

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

DEPARTMENT: City Development

AGENDA DATE: 08/08/2013

CONTACT PERSON/PHONE: Christine Boland, 541-4570

DISTRICT(S) AFFECTED: All

SUBJECT:

An ordinance amending Title 1 to authorize a fee for vesting application permits.

[City Development, Christine Boland (915) 541-4570]

BACKGROUND/DISCUSSION:

An applicant requesting approval of a permit shall pay the established fee and submit a vested rights application to the city if the applicant believes that the permit is for a project that has been vested. A permit, for purposes of determining whether a project is vested, is defined as a license, certificate, approval, registration, consent, permit, contract or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought. A vested rights application may also be filed prior to the expiration of certain permits pursuant to Section 19.41.060.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

No.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

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: (Email approval dates 8/8/2013)

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 1 (GENERAL PROVISIONS), CHAPTER 1.04 (GENERAL PROVISIONS), SECTION 1.04.070 (VESTING OF PROJECTS), OF THE EL PASO CITY CODE, TO AUTHORIZE A FEE FOR VESTING APPLICATION PERMITS, THE PENALTY BEING AS PROVIDED IN SECTION 1.08 (GENERAL PENALTY) OF THE EL PASO CITY CODE.

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

Section 1. That Title 1 (General Provisions) Chapter 1.04 (General Provisions), Section 1.04.070 (Vesting of Projects), Paragraph B (Applicability), of the El Paso City Code, is hereby amended to read as follows:

1.04.070 Vesting of projects.

B. Applicability. This section shall be applicable to permits issued under the City Code. An applicant requesting approval of a permit shall pay the established fee and submit a vested rights application to the city if the applicant believes that the permit is for a project that has been vested. A permit, for purposes of determining whether a project is vested, is defined as a license, certificate, approval, registration, consent, permit, contract or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought. A vested rights application may also be filed prior to the expiration of certain permits pursuant to Section 19.41.060.

Section 2. Except as herein provided, Title 1 (General Provisions) shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Cynthia Osborn
Assistant City Attorney

Mathew McElroy, Director
City Development Department