

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

DEPARTMENT: City Manager

AGENDA DATE: August 16, 2005

CONTACT PERSON/PHONE: Joyce Wilson/541-4109

DISTRICT(S) AFFECTED: N/A

SUBJECT:

Approve an ordinance designating the enforcement authority of the Department of Environmental Services and the Development Services Department and their directors and designees.

BACKGROUND / DISCUSSION:

The City Code contains numerous provisions that grant enforcement authority to city officials by department name or by job title. Through this ordinance, the Director of Environmental Services and the Director of Development Services and their designees will be authorized or additionally authorized to enforce all of the code, penal and regulatory provisions, perform inspections and all other duties and responsibilities created and designated to be performed by city officials and inspectors. Granting enforcement authority through this ordinance that will supplement the Code provisions will eliminate the need to amend each and every specific enforcement ordinance in the City Code.

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****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

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EL PASO CITY CODE TO ADD AND DESIGNATE THE ENFORCEMENT AUTHORITY OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES AND THE DEVELOPMENT SERVICES DEPARTMENT AND THEIR DIRECTORS AND DESIGNEES.

WHEREAS, for purposes of economy and efficiency, the City has undertaken a revision of several of its departments and has transferred some specific functions and duties from one department to another department; and

WHEREAS, there are numerous ordinances within the El Paso City Code that assign code enforcement authority to various departments and their directors; and

WHEREAS, the City Council finds that it is appropriate to create this ordinance to designate the enforcement authority of the newly established Department of Environmental Services and Development Services Department, which shall serve to amend all relevant provisions of the El Paso City Code.

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

Section 1. The Director of Environmental Services and the Director of Development Services and their designees are authorized and additionally authorized to enforce penal and regulatory provisions, to make findings, perform inspections and accept reports, to issue orders and directives, to take actions to revoke permits or other city authorizations and to perform all other duties and responsibilities which are designated to be performed by any city officials or employees and are set forth or contained in Titles 5 (Business Taxes, Licenses and Regulations), 9 (Health and Safety), 13 (Streets, Sidewalks and Public Places), 15 (Public Services), 17 (Housing), 18 (Building and Construction), 19 (Subdivisions) and 20 (Zoning); Chapter 10.24 (Miscellaneous Offenses); and Section 10.08.010 (House numbers-tampering with prohibited) of the El Paso City Code and shall have the power to issue citations to any person violating the provisions of these chapters and to undertake and perform all duties and regulatory functions as set forth herein notwithstanding the fact that the titles of the Director of Environmental Services and the Director of Development Services are not among the specific listings contained therein.

Section 2. That the Director of Environmental Services and the Director of Development Services and their designees shall constitute authorized officials and additionally designated public officials for all purposes established under and pursuant to Chapter 1.12 (Right of Entry for Inspection) of the City Code, Section 9.04.370 (Authority to issue citations) of the City Code, and shall further be authorized to make a right of entry under Section 18.02.102.2.1 (Right of Entry General) of the City Code.

Section 3. Nothing in this ordinance shall be interpreted to grant any powers or authority that under the Texas Code of Criminal Procedure, are reserved exclusively to persons who are peace officers under Article 2.12, Code of Criminal Procedure.

Section 4. It is the intent of the City of El Paso that the changes directed by this ordinance shall not apply to any ordinance passed on or after the date this ordinance is passed and any changes in terms that are necessary for any ordinance passed on or after the date this ordinance becomes effective shall be included within such other ordinance. Therefore, the changes directed to be made by the publisher of the City Code by this ordinance shall not apply to any section of the El Paso City Code enacted or amended by the El Paso City Council on and after August 30, 2005.

ADOPTED THIS 30th day of August 2005.

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Elaine S. Hengen
Assistant City Attorney

Patricia D. Adauto
Deputy City Manager