

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

DEPARTMENT: Department of Public Health

AGENDA DATE: Introduction – December 11, 2007
Public Hearing – December 18, 2007

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

DISTRICT(S) AFFECTED: ALL

SUBJECT:

An Ordinance amending Title 9 (Health and Safety) of The El Paso City Code to change the references to the City-County Health and Environmental District; to assign the duties of the District to the Department of Public Health or the Department of Environmental Services, as appropriate; to revise definitions; to correct titles and Code references; to revise the permitting and appeal processes prescribed in the Title; to delete Section 9.84.040 (Vacation of dangerous buildings); and to correct references made in the Code to two state agencies; the penalty as is provided in Sections 9.04.390, 9.08.070, 9.12.890, 9.16.040, 9.24.050, 9.32.150, 9.38.060, 9.39.040, 9.44.330, 9.48.260, and 9.50.130 of the El Paso City Code.

BACKGROUND / DISCUSSION:

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 various health and safety functions under this Title are being reassigned to the Department of Public Health as well as the Department of Environmental Services. The various permitting and appeal processes in a number of the chapters in this title are being revised to create uniformity within this Title as well as with the provisions in Titles 5 and 7. Section 9.84.040 is being deleted. It is no longer needed, as other code provisions adequately address the issues concerning dangerous buildings. Lastly, corrections are being made to the names of two state agencies referenced in the Code, that have changed their names.

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 9 (HEALTH AND SAFETY) OF THE EL PASO CITY CODE; TO CHANGE THE REFERENCES TO THE CITY COUNTY HEALTH AND ENVIRONMENTAL DISTRICT; TO ASSIGN THE DUTIES OF THE DISTRICT TO THE DEPARTMENT OF PUBLIC HEALTH OR THE DEPARTMENT OF ENVIRONMENTAL SERVICES, AS APPROPRIATE; TO REVISE DEFINITIONS; TO CORRECT TITLES AND CODE REFERENCES; AND TO REVISE THE PERMITTING AND APPEAL PROCESSES PRESCRIBED IN THE TITLE; TO DELETE SECTION 9.84.040 (VACATION OF DANGEROUS BUILDINGS); AND TO CORRECT REFERENCES MADE IN THE CODE TO TWO STATE AGENCIES; THE PENALTY AS IS PROVIDED IN SECTIONS 9.04.390, 9.08.070, 9.12.890, 9.16.040, 9.24.050, 9.32.150, 9.38.060, 9.39.040, 9.44.330, 9.48.260, AND 9.50.130 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, most of the food service functions of the Health District are being moved to the Department of Public Health; and

WHEREAS, two state agencies referenced in Title 9 have changed their names, so it is now necessary to change and correct those names; and

WHEREAS, it is appropriate to revise the permitting and appeal processes contained in various chapters of the title to achieve uniformity in the processes; 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 all references in Title 9 (Health and Safety) of El Paso City Code to the term "Texas Department of Health" and "Texas Board of Health" shall be substituted with the term "Texas Department of State Health Services", except as follows:

- a. That in Chapter 9.04 (Solid Waste Management), in Sections 9.04.250B and 9.04.320E(2), the term "Texas Department of Health" shall be substituted with the term "Texas Commission on Environmental Quality".

Section 2. That all references in Title 9 (Health and Safety) of El Paso City Code to the term "State Board" shall be substituted with the term "Texas Commission on Environmental Quality".

Section 3. That all references in Title 9 (Health and Safety) of the El Paso City Code to the term "Municipal Code" shall be substituted with the term "City Code".

Section 4. That all references in Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) of El Paso City Code to the term "health authority" shall be substituted with the term "director".

Section 5. That all references in Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) of El Paso City Code to the term "El Paso City-County health and environmental district" shall be substituted with the term "director".

Section 6. That Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management), Section 9.04.310 (Appeal from denial, suspension, revocation) be amended as follows:

Section 9.04.310 Appeal from denial, suspension, revocation.

A. A person who has a permit issued under this title, who has been served with a denial, suspension or revocation notice of said permit, may appeal the director's action to the city

manager as provided herein. Within ten business days of taking such action, the director shall prepare a report indicating the reasons for the denial, suspension or revocation, and shall provide a copy to the person. The director's decision is final unless within ten calendar days from the date of receiving the director's report, the person files with the city clerk a written appeal to the city manager specifying reasons for the appeal. Said appeal shall also include a written rebuttal to the director's report.

B. The city manager or his designated deputy city manager shall review the director's report 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 a reasonable period of time after the appeal has been filed.

C. The city manager or designee shall sustain, reverse or modify the action of the director and shall notify the appellant of his decision in writing. The decision of the city manager or designee is final.

Section 7. That all references in Title 9 (Health and Safety), Chapter 9.10 (Mulberry Trees) of El Paso City Code to the term "city-county health district" or "health district" shall be substituted with the term "department of environmental services".

Section 8. That all references in Title 9 (Health and Safety), Chapter 9.10 (Mulberry Trees) of El Paso City Code to the term "board of health" and "health district" shall be substituted with the term "director of the department of environmental services, or designee".

Section 9. That Title 9 (Health and Safety), Chapter 9.11 (Tree Care), Section 9.11.010 (General Provision), Section 9.11.010, Subsection G.3 (Trees Located on Private Property) be amended as follows:

9.11.010.G.3. Property Owner Appeal of Order. If the property owner wishes to appeal the city's order on the basis that the tree is not infested or infected, such appeal must be received by the director of the city's street department within ten days of receipt of the city's order. The appeal must be in writing. Once the appeal is received by the director, the director shall notify the appeal board so that the board may schedule a date for the appeal to be heard. The appeal board shall consist of a quorum of the director or department head, or their designee, of each of the following departments: development services department, street department, parks and recreation department, and environmental services. An official from the Texas Forest Service may serve as an ex-officio member, without the right to vote, nor shall he be counted for purposes of establishing a quorum. The director of the street department will be responsible for

notifying the property owner of the appeal date, providing all the necessary documents to the board, and conducting the appeal. The board shall render a decision based on all the evidence and documentation presented. The decision of the board shall be final. The director of the street department shall notify the property owner in writing of the board's decision.

Section 10. That all references in Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishment) of El Paso City Code to the term "regulatory authority", "health director", "health administrator", "health authority", and "health district" shall be substituted with the term "director", except as follows:

- a. That in Chapter 9.12 (Food and Food Handling Establishment), in Section 9.12.240, Subsection B.1, the term "health district" shall be substituted with the term "department".
- b. That Chapter 9.12 (Food and Food Handling Establishment), in Section 9.12.790, 9.12.790 (Food establishments outside of city limits) shall be amended in its entirety as follows:
9.12.790 (Food establishments outside of city limits) Food prepared at establishments located outside the city limits may be sold inside the city limits if such establishments conform to the provisions of this chapter or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the director may accept reports from regulatory authorities in the jurisdiction where such establishments are located.

Section 11. That all references in Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishment) of El Paso City Code to the term "board of health" shall be substituted with the term "city manager or designee".

Section 12. That the following definition contained in Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishment), Section 9.12.010 (Definitions) be added:

Section 9.12.010 Definitions (add the following definition).

“Department” means the department of public health.

Section 13. That the following definition contained in Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishment), Section 9.12.010 (Definitions) be added:

Section 9.12.010 Definitions (add the following definition).

“Director” means director of the department of public health, or designee.

Section 14. That the following definition contained in Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishment), Section 9.12.010 (Definitions) be deleted:

Section 9.12.010 Definitions (delete the following definition).

“Health authority” means director of the El Paso city-county health and environmental district or a physician appointed by the director when the director is not a physician.

Section 15. That Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishment), Section 9.12.100 (Suspension or revocation -- Appeal) be amended in its entirety as follows:

Section 9.12.100 Suspension or revocation -- Appeal.

A. A person who has a permit issued under this title, who has been served with a suspension or revocation notice of said permit, may appeal the director’s action to the city manager as provided herein. Within ten business days of taking such action, the director shall prepare a report indicating the reasons for the suspension or revocation, and shall provide a copy to the person. The director’s decision is final unless within ten calendar days from the date of receiving the director’s report, the person files with the city clerk a written appeal to the city manager specifying reasons for the appeal. Said appeal shall also include a written rebuttal to the director’s report.

B. The city manager or his designated deputy city manager shall review the director’s report 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 a reasonable period of time after the appeal has been filed.

C. The city manager or designee shall sustain, reverse or modify the action of the director and shall notify the appellant of his decision in writing. The decision of the city manager or designee is final.

Section 16. That Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishment), Section 9.12.700 (Appeal process) be deleted in its entirety.

Section 17. That Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishment), Section 9.12.820 (Health authority's responsibility) be amended in its entirety as follows:

9.12.820 Responsibility of the Director of Public Health. The director shall be responsible for enforcement of this chapter, and enforcement of standards of care and recommended rules and regulations that are relevant to the subject matter of this chapter.

Section 18. That Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishment), Section 9.12.880 (Food examination and condemnation) be amended in its entirety as follows:

Section 9.12.880 Food examination and condemnation.

- A. If the director discovers food for which there is probable cause to believe is in violation of this chapter, a written hold order shall be placed on such food. The director shall tag, label or otherwise identify any food subject to a hold order. No food subject to a hold order shall be used, served or moved from the establishment. The director shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished.
- B. A person who has been served with a hold order or destruction order may appeal the director's action to the city manager as provided herein. Within ten business days of taking such action, the director shall prepare a report indicating the reasons for the hold order or destruction order, and shall provide a copy to the person. The director's decision is final unless within ten calendar days for the date of receiving the director's report, the person files with the city clerk a written appeal to the city manager specifying reasons for the appeal. Said appeal shall also include a written rebuttal to the director's report. The hold order or destruction order shall state that a request for a hearing shall be filed by written notice to the city manager or his designated deputy city manager within ten days

- and that if no appeal is requested, the food shall be destroyed. If a request for an appeal is received, the appeal shall be held within five days after receipt of the request.
- C. The city manager or his designated deputy city manager shall review the director's report 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 a reasonable period of time after the appeal has been filed.
 - D. The city manager or designee shall sustain, reverse or modify the action of the director and shall notify the appellant of his decision in writing. Where necessary, the city manager or designee shall determine to vacate the destruction order or direct the person to destroy such food, which shall constitute the ruling on the appeal and which shall be done within seven days after the appeal has been filed. The decision of the city manager or designee is final.
 - E. If the food under hold order or destruction order can be brought into compliance with the provisions of this chapter, the director shall allow the food to be used, served or moved from the establishment.

Section 19. That all references in Title 9 (Health and Safety), Chapter 9.24 (Mosquito Control) of El Paso City Code, to the term "city-county health district" or "city-county health unit" shall be substituted with the term "department of environmental services".

Section 20. That all references in Title 9 (Health and Safety), Chapter 9.28 (Rat Control) of El Paso City Code, to the term "city-county health unit" shall be substituted with the term "department of environmental services".

Section 21. That all references in Title 9 (Health and Safety), Chapter 9.32 (Tattooing and Body Piercing) of El Paso City Code, to the term "health authority", "city/county health and environmental district" and "city-county health and environmental district" shall be substituted with the term "director of the department of environmental services", except as follows:

- a. That in Chapter 9.32 (Tattooing and Body Piercing), in Section 9.32.060, Subsection B. the term "city/county health and environmental district" shall be substituted with the term "department of public health".

Section 22. That the following definition contained in Title 9 (Health and Safety), Chapter 9.32 (Tattooing and Body Piercing), Section 9.32.020 (Definitions) of the El Paso City Code be deleted:

Section 9.32.020 Definitions (delete the following definition as "C" and renumber all remaining definitions).

C. "Board" means El Paso city-county board of health.

Section 23. That the following definition contained in Title 9 (Health and Safety), Chapter 9.32 (Tattooing and Body Piercing), Section 9.32.020 (Definitions) of the El Paso City Code be added:

Section 9.32.020 Definitions (add the following definition as "G" and renumber all remaining definitions).

"Director" means the director of the department of environmental services or designee.

Section 24. That the following definition contained in Title 9 (Health and Safety), Chapter 9.32 (Tattooing and Body Piercing), Section 9.32.020 (Definitions) of the El Paso City Code be deleted:

Section 9.32.020 Definitions (delete the following definition as "N" and renumber all remaining definitions).

N. "Health authority" means director of the El Paso city-county health and environmental district or a physician appointed by the director when the director is not a physician.

Section 25. That Title 9 (Health and Safety), Chapter 9.32 (Tattooing and Body Piercing), Section 9.32.040 (License investigation) of the El Paso City Code be amended in its entirety as follows:

9.32.040 License investigation.

A. The director of the building permits and inspections department, after investigation and approval of the studio or temporary location, shall refer an application filed in accordance with the requirements of chapter 5.96 of this code, to the director of the department of environmental services who shall conduct an investigation to determine if:

1. The applicant is sufficiently skilled in the practice of tattooing and/or body piercing;
and

2. If the applicant has engaged in conduct which has or could endanger the public health and safety of individuals receiving tattoos and/or body piercing.

B. Licenses shall be issued or the application denied as provided in chapter 5.96 of this code. All licenses must be renewed before the thirty-first day of August of every year.

Section 26. That Title 9 (Health and Safety), Chapter 9.32 (Tattooing and Body Piercing), Section 9.32.150 (Penalty) of the El Paso City Code be amended in its entirety as follows:

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

Section 27. That all references in Title 9 (Health and Safety), Chapter 9.36 (Air Pollution) of the El Paso City Code, to the term "city-county health unit" shall be substituted with the term "department of environmental services".

Section 28. That the following definition contained in Title 9 (Health and Safety), Chapter 9.36 (Air Pollution), Section 9.36.010.E (Definitions) of the El Paso City Code be revised as follows:

Section 9.36.010.E Definitions (revise the following definition).

E. "Director" means director of the Department of Environmental Services, or designee.

Section 29. That the following definition contained in Title 9 (Health and Safety), Chapter 9.36 (Air Pollution), Section 9.36.010.K (Definitions) of the El Paso City Code be deleted:

Section 9.36.010 Definitions (delete the following definition as "K" and renumber the remaining definitions).

K. "State board" means the Texas Air Control Board, as created and established by the Clean Air Act of Texas, 1967, same being codified as Article 4477-5 of the Revised Civil Statutes of Texas.

Section 30. That all references in Title 9 (Health and Safety), Chapter 9.38 (Woodburning) of the El Paso City Code, to the term "city-county health district" and "city-county health districts" shall be substituted with the term "department of environmental services".

Section 31. That all references in Title 9 (Health and Safety), Chapter 9.38 (Woodburning) of the El Paso City Code to the term "board of health" shall be substituted with the term "city manager or a deputy city manager as designated by the city manager".

Section 32. That all references in Title 9 (Health and Safety), Chapter 9.40 (Noise) of the El Paso City Code, to the term "health authority" shall be substituted with the term "director of the department of environmental services".

Section 33. That the following definition contained in Title 9 (Health and Safety), Chapter 9.40 (Noise), Section 9.40.010 (Definitions) of the El Paso City Code be added:

Section 9.40.010 Definitions (add the following definition as number 7, and renumber all subsequent definitions).

7. "Director" means director of the department of environmental services, or designee.

Section 34. That the following definition contained in Title 9 (Health and Safety), Chapter 9.40 (Noise), Section 9.40.010 (Definitions) of the El Paso City Code be deleted:

Section 9.40.010 Definitions (delete the following definition, and correct remaining numbering as needed).

"Health authority" includes the director of the city-county health unit and his designated representatives.

Section 35. That all references in Title 9 (Health and Safety), Chapter 9.44 (Midwives) of the El Paso City Code, to the term “director of El Paso city-county health district”, “director of the El Paso city-county health and environmental district”, “El Paso city-county board of health”, “city-county board of health” and “health authority” shall be substituted with the term “director of the department of public health”.

Section 36. That all references in Title 9 (Health and Safety), Chapter 9.44 (Midwives) of the El Paso City Code, to the term “El Paso city-county health and environmental district” shall be substituted with the term “department of public health”, except as follows:

- a. That Title 9, Chapter 9.44 (Midwives), Section 9.44.090 (Application) shall be amended in its entirety as follows:

Section 9.44.090 Application. Applications for permits shall be made on forms requested from and provided by the department of public health and shall be completed in full as applicable.

Section 37. That the following definition contained in Title 9 (Health and Safety), Chapter 9.44 (Midwives), Section 9.44.010 (Definitions) of the El Paso City Code be added:

Section 9.44.010 Definitions (add the following definition as “E”, and renumber all subsequent definitions).

E. “Department” means director of the department of public health, or designee.

Section 38. That the following definition contained in Title 9 (Health and Safety), Chapter 9.44 (Midwives), Section 9.44.010 (Definitions) of the El Paso City Code be added:

Section 9.44.010 Definitions (add the following definition as “F”, and renumber all subsequent definitions, as needed).

F. “Director” means director of the department of public health, or designee.

Section 39. That the following definition contained in Title 9 (Health and Safety), Chapter 9.44, (Midwives), Section 9.44.010 (Definitions) of the El Paso City Code be deleted:

Section 9.44.010 Definitions (delete the following definition as "G", and renumber all remaining definitions as needed).

G. "Health authority" includes the director of the El Paso city-county health and environmental district.

Section 40. That the following definition contained in Title 9 (Health and Safety), Chapter 9.44 (Midwives), Section 9.44.010 (Definitions) of the El Paso City Code be added:

Section 9.44.010 Definitions (add the following definition as number F, and renumber all subsequent definitions, as needed).

"Director" means director of the department of public health, or designee.

Section 41. That the address for the El Paso Midwifery Commission in Title 9 (Health and Safety), Chapter 9.44 (Midwives), Section 9.44.300.C of El Paso City Code, shall be amended as follows:

El Paso Midwifery Commission
City of El Paso Department of Public Health
5115 El Paso Drive
El Paso, Texas 79905
(915) 771-5702.

Section 42. That Title 9 (Health and Safety), Chapter 9.44 (Midwives), Section 9.44.120 of El Paso City Code, be amended in its entirety as follows:

9.44.120 Apprentice permits. Upon application, an apprentice permit may be obtained from the Department administrative offices located at 5115 El Paso Drive, El Paso, Texas. This permit authorizes the person to obtain the required clinical experience under the direct supervision of a licensed physician, nurse midwife or permitted midwife. An apprentice midwife may only provide care or services under the direct supervision of a licensed physician, certified nurse midwife or permitted

midwife and may in no way represent herself as a permitted midwife. The applicant must provide verification of apprentice/supervisor relationship from the person or persons supervising the applicant. The permit is valid only as long as the verified relationship between applicant and supervisor exists. No apprentice permit will be issued until the applicant presents:

- A. Proof of negative findings for serology for syphilis and tuberculosis;
- B. Proof of completion of an approved course in the United States in cardiopulmonary resuscitation for adults and infants;
- C. High school diploma or its equivalent.

Section 43. That all references in Title 9 (Health and Safety), Chapter 9.48 (Public Swimming Pools and Spas) of El Paso City Code, to the term "health authority" shall be substituted with the term "director".

Section 44. That the following definition contained in Title 9 (Health and Safety), Chapter 9.48 (Public Swimming Pools and Spas), Section 9.48.040 (Definitions) of the El Paso City Code be deleted:

Section 9.48.040 Definitions (delete the following definition as "D", and renumber all remaining definitions).

D. "Board" means the El Paso city-county board of health.

Section 45. That the following definition contained in Title 9 (Health and Safety), Chapter 9.48 (Public Swimming Pools and Spas), Section 9.48.040 (Definitions) of the El Paso City Code be added:

Section 9.48.040 Definitions (add the following definition and renumber J as K, and correct subsequent numbering as needed).

J. "Director" means the director of the department of environmental services, or designee.

Section 46. That the following definition contained in Title 9 (Health and Safety), Chapter 9.48 (Public Swimming Pools and Spas), Section 9.48.040 (Definitions) of the El Paso City Code be deleted:

Section 9.48.040 Definitions (delete the following definition as number K, and renumber all remaining definitions).

K. "District" means the El Paso city-county health and environmental district.

Section 47. That the following definition contained in Title 9 (Health and Safety), Chapter 9.48 (Public Swimming Pools and Spas), Section 9.48.040 (Definitions) of the El Paso City Code be deleted:

Section 9.48.040 Definitions (delete the following definition as number M, and renumber all remaining definitions).

M. "Health authority" means the director of the El Paso city-county health and environmental district or designate.

Section 48. That Title 9 (Health and Safety), Chapter 9.48 (Public Swimming Pools and Spas), Section 9.48.260 (Violation and penalty) of the El Paso City Code be amended in its entirety as follows:

9.48.260 Violation and penalty.

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

Section 49. That all references in Title 9 (Health and Safety), Chapter 9.50 (Public and Workplace Smoking Restrictions) of El Paso City Code, to the term "city-county health and environmental district" shall be substituted with the term "department of environmental services".

Section 50. That the subtitle of Title 9 (Health and Safety), Chapter 9.50 (Public and Workplace Smoking Restrictions), Section 9.50.030 of El Paso City Code, be amended as follows:

9.50.030 Prohibition of smoking in public places.

Section 51. That all references in Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code) of El Paso City Code, to the term "El Paso City-County Health and Environmental District" or "health district" shall be substituted with the term "department of environmental services".

Section 52. That all references in Title 9 (Health and Safety), Chapter 9.84 (Miscellaneous Health Regulations) of El Paso City Code, to the term "El Paso City-County Health and Environmental city-county health authority" shall be substituted with the term "director of the department of environmental services".

Section 53. That Title 9 (Health and Safety), Chapter 9.84 (Miscellaneous Health Regulations), Section 9.84.040 of El Paso City Code, shall be deleted in its entirety, and mark this section as Reserved upon its deletion.

Section 54. That Title 9 (Health and Safety), Chapter 9.84 (Miscellaneous Health Regulations), Section 9.84.050, Subsection A. of El Paso City Code, be amended in its entirety as follows:

9.84.050 Venereal disease clinic--Fees.

A. Fees for services provided by the venereal disease clinic shall continue as established by the El Paso City-County Health and Environmental District prior to that entity's dissolution, until such fees shall be revised and set by budget resolution or by other appropriate resolution of city council.

Section 55. It is the intent of the City of El Paso that the changes directed by this ordinance in Sections 1, 2, 3, 4, 5, 7, 8, 10, 11, 19, 20, 21, 27, 30, 31, 32, 35, 36, 43, 49, 51 and 52 shall not apply to any ordinance passed on or after the date this ordinance is passed and any changes in terms that are necessary for any ordinance passed on or after the date this ordinance is passed shall be included within such other ordinance. Therefore, these changes directed to be made by the publisher of the

City Code by this ordinance shall not apply to any section of the El Paso City Code enacted or amended by the El Paso City Council on and after January 2, 2008.

Section 56. Except as herein amended, Title 9 (Health and Safety) shall remain in full force and effect.

ADOPTED this 18th day of December, 2007.

CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

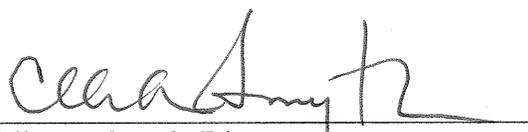
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Josette Flores
Assistant City Attorney

APPROVED AS TO CONTENT:



Ellen A. Smyth, Director
Department of Environmental Services