

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.52 (FIRE PREVENTION CODE), SECTION 9.52.010 (ADOPTED), 105.6.34 (WASTE HANDLING) BY ADDING SUBSECTION 105.6.34.1 (PERMIT REQUIREMENTS FOR RECYCLING FACILITIES, WRECKING YARDS AND JUNKYARDS); THE PENALTY AS PROVIDED IN EL PASO CITY CODE SUBSECTIONS 9.52.030.105.1.1 (PERMITS REQUIRED) AND 9.52.030.109.3 (VIOLATION PENALTIES).

WHEREAS, the City Council of the City of El Paso has determined that it is in the interest of the public health, safety, and welfare of the residents of the City of El Paso to adopt updated standards to assist in the prevention of fires in recycling facilities, wrecking yards and junkyards within the City limits of the City of El Paso and its extraterritorial jurisdiction.

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

Section 1. That Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.010 (Adopted), 105.6.34 (Waste Handling) shall be and hereby is amended in its entirety as follows:

105.6.34 **Waste Handling.** An operational permit is required for the operation of waste material handling facilities and for automobile wrecking yards, junkyards, recycling facilities, and wrecking yards, as defined in this Subsection.

105.6.34.1 Definitions

1.1 "Automobile wrecking yard" means a yard consisting of that part of a lot not enclosed by a building, which is used for the wrecking or dismantling of used, damaged or obsolete motor vehicles or trailers or the storage, sale, or dumping of such vehicles or of their salvaged parts.

1.2. "Combustible waste" means any material that is a by-product of a recycling process which may or may not have salvageable value and poses a significant fire hazard if ignited by a flame, spark, or any other source of ignition.

1.3. "Fluff" means any material that is a by-product of the recycling process that includes but is not limited to, shredding operations, metals separation, compacting or transport operations, which may or may not have salvageable value, and which may or may not be combustible waste.

1.4. "Junkyard" means a business enterprise that owns and is operated to store, buy or sell junk as defined in Section 5.40.010 of the City Code, all or part of which is kept outdoors until disposed.

1.5. “Pile storage” means any accumulation of combustible materials in a heap or mound which poses a significant fire hazard due to the increased surface area if ignited by flame, spark, or other source of ignition.

1.6. “Recycling facilities” means a business enterprise that is primarily engaged in the following:

1.6.1. Converting ferrous or non-ferrous metals or other materials into products having an existing or potential economic value.

1.6.2. Obtaining or storing ferrous or non-ferrous metals or other materials for the intended purpose of converting or processing them into other products having an existing or potential economic value.

1.6.3. Facilities that accept materials that contain metal, including but not limited to junked automobiles, scrap metal, machinery, metal products and appliances and whose process includes metals separation through sorting, shredding, compacting and the use of electromagnetic equipment.

1.7. “Wrecking yard” means a yard consisting of that part of a lot not enclosed by a building which is used for wrecking, dismantling, storage, sale, salvaging, dumping or disposing of used, damaged, or obsolete products, and or materials other than motor vehicles or trailers.

105.6.34.2. Specific Permit Requirements. Automobile wrecking yards, junkyards, recycling facilities, and wrecking yards shall comply with the following in order to receive a permit and as a condition of the permit. Permit holders must maintain the following in order to remain in compliance with the present ordinance:

2.1. An approved fire apparatus access road shall be provided to within 150 feet of all outside combustible/flammable materials storage, including pile storage;

2.2. Fire apparatus access roads and gates shall be required in accordance with Section 503 and Appendix D of Chapter 9.52 of the City Code;

2.3. Fencing on the outermost property line boundaries shall be established in accordance with applicable zoning requirement;

2.4. Roads and the plant yard within automobile wrecking yards, junkyards, recycling facilities, and wrecking yards shall comply with all applicable ordinances, statutes and regulations regarding the control of emissions, whether dust or otherwise.

2.5. All product and waste materials stored outdoors must be contained within the property boundary;

2.6. All combustible/flammable materials storage shall meet the requirements of Sections 304 and of 2305 of Chapter 9.52 of the City Code.

2.7. Outside Storage. Pile storage, outdoor storage of combustible fluff, combustible materials and scrap material shall be maintained in accordance with current and adopted fire code requirements and shall include the following requirements:

2.7.1. Storage shall not exceed 20 feet in height nor 150 feet in width and 250 feet in length;

2.7.2. A minimum of 20 feet width separation between all storage shall be provided;

2.7.3. Storage shall be maintained from the fence line a minimum distance equal to the height of the material stored;

2.7.4. Storage shall not be located within 10 feet of a property line, building, and or structure, or not less than applicable environmental permit authorization distance limit;

2.8. Emergency plans and procedures shall be maintained in accordance with current and adopted fire code requirements.

105.6.34.3. Automobile Wrecking Yards. Automobile wrecking yards shall be operated and maintained in accordance with this section.

3.1. Fluids. All fluids from vehicles shall be drained upon arrival at the automobile wrecking yard. Fluids shall be segregated, properly stored, and properly disposed of in accordance with current and adopted fire code requirements and other applicable laws.

3.2. Batteries. Batteries shall be removed from vehicles upon arrival at the automobile wrecking yard and stored in accordance with current and adopted fire code requirements. All spills resulting from said removal process onto the ground shall be cleaned up immediately. All broken or leaking batteries shall be disposed of or recycled according to applicable environmental regulations.

3.3. Tire storage. The storage of tires shall comply with Chapter 25 of the current and adopted fire code.

Section 2. Any application of this Subsection is subject to the requirements of this chapter and Titles 5, 9, 15 and 20 of the City Code, and whichever being the more restrictive shall govern.

Section 3. This ordinance shall take effect on September 1, 2010.

Section 4. Except as expressly herein amended, Title 9 (Health and safety), Chapter 9.52 (Fire prevention code), of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS ____ DAY OF _____, 2010.

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

Otto Drozd
Fire Chief