

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

AGENDA DATE: 8/13/24

PUBLIC HEARING DATE: 8/27/24

CONTACT PERSON(S) NAME AND PHONE NUMBER: Nicholas Ybarra, (915) 212-6000

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: Goal 3 – Promote the Visual Image of El Paso

SUBGOAL:

SUBJECT:

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.04 (SOLID WASTE MANAGEMENT), SECTION 9.04.170 (COLLECTION PROVIDERS) ADDRESSING THE NEED FOR DISPOSAL OF SOLID WASTE AT ALL COMMERCIAL AND MIXED-USE PROPERTIES, BY ADDING PROVISIONS TO REQUIRE NOTICE AND TIME TO REMEDY VIOLATIONS, AND FOR THE ENFORCEMENT OF THIS SECTION, OF THE EL PASO CITY CODE, PROMOTING GREATER SAFETY AND IMPROVED SERVICE TO THE CITIZENS OF EL PASO IN THE COLLECTION OF SOLID WASTE AT COMMERCIAL AND MIXED-USE PROPERTIES THROUGHOUT THE CITY OF EL PASO.

BACKGROUND / DISCUSSION:

This ordinance amendment adds provisions requiring notice and time to remedy violations of not having trash service at commercial and mixed used properties. The update provides the director or their designated representative to provide written notice of violation 14-days before issuing citation and limits on non-compliance.

PRIOR COUNCIL ACTION:

Ordinance revised 8/24/10

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT:

SECONDARY DEPARTMENT:

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.04 (SOLID WASTE MANAGEMENT), SECTION 9.04.170 (COLLECTION PROVIDERS) ADDRESSING THE NEED FOR DISPOSAL OF SOLID WASTE AT ALL COMMERCIAL AND MIXED-USE PROPERTIES, BY ADDING PROVISIONS TO REQUIRE NOTICE AND TIME TO REMEDY VIOLATIONS, AND FOR THE ENFORCEMENT OF THIS SECTION, OF THE EL PASO CITY CODE, PROMOTING GREATER SAFETY AND IMPROVED SERVICE TO THE CITIZENS OF EL PASO IN THE COLLECTION OF SOLID WASTE AT COMMERCIAL AND MIXED-USE PROPERTIES THROUGHOUT THE CITY OF EL PASO.

WHEREAS, the City of El Paso wishes to amend Title 9, Chapter 9.04, Section 9.04.170 to provide a succinct legal process for enforcement of solid waste collection at commercial and mixed-use properties; and

WHEREAS, owners and occupants of commercial and mixed-use properties are required to have a means of disposal; and

WHEREAS, the City and permitted haulers provide solid waste collection services throughout the City of El Paso; and

WHEREAS, additionally, owners and occupants of commercial and mixed-use properties also have the option to transport solid waste to a waste facility; and

WHEREAS, a period of 14-days before citation is provided to have owners or occupants of commercial properties and mixed-use properties come into compliance.

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

SECTION 1. That Title 9 (Health and Safety), Chapter 9.04 (Solid Waste), Section 9.04.170 (Collection providers), is hereby amended to read as follows:

9.04.170- Collection provider.

- A. Excluding self-transporters, owners or occupants of commercial properties and mixed-use properties shall contract with a permitted hauler to collect all solid waste generated at such commercial properties and mixed-use properties.
- B. The director of the department of environmental services, or the police chief or his or her designated representative, shall be responsible for the enforcement of this chapter.

- C. The director or his or her designated representative shall provide written notice of a violation to the owners or occupants of commercial and mixed-use properties 14 days before issuing a citation.
- D. During the 14-day period preceding issuance of the citation, the owners or occupants of commercial and mixed-use properties must submit proof of a current contract with a permitted hauler to collect all solid waste generated or proof of ongoing disposal of solid waste at an authorized municipal solid waste facility to avoid citation.
- E. Any person who violates any provision of this chapter shall, upon conviction, be guilty of a Class C misdemeanor and punished by a fine not to exceed \$2,000.

SECTION 2. Except as herein amended, Title 9 of the El Paso City Code shall remain in full force and effect.

ADOPTED this ____ day of _____, 2024.

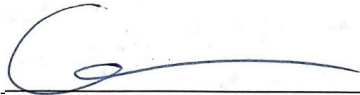
CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Carlos L. Armendariz
Assistant City Attorney

APPROVED AS TO CONTENT:



Nicholas Ybarra, Director
Environmental Services Department

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.04 (SOLID WASTE MANAGEMENT), SECTION 9.04.170 (COLLECTION PROVIDERS) ADDRESSING THE NEED FOR DISPOSAL OF SOLID WASTE ~~AND RECYCLABLE MATERIALS~~ AT ALL COMMERCIAL AND MIXED-USE PROPERTIES, BY ADDING PROVISIONS TO REQUIRE NOTICE AND TIME TO REMEDY VIOLATIONS, AND FOR THE ENFORCEMENT OF THIS SECTION, OF THE EL PASO CITY CODE, PROMOTING GREATER SAFETY AND IMPROVED SERVICE TO THE CITIZENS OF EL PASO IN THE COLLECTION OF SOLID WASTE ~~AND RECYCLABLES~~ AT COMMERCIAL AND MIXED-USE PROPERTIES THROUGHOUT THE CITY OF EL PASO.

WHEREAS, the City of El Paso wishes to amend Title 9, Chapter 9.04, Section 9.04.170 to provide a succinct legal process for enforcement of solid waste ~~and recyclable materials~~ collection at commercial and mixed-use properties; and

WHEREAS, owners and occupants of commercial and mixed-use properties are required to have a means of disposal; and

WHEREAS, the City and permitted haulers provide solid waste ~~and recycling~~ collection services throughout the City of El Paso; and

WHEREAS, additionally, owners and occupants of commercial and mixed-use properties also have the option to transport solid waste ~~and recyclable materials~~ to a waste facility; and

WHEREAS, a period of 14-days before citation is provided to have owners or occupants of commercial properties and mixed-use properties come into compliance.

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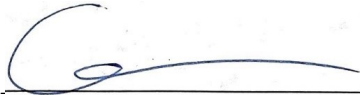
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