

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

DEPARTMENT: City Manager's Office

AGENDA DATE: Introduction: May 29, 2012 and Public Hearing: June 5, 2012

CONTACT PERSON/PHONE: Deborah Hamlyn, Deputy City Manager, Community Services (541-4686)

DISTRICT AFFECTED: City Wide

SUBJECT:

An ordinance to amend the El Paso City Code to reflect departmental reorganization by amending Title 18 (Building and Construction), Chapter 18.44 (Grading), of the El Paso City Code; to amend sections thereunder to allow for the reassignment of duties assigned to the Engineering and Construction Management Department; the penalty is as provided in section 18.44.210 of the El Paso City Code.

BACKGROUND / DISCUSSION:

The proposed ordinance forms part of a series of code amendments that formalize the creation of the new City Development Department. These amendments align the appropriate roles and responsibilities that reflect the new departmental structure and address the necessary administrative provisions related thereto. The proposed changes will become effective on June 11, 2012.

PRIOR COUNCIL ACTION:

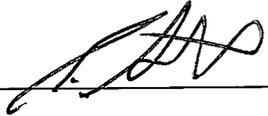
AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

(N/A)

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

DEPARTMENT HEAD: _____


Information copy to appropriate Deputy City Manager

CITY CLERK DEPT.
2012 MAY 24 AM 10:08

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE EL PASO CITY CODE TO REFLECT DEPARTMENTAL REORGANIZATION BY AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.44 (GRADING), OF THE EL PASO CITY CODE; TO AMEND SECTIONS THEREUNDER TO ALLOW FOR THE REASSIGNMENT DUTIES ASSIGNED TO THE ENGINEERING AND CONSTRUCTION MANAGEMENT DEPARTMENT; THE PENALTY IS AS PROVIDED IN SECTION 18.44.210 OF THE EL PASO CITY CODE.

WHEREAS, the Planning and Economic Development Department and the Building Permits and Inspections Division are being combined into a new department named the City Development Department; and

WHEREAS, various provisions in the City Code need to be amended to reflect the changes.

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

Section 1. That Chapter 18.44 (Grading), Section 18.44.060 (Exceptions from permits), of the El Paso City Code, is amended to read as follows:

18.44.060 Exceptions from permits

Permits will not be required under the exceptions listed hereafter. The exceptions concern only the obligation to apply for a permit and the exemption from the requirement of obtaining a permit does not relieve the owner from complying with the remaining provisions of this chapter. A stormwater pollution prevention plan and authorization to discharge stormwater under the TPDES construction general permit shall be required when required by state regulations. The city engineer or other designee of the city manager reserves the right to require a grading stabilization plan if it is determined that the excepted grading activity has the potential to cause off-site impacts. The person engaged in grading shall have the burden of establishing that he qualifies under any of the following exceptions:

- A. If the work is to be performed in connection with construction on a legally platted residential lot or an unplatted residential lot not exceeding one acre in size, and the grading is included as part of a valid building permit, a grading permit shall not be required. This exception shall not apply to any lot of any size within the Mountain Development Area.
- B. Where the work to be performed is routine agricultural or land management operations necessary for cultivation of the soil of a farm or ranch;
- C. Where the work is performed as part of a city solid waste disposal operation;

D. Where the work is small in depth, area or impact. It includes landscaping that does not impact existing drainage patterns, such as tree planting, on a residentially used property or interment in properly zoned cemeteries.

E. Demolition of existing buildings and structures including removal of the foundation system, provided that the original grades and drainage shall not be modified.

F. Quarry operations.

G. Road access to the area being surveyed and/or is the subject of geotechnical work, provided that grading for such access is less than twenty feet in width.

H. Maintenance activities to restore a site to the previously approved grading plan.

I. If the work is to be performed in connection with an existing commercial building permitted as determined by the permit official.

J. Maintenance activities performed as part of the duties and services related to street and right-of-way maintenance pursuant to El Paso City Code, Article Section 13.02.010.

Section 2. That Chapter 18.44 (Grading), Section 18.44.080, Subsection B, (Insurance and Bonds), of the El Paso City Code, is amended to read as follows:

18.44.080, Subsection B, Insurance and Bonds

B. Permit bond requirements. No permit shall be issued under this chapter to any person, firm or corporation applying for a permit until such applicant has filed with the city engineer or other designee of the city manager a bond for the amount of fifty thousand dollars, signed by a surety company authorized to do business in Texas. The city shall be named as the obligee under such bond. The bond shall provide that the principal and its agents, employees, and subcontractors shall comply with all provisions of this chapter, that the principal shall pay all damages which are sustained by the city and which are caused by failure of the principal, its agents, employees or subcontractors to comply with the provisions of this chapter, and that the principal shall indemnify the obligee against claims arising out of such failure to comply, including but not limited to the warranty period required in this chapter. Bonds shall be issued for a duration sufficient to cover the warranty period required in this chapter. The surety shall be acceptable to the city as to solvency and such surety shall be listed on the current Department of the Treasury's Listing of Approved Sureties, Department Circular 570, United States Department of the Treasury or its successor publication, ("Circular 570"). If the city becomes dissatisfied that the surety is solvent or the surety is no longer included in Circular 570, the permit official may require a bond from a surety listed in Circular 570. Permit applicants who have provided a bond to the city in the amount required by the permit official for a permit pursuant to the requirements of a chapter of the City Code other than this chapter that meets all of the requirements established in this chapter shall not be required to obtain an

additional bond but are required to provide a copy of such bond provided that such bond specifically includes coverage for the permit or permits issued pursuant to this chapter. Permittees who have multiple permits issued pursuant to this chapter are required to provide only one current valid bond for all such permits but may be required to provide a copy of the current bond with each application for a permit.

When a government agency is required to obtain a permit, contractors under contract with a government agency shall provide the bond required in this section. No bond is required when all of the grading work performed pursuant to a permit issued under this chapter to a government agency is performed entirely by the employees of that government agency.

Section 3. This ordinance shall take effect on June 11, 2012.

Section 4. Except as herein amended, Title 18 of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS _____ day of _____ 2012.

CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Marie A. Taylor
Assistant City Attorney

APPROVED AS TO CONTENT:

Deborah G. Hamlyn
Deputy City Manager

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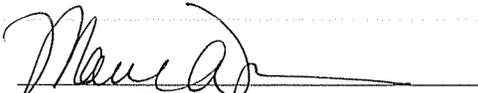
CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

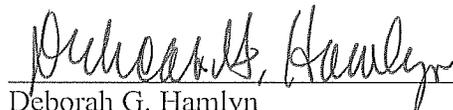
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