

**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 Title 1 (General Provisions) Chapter 1.04 (General Provisions), to amend section 1.04.030 (Definitions and Rules of Construction), to add definitions for the terms "established fee", "Planning Official" and "Permit Official".

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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 1 (GENERAL PROVISIONS) CHAPTER 1.04 (GENERAL PROVISIONS), TO AMEND SECTION 1.04.030 (DEFINITIONS AND RULES OF CONSTRUCTION), TO ADD DEFINITIONS FOR THE TERMS “ESTABLISHED FEE”, “PLANNING OFFICIAL” AND “PERMIT OFFICIAL”.

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

Section 1. That Chapter 1.04 (General Provisions), Section 1.04.030 (Definitions and Rules of Construction), of the El Paso City Code, is amended to read as follows:

Section 1.04.030 Definitions and rules of construction.

In the construction of this code, and of all ordinances, the following rules shall be observed, unless the context clearly indicates otherwise:

- A. City, Offices. The words “the city” or “this city” mean the city of El Paso, and the title or name of any office, agency or department means the office, agency or department of the city.
- B. City observed holiday. The words “city observed holiday” or “city recognized holiday” means a legal holiday as well as a holiday recognized and observed as provided for in Ordinance 8064 of the City of El Paso, as amended.
- C. County. The words “the county” or “this county” means and refers to El Paso County, Texas.
- D. Gender. The masculine gender shall include the feminine and the neuter.
- E. Established Fee. The words “established fee” mean a fee that is authorized in this code or any ordinance which is set in the amount identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution of the City Council.
- F. Legal holiday. The words “legal holiday” or “city holiday” mean the first day of January (New Years Day), the third Monday in January (Martin Luther King Holiday), the last Monday in May (Memorial Day), the fourth day of July (Independence Day), the first Monday in September (Labor Day), the fourth Thursday in November (Thanksgiving Day), the Friday after Thanksgiving Day, and the twenty-fifth day of December (Christmas Day).
- G. Number. The singular number includes the plural.
- H. Oath. The word “oath” shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words "affirm" and "affirmed."

- I. Permit Official. The words “permit official” mean the person or persons designated by the city manager as being responsible for issuing permits, licenses or making any other authorization provided for in this code or any ordinance.
- J. Person. The word “person” shall include associations, clubs, societies, firms, partnerships and corporations as well as individuals or groups of individuals.
- K. Planning Official. The words “planning official” mean the director of the city department or other qualified employee designated by the city manager to implement or enforce the provisions of this code, to include but not be limited to titles 19, 20 and 21, or any ordinance and those person’s designees, and all other designees of the city manager.
- L. State. The words “the state” or “this state” shall refer to the state of Texas.
- M. Street. The word “street” shall embrace streets, avenues, boulevards, drives, roads, alleys, lanes, viaducts and all other public highways in the city.

Section 2. Except as herein amended, Title 1 of the El Paso City Code shall remain in full force and effect.

Section 3. This ordinance shall take effect on September 1, 2010.

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:

APPROVED AS TO CONTENT:

Elaine S. Hengen
Senior Assistant City Attorney

Patricia D. Aauto
Deputy City Manager