

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

DEPARTMENT: Environmental Services

AGENDA DATE: Introduction: March 30, 2021
Public Hearing: April 13, 2021

CONTACT PERSON NAME AND PHONE NUMBER: Ellen A. Smyth (915) 212-6000

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 8.6 : Provide long-term, cost effective, sustainable regional solid waste solutions

SUBJECT:

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.04 (SOLID WASTE MANAGEMENT), SECTION 9.04.010 TO ADDRESS THE NEED FOR SAFE ACCESS (NFSA) TO RESIDENTIAL PROPERTIES BY THE ENVIRONMENTAL SERVICES DEPARTMENT, PROMOTING GREATER SAFETY AND IMPROVED CUSTOMER SERVICE BY PROVIDING THE DIRECTOR OF THE DEPARTMENT OR APPOINTEE OF THE DIRECTOR THE AUTHORITY TO ESTABLISH A POLICIES RELATED TO THE NEED FOR THE SAFE ACCESS (NFSA) FOR RESIDENTIAL PROPERTIES ABUTTING A PRIVATE STREET OR ALLEY AND TO REQUIRING SUCH PROPERTY OWNER OR CITIZEN OF THE CITY OF EL PASO TO ADHERE TO THAT POLICY OR, IF ADHERENCE IS NOT POSSIBLE, SAID PROPERTY OWNER SHALL BE REQUIRED TO SECURE SOLID WASTE COLLECTION SERVICE FROM A PERMITTED HAULER OTHER THAN THE DEPARTMENT IN AN EFFORT TO PROMOTE GREATER SAFETY AND IMPROVED SERVICE TO THE CITIZENS OF EL PASO IN THE COLLECTION OF SOLID WASTE AND RECYCLABLES AT RESIDENTIAL PROPERTIES THROUGH THE CITY OF EL PASO.

BACKGROUND / DISCUSSION:

In order to safely access residential properties that are accessed by Environmental Services vehicles on a private street or alley, such as gated communities, mobile home parks and ranch/farm homesteads, it is necessary to authorize the Director to establish a policy for a safe and consistent approach to provide waste and recycling services to these communities. Narrow drive paths, poorly maintained surfaces, overhead obstructions and lack of turn space present frequent hazards to ESD truck drivers. The policy will allow the department to identify hazards, propose accommodations, and require a service agreement with the neighborhood for waste collection. In the event that the customer does not wish to address the safety hazards, they may contract a private hauler for service in lieu of ESD.

PRIOR COUNCIL ACTION:

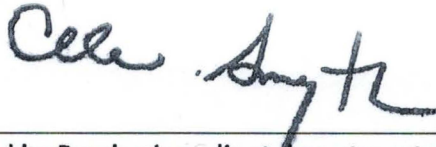
N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD: Ellen A. Smyth, P.E



(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 9.04.010 TO ADDRESS THE NEED FOR SAFE ACCESS (NFSA) TO RESIDENTIAL PROPERTIES BY THE ENVIRONMENTAL SERVICES DEPARTMENT, PROMOTING GREATER SAFETY AND IMPROVED CUSTOMER SERVICE BY PROVIDING THE DIRECTOR OF THE DEPARTMENT OR APPOINTEE OF THE DIRECTOR THE AUTHORITY TO ESTABLISH POLICIES RELATED TO THE NEED FOR THE SAFE ACCESS (NFSA) FOR RESIDENTIAL PROPERTIES ABUTTING A PRIVATE STREET OR ALLEY AND REQUIRING SUCH PROPERTY OWNER OR CITIZEN OF THE CITY OF EL PASO TO ADHERE TO THAT POLICY OR, IF ADHERENCE IS NOT POSSIBLE, SAID PROPERTY OWNER SHALL BE REQUIRED TO SECURE SOLID WASTE COLLECTION SERVICE FROM A PERMITTED HAULER OTHER THAN THE DEPARTMENT IN AN EFFORT TO PROMOTE GREATER SAFETY AND IMPROVED SERVICE TO THE CITIZENS OF EL PASO IN THE COLLECTION OF SOLID WASTE AND RECYCLABLES AT RESIDENTIAL PROPERTIES THROUGH THE CITY OF EL PASO.

WHEREAS, Section 9.04.010 defines the creation and purpose of the Environmental Services Department (Department); and

WHEREAS, Section 9.04-010 demonstrates the purpose of the Department; and

WHEREAS, The City provides waste and recycling collection services throughout the City of El Paso; and

WHEREAS, The City wishes to grant the director or assignee of the director of Environmental Services Department to promulgate policies to address the Need For Safe Access (NFSA) to residential properties abutting a private street or alley; and

WHEREAS, the requirement of the property owner or citizen to adhere to a policy that promotes NFSA to private streets or alleys promotes greater safety and improved service to the Property Owners/Citizens of the City of El Paso; and

WHEREAS, property owners will be required to adhere to the policy of NFSA to the residential properties by allowing safe entrance to the property by Department solid waste and recycling trucks promotes greater safety and improved service to the Property Owners/Citizens of the City of El Paso; and

WHEREAS, if property owners are unable to adhere to the NFSA policy; said Property Owners/Citizens will be required to secure solid waste collection services from a permitted hauler other than the department; and

ORDINANCE NO. _____

18-1005-1668.001/1063507

9.04 Amendment – Private Street Policy (NFSA)

WNV

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

SECTION 1. El Paso City Code Title 9, Chapter 9.04, Article I, Subsection 9.04.010 is amended as follows:

9.04.010 - Creation and purpose of department.

The city is responsible for public health, cleanliness and sanitation in El Paso. The purpose of this chapter is to provide for protection of the health, safety and welfare of the residents of the city by prescribing minimum standards for the generation, storage, collection, transportation and disposal of solid waste and related matter, by providing for the issuance of permits to persons engaging in those activities, by providing for the payment of fees, and by providing for enforcement techniques, including inspections of premises and equipment, the revocation of permits and the issuance of citations. The department of environmental services was created to carry out this purpose as well as to oversee and perform duties and services relating to areas of environmental concerns, including ordinance, statutory and other regulatory enforcement by the director and his designees and by the employees in the code enforcement division of the department, who shall also have enforcement authority as authorized and provided in this Code; and to generally perform duties and services relating to areas of public health, animal related regulatory services, cleanliness and sanitation concerns as to be determined by the city manager. In partial furtherance of the purpose discussed herein, curbside recycling reduces the amount of refuse sent to landfills.

The director of the department or appointee by the director shall have the authority to establish a policy related to the need for safe access (NFSA) for residential properties abutting a private street or alley and to require such property owner or citizen of the City of El Paso to adhere to that policy or shall be required to secure solid waste collection service from a permitted hauler other than the department to promote greater safety and improved service to the citizens of El Paso in the collection of solid waste and recyclables at residential properties throughout the City of El Paso.

SECTION 2. Except as amended herein, Title 9 and Chapter 9.04 remain in full force and effect.

ORDINANCE NO. _____

18-1005-1668.001/1063507

9.04 Amendment – Private Street Policy (NFSA)

WNV

ADOPTED THIS _____ day of _____, 2021.

CITY OF EL PASO

Oscar Leaser
Mayor

ATTEST:

Laura Pine
City Clerk

APPROVED AS TO FORM:

Wendi N. Vineyard

Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:

Ellen Smyth

Ellen Smyth
Environmental Services Department

ORDINANCE NO. _____

18-1005-1668.001/1063507
9.04 Amendment – Private Street Policy (NFSA)
WNV



Need for Safe Access Policy

Minor Revision to Chapter 9.04, Solid Waste
Environmental Services



Strategic Goal 8.6

- Provide long-term, cost effective, sustainable regional solid waste solutions

Customer Service

- Environmental Services strives to achieve the highest standard of customer service for our customers
- ESD continues to look for opportunities to improve service
- By evaluating safety hazards along collection routes, accommodations may be made to improve driver safety and minimize disruption to waste or recycling collections

Ongoing Issues

- Private streets and alleys have varying degrees of design standards, based on the year they were constructed and whether they were within City jurisdiction when constructed
- Private streets and alleys are not maintained by the City
- Gated communities, rural homesteads and mobile home communities pose multiple safety hazards for ESD collection vehicles

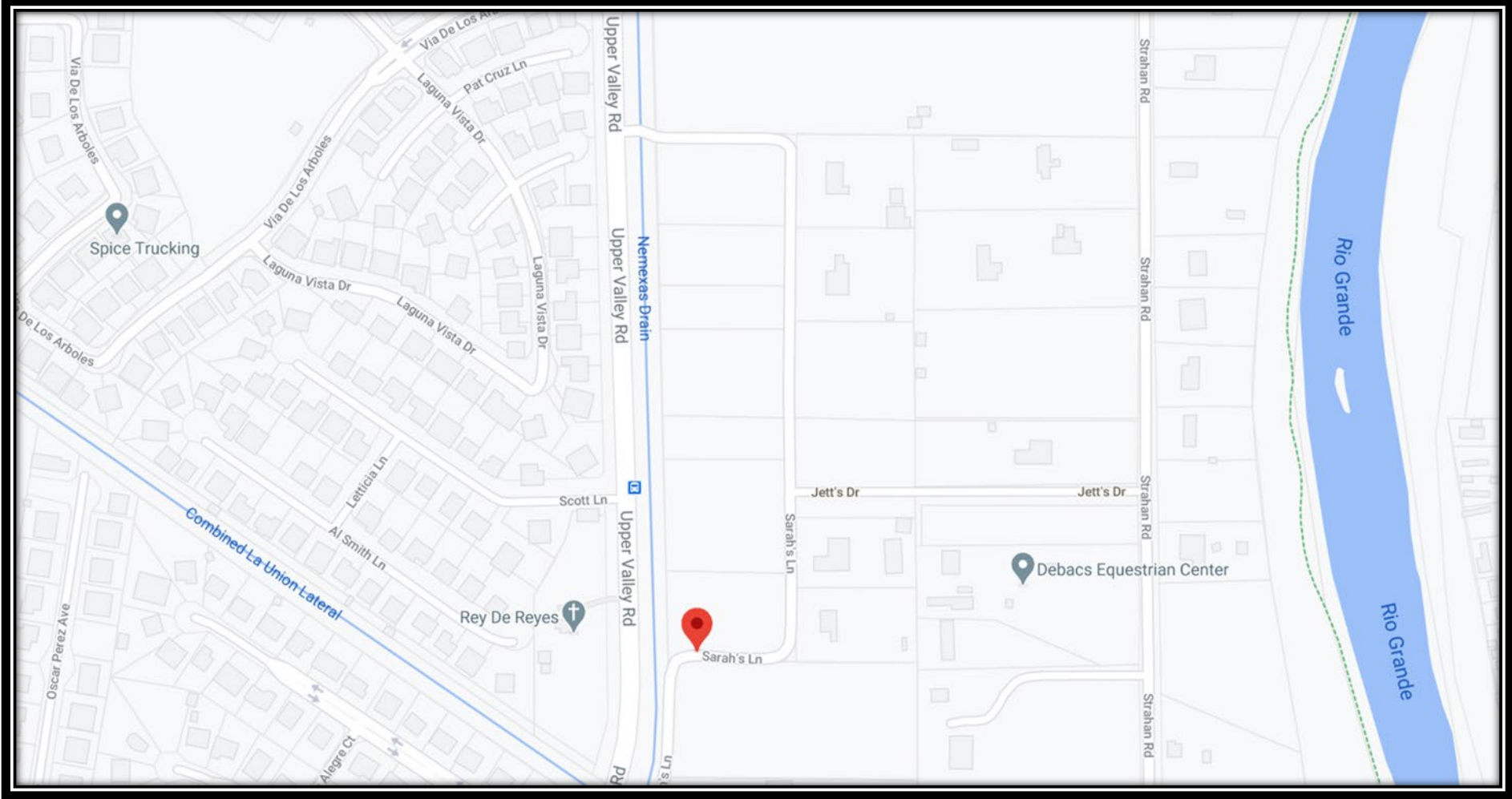
Proposed Chapter 9.04 Amendment

The director shall have the authority to establish a policy related to the need for safe access (NFSA) for residential properties abutting a private street or alley and to require such customers adhere to that policy or shall be required to secure solid waste collection service from a permitted hauler other than the department.

Safety Hazards on Private Streets and Alleys

- Narrow drive paths
- Lack of paving or poorly maintained surface
- Structures and obstructions in drive paths
- Lack of adequate turn space in cul-de-sacs and dead-end streets and alleys
- Residents' vehicles obstructing drive paths

Sarah's Lane





“East San Antonio Ave.”





Need for Safe Access (NFSA) Definition

The set of conditions along a private street or alley, that is necessary for the department to safely collect solid waste and recyclable materials at curbside, including but not limited to street or alley width, overhead clearance, condition of pavement, structures that may obstruct vehicle passage, and general condition of curbside accessibility.

Options to Resolve Safety Hazards

- Alternate locations for bin collection
- Communal bin collection areas
- Dumpsters in lieu of bins
- Prohibited parking in drive paths on collection day
- Removal of overhead or drive path obstructions

NFSA Policy and Service Agreement

- Recommend authorizing the Director to establish a NFSA policy for collection on private streets and alleys
- Safety audit conducted by ESD to identify safety hazards and collection options
- Collection service agreement prepared for community
- Compliance with agreement required
- Non-compliance with agreement may lead to termination of City collection service, private hauler contract would be required



Mission

Deliver exceptional services to support a high quality of life and place for our community



Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



Values

Integrity, Respect, Excellence, Accountability, People