

ORDINANCE NO. 8057

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTERS 8-5, 2-6, AND 4-9 TO REFLECT THE UPDATED AMARILLO AREA PUBLIC HEALTH DISTRICT COOPERATIVE AGREEMENT; PROVIDING FOR: SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, AND EFFECTIVE DATE.

WHEREAS, in 1984, the City of Amarillo, City of Canyon, County of Potter, and County of Randall executed the Bi-City-County Public Health District Cooperative Agreement (“**Agreement**”) prescribed by Chapter 121 of the Texas Health & Safety Code, Local Public Health Reorganization Act (“**Act**”); and

WHEREAS, in 1992 and 1997, the City of Amarillo, City of Canyon, County of Potter, and County of Randall updated the Agreement as prescribed by the Act; and

WHEREAS, in 2019, the Villages of Timbercreek Canyon, Lake Tanglewood, and Palisades, and the Town of Bishop Hills joined the Bi-City-County Public Health District, and all of the member jurisdictions updated the Agreement and continued the operation of the District under the new name, the Amarillo Area Public Health District; and

WHEREAS, in 2023, the member jurisdictions update the Agreement; and

WHEREAS, various sections of the Amarillo Municipal Code should be updated to reflect the updated Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS:

SECTION 1. The Amarillo Municipal Code, Chapter 8-5, Article I, Section 8-5-1 be and hereby is amended in part to now read as follows:

Amarillo Area Public Health Board: A citizen advisory board whose members are appointed by the governing bodies City Council of the Cities of Amarillo and Canyon; the Villages of Timbercreek Canyon, Lake Tanglewood, and Palisades; the Town of Bishop Hills; and by the County Judges the Counties of Potter and Randall Counties.

This board is created pursuant to the provisions of Chapter 121 (Local Public Health Reorganization Act) of the Health and Safety Code.

Amarillo Area Public Health District: A district, comprising the Cities of Amarillo and Canyon; the Villages of Timbercreek Canyon, Lake Tanglewood, and Palisades; the Town of Bishop Hills; and the Counties of Potter and Randall, created

under Chapter 121 (Local Public Health Reorganization Act) of the Health and Safety Code.

Director of Public Health: The manager of the Department of Public Health appointed by the City Manager and charged with implementing public health promotion and maintenance services; infectious disease investigations, prevention services, and control measures; community health assessment, and public health education and information services for the Amarillo Area Public Health District. The Director of Public Health also supervises the administrative operations of the Amarillo Area Public Health District, including budget administration, personnel management and other administrative duties.

Health Authority: The Physician appointed by the Amarillo City Council in accordance with Chapter 121 of the Texas Health & Safety Code, Local Public Health Reorganization Act to serve as Director and administer State and local laws relating to public health within the Amarillo Area Public Health District.

Health Officer: The Health Authority, Director of Environmental Health or designee and the Director of Public Health or designee and all registered sanitarians employed as inspectors.

Public Health Administrator: The administrator appointed by the City Manager to supervise the administrative operations of the Amarillo Area Public Health District, including budget administration, personnel management and other administrative duties as assigned by the City Manager.

SECTION 2. The Amarillo Municipal Code, Chapter 8-5, Article I, Section 8-5-2 be and hereby is amended in part to now read as follows:

Sec. 8-5-2. - Adoption and Authority of State Law, Rules and Regulations.

- (a) The Environmental Health Department, Public Health Department, and the Health Authority are each respectively authorized to enforce all applicable health, sanitation, and environmental nuisance laws enacted (and as amended) by the State of Texas by way of statute or administrative agency rules, both within the City limits of Amarillo and within other jurisdictions which by intergovernmental agreement or cooperative agreement authorize City employees to perform such services within such other jurisdiction. The procedural and fee provisions of this Chapter 8-5 apply in all actions and jurisdictions. The substantive provisions of this chapter apply within the City limits of Amarillo or other jurisdictions as authorized by law.

SECTION 3. The Amarillo Municipal Code, Chapter 8-5, Article II, Section 8-5-5 be and hereby is amended in part to now read as follows:

Sec. 8-5-5. - Duties of Health Authority.

(a)-(c) [NO TEXT CHANGE]

- (d) The Health Authority, Director of Public Health, Director of Environmental Health, and/or their designees, are jointly and severally charged with implementing and enforcing all applicable health, sanitation, and environmental nuisance laws enacted (and as amended) by the State of Texas by way of statute or administrative agency rules, both within the City limits of Amarillo and within other jurisdictions which by intergovernmental agreement or cooperative agreement authorize City employees to perform such services within such other jurisdiction. As appropriate, each of these local officials shall also coordinate activities with the Texas Department of State Health Services and other public health units, departments, districts, and agencies.

SECTION 4. The Amarillo Municipal Code, Chapter 8-5, Article II, Section 8-5-7 be and hereby is amended in part to now read as follows:

Sec. 8-5-7. - Administering oaths; compelling attendance of witnesses.

The Health Authority is authorized and empowered to administer oaths, summon witnesses and compel their attendance in all matters proper for ~~him~~ the Health Authority to investigate, such as investigation of public water supplies, of sanitary conditions both within the City limits of Amarillo and within other jurisdictions which by intergovernmental agreement or cooperative agreement authorize City employees to perform such services within such other jurisdiction, the existence of contagious and infectious diseases and all matters coming under the scope of the authority invested in ~~him~~ the Health Authority by this article and the sanitary code of the State.

SECTION 5. The Amarillo Municipal Code, Chapter 8-5, Article VI, Section 8-5-302 be and hereby is amended in part to now read as follows:

- (a) [NO TEXT CHANGE]
- (b) The Department may also provide Public Health Services pursuant to a mutual aid request from ~~form~~ the neighboring region, or intergovernmental cooperation agreement with another jurisdiction in the region, or at the request of the Texas Department of State Health Services.
- (c) [NO TEXT CHANGE]

SECTION 6. The Amarillo Municipal Code, Chapter 2-6, Article XX, be and hereby is amended in part to now read as follows:

ARTICLE XX. - ~~BI-CITY-COUNTY HEALTH DISTRICT~~ AMARILLO AREA PUBLIC HEALTH BOARD

Sec. 2-6-140. - Created.

There is hereby created the ~~Bi-City-County Health District Board~~ Amarillo Area Public Health Board.

Sec. 2-6-141. - Members; director.

Pursuant to the ~~interlocal cooperation agreement~~ Amarillo Area Public Health District Cooperative Agreement dated April 1, 1997, as amended, and subchapter E, chapter 121, Texas Health and Safety Code, ~~the board shall consist of:~~

- (a) The Board shall consist of ~~seven (7)~~ eight (8) voting members, each being a resident of ~~Potter or Randall county~~ their appointing jurisdiction for a period of at least three (3) years, to serve for staggered three (3) year terms, as follows: two (2) members appointed by the City; one (1) appointed by the City of Canyon; two (2) appointed by Randall County; ~~and~~, two (2) appointed by Potter County; and one appointed on a rotating basis by the other member jurisdictions to represent all of them. Each member is appointed by and serves at the pleasure of the majority of the appointing authority; ~~and~~,
- (b) The following are ~~ex officio members~~ ex-officio representatives without a vote: the County ~~judge~~ Judges of Potter and Randall ~~county~~ Counties, respectively; the City Managers of Amarillo and Canyon, respectively; the Director of Public Health; the Health Authority (if different from the Director of Public Health); the Villages of Palisades, Timbercreek Canyon, and Tanglewood, and the Town of Bishop Hills, Mayors/City Managers, respectively; and the director of the ~~Bi-City-County Health District~~ Amarillo Area Public Health District (if different from the Director of Public Health).
- (c) As required by the ~~participation~~ cooperative agreement and state law, the City designates that the ~~director of the~~ District director, and City staff liaison to the District, shall be the City of Amarillo Director of Public Health.

Sec. 2-6-142. - Duties and powers.

The board shall have and exercise the following duties and powers:

- (1) As to appointees of the City, all provisions of Article I of this chapter that are not in conflict with this Article.
- (2) Be an advisory board to the governing bodies of the participating entities.
- (3) Make recommendations to the participating entities, through the minutes of its meetings, on matters pertaining to public health within the district.
- (4) Advise the ~~d~~Director of ~~p~~Public ~~h~~Health on such matters and the administration of the public health district created by the ~~interlocal~~ cooperative agreement.

- (5) All other powers, duties, exceptions, privileges, and immunities accorded by applicable law and interlocal or cooperative agreements that created the board and the district it oversees.

Secs. 2-6-143—2-6-144. - Reserved.

SECTION 7. The Amarillo Municipal Code, Chapter 4-9, Article II, Division 1, Section 4-9-23 be and hereby is amended in part to now read as follows:

Sec. 4-9-23. - Permits.

- (a) The Building Official shall not issue Building or remodeling permits for any Structure in a Height Hazard Area or Airport Overlay Zoning District unless the applicant fully complies with all provisions of this chapter.
- ~~(b) The Public Health Administrator shall not issue a permit for the installation of a water well and/or septic tank in a Height Hazard Area or Airport Overlay Zoning District unless the Building Official has stated that the permit applicant has complied with all provisions of this chapter.~~
- (c~~b~~) Except as specifically provided in subsection (d), no change shall be made in any use of land, no Structure shall be erected or altered, and no Tree shall be planted without a permit. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient details to determine whether the resulting use, Structure or Tree would conform to the regulations of this chapter. If such determination is found to be in compliance with this chapter, the permit may be granted. No permit inconsistent with the provisions of this chapter shall be granted unless a Variance has been approved in accordance with this chapter.
- (d~~c~~) No permit shall be required for any Tree or Structure less than seventy-five (75) feet of vertical Height above the ground, except when, because of terrain, such Tree or Structure would extend above the Height limits prescribed for such Height Hazard Zones or when the Structure is within the City.

(ed) No permit shall be granted that would allow a Nonconforming Use, Structure or Tree to have an increased Height, or become a greater Hazard to Air Navigation than it was on the effective date of this chapter or any amendments thereto or than it is when the application for a permit is made.

SECTION 8. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 9. Repealer. Subject to the provision in Section 7 (Continuation of Prior Law), all ordinances and resolutions, or parts thereof, in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 8. Continuation of prior law. Nothing in this ordinance or any code hereby adopted shall be construed so as to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause of action acquired existing, under any act or ordinance hereby repealed by this ordinance; nor shall any just, vested, or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 9. Effective Date. This ordinance shall become effective from and after its date of final passage.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 25th day of April, 2023; and PASSED on Second and Final Reading the 9th day of May, 2023.

Ginger Nelson, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan S. McWilliams, City Attorney