailer court, or upon any lot. Sinks, showers and other similar fixtures in housetrailer when in use shall be connected with the city sewer system or other sewer disposal approved by the Development Services Department and in compliance with the plumbing and other ordinances of the city;

Section 5. That Title 17 (Housing), Chapter 17.12 (Trailer Courts), Section 17.12.110 (Rules and regulations) and its Subsections E and G, of the El Paso City Code, shall be and hereby are amended by the following:

17.12.110 Rules and regulations.

The owner or manager shall prescribe rules and regulations for the management of the court and shall furnish copies of all such rules and regulations to the Development Services Department. The rules shall provide not less than the following requirements:

E. Such other measures as may be deemed necessary by the Department of Environmental Services for comfort and safety of persons in the court;

G. Report to the Department of Public Health all cases of communicable disease that come to the manager's attention and that have not been treated by a physician;

Section 6. That Title 17 (Housing), Chapter 17.12 (Trailer Courts), Section 17.12.120 (Parking trailers outside courts) Subsection D, of the El Paso City Code, shall be and hereby is amended by the following:

17.12.120 Parking trailers outside courts.

D. No person shall keep or park a housetrailer in violation of this section or in violation of Section 20.10.340 of the City Code.

Section 7. That Title 17 (Housing), Chapter 17.12 (Trailer Courts), Section 17.12.130 (Inspection) Subsections A, B and D of the El Paso City Code, shall be and hereby are amended by the following:

17.12.130 Inspection.

A. The Department of Environmental Services shall inspect each trailer court at least once every year or upon receiving a complaint.

B. If the Director of the Department of Environmental Services or designee shall determine that the condition of the court has become so unsanitary as to endanger the health of the occupants of the court or the residents of the neighborhood, he may order the court closed and all occupants removed therefrom until the necessary corrections have been made. The owner or

manager may appeal to the City Manager from such order and the City Manager may, after reasonable notice and opportunity to be heard, make such order as may be appropriate under the circumstances.

- C. Any rental contract or lease for a unit shall contain the following statement in all capital letters:

“REPORT ANY ADVERSE HEALTH CONDITIONS IN THIS TRAILER COURT TO THE DEPARTMENT OF ENVIRONMENTAL SERVICES.”

Section 8. That Title 17 (Housing), Chapter 17.12 (Trailer Courts), Section 17.12.135 (Correction and re-inspection) of the El Paso City Code, shall be and hereby is created as follows:

17.12.135 Correction and re-inspection.

A. For trailer courts in violation of this chapter, the Director of the Department of Environmental Services shall issue a correction notice to the operator regarding the violation(s). The owner or operator receiving a correction notice shall promptly remedy the violation and ask for a re-inspection by the Department of Environmental Services. No license shall not be issued until the violation(s) have been satisfactorily corrected and passed by the Director of the Department of Environmental Services and all fees identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council have been paid.

B. A correction notice issued by the Director of the Department of Environmental Services shall contain, as a minimum, the following:

1. The name and address of the court;
2. The reason(s) for the correction notice;
3. Recommended corrective measures to bring the facility into compliance; and
4. Establish a reasonable time limit for the completion of the corrective measures.

C. Upon correction of the violation(s), the owner or operator shall call for and receive a re-inspection by the Director of the Department of Environmental Services. The process shall be repeated until compliance with the code is achieved.

D. The owner or operator of a facility receiving a correction notice shall pay the appropriate re-inspection fee as identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council, for each re-inspection performed by the Director of the Department of Environmental Services. Such fees shall be paid within five days from the date of re-inspection.

Section 9. That Title 17 (Housing), Chapter 17.12 (Trailer Courts), Section 17.12.140 (Enforcement) of the El Paso City Code, shall be and hereby is amended by the following:

17.12.140 Enforcement.

The enforcement of the licensing, health, building, plumbing, electrical, air conditioning, safety, fire prevention, and zoning ordinance pertaining to trailer courts and trailers either existing or proposed, regardless of location, shall be under supervision of the Director of the Development Services Department.

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

Section 11. Except as expressly herein amended, Title 17 (Housing), Chapter 17.12 (Trailer Courts) 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

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