

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

**DEPARTMENT:** City Attorney

**AGENDA DATE:** May 25, 2010 for introduction  
June 1, 2010 for public hearing

**CONTACT PERSON/PHONE:** Elaine S. Hengen, Senior Assistant City Attorney, 541-4550

**DISTRICT(S) AFFECTED:** All

**SUBJECT:** An Ordinance amending El Paso City Code, to uniformly define and use the terms "legal holiday" and "city observed holiday" within the City Code, to define the terms by amending Title 1 (General Provisions), Section 1.40.030 (Definitions and rules of construction); to change the word "holidays" to "legal holidays" by amending Title 5 (Business Taxes, Licenses and Regulations) Section 5.44.040 (Registration – form – filing), Title 9 (Health and Safety) Section 9.40.120 (Exemptions), Title 12 (Vehicles and Traffic) Sections 12.52.060 (Stopping, standing or parking prohibited during certain hours on any day), 12.88.170 (Schedule XVI-Parking limited on certain streets on all days), 12.88.180 (No stopping or standing-Tow-away Zone), and 12.88.190 (No stopping or standing at any time), Title 14 (Aircraft and Airports) Section 14.20.250 (Meters), and Title 18 (Building and Construction) Section 18.02.103.1.1.8 (Emergency work); to change the word "holidays" to "city observed holidays" by amending Title 18, Section 18.02.109.1.1.5 (Non-business hours inspection fee); and to eliminate other separate definitions of "legal holiday" by amending Title 12, Section 12.44.170 and Title 13 (Streets, Sidewalks and Public Places) Sections 13.28.010 and 13.36.010.

**BACKGROUND / DISCUSSION:** This is a companion ordinance to the proposed amendments to Ordinances Nos. 8064 and 8065, so that the terms, "holiday," "legal holiday," and "observed holiday" are consistently and correctly used in all of the City's ordinances. This ordinance will make amendments to various provisions in the City Code where these terms are used, so that in each situation, the appropriate term is utilized for the needed purpose.

**PRIOR COUNCIL ACTION:**

Has the Council previously considered this item or a closely related one?

**AMOUNT AND SOURCE OF FUNDING:** N/A

**BOARD / COMMISSION ACTION:** N/A

CITY CLERK DEPT.  
10 MAY 17 PM 3:23

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:** \_\_\_\_\_

(Example: if RCA is initiated by Purchasing, client department should sign also)  
Information copy to appropriate Deputy City Manager

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING EL PASO CITY CODE, TO UNIFORMLY DEFINE AND USE THE TERMS “LEGAL HOLIDAY” AND “CITY OBSERVED HOLIDAY” WITHIN THE CITY CODE, TO DEFINE THE TERMS BY AMENDING TITLE 1 (GENERAL PROVISIONS), SECTION 1.40.030 (DEFINITIONS AND RULES OF CONSTRUCTION); TO CHANGE THE WORD “HOLIDAYS” TO “LEGAL HOLIDAYS” BY AMENDING TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) SECTION 5.44.040 (REGISTRATION – FORM – FILING), TITLE 9 (HEALTH AND SAFETY) SECTION 9.40.120 (EXEMPTIONS), TITLE 12 (VEHICLES AND TRAFFIC) SECTIONS 12.52.060 (STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS ON ANY DAY), 12.88.170 (SCHEDULE XVI-PARKING LIMITED ON CERTAIN STREETS ON ALL DAYS), 12.88.180 (NO STOPPING OR STANDING-TOW-AWAY ZONE), AND 12.88.190 (NO STOPPING OR STANDING AT ANY TIME), TITLE 14 (AIRCRAFT AND AIRPORTS) SECTION 14.20.250 (METERS), AND TITLE 18 (BUILDING AND CONSTRUCTION) SECTION 18.02.103.1.1.8 (EMERGENCY WORK); TO CHANGE THE WORD “HOLIDAYS” TO “CITY OBSERVED HOLIDAYS” BY AMENDING TITLE 18, SECTION 18.02.109.1.1.5 (NON-BUSINESS HOURS INSPECTION FEE); AND TO ELIMINATE OTHER SEPARATE DEFINITIONS OF “LEGAL HOLIDAY” BY AMENDING TITLE 12, SECTION 12.44.170 AND TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES) SECTIONS 13.28.010 AND 13.36.010.

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

Section 1. That Title 1 (General Provisions), Section 1.04.030 (Definitions and Rules of Construction) of the El Paso City Code, shall be amended to read as follows:

**1.04.030 - Definitions and rules of construction.**

In the construction of this code, and of all ordinances, the following rules shall be observed, unless the context clearly indicates otherwise:

- A. City, Offices. The words "the city" or "this city" mean the city of El Paso, and the title or name of any office, agency or department means the office, agency or department of the city.
- B. City observed holiday. The words “city observed holiday” or “city recognized holiday” mean a legal holiday as well as a holiday recognized and observed as provided for in Ordinance 8064 of the City of El Paso, as amended.
- C. County. The words "the county" or "this county" means and refers to El Paso County, Texas.
- D. Gender. The masculine gender shall include the feminine and the neuter.

E. Legal holiday. The words "legal holiday" or "city holiday" mean the first day of January (New Years Day), the third Monday in January (Martin Luther King Holiday), the last Monday in May (Memorial Day), the fourth day of July (Independence Day), the first Monday in September (Labor Day), the fourth Thursday in November (Thanksgiving Day), the Friday after Thanksgiving Day, and the twenty-fifth day of December (Christmas Day).

F. Number. The singular number includes the plural.

G. Oath. The word "oath" shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

H. Person. The word "person" shall include associations, clubs, societies, firms, partnerships and corporations as well as individuals or groups of individuals.

I. State. The words "the state" or "this state" shall refer to the state of Texas.

J. Street. The word "street" shall embrace streets, avenues, boulevards, drives, roads, alleys, lanes, viaducts and all other public highways in the city.

Section 2. That Title 5 (Business Taxes, Licenses and Regulations), Section 5.44.040, Subsection B (Registration – Form - Filing) of the El Paso City Code, shall be amended to read as follows:

**5.44.040, Subsection B. Registration—Form—Filing.**

B. The registration form shall further provide that by making such registration the person, association or corporation so operating, conducting or managing a kindergarten within the city agrees and consents to the making of an inspection of the physical premises used for kindergarten purposes by the building inspector or other authorized city official at any reasonable time during any day other than Sundays or legal holidays and in such manner as not to unreasonably interfere with the conduct of kindergarten classes.

Section 3. That Title 9 (Health and Safety), Section 9.40.120, Subsection D (Exemptions) of the El Paso City Code, shall be amended to read as follows:

**9.40.120, Subsection D. Exemptions.**

D. Noise sources associated with or vibration created by construction repair, remodeling or grading of any real property or during authorized seismic surveys, provided the activities do not take place between the hours of eight p.m. and seven a.m. on weekdays and Saturdays or at any time on Sunday or a legal holiday except in compliance with chapter 18.44 of this code, and provided the noise level created by such activities does not exceed the noise standard of sixty-five dB(A) plus the limits specified in Section 9.40.040 as measured on residential property and any vibration created does not endanger the public health, welfare and safety;

Section 4. That Title 12 (Vehicles and Traffic), Section 12.04.110 (Legal holidays) of the El Paso City Code, shall be amended to read as follows:

**12.04.110 Legal holidays.**

“Legal holiday” shall be as defined in section 1.04.010 of this code.

Section 5. That Title 12 (Vehicles and Traffic), Section 12.52.060 (Stopping, standing or parking prohibited during certain hours on any day) of the El Paso City Code, shall be amended to read as follows:

**12.52.060 Stopping, standing or parking prohibited during certain hours on any day.**

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified in Schedule XVI, Section 12.88.170, of any day, including Sundays and legal holidays, within the districts, or upon any of the streets described in said schedule.

Section 6. That the first sentence of Title 12 (Vehicles and Traffic), Section 12.88.170 (Schedule XVI—Parking limited on certain streets on all days) of the El Paso City Code, shall be amended to read as follows, and subsections A and B, which follow this first sentence, shall remain unchanged and in effect:

**12.88.170 Schedule XVI—Parking limited on certain streets on all days.**

In accordance with Section 12.52.060 and when signs are erected giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified herein on any day, including Sundays and legal holidays, within the districts or upon the street or parts of streets as follows:

Section 7. That the Title 12 (Vehicles and Traffic), Section 12.88.170 (No stopping or standing - tow-away zone), Subsections J and K, of the El Paso City Code, shall be amended to read as follows:

**Section 12.88.170, Subsections J and K, No stopping or standing – tow-away zone.**

J. When signs are erected in the following location reading substantially, "No Parking or Standing, Trailers or Vehicles With or Without Trailers, Exceeding Nine Feet in Height, Twenty-six feet in length or seven feet, eight inches in Width, Tow-Away Zone" no person shall park or stand any trailers or vehicles with or without trailers, exceeding nine

feet in height, twenty-six feet in length or seven feet, eight inches in width on the following parts of streets at any time, including, but not limited to, Sundays and legal holidays:

Within the area bounded by of Cotton St., to the west; Paisano St., to the south; Texas Ave. to the north; and Piedras St. to the east.

K. When signs are erected in the following locations reading substantially, "No Parking or Standing, 9:00 p.m.—2:00 a.m., Tow-away Zone, Permit Only," no person, except a person who holds a valid parking permit, shall stop, park, or stand any vehicle on the following parts of streets between 9:00 p.m.—2:00 a.m., on any day, including, but not limited to Sundays and legal holidays:

1. Mettler Drive, from Hawkins Boulevard to Cessna Drive;
2. Hopewell Drive, from Hawkins Boulevard to Cessna Drive;
3. Sunburst Drive, from Mettler Drive to Hopewell Drive.

Section 8. That Title 12 (Vehicles and Traffic), Section 12.88.190 (No stopping or standing at any time), Subsection A, of the El Paso City Code, shall be amended to read as follows:

**12.88.190, Subsection A. No stopping or standing at any time.**

A. When signs are erected in the following locations reading substantially "No Stopping or Standing," no person shall park, stop, or stand any vehicle on the following parts of streets at any time, including, but not limited to Sundays and legal holidays:

1. West side of Raynor Street from Copper Avenue to Grant Avenue;
2. North side of Copper Avenue from Raynor Street to a point 400 feet east of Luna Street;
3. West side of Luna Street from Copper Avenue to Aurora Avenue.

Section 9. That Title 13 (Streets, Sidewalks and Public Places), Section 13.28.010 (Sound Amplifying Devices) of the El Paso City Code, shall be amended to delete the definition of "legal holidays".

Section 10. That Title 13 (Streets, Sidewalks and Public Places), Section 13.36.010 (Parades and Public Assemblies) of the El Paso City Code, shall be amended to delete the definition of "legal holidays".

Section 11. That Title 14 (Aircraft and Airports), Section 14.20.250 (Meters), Subsection B, of the El Paso City Code, shall be amended to read as follows:

**14.20.250 Meters.**

B. Operation. When such meters are installed, all the provisions of Title 12 and Article III of this chapter with respect to parking meters, their installation, operation and use, and offenses relating thereto, shall be applicable to the meters authorized by this section, except as follows: there shall be no free time for the meters herein authorized, that is, persons parking at such meters shall deposit a ten-cent coin for each hour of use of the metered space at any time of any day, including Sundays and legal holidays; and the collection of coins from such meters shall be under supervision of the director of aviation instead of the license collector, and the proceeds of the meters shall be placed in the airport operating fund.

Section 12. That Title 18 (Building and Construction), Section 18.02.103.1.1.8 (Emergency work), of the El Paso City Code, shall be amended to read as follows:

**18.02.103.1.1.8 Emergency work.**

Properly authorized and licensed persons shall be allowed to begin work at night, or Saturdays, Sundays or legal holidays when an emergency exists; provided, that the required permit is obtained on the first working day after work has begun.

Section 13. That Title 18 (Building and Construction), Section 18.02.109.1.1.5 (Non-business hours inspection fee), of the El Paso City Code, shall be amended to read as follows:

**18.02.109.1.1.5 Non-business hours inspection fee.**

Inspections requested for weekends, city observed holidays, or other times outside regular business hours of the development services department shall be subject to prior approval of the building official and shall be subject to additional fees in accordance with the fee schedule established pursuant to budget resolution or such other resolution approved by the city council.

Section 14. That Title 18 (Building and Construction), Section 18.44.170 (Grading on holidays and weekends), of the El Paso City Code, shall be amended to read as follows:

**18.44.170 Grading on holidays and weekends.**

No grading of any kind, except as permitted below, shall be permitted on legal holidays and weekends unless the landowner or his authorized agent has notified the city's engineering department by noon of the day before the legal holiday or by noon on Friday. The weekend shall be defined as the period between five p.m. on Friday and eight a.m. on the following Monday. Grading will not be permitted within three hundred feet of a residentially zoned area before eight a.m. or after five p.m. on weekends and legal holidays. Failure to notify the city's engineering department shall be considered a violation of this section. Notification of the city's engineering department is not required if the grading is performed in connection

with a city, county, state or federal public works project which is supervised by an inspector provided by that government entity.

Section 15. That, except as herein amended, Title 1 (General Provisions), Title 5 (Business Taxes, Licenses and Regulations), Title 9 (Health and Safety), Title 12 (Vehicles and Traffic), Title 13 (Streets, Sidewalks and Public Places), Title 14 (Aircraft and Airports), and Title 18 (Building and Construction), shall remain in full force and effect.

ADOPTED this 1<sup>st</sup> day of June 2010.

CITY OF EL PASO

ATTEST:

\_\_\_\_\_  
John F. Cook, Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Elaine S. Hengen  
Senior Assistant City Attorney

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING EL PASO CITY CODE, TO UNIFORMLY DEFINE AND USE THE TERMS “LEGAL HOLIDAY” AND “CITY OBSERVED HOLIDAY” WITHIN THE CITY CODE, TO DEFINE THE TERMS BY AMENDING TITLE 1 (GENERAL PROVISIONS), SECTION 1.40.030 (DEFINITIONS AND RULES OF CONSTRUCTION); TO CHANGE THE WORD “HOLIDAYS” TO “LEGAL HOLIDAYS” BY AMENDING TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) SECTION 5.44.040 (REGISTRATION – FORM – FILING), TITLE 9 (HEALTH AND SAFETY) SECTION 9.40.120 (EXEMPTIONS), TITLE 12 (VEHICLES AND TRAFFIC) SECTIONS 12.52.060 (STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS ON ANY DAY), 12.88.170 (SCHEDULE XVI-PARKING LIMITED ON CERTAIN STREETS ON ALL DAYS), 12.88.180 (NO STOPPING OR STANDING-TOW-AWAY ZONE), AND 12.88.190 (NO STOPPING OR STANDING AT ANY TIME), TITLE 14 (AIRCRAFT AND AIRPORTS) SECTION 14.20.250 (METERS), AND TITLE 18 (BUILDING AND CONSTRUCTION) SECTION 18.02.103.1.1.8 (EMERGENCY WORK); TO CHANGE THE WORD “HOLIDAYS” TO “CITY OBSERVED HOLIDAYS” BY AMENDING TITLE 18, SECTION 18.02.109.1.1.5 (NON-BUSINESS HOURS INSPECTION FEE); AND TO ELIMINATE OTHER SEPARATE DEFINITIONS OF “LEGAL HOLIDAY” BY AMENDING TITLE 12, SECTION 12.44.170 AND TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES) SECTIONS 13.28.010 AND 13.36.010.

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

Section 1. That Title 1 (General Provisions), Section 1.04.030 (Definitions and Rules of Construction) of the El Paso City Code, shall be amended to read as follows:

**1.04.030 - Definitions and rules of construction.**

In the construction of this code, and of all ordinances, the following rules shall be observed, unless the context clearly indicates otherwise:

A. C. City, Offices. The words "the city" or "this city" mean the city of El Paso, and the title or name of any office, agency or department means the office, agency or department of the city.

B. C. City observed holiday. The words “city observed holiday” or “city recognized holiday” mean a legal holiday as well as a holiday recognized and observed as provided for in Ordinance 8064 of the City of El Paso, as amended.

~~B.~~ C. County. The words "the county" or "this county" means and refers to El Paso County, Texas.

~~C.~~ D. Gender. The masculine gender shall include the feminine and the neuter.

E. Legal holiday. The words “legal holiday” or “city holiday” mean the first day of January (New Years Day), the third Monday in January (Martin Luther King Holiday), the last Monday in May (Memorial Day), the fourth day of July (Independence Day), the first Monday in September (Labor Day), the fourth Thursday in November (Thanksgiving Day), the Friday after Thanksgiving Day, and the twenty-fifth day of December (Christmas Day).

~~D. F. Number. The singular number includes the plural.~~

~~E. G. Oath. The word "oath" shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."~~

~~F. H. Person. The word "person" shall include associations, clubs, societies, firms, partnerships and corporations as well as individuals or groups of individuals.~~

~~G. I. State. The words "the state" or "this state" shall refer to the state of Texas.~~

~~H. J. Street. The word "street" shall embrace streets, avenues, boulevards, drives, roads, alleys, lanes, viaducts and all other public highways in the city.~~

Section 2. That Title 5 (Business Taxes, Licenses and Regulations), Section 5.44.040, Subsection B (Registration – Form - Filing) of the El Paso City Code, shall be amended to read as follows:

**5.44.040, Subsection B. Registration—Form—Filing.**

B. The registration form shall further provide that by making such registration the person, association or corporation so operating, conducting or managing a kindergarten within the city agrees and consents to the making of an inspection of the physical premises used for kindergarten purposes by the building inspector or other authorized city official at any reasonable time during any day other than Sundays or legal holidays and in such manner as not to unreasonably interfere with the conduct of kindergarten classes.

Section 3. That Title 9 (Health and Safety), Section 9.40.120, Subsection D (Exemptions) of the El Paso City Code, shall be amended to read as follows:

**9.40.120, Subsection D. Exemptions.**

D. Noise sources associated with or vibration created by construction repair, remodeling or grading of any real property or during authorized seismic surveys, provided the activities do not take place between the hours of eight p.m. and seven a.m. on weekdays and Saturdays; or at any time on Sunday or a legal holiday except in compliance with chapter 18.44 of this code, and provided the noise level created by such activities does not exceed the noise standard of sixty-five dB(A) plus the limits specified in Section 9.40.040 as measured on residential property and any vibration created does not endanger the public health, welfare and safety;

Section 4. That Title 12 (Vehicles and Traffic), Section 12.04.110 (Legal holidays) of the El Paso City Code, shall be amended to read as follows:

**12.04.110 Legal holidays.**

“Legal holiday” shall be as defined in section 1.04.010 of this code ~~includes only the following dates: January First, Memorial Day, July Fourth, Labor Day, Thanksgiving Day and December Twenty fifth.~~

Section 5. That Title 12 (Vehicles and Traffic), Section 12.52.060 (Stopping, standing or parking prohibited during certain hours on any day) of the El Paso City Code, shall be amended to read as follows:

**12.52.060 Stopping, standing or parking prohibited during certain hours on any day.**

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified in Schedule XVI, Section 12.88.170, of any day, including Sundays and legal holidays, within the districts, or upon any of the streets described in said schedule.

Section 6. That the first sentence of Title 12 (Vehicles and Traffic), Section 12.88.170 (Schedule XVI—Parking limited on certain streets on all days) of the El Paso City Code, shall be amended to read as follows, and subsections A and B, which follow this first sentence, shall remain unchanged and in effect:

**12.88.170 Schedule XVI—Parking limited on certain streets on all days.**

In accordance with Section 12.52.060 and when signs are erected giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified herein on any day, including Sundays and legal holidays, within the districts or upon the street or parts of streets as follows:

Section 7. That the Title 12 (Vehicles and Traffic), Section 12.88.170 (No stopping or standing - tow-away zone), Subsections J and K, of the El Paso City Code, shall be amended to read as follows:

**Section 12.88.170, Subsections J and K, No stopping or standing – tow-away zone.**

J. When signs are erected in the following location reading substantially, "No Parking or Standing, Trailers or Vehicles With or Without Trailers, Exceeding Nine Feet in Height, Twenty-six feet in length or seven feet, eight inches in Width, Tow-Away Zone" no

person shall park or stand any trailers or vehicles with or without trailers, exceeding nine feet in height, twenty-six feet in length or seven feet, eight inches in width on the following parts of streets at any time, including, but not limited to, Sundays and legal holidays:

Within the area bounded by of Cotton St., to the west; Paisano St., to the south; Texas Ave. to the north; and Piedras St. to the east.

K. When signs are erected in the following locations reading substantially, "No Parking or Standing, 9:00 p.m.—2:00 a.m., Tow-away Zone, Permit Only," no person, except a person who holds a valid parking permit, shall stop, park, or stand any vehicle on the following parts of streets between 9:00 p.m.—2:00 a.m., on any day, including, but not limited to Sundays and legal holidays:

1. Mettler Drive, from Hawkins Boulevard to Cessna Drive;
2. Hopewell Drive, from Hawkins Boulevard to Cessna Drive;
3. Sunburst Drive, from Mettler Drive to Hopewell Drive.

Section 8. That Title 12 (Vehicles and Traffic), Section 12.88.190 (No stopping or standing at any time), Subsection A, of the El Paso City Code, shall be amended to read as follows:

**12.88.190, Subsection A. No stopping or standing at any time.**

A. When signs are erected in the following locations reading substantially "No Stopping or Standing," no person shall park, stop, or stand any vehicle on the following parts of streets at any time, including, but not limited to Sundays and legal holidays:

1. West side of Raynor Street from Copper Avenue to Grant Avenue;
2. North side of Copper Avenue from Raynor Street to a point 400 feet east of Luna Street;
3. West side of Luna Street from Copper Avenue to Aurora Avenue.

Section 9. That Title 13 (Streets, Sidewalks and Public Places), Section 13.28.010 (Sound Amplifying Devices) of the El Paso City Code, shall be amended to delete the definition of "legal holidays":

~~"Legal holidays" means the first day of January (New Years Day), the third Monday in January (Martin Luther King Holiday), the last Monday in May (Memorial Day), the fourth day of July (Independence Day), the first Monday in September (Labor Day), the fourth Thursday in November (Thanksgiving Day), the Friday after Thanksgiving Day, and the twenty fifth day of December (Christmas Day).~~

Section 10. That Title 13 (Streets, Sidewalks and Public Places), Section 13.36.010 (Parades and Public Assemblies) of the El Paso City Code, shall be amended to delete the definition of "legal holidays":

~~“Legal holidays” means the first day of January (New Years Day), the third Monday in January (Martin Luther King Holiday), the last Monday in May (Memorial Day), the fourth day of July (Independence Day), the first Monday in September (Labor Day), the fourth Thursday in November (Thanksgiving Day), the Friday after Thanksgiving Day, and the twenty fifth day of December (Christmas Day).~~

Section 11. That Title 14 (Aircraft and Airports), Section 14.20.250 (Meters), Subsection B, of the El Paso City Code, shall be amended to read as follows:

**14.20.250 Meters.**

B. Operation. When such meters are installed, all the provisions of Title 12 and Article III of this chapter with respect to parking meters, their installation, operation and use, and offenses relating thereto, shall be applicable to the meters authorized by this section, except as follows: there shall be no free time for the meters herein authorized, that is, persons parking at such meters shall deposit a ten-cent coin for each hour of use of the metered space at any time of any day, including Sundays and legal holidays; and the collection of coins from such meters shall be under supervision of the director of aviation instead of the license collector, and the proceeds of the meters shall be placed in the airport operating fund.

Section 12. That Title 18 (Building and Construction), Section 18.02.103.1.1.8 (Emergency work), of the El Paso City Code, shall be amended to read as follows:

**18.02.103.1.1.8 Emergency work.**

Properly authorized and licensed persons shall be allowed to begin work at night, or Saturdays, Sundays or legal holidays when an emergency exists; provided, that the required permit is obtained on the first working day after work has begun.

Section 13. That Title 18 (Building and Construction), Section 18.02.109.1.1.5 (Non-business hours inspection fee), of the El Paso City Code, shall be amended to read as follows:

**18.02.109.1.1.5 Non-business hours inspection fee.**

Inspections requested for weekends, city observed holidays, or other times outside regular business hours of the development services department shall be subject to prior approval of the building official and shall be subject to additional fees in accordance with the fee schedule established pursuant to budget resolution or such other resolution approved by the city council.

Section 14. That Title 18 (Building and Construction), Section 18.44.170 (Grading on holidays and weekends), of the El Paso City Code, shall be amended to read as follows:

**18.44.170 Grading on holidays and weekends.**

No grading of any kind, except as permitted below, shall be permitted on legal holidays and weekends unless the landowner or his authorized agent has notified the city's engineering department by noon of the day before the legal holiday or by noon on Friday. ~~A holiday shall be defined as an official city holiday for city employees, and~~ The weekend shall be defined as ~~that~~ the period between five p.m. on Friday and eight a.m. on the following Monday. Grading will not be permitted within three hundred feet of a residentially zoned area before eight a.m. or after five p.m. on weekends and legal holidays. Failure to notify the city's engineering department shall be considered a violation of this section. Notification of the city's engineering department is not required if the grading is performed in connection with a city, county, state or federal public works project which is supervised by an inspector provided by that government entity.

Section 15. That, except as herein amended, Title 1 (General Provisions), Title 5 (Business Taxes, Licenses and Regulations), Title 9 (Health and Safety), Title 12 (Vehicles and Traffic), Title 13 (Streets, Sidewalks and Public Places), Title 14 (Aircraft and Airports), and Title 18 (Building and Construction), shall remain in full force and effect.

ADOPTED this 1<sup>st</sup> day of June 2010.

CITY OF EL PASO

ATTEST:

\_\_\_\_\_  
John F. Cook, Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Elaine S. Hengen  
Senior Assistant City Attorney