

**CITY OF EL PASO, TEXAS**  
**DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)**

**DEPARTMENT:**        DEVELOPMENT SERVICES

**AGENDA DATE:**    INTRODUCTION: AUGUST 19, 2008  
                          PUBLIC HEARING: AUGUST 26, 2008

**CONTACT PERSON/PHONE:**    VICTOR Q. TORRES, DEVELOPMENT SERVICES, (915) 541-4975

**DISTRICT(S) AFFECTED:**    ALL

**SUBJECT:**

An Ordinance to amend Title 9 (Health and Safety) to amend various sections pertaining to the duties and structure to the Development Services Department, and the duties of the staff; the penalty being as provided in Sections 9.12.890, 9.32.150, 9.48.260, 9.50.130, 1.08.010 – 1.08.030, and throughout Chapter 9.52 of the El Paso City Code.

**BACKGROUND / DISCUSSION:**

This ordinance would amend several sections of Title 9 relating to the enforcement of several of the health and safety provisions in this title. This ordinance would change terms within the title assigning duties to the building services director, the director of building permits and inspections and that department, and the building official and change them to the development services department and the director of that department, as appropriate. These revisions are needed in conjunction with the reorganization of the Development Services Department. In 2005, the City changed to the Council Manager form of government and also created the Development Services Department as an oversight department for the Planning and Building Permits and Inspections Departments. The Charter amendments approved in 2007 gave the City Manager greater delegation authority, and as a result it is no longer necessary to maintain these departments as separate departments, and Planning and Building Permits and Inspections are being designated as divisions within the Development Services Department. Accordingly, it is necessary to amend all of the Code provisions, such as these provisions, which specifically refer to the Building Permits and Inspections Department.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

N/A

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

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

**DEPARTMENT HEAD:** *Victor Q. Torres*  
Victor Q. Torres, Development Services Director

**OTHER:**

\_\_\_\_\_  
(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:** \_\_\_\_\_

**AN ORDINANCE TO AMEND TITLE 9 (HEALTH AND SAFETY) TO AMEND VARIOUS SECTIONS PERTAINING TO THE DUTIES AND STRUCTURE OF THE DEVELOPMENT SERVICES DEPARTMENT, AND THE DUTIES OF THE STAFF; THE PENALTY BEING AS PROVIDED IN SECTIONS 9.12.890, 9.32.150, 9.48.260, 9.50.130, 1.08.010 - 1.08.030, AND THROUGHOUT CHAPTER 9.52 OF THE EL PASO CITY CODE.**

**WHEREAS**, the structure of the bureaus of the Planning Department and the Building Permits and Inspections Department is being changed to make these units divisions of the Development Services Department; and

**WHEREAS**, various provisions in the City Code relating to the Planning Department, the Building Permits and Inspections Department, the building official and the department directors need to be amended to reflect the change in structure and titles.

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

Section 1. That Chapter 9.12 (Food and Food Handling Establishments), to include section 9.12.580 (Plumbing), of the El Paso City Code is amended to change the phrase “building services department” as amended by ordinance nos. 15188 and 16134, to “development services department”, as used within the chapter.

Section 2. That Chapter 9.12 (Food and Food Handling Establishments), Section 9.12.030, subsection A, (Permit-Application-Contents), of the El Paso City Code, is amended as follows:

**9.12.030, Subsection A, Permit--Application--Contents.**

Any person desiring to operate a food establishment shall submit a written application for a permit on forms provided by the director. Such applications shall include:

- A. Name, address, telephone number and city approval stamp for each location of the proposed food establishment;

Section 3. That Chapter 9.32 (Tatooning and Body Piercing), Section 9.32.030, subsections A and B, (License required), of the El Paso City Code, is amended as follows:

**9.32.030, Subsections A and B, License required.**

- A. A person shall not conduct, operate or maintain a studio or temporary location for tattooing and/or body piercing unless the person holds a license issued by the development services department that is approved by the director of the department of environmental services pursuant to the provisions of Chapter 5.96 of this code.
- B. Each artist seeking to perform tattooing and/or body piercing shall submit a signed, verified license application(s) to the development services department with the appropriate application fee(s) as designated in Chapter 5.96 of this code.

Section 4. That Chapter 9.32 (Tattooing and Body Piercing), Section 9.32.040, subsection A, (License investigation), of the El Paso City Code, is amended to read as follows:

**9.32.040, Subsection A, License investigation.**

- A. The director of the development services department or his designee, after investigation and approval of the studio or temporary location, shall refer an application filed in accordance with the requirements of Chapter 5.96 of this code, to the director of the department of environmental services who shall conduct an investigation to determine if:
  - 1. The applicant is sufficiently skilled in the practice of tattooing and/or body piercing; and
  - 2. If the applicant has engaged in conduct which has or could endanger the public health and safety of individuals receiving tattoos and/or body piercing

Section 5. That Chapter 9.48 (Public Swimming Pools and Spas), to include section 9.48.030 (License required), of the El Paso City Code, is amended to change the phrase "building permits and inspections department" to "development services department", as used within the chapter.

Section 6. That Chapter 9.50 (Public and workplace smoking restrictions), Section 9.50.110, of the El Paso City Code, is amended to read as follows:

**9.50.110 Enforcement.**

- A. Enforcement of this chapter shall be implemented by the El Paso environmental services department, public health department, development services department, and fire and law enforcement agencies.
- B. Notice of the provisions set forth in this chapter shall be given to all applicants for a business license in the city.
- C. Any person may register a complaint under this chapter to initiate enforcement with the El Paso environmental services department.

D. The public health department, development services department, or the fire department shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance of this chapter.

E. Any owner, manager, operator or employee of any establishment regulated by this chapter shall be responsible for informing persons violating this chapter of the provisions through appropriate signage.

F. Notwithstanding any other provision of this chapter, a private citizen may bring legal action to enforce this chapter.

Section 7. That Chapter 9.52 (Fire Prevention Code), Section 9.52.040 (Chapter 2. Definitions-Amended), of the El Paso City Code, is amended in part, to amend subsection B, the definition of "building official" to read as follows:

**9.52.040, Subsection B, Chapter 2. Definitions-Amended**

**B. BUILDING OFFICIAL**--Where the term "Building Official" is used within the fire prevention code and this chapter, it shall have the same meaning as set forth in section 18.02.101.4 of this code.

Section 8. This ordinance shall take effect on September 1, 2008.

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

ADOPTED THIS 26<sup>th</sup> day of August 2008.

CITY OF EL PASO

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John F. Cook, Mayor

ATTEST:

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Richarda Duffy Momsen  
City Clerk

CITY CLERK DEPT.  
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APPROVED AS TO FORM:

CITY CLERK DEPT.

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Elaine S. Hengen  
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Victor Q. Torres, Director  
Development Services Department