



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 8

**Agenda Date:** May 15, 2025

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** Citywide

**SUBJECT:**

An ordinance amending Chapter 16 Licenses and Business Regulations for Used Automotive Parts Recyclers and Metal Recycling Entities.

**SUMMARY:**

In The Development Services Department (DSD) received a City Council Consideration Request (CCR), submitted by Councilmember Teri Castillo, with directions to convene a task force to evaluate Chapter 11 and Chapter 16 and recommend possible code amendments to ensure adequate enforcement of Used Auto Parts Recyclers (UAPR) and Metal Recycling Entities (MRE).

Initially, the task force initially included 10 neighborhood representatives chosen by the City Council and 10 industry representatives, and ended with 8 each. The task force was supported by: · City staff from DSD, San Antonio Fire Department (SAFD), City Attorney's Office, San Antonio Metro Health Department, San Antonio Police Department (SAPD), Solid Waste Department (SWMD), and other agencies such as the Texas Commission on Environmental Quality (TCEQ) and San Antonio Water System (SAWS).

To serve as an industry representative on the task force, DSD staff proposed the following criteria be met – (1) licensed operator, (2) geographic diversity, (3) no violations in the last code enforcement inspection, and (4) no current citations. This selection approach sought to ensure a balanced discussion and stakeholder input.

The CCR directed the task force to examine the following areas:

- Timeline and process for issuing and resolving citations
- Fines for recurring violations
- Identifying a threshold for triggering heavier enforcement mechanisms until violations and citations are resolved
  - Temporarily ceasing operations
  - Requirements of fence line air monitors for limited time
  - Removal of non-conforming uses
  - Fines to recoup city services used to address violations and emergencies

## **BACKGROUND INFORMATION:**

Multiple Used Auto Parts Recyclers and Metal Recycling Entities within city limits have caught fire over the past several years creating massive plumes of smoke and air pollution within the city.

In June 2024, DSD recommended to PCDC that the task force be officially convened and include neighborhood and industry representatives throughout the process. Since the last update, DSD has hosted 10 meetings at the OneStop between September 2024 and January 2025. The topics discussed included clarifying definitions, zoning and nonconforming use, the need for additional enforcement, and addressing fencing issues. DSD created an SASpeakUp page to provide general information to the public on the task force, promote upcoming meetings, and archive the meeting minutes and documents.

The task force met a total of 18 times between August 2024 and April 2025 and developed a series of recommended updates, including:

- Increase options for enforcement:
  - Faster required timeline for violation response – operator given 2-day notice to correct issue when violation is noted. Currently 10-30 days.
  - Adds ability for City to use civil tickets in addition to criminal tickets for violations.
  - Clarifies that Certificate of Occupancy can be revoked if operating without valid license.
  - Modifies ability to suspend or revoke license if 3+ citations accepted by municipal court within rolling 12-month period. Currently 3 citations within 18 months.
  - Director can require business to cease operations pending mandatory compliance meeting before suspension or revocation.
  - Adds ability to issue a 30-day temporary license if only waiting for minor administrative items for renewals. Adds requirement for contaminated liquid and other hazardous waste disposal manifests be reviewed at least every 3 months by Code Enforcement to ensure legal disposal of these items.
- Zoning and Nonconforming Uses:
  - Adds zoning density rules to limit establishment of new MRE/UAPR within 1,000 feet of existing facility unless approved by City Council through zoning process.

- Adds ability for UAPRs that have legal non-conforming use to expand within their existing lot lines similar to what was granted to MREs back in 2012.
- Facility Standards:
  - Clarifies acceptable fencing designs, materials, and maintenance requirements.
  - Allows metal fencing by right for these facilities and adds requirement for fencing to limit reflectivity and heat transfer via paint or other method.
  - Increased pest and vector control from every 6 months to every 3 months.
  - In recycling operations areas, weed/brush maintained at 4 inches instead of 12 inches.
- Fire Prevention and Public Safety
  - Adds requirement for each yard to have a fire prevention plan to be submitted for review by SAFD to obtain new or renewed license.
    - Plan shall identify fire department access and egress from facility; available water systems; and any fire notification systems for the property.
    - Will assist SAFD pre-planning for each facility.
    - Fire prevention plan shall be reviewed and updated by an approved 3rd party in event of fire at facility when required by fire official.
  - Adds language to ensure required fire safety path around facility has no obstruction within 14 ft. of ground to assist SAFD operation in emergency event.
  - Adds language that all hazardous solid waste, hazardous liquid, regardless of character or category, must be contained to prevent negative impacts on human health or environment.
  - Adds San Antonio fire code language to Ch. 16 to clarify maximum heights, size and separation of outdoor storage piles for operational safety and to simplify inspections.
  - Adds requirement for Code Enforcement to report all noted spills (based on TCEQ's reportable spill standard) to appropriate agencies: Metro Health, SAWS, TCEQ, SWMD, or SAFD
- Updated/Clarified Definitions
  - Hazardous Materials
  - Regulated Metal, to align with state definition.
  - Regulated Material, to align with state definition.
  - Metal Shredder Residue
  - Fluff
- Updates for Amendments
  - Added a mandatory code update every five years to account for changes in the industry.

## **ISSUE:**

In February 2025, DSD received concerns over attendance and the task force's balance. DSD decided to pause the meetings in February and reevaluate the process, aiming to improve the task force's overall balance by ensuring full attendance. Areas that DSD will review during the pause include possible changes to the date and times of the meetings and the need for additional appointments to the task force, with the possibility of including alternates.

After additional members, including alternates, were formally appointed to the task force, meetings resumed on March 26, 2025. A total of eight (8) additional meetings were held to finalize recommendations. Meetings were held bi-weekly, in both daytime and evening meetings to ensure that all were able to participate.

The Planning and Community Development Committee, on April 24, 2025, recommended that the code be further amended to require updates the MRE and UAPR codes every five (5) years and requested that DSD further clarify the definitions of both Metal Shredder Residue and Fluff.

**ALTERNATIVES:**

None.

**FISCAL IMPACT:**

There is no fiscal impact to this ordinance

**RECOMMENDATION:**

Staff recommends approving the updated regulations for Metal Recycling Entities and Used Automotive Parts Recyclers.