

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

**DEPARTMENT:** Development Services Department, Planning Division

**AGENDA DATE:** Introduction: December 11, 2007  
Public Hearing: January 2, 2008

**CONTACT PERSON/PHONE:** Kelly Carpenter, 541-4193

**DISTRICT(S) AFFECTED:** All

**SUBJECT:**

An ordinance amending Title 19 (Subdivisions) of the El Paso City Code to change the references to the City-County Health District to the Department of Environmental Services; and to correct references made to state agencies, specifically, the Department of State Health Services and the Texas Commission on Environmental Quality. (All Districts)

An ordinance amending Title 20 (Zoning) of the El Paso City Code to change the references to the City-County Health District to the Department of Public Health and the Department of Environmental Services, as appropriate; and to eliminate provisions requiring the City-County Health District to issue permits for processing and recycling collection facilities and reverse vending machines; the penalty is as provided in Chapter 20.24 of the El Paso City Code. (All Districts)

**BACKGROUND / DISCUSSION:**

See attached report .

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation  
City Plan Commission (CPC) – Pending Recommendation

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

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Kelly Carpenter

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO CITY CODE TO CHANGE THE REFERENCES TO THE CITY-COUNTY HEALTH DISTRICT TO THE DEPARTMENT OF PUBLIC HEALTH AND THE DEPARTMENT OF ENVIRONMENTAL SERVICES, AS APPROPRIATE; AND TO ELIMINATE PROVISIONS REQUIRING THE CITY-COUNTY HEALTH DISTRICT TO ISSUE PERMITS FOR PROCESSING AND RECYCLING COLLECTION FACILITIES AND REVERSE VENDING MACHINES; THE PENALTY IS AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**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**, some of the environmental services and code compliance functions of the Health District are being moved to the existing City Department of Environmental Services; 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 and/or the Department of Environmental Services.

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

Section 1. That Section 20.04.010 (Responsibility for administration of provisions) be amended as follows:

**Section 20.04.010 Responsibility for administration of provisions.**

Responsibility for the administration of the provisions of this title shall be vested in the city council, the city plan commission, the development services department, the zoning board of adjustments, the engineering department, the fire department, the department of environmental services and the department of public health, in accordance with the provisions of this code, including the provisions of this title.

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Section 2. That Section 20.04.100 (City-county health department) be amended as follows:

**Section 20.04.100 Department of Public Health.**

Pursuant to this code, the department of public health has authority, under the city council, for all animal regulations and public health aspects of this title.

Section 3. That Section 20.10.140 (Child care facilities), subsection A 8 be amended as follows:

**Section 20.10.140 Child care facilities, subsection A 8.**

A. 8. Annual certification shall be required from the fire chief, building official, director of the department of environmental services, and licensing supervisor for the Texas Department of Family and Protective Services that the use and structure comply with the requirements of their respective codes. Provisions of Section 20.10.270 shall also apply to home child care facilities

Section 4. That Section 20.10.150 (Congregate home), subsection D be amended as follows:

**Section 20.10.150 Congregate home, subsection D.**

D. Annual certification shall be required from the fire chief of designee, building official, director of the department of environmental services, and any required licensing agency for the state that the use and the structure comply with the requirements of their respective codes.

Section 5. That Section 20.10.180 (Drilling facilities), subsection C be amended as follows:

**Section 20.10.180 Drilling facilities, subsection C.**

C. A plan submitted and approved by city council as part of the special permit application, showing the reclamation of the site and its future use after the extraction has been completed. Approval of the fire chief, building official and the director of the department of environmental services or his designee shall be required and the use shall comply with all appropriate regulations. A bond or other guarantee satisfactory to the city attorney and in an amount approved by the building official may be required by city council as a guarantee that the reclamation plan will be carried out.

Section 6. That Section 20.10.450 (Personal care facilities), subsection A 6 be amended as follows:

**Section 20.10.450 Personal care facilities, subsection A 6.**

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A. 6. Annual certification shall be obtained from the fire chief, building official, director of the department of environmental services, and the licensing agency for the state that the use and the structure comply with the requirements of their individual codes.

Section 7. That Section 20.10.520 (Recycling collection facilities), subsections A 4 and B 13 be amended as follows:

**Section 20.10.520 Recycling collection facilities, subsection A 4.**

A. 4. Shall accept those items defined as recyclable materials in section 9.04.030 of this Code. Used oil may be accepted as permitted by and in accordance with Chapter 15.20, which must be recycled in compliance with state and federal law.

**Section 20.10.520 Recycling collection facilities, subsection B. 13**

B. 13. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment may be approved at the discretion of the director of the department of environmental services if noise and other conditions are met; and

Section 8. That Subsection 20.10.490 A. 15. be deleted in its entirety.

Section 9. That Subsection 20.10.520 A. 16. be deleted in its entirety and Subsection 20.10.520 A 17 be renumbered as Subsection 20.10.520 A. 16.

Section 10. That Subsection 20.10.580 A. 9. be deleted in its entirety and Subsection 20.10.580 A 10 be renumbered as Subsection 20.10.580 A. 9.

Section 11. Except as herein amended, Title 20 (Zoning) shall remain in full force and effect.

ADOPTED this 2<sup>nd</sup> day of January 2008.

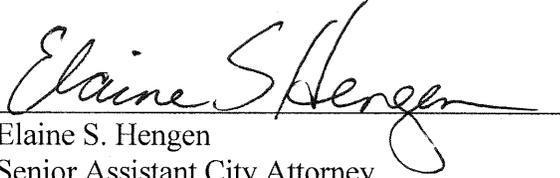
CITY OF EL PASO

ATTEST:

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

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Elaine S. Hengen  
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Ellen Smyth, Director  
Department of Environmental Services

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CITY COUNCIL

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MAYOR

JOYCE WILSON  
CITY MANAGER

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DIRECTOR, DEVELOPMENT SERVICES

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DEPUTY DIRECTOR, PLANNING

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EDDIE HOLGUIN, JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES  
PLANNING DIVISION  
MEMORANDUM**

**DATE:** December 5, 2007  
**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager  
**FROM:** Kelly Carpenter, Deputy Director of Planning  
**SUBJECT:** Amendments to Title 19 (Subdivisions) and Title 20 (Zoning)

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Explanation for the proposed amendments to Titles 19 (Subdivisions) and 20 (Zoning)

**Amendments to Title 19 (Subdivisions)**

On December 31, 2007, the El Paso City-County Health and Environmental District will cease to exist. The City has made plans to assume the governmental responsibilities of the District and has created a Department of Public Health. The City has administratively determined that some of the code enforcement and environmental functions performed by the District will be handled by the Department of Environmental Services, with the remainder of the functions falling under the Department of Public Health.

All of the Health District's duties and functions under Title 19 (Subdivisions) are being assigned to the Department of Environmental Services, so it is necessary to amend Title 19 to state that. Additionally, amendments are being made to this Title to correctly reference the Texas Department of State Health Services and the Texas Commission on Environmental Quality.

**Amendments to Title 20 (Zoning)**

On December 31, 2007, the El Paso City-County Health and Environmental District will cease to exist. The City has made plans to assume the governmental responsibilities of the District and has created a Department of Public Health. The City has administratively determined that some of the code enforcement and environmental functions performed by the District will be handled by the Department of Environmental Services, with the remainder of the functions falling under the Department of Public Health.

As a result, it is necessary to amend Title 20 (Zoning) of the City Code to reassign the duties and functions assigned to the Health District. Three provisions, which relate to permits issued by the District are being deleted, as there are no plans to create a City permitting system of this type. Lastly, a definition of recyclables under Section 20.10.520 A 4 is being revised to be consistent with other existing provisions in the City Code.

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