

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

**DEPARTMENT:** Development Services – Building Permits & Inspections

**AGENDA DATE:** August 17, 2010

**CONTACT PERSON NAME AND PHONE NUMBER:**  
Victor Morrison-Vega, Deputy Director  
(915) 541-4556

**DISTRICT(S) AFFECTED:** All

**SUBJECT:**

An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.38 (Building and Standards Commission), of the El Paso City Code, to revise the powers of the Commission to hear appeals filed pursuant to Chapter 18.40 of the City Code relating to Vacant Building Registration and Requirements.

**BACKGROUND / DISCUSSION:**

This proposed ordinance is necessary should the Proposed Vacant Building Ordinance be adopted. It expands the duties of the Building & Standards Commission by allowing the Commission to hear appeals relating to the registration of vacant buildings and related matters and requirements of the New Vacant Building Program.

**PRIOR COUNCIL ACTION:**

The proposed regulations were drafted by City staff and presented to the Planning & Development Legislative Review Committee on June 28, 2010. Action by the LRC was deferred to the full City Council, and the LRC report presented on July 20, 2010. Policy direction was presented, and the proposed Ordinance has been redrafted pursuant to this action.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**                     *Adault*                      
(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 AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.38 (BUILDING AND STANDARDS COMMISSION), OF THE EL PASO CITY CODE, TO REVISE THE POWERS OF THE COMMISSION TO HEAR APPEALS FILED PURSUANT TO CHAPTER 18.40 OF THE CITY CODE RELATING TO VACANT BUILDING REGISTRATION AND REQUIREMENTS.**

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

Section 1. That Title 2 (Administration and Personnel) of the El Paso City Code, Chapter 2.38, Building and Standards Commission, Section 2.38.070, Powers, be amended to read as follows.

**Section 2.38.070 Powers.**

- A. A hearing panel has the following powers and duties:
1. To declare a building substandard;
  2. To order the repair, within a fixed period, of buildings found to be in violation of Chapter 18.50;
  3. To order the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of Chapter 18.50, and order other action to be taken as necessary to remedy, alleviate or remove any substandard building found to exist;
  4. To issue orders or directives to any peace officer of the state, including a sheriff or constable or the chief of police of the municipality, to enforce and carry out the lawful orders or directives of the commission panel; or
  5. To determine the amount of civil penalty the municipality may recover as provided in Texas Local Government Code Section 54.017.
- B. A hearing panel has the following additional powers and duties with respect to appeals and matters brought to the Commission pursuant to the provisions in chapter 18.40 of this code:
1. To hear and decide appeals filed pursuant to chapter 18.40 of this code, relating to the registration of vacant buildings and related matters and requirements, in accordance with and as provided in chapter 18.40.
- C. In addition to the powers and duties of the hearing panels, the commission shall periodically meet as a whole for the purpose of planning and advising the city council on matters concerning substandard housing and enforcement of this chapter

Section 2. Except as expressly herein amended, Title 18 (Building and Construction) of the El Paso City Code shall remain in full force and effect.

Section 3. This ordinance shall take effect on March 1, 2011.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

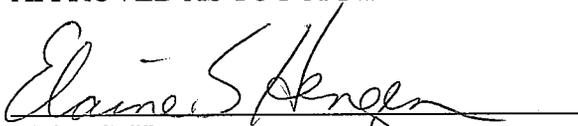
CITY OF EL PASO

\_\_\_\_\_  
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. Aduato  
Deputy City Manager  
Development & Infrastructure Services