

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, ESTABLISHING A MORATORIUM ON THE ISSUANCE OF PERMITS, INCLUDING CERTIFICATES OF OCCUPANCY, FOR ANY NEW MEDICAL WASTE PROCESSING, TRANSFER, COLLECTION, TRANSFER OR STORAGE FACILITIES PROPOSED TO BE LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF MANSFIELD FOR A PERIOD OF 120 DAYS DURING THE PREPARATION OF A STAFF STUDY TO DETERMINE WHAT, IF ANY, SAFEGUARDS AND PERFORMANCE STANDARDS SHOULD BE ESTABLISHED TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE IN THE ESTABLISHMENT AND OPERATION OF THESE FACILITIES.

WHEREAS, the City of Mansfield has recently been advised that a private, for profit, corporation has made application to secure a municipal solid waste permit authorizing the receipt, processing, collection, transfer and disposal of medical waste products and materials to be located within the corporate limits of the City of Mansfield; and

WHEREAS, the City of Mansfield Code of Ordinances does not presently have any specific performance standards or regulations unique to this type of facility; and

WHEREAS, a review of the application material for a municipal solid waste medical waste processing facility presents facts and information indicating that material may be received and processed on site that could under the wrong circumstances produce threats to the health, safety and welfare of the citizens of Mansfield; and

WHEREAS, the Mansfield City Council believes that all land uses that could have possible negative consequences on surrounding properties and the well being of the citizens of the community should be carefully evaluated in order to ensure that appropriate safeguards are put in place to ensure safe operations of such facilities; and

WHEREAS, the City Council of the City of Mansfield believes that it is necessary and appropriate to delay the construction, development or operation of any such medical waste processing facility until such time as the City can secure a thorough review of public

health and safety issues relating to the operation, safeguarding and environmental attributes of such a solid waste facility; and

WHEREAS, the City Council of the City of Mansfield has directed the City Manager to have the City staff conduct such an analysis and to prepare a report indicating what, if any, special safeguards or performance standards should be implemented to ensure the safe operation of any medical waste facility engaged in the primary business of processing, transferring or storing medical waste until the City Council has determined what safeguards or standards it desires to adopt to protect the public health, safety and welfare; and

WHEREAS, the City Council of the City of Mansfield has determined that the best method to achieve this result is to adopt a Resolution establishing a 120 day moratorium on the issuance of permits relating to these facilities during the pendency of the staff study.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:

SECTION 1.

The City Council of the City of Mansfield hereby directs the City Manager to instigate a study on the operational characteristics and impacts of facilities operated as a primary business that receive, process, treat, collect, transfer or store medical waste products to determine what, if any, safeguards or performance standards should be adopted by the City of Mansfield through an appropriate regulatory ordinance to ensure the safety of the community at large. The study shall be undertaken as soon as practical and shall be completed within the 120 days from the date of the adoption of this Resolution. If the City Manager should determine that the study will require additional time, his office shall so notify the City Council and this Resolution may be extended by City Council action to provide sufficient time to ensure that a thorough study is complete in order to protect the public health, safety and welfare of the citizens of Mansfield.

SECTION 2.

A moratorium is hereby established on the issuance of construction, remodeling or other permits, including Certificates of Occupancy for the construction and/or operation of a new business enterprise whose principal business purpose is the receipt, collection, processing, transfer or storage of medical waste if any of these activities occur within the corporate limits of Mansfield. This moratorium shall be effective for 120 days following the adoption of this Resolution but may be extended if the City Council should subsequently adopt a new Resolution providing a new time limitation in order to permit the completion of the appropriate study on the characteristics and operational impacts of these types of facilities.

SECTION 3.

Any party, individual or business who feels that they are being unreasonably impacted by this moratorium and who believe that they can present evidence demonstrating that their proposed business activities will not constitute a threat to the public health, safety and welfare may submit a letter requesting a variance to the requirement of this moratorium to the office of the City Manager. The City Manager's office will place any such requests for a variance on a regular City Council agenda for consideration and action within three weeks of the receipt of such variance request. The City Council will allow the applicant the opportunity publically present such information and evidence as they deem appropriate to demonstrate the justification for not applying the moratorium to their business. The City Council will permit any interested person or party to offer testimony or evidence that they believe would be beneficial in making a determination on the variance request. The City Council will decide whether a variance should or should not be granted based upon whether or not they believe the evidence submitted by the applicant is sufficient to demonstrate that there is no threat to the public

health, safety or welfare.

SECTION 4.

This Resolution shall be effective immediately upon adoption.

APPROVED this 25th day of August, 2014.

Mayor

ATTEST:

City Secretary