

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: City Development Department

AGENDA DATE: Introduction: April 23, 2013 and Public Hearing: April 30, 2013

CONTACT PERSON NAME AND PHONE NUMBER: Mathew McElroy, City Development Director (X4193)

DISTRICT(S) AFFECTED: All

SUBJECT:

An ordinance amending Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), of the El Paso City Code, to add section 18.02.105.20.1 establishing construction work hours and providing a permit process for after hours construction work, the penalty being as provided in section 18.02.111 (Violations and Penalties) of the El Paso City Code.

BACKGROUND / DISCUSSION:

The existing provisions of the Building and Construction Administrative Code (18.02) do not specify established construction hours for permitted construction activities. Since the current code is silent on the matter, the proposed amendment seeks to clarify and establish the construction working days and times. Additionally, the procedures and requirements necessary to request an afterhours construction permit have been incorporated to provide a regulatory mechanism to approve or deny requests consistently upon a showing of urgent necessity or that the public interest will be served or that the public peace will not be unreasonably disturbed. A notification procedure to abutting property owners within 300 feet of the construction site is required as part of the permit application process. Related precision changes to the Noise Ordinance (9.40.120) and Grading Ordinance (18.44.150) are being considered concurrently with this item.

PRIOR COUNCIL ACTION:

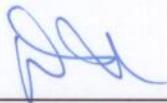
AMOUNT AND SOURCE OF FUNDING:

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE), OF THE EL PASO CITY CODE, TO ADD SECTION 18.02.105.20.1 ESTABLISHING CONSTRUCTION WORK HOURS AND PROVIDING A PERMIT PROCESS FOR AFTER HOURS CONSTRUCTION WORK, THE PENALTY BEING AS PROVIDED IN SECTION 18.02.111 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), of the El Paso City Code be amended to add Section 18.02.105.20.1 (Construction Work Hours), to read as follows:

18.02.105.20.1 –Construction work hours.

A permit issued shall be construed as authority to proceed with the work from Monday through Friday from six (6) am to ten (10) pm during daylight savings time and from Monday through Friday from six (6) am to seven (7) pm during non-daylight savings time each year (the “Established Construction Hours”). No work, including but not limited to new construction, repair, remodeling or grading of any kind shall be conducted outside the Established Construction Hours or on legal holidays or weekends unless the property owner or his authorized agent has paid the established fee and obtained an After Hours Construction/Grading Permit.

18.02.105.20.2 – After hours Construction/Grading Permit.

An application for After Hours Construction Permit shall be granted by the Permit Official upon a showing of urgent necessity, or upon a showing that the public interest will be served by issuance of the permit, or upon a showing that the public peace and quiet will not be unreasonably disturbed, provided the following requirements are met:

- a. The application shall provide a written rationale detailing the reason for the request.
- b. The application shall be filed 7 days prior to the start date for after hours construction.
- c. The permit holder shall agree to provide a completed notification form as provided by the Permit Official to persons occupying property within 300 feet of the construction site.
- d. Notification shall also be posted on the construction site and shall indicate a contact name and phone number of the property owner or his authorized agent.

18.02.105.20.3-Emergency Condition

Certain events or circumstances may occur or arise that require a property owner or his authorized agent to take immediate action outside the Established Construction Hours to address imminent public safety concerns, or to protect the integrity of a construction site. Under such or similar

exigencies, the property owner or his authorized agent may use commercially reasonable efforts to immediately address the emergency or protect the construction site and shall notify the Permit Official, pay the established fee and obtain an After Hours Construction Permit as soon as reasonably practicable thereafter.

18.02.105.20.4 – Duration of Permit.

An approved After Hours Construction/Grading Permit shall be valid for the duration of time specified on the application, not to exceed one year. A permit holder may request one permit renewal upon payment of the established fee.

Section 2. Except as herein provided, Title 18 (Building and Construction) shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2013.

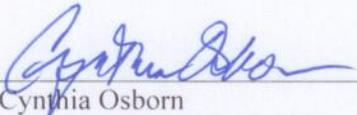
THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

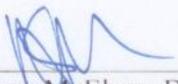
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew McElroy, Director
City Development Department

18.02.105.20 - Conditions of permits.

A permit issued shall be construed as authority to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of this Code or the technical codes.

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18.02.105.21 - Nontransferable.

Permits issued under this chapter shall be personal to the permittee, and shall not be assigned or transferred to any other person, firm, builder, owner or contractor.