

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

DEPARTMENT: Engineering Department

AGENDA DATE: Introduction – August 17, 2010
Public Hearing – August 24, 2010

CONTACT PERSON NAME AND PHONE NUMBER: R. Alan Shubert,
Engineering, (915) 541-4428

DISTRICT(S) AFFECTED: All

SUBJECT:

An ordinance to amend the City code to reflect departmental reorganization by amending Title 18 (Building and Construction) to amend sections thereunder pertaining to the duties which had been assigned to the Development Services Department and staff; to delete section 18.02.110 regarding displays in City facilities; and to delete Chapter 18.48 (Projection Booths); the penalty being as provided in sections 18.02.107, 18.8.400, 18.21.360, 18.36.040, 18.44.240, 18.46.180, and as provided in the Technical codes of the El Paso City code.

BACKGROUND / DISCUSSION:

The City Manager proposed through the Budget for FY 2011 and the City Council has decided to re-organize the Engineering Department, the Street Department, the Environmental Services Department and to delete the Development Services Department. This action necessitates this ordinance and others to make changes to the City Code to reflect the organizational changes.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

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 TO AMEND THE CITY CODE TO REFLECT DEPARTMENTAL REORGANIZATION BY AMENDING TITLE 18 (BUILDING AND CONSTRUCTION) TO AMEND SECTIONS THEREUNDER PERTAINING TO THE DUTIES WHICH HAD BEEN ASSIGNED TO THE DEVELOPMENT SERVICES DEPARTMENT AND STAFF; TO DELETE SECTION 18.02.110 REGARDING DISPLAYS IN CITY FACILITIES; AND TO DELETE CHAPTER 18.48 (PROJECTION BOOTHS); THE PENALTY BEING AS PROVIDED IN SECTIONS 18.02.107, 18.8.400, 18.21.360, 18.36.040, 18.44.240, 18.46.180, AND AS PROVIDED IN THE TECHNICAL CODES OF THE EL PASO CITY CODE.

WHEREAS, the Building Permits and Inspections Division is being moved to be a division of the Engineering and Construction Management Department which is being reorganized and renamed, and the Development Services Department is being deleted; and

WHEREAS, various provisions in the City Code relating need to be amended to reflect these changes; and

WHEREAS, the provisions in Section 18.02.110 regarding displays in city facilities are being deleted as that process provided therein does not conform with the current Council-Manager form of government; and the provisions in Chapter 18.48 regarding projection booths are being deleted, as facilities of the type contemplated by this chapter are no longer constructed or exist anywhere in the City.

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

Section 1. That Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.101.4 (Building official), of the El Paso City Code, is re-titled and amended to read as follows:

18.02.101.4 Building official.

All references within the technical codes to the building department shall mean the engineering and construction management department, including the building permits and inspections division where applicable. All references in this chapter to the department, when relating to the duties of the department, shall mean the engineering and construction management department, including the building permits and inspections division. All references as may be used in state or other applicable law, and in the ordinances and technical codes of the city, to the building official, plumbing official, mechanical official, gas official, or the authority having jurisdiction, shall mean the

building official as defined in Section 18.02.101.4.1 or such other qualified designee of the city manager.

Section 2. That Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.101.4.1 (Building Official Qualifications), of the El Paso City Code, is re-titled and amended to read as follows:

18.02.101.4.1 Building official qualifications

The building official shall be designated by the City Manager and shall have a valid Building Official Certification from the International Code Council or other recognized certification program at the time of appointment. The building official is authorized to administer and enforce the provisions of the codes enumerated in section 18.02.101.4.1 and to delegate his enforcement authority.

Section 3. That Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.101.4.2 (Chief inspector qualifications), of the El Paso City Code, is amended to read as follows:

18.02.101.4.2 Chief inspector qualifications.

Chief inspectors in the building permits and inspection division and the code compliance division shall obtain valid building official certification from the International Code Council or other recognized certification program as required by the approved job specifications for the position.

Section 4. That Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.101.4.3 (Inspector qualifications), of the El Paso City Code, is amended to read as follows:

18.02.101.4.3 Inspector qualifications.

Inspectors in the building permits and inspections division and the code enforcement division shall obtain valid inspector certification from the International Code Council or other certification program as required by the approved job specifications for the positions, within six months of the hiring date as an inspector.

Section 4. That Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.101.4.4 (Deputy building official), of the El Paso City Code, is amended to read as follows:

18.02.101.4.4 Deputy building official.

The building official may designate City employees to be known as deputy building officials under either the building permits and inspections division or the code compliance division for purposes of carrying out authority and delegation with respect to all matters under this code and the technical codes.

Employees designated to be known as deputy building officials shall have a valid Building Official Certification from the International Code Council or other recognized certification program at the time of appointment and shall have the powers as delegated by the building official. Final authority for interpretation of the codes enumerated in section 18.02.101.4.1 shall rest with the building official.

To the extent that provisions in the technical codes regarding the designation or appointment of deputy building officials may be contrary to the provision in this section, this section shall control.

Section 5. That Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.101.4.5 (Restrictions on employees), of the El Paso City Code, is amended to read as follows:

18.02.101.4.5 Restrictions on employees.

An officer or employee connected with the department or assigned to the code enforcement division, except one whose only connection is as a member of all of the boards established by this code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with his duties or conflict with the interests of the city, in accordance with Civil Service rules and the Charter and ordinances of the city.

Section 6. That Chapter 18.02 (Building and Construction Administrative Code), Sections 18.02.101.4.6 (Records), 18.02.101.4.8 (Reports), of the El Paso City Code, are amended to change the phrase “director of the development services department or his designee” to “building official” as used in these sections.

Section 7. That Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.102.1 (General), of the El Paso City Code, is amended to read as follows:

18.02.102.1 General.

The building official is authorized and directed to enforce the provisions of this code and of the technical codes. The building official is further authorized to render interpretations of this code and of the technical codes, which are consistent with their spirit and purpose.

Section 8. That Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.102.9 (Interference with department employees), of the El Paso City Code, is amended to read as follows:

18.02.102.9 Interference with department employees.

No person shall interfere with the building official, inspector, official, agent or employee of the engineering and construction management department or the code enforcement division in the discharge of their duties or in any manner prevent or attempt to prevent them from carrying out the provisions of this code and the technical codes.

Section 9. That Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.102.10 (Sign installation), of the El Paso City Code, is amended to read as follows:

18.02.102.10 Sign installation.

No sign shall be installed without displaying the approval identification tags from the building official and from the listing laboratory. No sign shall be moved or relocated without the issuance of a new identification tag for the new location from the building official.

Section 10. That Chapter 18.02 (Building and Construction Administrative Code), Sections 18.02.103.1.1 (When required), 18.02.103.1.1.4 (Application submission), 18.02.103.1.1.4.1 (Call-in-permits application submission) 18.02.103.1.1.7 (Authorization to proceed with construction), 18.02.103.4.3.3 (Texas industrialized buildings placement permit), 18.02.103.4.3.4 (Texas industrialized housing placement permit), 18.02.103.4.3.7 (Temporary gas permit), and 18.02.103.9.3.5 (Relations with city water utilities) of the El Paso City Code, be amended to change the phrase “development services department” to “building official” as used within these sections.

Section 11. That Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.103.4.3.6 (Special building permits for seasonal sales), of the El Paso City Code, is amended to read as follows:

18.02.103.4.3.6 Special building permits for seasonal sales.

Special building permits for seasonal sale of food items shall allow such sales for a limited amount of time not to exceed one hundred eighty days and shall be subject to review and approval by the fire chief, director of the department of public health and the building official, or their designee. Such structures or stands shall not exceed one hundred square feet in area. Site plans reflecting parking and setbacks, and drawings and

details of the structure or stand shall be submitted with the request for the special building permit. Exception: wood framed seasonal stands shall not be permitted in the fire district.

Section 12. That Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.103.8.7.1 (Notice of inspection results), of the El Paso City Code, is amended to read as follows:

18.02.103.8.7.1 Notice of inspection results.

The building official and his designees are authorized to attach to electrical or gas equipment any official notice or seal to prevent the unlawful use of electricity or gas; and it is unlawful for any person who is not the building official or his designee to place or attach any such notice or seal, or to break, change, mutilate, cover, deface or injure any such official notice or seal posted by building official or his designee.

Section 13. That Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.103.9.5 (Relations with the building official), of the El Paso City Code, is amended to be re-titled and to read as follows:

18.02.103.9.5 Relations with the building official.

1. No system of plumbing utilizing a private disposal system as provided in the plumbing code shall be finally approved or released until the building official has received a final approval of such system from the building official.
2. No approval shall be granted to an existing out-of-city plumbing system as defined in Section 18.02.103.9.4 until the private sewage (whether individual or community) to which the system is connected has been inspected and approved by the building official.
3. Clear water waste from swimming, wading and bathing pools and similar devices and installations may be utilized for irrigation by either surface or subsurface spreading when specifically authorized by the building official and such authorization and the conditions under which it is granted is furnished in writing to the building official.

Section 14. That Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.103.10.2 (Storage and factory-industrial occupancies), of the El Paso City Code, is amended to read as follows:

18.02.103.10.2 Storage and factory-industrial occupancies.

It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such

computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the office of the building official.

Section 15. That Chapter 18.02 (Building and Construction Administrative Code), Sections 18.02.108.2.9 (Mechanical contractors—Identification of apprentices.), 18.02.108.3.1 (Licenses required), 18.02.108.3.5 (Examinations), 18.02.108.3.1 (Licenses required), 18.02.108.4.4 (Plumbing contracts—Identification of apprentices), and 18.02.108.5.2, (Gas contractors—Identification of apprentices), of the El Paso City Code, are amended to change the phrase “development services director” to “building official”, as used in these sections.

Section 16. That Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.109.1.1.5 (Non-business hours inspection fee), of the El Paso City Code, is amended to read as follows:

18.02.109.1.1.5 Non-business hours inspection fee.

Inspections requested for weekends, holidays, or other times outside regular business hours of the building permits and inspection division 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 17. That Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.109.1.6 (Home improvement contractor registration and fee), of the El Paso City Code, is amended to change the phrase “development services department” to “building official.”

Section 18. That Section 18.02.110 (Displays in City Facilities), and all subsections thereunder, of the El Paso City Code, are deleted in their entirety.

Section 19. That Chapter 18.08 (Building Code), Section 18.08.090 (Section 501.2 amended—Premises identification), of the El Paso City Code, is amended to change the phrase “City Department of Planning, Research and Development” to “planning official”, as used within the section.

Section 20. That Chapter 18.08 (Building Code), Section 18.08.170 (Chapter 11 Amended—Accessibility for people with physical disabilities), of the El Paso City Code,

is amended to change the phrase “Development Services Department” to “building official”, as used within the section.

Section 21. That Chapter 18.10 (Residential Code), Section 18.10.060 (Section R321 amended—Site address), of the El Paso City Code, is amended to change the phrase “Development Services Department” to “planning official”, as used within the section.

Section 22. That Chapter 18.18 (Outdoor Lighting Code), Section 18.18.060 (Definitions), of the El Paso City Code, be revised to amend only the definition of “director” to read as follows:

18.18.060 Definitions, definition of “director”

“Director” means the building official as defined in Section 18.02.101.4 of this code.

Section 23. That Chapter 18.20 (Plumbing Code), Section 18.20.070 (Section 312.9.3 added—Backflow inspection records), of the El Paso City Code, is amended to change the phrase “Development Services Department” to “building official”, as used within the section.

Section 24. That Chapter 18.21 (Private Sewage Facilities), Section 18.21.060 (License to operate), of the El Paso City Code, is amended to change the phrase “development services department” to “building official”, as used within the section.

Section 25. That Chapter 18.44 (Grading), Sections 18.44.030 (Compliance with provisions), 18.44.050 (Permits required), 18.44.080 (Permit application), 18.44.090 (Liability insurance required), 18.44.110 (Permit application, referral to El Paso-Hudspeth soil and water conservation district), 18.44.130 (Issuance or denial of permit), 18.44.140 (Period of validity of permits), 18.44.160 (Revocation of permits), 18.44.190 (Responsibilities of the landowner or his authorized agent), and 18.44.220 (Engineering controls for grading), of the El Paso City Code, are amended to change the phrase “director” to “city engineer”, as used within these sections.

Section 26. That Chapter 18.44 (Grading), 18.44.040 (Definitions), of the El Paso City Code, is amended to delete subsection D, the definition of “director”.

Section 27. That Chapter 18.44 (Grading), 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 following circumstances, which are exceptions concerning only the obligation to apply for a permit, and do not relieve the landowner from complying with the remaining provisions of this chapter. The person engaged in grading shall have the burden of establishing that he comes within 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 work is covered by a valid building permit, a grading permit may not be required. In addition, if the work is to be performed in connection with construction on a legally platted lot, and which has been graded under a previously issued permit in accordance with grading and drainage plans previously approved by the city engineer, a grading permit may be waived by the city engineer;
- 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 a trenching operation for the construction or repair of pipelines and other underground utilities;
- D. Where the work is performed as part of a city solid waste disposal operation;
- E. Where the work is small in depth, area or effect such as, but not limited to, tree planting, interment and minor landscaping on a residentially used property.
- F. Where the work is a city public works project.

Section 28. That Chapter 18.44 (Grading), 18.44.100 (Permit application, staff review), of the El Paso City Code, is amended to read as follows:

18.44.100 Permit application, staff review.

When grading is to be performed on an unplatted site or when the area of the site exceeds one acre, the city engineer may forward the application to the planning division for study and comment on the application regarding any aspect of the proposed work which relates to or affects the zoning or land use, and on the apparent ecological effect of the development. The city engineer may also forward the application to the stormwater administrator or other appropriate individuals for review and comment in accordance with applicable city ordinances and procedures. In such cases, the staff shall provide such comments within a period of ten days. The failure of staff to provide timely comments shall not delay the continued processing of the permit application.

Section 29. That Chapter 18.44 (Grading), Section 18.44.170 (Grading on holidays and weekends), of the El Paso City Code, is amended to change the phrase "city's engineering department" to "city engineer", as used in this section.

Section 30. That Chapter 18.44 (Grading), Section 18.44.180 (Removing Hazardous Conditions), of the El Paso City Code, is amended to read as follows:

18.44.180 Removing hazardous conditions.

A. If the city engineer finds that any grading (either completed or in progress) is causing a hazard to persons or property, he may notify the owner or his authorized agent and require that the hazard be removed or eliminated as soon as practicable depending upon the degree of urgency associated with the hazard involved. If such action is not completed within the time limit stated within the notice, the city engineer may require that reasonable temporary protective measures be provided in the interim.

B. If materials are washed or deposited upon streets, alleys or other public property as a result of improperly controlled grading of higher or adjacent lands, the city engineer shall notify the owner or his authorized agent to remove such materials and restore the streets, alleys or other public property to their original condition. Failure to comply with such an order shall be a violation of this chapter as provided in Section 18.44.240.

C. In addition, and regardless of whether or not any person is convicted of a misdemeanor for failure to comply with a notice given under subsection A or B of this section, the city engineer may, if the owner fails to comply with such notice, authorize the work to be done by city forces or by contract. The city engineer shall then report to the city council the actual cost of doing such work. After notice and an opportunity to be heard, the city council may by resolution determine the actual cost of doing the work and declare this amount, plus the cost of recording the resolution, to be a personal liability of the owner of the land and a lien on the land, payable within ten days after adoption of the resolution, and thereafter bearing the twelve percent simple annual interest until paid. A copy of the resolution, authenticated by the acknowledgment of the city clerk shall be filed for record in the office of the county clerk. Notice of the hearing before the city council shall be in writing and delivered in person or sent by certified mail with return receipt requested to the owner and to holders of recorded liens on the property. If after reasonably diligent efforts the person to be notified of such hearing cannot be found, notice may be given by one publication in the official newspaper.

D. Materials from a grading site which are spilled or deposited onto public streets shall be removed by the contractor or permittee on the same day. Whenever earthen ramps are required to cross city rights-of-way, approval must be obtained from the city engineer.

Section 31. That Chapter 18.44 (Grading), Section 18.44.200 (Responsibility and authority of the city engineer), of the El Paso City Code, is re-titled and amended to read as follows:

18.44.200 Responsibility and authority of the city engineer.

The city engineer shall be responsible for:

A. Reviewing all grading permit applications as submitted under the requirements of Section 18.44.080 and the issuing or denying of grading permits as expeditiously as possible;

B. Performing or obtaining all the appropriate tests and inspections to assure that the conditions of the permit and intent and purpose of this chapter have been fulfilled. The costs of all the tests required shall be paid for by the applicant;

C. Imposing such conditions and specifications on the issuance and duration of the grading permit as may be reasonably necessary to cause the work to fulfill the intent and purpose of this chapter. These conditions and specifications shall include, but will not be limited to, the following:

1. Interim and permanent soil erosion control and land management requirements including provision for:
 - a. Disturbed soil surface treatments (emissions, mulches, seeding and the like),
 - b. Protective drainage measures for surface drainage and subsurface water where required,
 - c. Terracing and use of dikes and berms,
 - d. Landscaping measures,
 - e. Paving and other miscellaneous related measures;
2. Compaction requirements in filled areas;
3. Slope stabilization requirements, including the establishment of:
 - a. Degree of slope limitations,
 - b. Height of slope limitations,
 - c. Allowable factors of safety with respect to slope stability,
 - d. Protective drainage measures;
4. Work procedures and safety requirements:
 - a. Protective fencing,
 - b. Excavation slope limitations, shoring and bracing,
 - c. Traffic control requirements concerning transportation of materials on public ways,
 - d. Limitations on the amount of area which may be disturbed by grading operations,
 - e. Work scheduling requirements,
 - f. Stockpiling and reuse of top soils;

D. Promulgating rules and regulations, subject to approval of the city council, concerning grading, concerning the setting up of technical specifications, and concerning the administration of this chapter. The technical specifications shall deal with (but are not limited to) criteria for degree and height of slope, compaction requirements, work procedures, safety standards, drainage, traffic control requirements, slope protection, methods of erosion control and other matters pertinent to the conduct of the work and the quality of the work upon collection. Such rules, regulations and guidelines shall also contain special provisions which shall apply in the mountain development area.

Section 32. That Chapter 18.44 (Grading), Section 18.44.210, Subsection A, (Authority to Issue Citations), of the El Paso City Code, is amended to read as follows:

18.44.210, Subsection A, Authority to issue citations.

A. The city engineer and any person designated by the city engineer, to include but not be limited to the building official and the code enforcement division, are authorized to enforce the provisions of this chapter and shall have the power to issue misdemeanor citations to any persons violating the provisions of this chapter.

Section 33. That Chapter 18.46 (Landscape), Section 18.46.050 (Definitions), of the El Paso City Code, is amended to amend only the definitions of “approved plant list” and “director” to read as follows:

18.46.050 Definitions

“Approved plant list” means the list of plants and shrubs prepared by the tree board or its successor the board of parks and recreation, and the building official, and on file with the building official, and as may be amended from time to time.

“Director” means the building official as defined in Section 18.02.101.4 of this code.

Section 34. That Chapter 18.46 (Landscape), Section 18.46.100, Subsection B, (Landscape standards), of the El Paso City Code, is amended to read as follows:

18.46.100, Subsection B, Landscape standards.

B. Plants. All plants to be used in the landscape design shall be selected from the approved plant list on file and maintained by the building official. No artificial plant materials shall be used to satisfy the requirements of this chapter. All plants and trees shall be healthy and vigorous at the time of planting. At least fifty percent of the plants installed shall be plant material be of the low water, drought-tolerant variety.

Section 35. That Chapter 18.46 (Landscape), Section 18.46.150 (Fees in lieu of installation), of the El Paso City Code, is amended to change the phrase “development services department director or designee” to “building official” as used in this section.

18.46.160 Enforcement.

A. Revocation of Permit. Permits may be revoked in accordance with the provisions in chapter 18.02 of this code.

B. Citations. The city engineer and any person designated by the city engineer, to include but not be limited to the building official and the code enforcement division, are authorized to enforce the provisions of this chapter and shall have the power to issue misdemeanor citations to any persons violating the provisions of this chapter.

Section 36. That Chapter 18.48 (Projection booths), and all sections thereunder, of the El Paso City Code, are deleted in their entirety.

Section 37. That Chapter 18.60 (Flood Damage Prevention), Section 18.60.150, Subsections K and L, (Duties and responsibilities of the floodplain administrator), of the El Paso City Code, is amended to read as follows:

18.60.150, Subsections K and L, Duties and responsibilities of the floodplain administrator.

K. Conduct an annual inspection of the flood control system and provide a written inspection report, including an assessment of the operational condition, safety, effectiveness and maintenance condition of the system, and a line item list of required special maintenance or repairs, to the city manager or his designee and the director of the department of transportation, or to such other person, agency, department or entity as may be appropriate pursuant to other ordinances adopted by the City;

L. Review the annual schedule of maintenance for flood control facilities prepared by the street director and forward the annual schedule to the city manager or designee, or to such other person, agency, department or entity as may be appropriate pursuant to other ordinances adopted by the City, with appropriate recommendations regarding any changes to frequency or nature of maintenance work proposed and/or requirements for special maintenance or repair;

Section 38. That Chapter 18.60 (Flood Damage Prevention), Section 18.60.160, (Duties and responsibilities of the city manager or designee), of the El Paso City Code, is re-titled and amended to read as follows:

18.60.160 Duties and responsibilities of the city manager or designee.

The city manager or his designee shall, to the extent that the following duties and responsibilities have not been delegated or assumed by another person, agency, department or entity pursuant to other ordinances adopted by the City:

- A. Exercise overall management control of the construction, operation and maintenance of the flood control system;
- B. Review, revise and approve the annual schedule of maintenance of the flood control system submitted by the street director;
- C. Allocate resources as required to assure the timely execution of the annual maintenance schedule and the safe and effective operation of the flood control system.

Section 39. That Chapter 18.60 (Flood Damage Prevention), Section 18.60.170, (Duties and responsibilities of the director of the department of transportation), of the El Paso City Code, is re-titled and amended to read as follows:

18.60.170 Duties and responsibilities of the director of the department of transportation.

The director of the department of transportation shall, to the extent that the following duties and responsibilities have not been delegated or assumed by another person, agency, department or entity pursuant to other ordinances adopted by the City:

- A. Be the custodian of the flood control system, including all dams, detention all retention basins, outlet works, channels, pumping stations and all other public drainage conveyance structures;
- B. Maintain and repair the system to ensure its safety and operational capability;
- C. Maintain full-time surveillance of the operational readiness of the system. Immediately notify the city manager or his designee and the floodplain administrator of any system component that is in a state of reduced operational readiness;
- D. Direct the operation of the system during storms and flooding to maximize the effectiveness of the system in reducing damage to public and private property and danger to public safety;
- E. Participate in the annual inspection of the flood control system conducted by the floodplain administrator;
- F. Prepare and submit to the floodplain administrator an annual schedule of maintenance and repair to the flood control system;
- G. Carry out the annual schedule of maintenance repair as approved by the city manager or his designee.

Section 40. That Chapter 18.60 (Flood Damage Prevention), Section 18.60.180 (Development permit procedures), of the El Paso City Code, is amended to change the phrase “director of the development services department or his designee” to “planning official” as used in this section.

Section 41. This ordinance shall take effect on September 1, 2010.

Section 42. Except as herein amended, Title 18 of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS 24^h day of August 2010.

(signatures appear on the following page)

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Patricia D. Aauto
Deputy City Manager

