

04-1672  
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**ORDINANCE NO. 019704**

**AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.52 (FIRE PREVENTION CODE), SECTION 9.52.030.5 (SECTION 105.5 REQUIRED OPERATIONAL PERMITS), SUBSECTION 105.5.56.1 (DEFINITIONS) TO ADD DEFINITION OF "FIRE RESPONSE EXPENSE"; SECTION 9.52.030.5 (SECTION 105.5 REQUIRED OPERATIONAL PERMITS), SUBSECTION 105.5.56.6 (PERMIT REQUIREMENTS) TO ADD BIENNIAL INSPECTIONS; SECTION 9.52.030.5 (SECTION 105.5 REQUIRED OPERATIONAL PERMITS), SUBSECTION 105.5.56.7 (STORAGE) TO AMEND THE HEIGHT LIMIT OF COMBUSTIBLE MATERIALS PER UNIT; SECTION 9.52.030.5 (SECTION 105.5 REQUIRED OPERATIONAL PERMITS) TO ADD SUBSECTION 105.5.56.10 (RESPONSE EXPENSES) TO ADD RESPONSE EXPENSES FOR PERMIT HOLDERS STEMMING FROM FIRE EVENTS, THE PENALTY AS PROVIDED IN SECTION 9.52.030.17 OF THE EL PASO CITY CODE.**

**WHEREAS**, Title 9 (Health and Safety) Chapter 9.52 (Fire Prevention Code) Section 9.52.030.5 (Section 105.5 Required Operational Permits) Subsection 105.5.56.1 of the City Code creates defined terms for the Subsection 105.5.56; and

**WHEREAS**, Title 9 (Health and Safety) Chapter 9.52 (Fire Prevention Code) Section 9.52.030.5 (Section 105.5 Required Operational Permits) Subsection 105.5.56.6 of the City Code discusses permit requirements for Tier 1 and Tier 2 facilities; and

**WHEREAS**, Title 9 (Health and Safety) Chapter 9.52 (Fire Prevention Code) Section 9.52.030.5 (Section 105.5 Required Operational Permits) Subsection 105.5.56.7 of the City Code discusses permit requirements for combustible materials; and

**WHEREAS**, the City's Outside Storage of Combustible Material ("OSCOM") permit is designed to protect the community from the dangers of storing large amounts of combustible materials in an outdoor setting; and

**WHEREAS**, in recent years, multiple fires have occurred at local recycling facilities; and

**WHEREAS**, the Fire Marshal is committed to lessening the risk of such blazes by providing closer supervision and enforcement through more frequent inspections; and

**WHEREAS**, the Fire Marshal sees a need to limit the size of combustible material units to lessen the risk of fires spreading; and

**WHEREAS**, the City wishes to recover fire response expenses from permit holders for terminating, and mitigating fire events.

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



**SECTION 1.** That Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.030.5 (Section 105.5 Required Operational Permits), Subsection 105.5.56.1, is hereby amended to add the following definition and reads as follows:

**105.5.56.1 Definitions, Added.**

“Fire response expense” means the supplies used or expended in responding to a fire emergency including the cost of water and water supplies, response equipment deemed no longer operative, and cost of labor.

**SECTION 2.** That Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.030.5 (Section 105.5 Required Operational Permits), Subsection 105.5.56.6, is hereby amended to read as follows:

**105.5.56.6 Permit Requirements, Added.**

- A. Tier 1. For facilities that maintain no more than one (1) Unit of loose storage and/or no more than one (1) Unit of baled storage, the following requirements shall be met:
1. A facility fire plan, subject to approval by the AHJ, that includes: a description of all Combustible Material at the facility and the manner in which it is stored, routes of facility evacuation for employees, fire awareness and prevention orientation training for facility employees, site plan indicating fixed structures, Units and fire extinguisher locations, a facility fire alarm system, and a description of security measures to restrict public access to Combustible Material stored outside;
  2. A minimum of one (1) type 2A20BC fire extinguisher per Unit, with a distance of no more than 50 feet between the extinguisher and the closest point of the Unit;
  3. A minimum of one (1) type 2A20BC fire extinguisher mounted on each vehicle used to manage, load, or move Combustible Material;
  4. Installation of a security measure to restrict public access to Combustible Material stored outside by use of a physical barrier, such as a fence or wall, in accordance with applicable zoning ordinance(s);
  5. Two mandatory inspections by the department annually no less than three (3) months apart;
  6. Payment of Outside Storage of Combustible Material Permit Tier 1 permit fee in the amount set by City Council through its budget resolution or other duly adopted resolution; and
  7. Proof of Financial Responsibility for the facility, in the principal sum of \$1,000,000.00 and in accordance with Subsection 105.5.56.8 of this ordinance.



- B. Tier 2. For facilities that maintain more than one (1) Unit of loose storage, more than two (2) Units of baled storage, or any combination of more than two (2) Units of loose or baled storage, the following requirements shall be met:
  - 1. Provisions 1 — 5, permit requirements for Tier 1;
  - 2. Payment of Outside Storage of Combustible Material Permit Tier 2 permit fee in the amount set by City Council through its budget resolution or other duly adopted resolution; and
  - 3. Proof of Financial Responsibility for the facility, in the principal sum of \$2,000,000.00 and in accordance with Subsection 105.5.56.8 of this ordinance.

**SECTION 3.** That Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.030.5 (Section 105.5 Required Operational Permits), Subsection 105.5.56.7 of the City Code of the El Paso City Code is hereby amended to read as follows.

**105.5.56.7 Storage, Added.**

Combustible Material stored outside shall be maintained in accordance with the following requirements:

- A. Any array of combustible material whether baled or loose storage:
  - 1. Unit height shall not exceed twelve (12) feet;
  - 2. Unit footprint shall not exceed a perimeter measurement of three hundred (300) feet;
  - 3. A buffer zone shall be established between each Unit and the physical barrier indicated in the permit application of at least twenty (20) feet; and
  - 4. A storage separation space shall be established between individual Units of Combustible Material of at least twenty (20) feet.
- B. Storage Separation Space and Fire Safety Buffer Zone:
  - 1. No storage of Combustible Material shall be allowed within the buffer zone or in the storage separation space described in this Subsection. In addition, said buffer zone and storage separation space must at all times be kept free and clear of equipment, material and/or accumulation of waste.
  - 2. A reduction to ten (10) feet for the fire safety buffer zone, as described in the immediately preceding paragraph, may be allowed at a facility where Combustible Material is stored in containers approved by the Department.
  - 3. A reduction of the storage separation space may be allowed where the Combustible Material is stored in containers approved by the Department.

**SECTION 4.** That Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.030.5 (Section 105.5 Required Operational Permits) is hereby amended to add Subsection 105.5.56.10 and reads as follows.

**105.5.56.10 Response Expenses, Added.**

Any person, persons, or business entity operating under an Outside Storage of Combustible Materials Permit where a fire event has occurred, shall be jointly and severally liable to the City for fire response expenses resulting from such fire event.

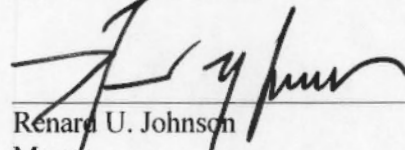
**SECTION 5.** Except as herein amended, Title 9 of the El Paso City Code shall remain in full force and effect.

*(Signatures begin on following page)*



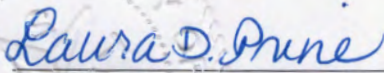
ADOPTED this 7<sup>th</sup> day of January, 2025.

CITY OF EL PASO:

  
Renard U. Johnson  
Mayor

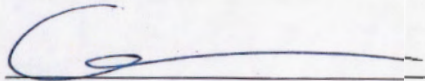
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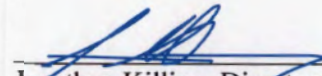
Laura D. Prime  
City Clerk

APPROVED AS TO FORM:



Carlos L. Armendariz  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
Jonathan Killing, Director  
Fire Chief