

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

CITY CLERK DEPT.
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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 17 (Housing) to amend various sections pertaining to the duties which had been assigned to the Development Services Department and the Staff; the penalty being as provided in Sections 17.04.080 – and 1.08.010 – 1.08.030 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. No substantive changes are being made to the code in this ordinance--only the changes necessary to achieve reorganization and to make appropriate cross references to other code provisions.

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

AN ORDINANCE TO AMEND THE CITY CODE TO REFLECT DEPARTMENTAL REORGANIZATION BY AMENDING TITLE 17 (HOUSING) TO AMEND VARIOUS SECTIONS PERTAINING TO THE DUTIES WHICH HAD BEEN ASSIGNED TO THE DEVELOPMENT SERVICES DEPARTMENT AND THE STAFF; THE PENALTY BEING AS PROVIDED IN SECTIONS 17.04.080 - AND 1.08.010 – 1.08.030 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

WHEREAS, various provisions in the City Code need to be amended to reflect this change and the creation of permit officials, as will be designated by the City Manager.

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

Section 1. That Chapter 17.04, (Housing Code Adopted), Section 17.04.070, (Section 107 amended-Appeals), of the El Paso City Code, is amended to read as follows:

17.04.070 Section 107 amended--Appeals.

Section 107, appeals, of the Standard Housing Code is amended to read as follows:

A. Any person receiving written notice from the building official of structural deficiencies in his property under this Code may, within thirty (30) days following the date of such notice, enter an appeal in writing to the Construction Board of Appeals, depending upon the deficiencies for which the person received notice. Such appeal shall state the location of the property, the date of the notice of violations and the number of such notice. The appellant must state the variance or modification requested, the reasons therefor and the hardships or conditions upon which the appeal is made. A fee of twenty-five dollars (\$25) shall accompany such notice of appeal.

Notices from the building official which address existing buildings and requirements for new construction, shall be appealed to the Construction Board of Appeals, as identified in Chapter 2.30 of the El Paso City Code.

B. Upon appeal, the Construction Board of Appeals will permit, in appropriate cases where the application of the requirement of this Code in the allowance of the stated time for the performance of any action required hereunder would appear to cause undue hardship on an owner, one or more extensions of time, not to exceed 120 days each, from

the date of such decision of the Construction Board of Appeals. Such requests for additional extensions of time shall be filed with the Construction Board of Appeals not less than thirty (30) days prior to the expiration of the current extension.

Upon appeal, the Construction Board of Appeals shall consider and determine appeals whenever it is claimed that the true intent and meaning of this Code or any of its regulations have been misconstrued or wrongly interpreted.

C. An appeal should not be considered where an appeal case has been previously decided involving the same premises.

All decisions of the Construction Board of Appeals to vary the application of any provision of this Code or to modify an order of the building official shall specify in what manner such variance or modification is made, the conditions upon which it is made, and the reasons therefor. Every decision shall be in writing and shall indicate the vote upon the decision. A copy of all decisions shall be promptly filed in the office of the building official. The Secretary of the Construction Board of Appeals shall notify the appellant in writing of the final action of the Construction Board of Appeals.

Section 2. That Chapter 17.08, (Lodginghouses, Tenement Houses, Hotels and Motels), Section 17.08.220, (License-Required-Application-Fee), of the El Paso City Code, is amended to read as follows:

17.08.220 License--Required--Application--Fee.

A. No person shall operate a hotel, tourist court or motel without a license as provided in this article. Application for such license shall be made to the permit official in writing, stating:

1. The name and residence address of the operator of the business, of all partners if a partnership, and of all officers if a corporation;
2. The name under which and the address at which the lodginghouse is to be operated; and
3. The kind and number of accommodations offered.

B. Licenses shall be issued for one year, and may be renewed from year to year without refiling the application.

C. A fee for a license under this section is established and the established fee shall be payable in advance.

D. The operator shall immediately give written notice to the permit official of any change in the facts stated in the application.

E. The permit official shall inform the director of department of public health and the chief of the fire department of all original licenses issued, and all cancellations, suspensions or expirations.

F. The license shall be kept posted on the premises in a place where it will be readily visible to persons seeking accommodations

Section 3. That Chapter 17.12, (Trailer Courts), Section 17.12.030, (License-Procedure for obtaining), of the El Paso City Code, is amended to read as follows

17.12.030 License--Procedure for obtaining.

A. The applicant for the license required in Section 17.12.020 shall submit to the permit official two copies of plans for the proposed trailer court. The plans shall be drawn to scale, in sufficient detail to show compliance with all applicable ordinances, and shall show all driveways and locations for the parking of house trailers, all buildings, sanitary conveniences, sewer disposal methods, drainage and utility installations. The plans shall be subject to the approval of all city departments concerned as in the case of other building permits.

Provided, submission and approval of such plans shall not be required in connection with the application for a license for any trailer court which was already lawfully in operation on the effective date of Ordinance No. 1518, passed and approved on May 3, 1956, and so continues in operation, but if changes in the design of such existing court be made in the future, the plans for such changes shall be submitted and subject to approval.

B. After approval of the plan the applicant shall apply to the permit official for a license. The permit official may provide forms for the application, showing the name of the owner of the trailer court, the address to which notices may be sent, the location of the trailer court, and other information reasonably necessary to the enforcement of this chapter. The application shall be accompanied by payment of one-fourth of the annual established license fee for each three months or part thereof between the date the license is issued and the next March thirty-first.

C. The license shall not be valid until a certificate of occupancy has been issued as required by the building code.

Section 4. That Chapter 17.12, (Trailer Courts), Section 17.12.050, (License-Renewal), of the El Paso City Code, is amended to read as follows:

17.12.050 License—Renewal.

A. Licenses may be renewed annually by payment of the annual established fee as, provided, if any change is made in the trailer court which would have been required to be shown on the original application, a report thereof shall be made to the permit official and approval to be obtained as in the case of an original application.

B. Renewal applications shall be made by the applicant on a form available at the permit official.

Section 5. That Chapter 17.12, (Trailer Courts), Section 17.12.090, (Toilet, bathing and laundry facilities – Building lighting), of the El Paso City Code, is amended to read as follows:

17.12.090 Toilet, bathing and laundry facilities—Building lighting.

Every trailer court shall observe the following minimum plumbing requirements:

A. One water closet for each sex for every ten units or fraction thereof;

- B. For each water closet provided for men, there shall be in addition, one urinal stall or trough of equal size;
- C. Each toilet room shall be provided with one lavatory or wash basin and one additional lavatory for each two additional water closets;
- D. One shower stall or bathtub shall be provided for each sex for every ten units or fraction thereof;
- E. Water closets, basins, showers and bathtubs shall be placed in approved buildings, so located that no unit shall be more than three hundred feet from such a facility; provided, trailer courts which were already lawfully in operation on the effective date of Ordinance No. 1518, passed and approved on May 3, 1956, and so continue in operation, need not comply with this distance requirement;
- F. Buildings shall be well lighted at all times, well ventilated with all openings screened with screen wire of not less than sixteen mesh to the square inch; and all buildings shall be constructed to meet building code requirements for their designated use;
- G. Toilet and bathroom floors shall have floor drains and shall be the equal of approved concrete for floors and elevated not less than four inches above yard grade with floor drains;
- H. An approved slop sink shall be provided for each twenty units or major fraction thereof, with a minimum of one slop sink or laundry tub;
- I. Laundry rooms with floor drain and laundry tubs or automatic washer shall be provided for each twenty units or fraction thereof;
- J. It is unlawful to permit waste from sinks, showers or other fixtures in housetrailer to be deposited on any street, alley, sidewalk, trailer court, or upon any lot. Sinks, showers and other similar fixtures in housetrailer when in use shall be connected with the city sewer system or other sewer disposal approved by the building official or other designee of the city manager and in compliance with the plumbing and other ordinances of the city;
- K. Whenever the number of any plumbing fixtures required by this section depends upon the number of units to be served thereby, it shall not be necessary to include those housetrailer which have such fixtures therein, properly connected to an approved water or sewer system; but at least one of each of the required fixtures shall be provided in a building in the court, even though all housetrailer are so equipped, so as to provide emergency facilities in case of the plumbing in any housetrailer should become unusable.

Section 6. That Chapter 17.12, (Trailer Courts), Section 17.12.140, (Enforcement), of the El Paso City Code, is amended to read as follows:

17.12.140 Enforcement.

The enforcement of the licensing, health, building, plumbing, electrical, air conditioning, safety, fire prevention, and zoning ordinance pertaining to trailer courts and trailers either existing or proposed, regardless of location, shall be under supervision of the building official as defined in section 18.02.101.4.1 of this code.

Section 7. That Chapter 17.16, (Inspections and Certificates), Section 17.16.030, (Hazards and defects-Reporting required), of the El Paso City Code, is to read amended as follows:

17.16.030 Hazards and defects--Reporting required.

Any plumber or inspector employed to make an inspection required under this chapter, who fails or refuses to sign the certificate because he discovers hazards or defects in the installation inspected, shall promptly report such hazards or defects to the building official as defined in section 18.02.101.4.1 of this code.

Section 8. This ordinance shall take effect on September 1, 2010.

Section 9. Except as herein amended, Title 17 of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS 24th day of August 2010.

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

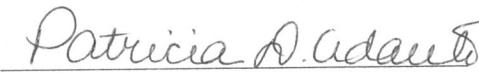
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Patricia D. Adauto
Deputy City Manager

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