

**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 17 (Housing) 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 17.04.080 and 1.08.010 – 1.08.030 of the El Paso City Code.

**BACKGROUND / DISCUSSION:**

This ordinance would amend several sections of Title 17 relating to the existing duties of the building permits and inspections director with respect to the housing code. This ordinance would change terms within the title assigning duties to the building services director and that department, and change them to the development services department, the director of that department, or the building official, 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 (formerly Building Services Department).

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

N/A

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

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**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 17 (HOUSING) 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 17.04.080 AND 1.08.010 – 1.08.030 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 17.04 (Housing Code Adopted), to include sections 17.04.040 (Section 103.1 Amended-Right of Entry) and 17.04.070 (Section 107 Amended-Appeals), of the El Paso City Code are amended to change the phrase “deputy director for building services” as amended by ordinance nos. 15189 and 16135, to “building official”, as used within this chapter.

Section 2. That Chapter 17.04, (Housing Code Adopted), Section 17.04.030 (Section 102.1 Amended-Enforcement Officer), of the El Paso City Code, is amended to read as follows

**17.04.030 Section 102.1 amended--Enforcement officer.**

Section 102.1, enforcement officer, of the Standard Housing Code is amended as follows:

The provisions of this code shall be enforced by the building official of the City of El Paso. At any place in the standard housing code and this chapter that the terms “housing official” or “building official” are used, it shall be understood to mean the building official and shall have the same meaning as set forth in section 18.02.101.4 of this code.

Section 3. 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 development services department . 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 4. 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 development services

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department 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. The fee for a license under this section shall be in the amount set by the city council in the annual budget resolution or by other resolution of the city council, and shall be payable in advance.
- D. The operator shall immediately give written notice to the license collector of any change in the facts stated in the application.
- E. The director of the department of development services or his designee 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 5. That Chapter 17.12, (Trailer Courts), Section 17.12.030, (License-Procedure for obtaining), of the El Paso City Code, is amended 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 development services department 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 development services department for a license. The director of the department or his designee 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 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.

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Section 6. That Chapter 17.12, (Trailer Courts), Section 17.12.140, (Enforcement), of the El Paso City Code, is amended 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 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 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 of this code.

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

Section 9. Except as herein amended, Title 17 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:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

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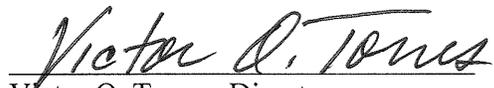
APPROVED AS TO FORM:

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Elaine S. Hengen  
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Victor Q. Torres, Director  
Development Services Department