



City of San Antonio

Agenda Memorandum

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Agenda Item Number: 5

Agenda Date: November 14, 2022

In Control: Planning and Community Development Committee

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Briefing on Chapter 16, Article VII Used Automotive Parts Recyclers and Metal Recycling Entities as well as inspections process for these facilities; these businesses are monitored by Code Enforcement and others, including the State of Texas, for compliance. [Roderick Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services]

SUMMARY:

A briefing on Chapter 16, Article VII. – Used Automotive Parts Recyclers and Metal Recycling Entities to discuss inspections processes completed by Code Enforcement.

BACKGROUND INFORMATION:

On December 13, 2012, City Council passed and approved an ordinance (Ord No. 2012-12-13-1003) amending Chapter 16, Article VII, Salvage Yards and Auto Dismantlers by renaming said article to Used Automotive Parts Recyclers and Metal Recycling Entities. The legislative change

to Chapter 1956 of the Texas Occupations Code related to the regulation of metal recycling entities necessitated review and revision of this applicable City Code. To clarify and strengthen the City Code provisions related to salvaging and recycling operations, it became apparent that salvaging efforts, for city purposes, were more clearly identified as used automotive parts recycling and recycling operations were more clearly identified as metal recycling operations. In addition, the City of San Antonio is authorized to regulate used automotive parts recycling and metal recycling business and procedures through its police powers to aid in the recovery of stolen property. Licensing and recordkeeping requirements and enforcement procedures are provided in Chapter 16 that will enable the police department to identify and recover illegally appropriated public and private property composed of certain metals.

A used automotive parts recycler is a person licensed under Division 1, Article VII of Chapter 16, to operate a used automotive parts recycling business. Used automotive parts recycling means the dismantling and reuse or resale of used automotive parts and the safe disposal of salvage motor vehicles or nonrepairable motor vehicle, including the resale of those vehicles.

A metal recycling entity means a business that is operated from a fixed location and is predominately engaged in the following and excludes used automotive parts recycling businesses. (A) Performing the manufacturing process by which scrap, used, or obsolete ferrous or nonferrous metal is converted into raw material products consisting of prepared grades and having an existing or potential economic value, by a method that in part requires the use of powered tools and equipment, including processes that involve processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form of that metal; (B) The use of raw material products described under subsection (A) in the manufacture of producer or consumer goods; or (C) Purchasing or otherwise acquiring scrap, used, or obsolete ferrous or nonferrous metals for the eventual use of the metal for the purposes described by subsection (A) or (B).

It is unlawful to own or operate a used automotive parts recycling business or a metal recycling entity without the appropriate zoning classification (specific permitted use in general industrial “I-2” for uses automotive parts recycling and specific permitted use in general industrial “I-1 and I-2” for metal recycling entities). A person shall own or operate a used automotive parts recycling business or metal recycling entity within the City without a valid city issued license. In addition to the city issued used automotive parts recycler license or metal recycling entity license, the following must be included with all applications: (1) A copy of the national pollutant discharge elimination system discharge permit or notice of coverage for the location, (2) a copy of the approved Texas Commission on Environmental Quality (TCEQ) storm water multi-sector permit for that location, (3) A San Antonio Water System (SAWS) letter of compliance regarding compliance with the Texas Pollutant Discharge Elimination System for that location dated within the last 15 months, and (4) a copy of the State of Texas registration as a used automotive parts recycler. The annual licensing fees are as follows: used automotive parts recycler license fee (\$575) and metal recycling entity license fee (\$250).

The Development Services Department (DSD) is authorized to conduct monthly inspections of all used automotive parts recycling businesses and metal recycling entities for the purpose of assuring compliance with the terms of Division 1, Article VII of Chapter 16. Currently, there are two (2)

dedicated code enforcement officer to inspect all used automotive parts recycling business and metal recycling entities throughout the City. For FY2022, staff inspected 45 used automotive parts recycling business and 28 metal recycling entities. A violation of this ordinance is a class C misdemeanor offense, and upon conviction, a person shall be fined an amount not less than \$100 nor more than \$2,000. In FY2022, staff issued 221 class C misdemeanor citations. A brief overview of the ordinance and investigative procedures will be provided by DSD.

ISSUE:

This item is for briefing purposes only.

FISCAL IMPACT:

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ALTERNATIVES:

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RECOMMENDATION:

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