

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 18 (Building and Construction) to amend various sections pertaining to the duties structure of the Development Services Department, and the duties of the Building Official and other staff; and to amend Chapter 18.44 (Grading), and sections thereunder, to provide for the input and enforcement authority of the City Engineer; the penalty being as provided in Sections 18.44.240, 18.46.180, and 1.08.010 – 1.08.030 of the El Paso City Code, and throughout each of the technical codes as adopted by Title 18.

BACKGROUND / DISCUSSION:

This ordinance would amend numerous sections of Title 18 relating to the existing duties of the building permits and inspections director with respect to the issuance of permits and the enforcement of all of the technical building codes, grading permits and landscaping. This ordinance would change terms within the title assigning duties to the building services director and that department, and change them to the building official, and in a few cases, the development services department or director. The term building official is being re-defined in conformity with the new structure of the department. 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).

Additionally, amendments are proposed to Chapter 18.44 (Grading), to provide for the input of the City Engineer and the stormwater administrator into the permit issuance process, and to give additional enforcement authority to the City Engineer. This additional authority will streamline the enforcement process if permit violations are discovered during inspections.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

CITY CLERK DEPT.
08 AUG 11 PM 2:36

*****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:** _____

CITY CLERK DEPT.
08 AUG 11 PM 2:36

AN ORDINANCE TO AMEND TITLE 18 (BUILDING AND CONSTRUCTION) TO AMEND VARIOUS SECTIONS PERTAINING TO THE DUTIES STRUCTURE OF THE DEVELOPMENT SERVICES DEPARTMENT, AND THE DUTIES OF THE BUILDING OFFICIAL AND OTHER STAFF; AND TO AMEND CHAPTER 18.44 (GRADING), AND SECTIONS THEREUNDER, TO PROVIDE FOR THE INPUT AND ENFORCEMENT AUTHORITY OF THE CITY ENGINEER; THE PENALTY BEING AS PROVIDED IN SECTIONS 18.44.240, 18.46.180, AND 1.08.010 – 1.08.030 OF THE EL PASO CITY CODE, AND THROUGHOUT EACH OF THE TECHNICAL CODES AS ADOPTED BY TITLE 18.

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

WHEREAS, it is appropriate to add provisions to Chapter 18.44 (Grading) to provide for the input and enforcement authority of the City Engineer, in addition to that of the building official.

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

Section 1. That Section 18.02.101.4 (Building permits and inspections department), of the El Paso City Code, is amended to read as follows:

18.02.101.4 Development services department-Building official

All references within the technical codes to the building department shall mean the development services department, including building permits and inspections division where applicable. All references in this chapter to the department, when relating to the duties of the department, shall mean the development services department, which includes the building permits and inspections division. All references as may be used in state or other applicable law, and in the ordinances and technical codes of the City, to the building official, plumbing official, mechanical official, gas official, or the authority having jurisdiction, shall mean the director of the development services department when the director holds the certification established for the deputy director - building permits

CITY CLERK DEPT.

08 AUG 11 PM 2:36

and inspections in section 18.02.101.4.1 or other legally required certification, and in the event that the director does not hold such certification, such terms shall mean the deputy director – building permits and inspections or his designee, or as permitted by law such other qualified designee of the director of the development services department.

Section 2. That Section 18.02.101.4.1 (Building permits and inspections director qualifications), of the El Paso City Code, is amended to read as follows:

18.02.101.4.1 Deputy Director - Building permits and inspections.

The deputy director – building permits and inspections shall meet the requirements of the job specifications approved in accordance with the City Charter and shall obtain a valid Building Official Certification from the International Code Council or other certification program as required by the approved job specifications for the position, within one year of the hiring date.

Section 3. That Section 18.02.101.4.2 (Chief inspector qualifications), of the El Paso City Code, is amended to read as follows:

18.02.101.4.2 Chief inspector qualifications.

The director of the development services department in accordance with applicable city procedures, may designate or authorize the deputy director – building permits and inspections to designate chief inspectors to administer the provisions of the building, electrical, gas, mechanical and plumbing codes, and as required, obtain valid Building Official Certification from the International Code Council or other certification program as required by the approved job specifications for the position, within one year of the hiring date.

Section 4. That Section 18.02.101.4.3 (Inspector qualifications), of the El Paso City Code, is amended to read as follows:

18.02.101.4.3 Inspector qualifications.

Inspectors in the building permits and inspections division shall obtain valid inspector certification from the International Code Council or other certification program as required by the approved job specifications for the positions, within six months of the hiring date as an inspector.

Section 5. That Section 18.02.101.4.4 (Deputy building official), of the El Paso City Code, is amended to read as follows:

18.02.101.4.4 Deputy building official.

The development services director may, in accordance with applicable city procedures, designate or authorize the deputy director – building permits and inspections to designate one or more employees in the department as a deputy building official, who shall have the same authority as the building official and exercise all the powers of the building official. Such deputy building officials shall have the same qualifications listed in 18.02.101.4.2.

Section 6. That Section 18.02.101.4.6 (Records), of the El Paso City Code, is amended to read as follows:

18.02.101.4.6 Records.

The director of the development services department or his designee shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to inspection by the public in accordance with the Public Information Act of the state of Texas.

Section 7. That Section 18.02.101.4.8 (Reports), of the El Paso City Code, is amended to read as follows:

18.02.101.4.8 Reports.

The director of the development services department or his designee shall submit annually a report covering the work of the building and planning division during the preceding year. He may incorporate in said report a summary of the decisions of the boards established by this code during said year.

Section 8. That Section 18.02.101.5.2 (Condemned buildings), of the El Paso City Code, is amended to read as follows:

18.02.101.5.2 Condemned buildings.

In the event that a building or structure is condemned by building and standards commission or otherwise loses its certificate of occupancy, the entire building or structure shall be made to comply with the requirements of this chapter and the technical codes for new construction or the Existing Building Code, except as otherwise approved by the building official.

08 AUG 11 PM 2:36
CITY CLERK DEPT.

CITY CLERK DEPT.

09 AUG 11 PM 2:37

Section 9. That Sections 18.02.102 (Powers and duties of the deputy director for building services), and 18.02.102.1 (General), of the El Paso City Code, are amended to read as follows:

18.02.102 POWERS AND DUTIES OF THE BUILDING OFFICIAL

18.02.102.1 General.

The building official is authorized and directed to enforce the provisions of this code and of the technical codes. The building official is further authorized to render interpretations of this code and of the technical codes, which are consistent with their spirit and purpose. The director for the development services department is authorized to designate or authorize the building official to designate employees of the development services department to perform these duties.

Section 10. That Section 18.02.102.9 (Interference with department employees), of the El Paso City Code, is amended to read as follows:

18.02.102.9 Interference with department employees.

No person shall interfere with the building official, inspector, official, agent or employee of the development services department in the discharge of their duties or in any manner prevent or attempt to prevent them from carrying out the provisions of this code and the technical codes.

Section 11. That Section 18.02.102.10 (Sign installation), of the El Paso City Code, is amended to read as follows:

18.02.102.10 Sign installation.

No sign shall be installed without displaying the approval identification tags from the development services department and from the listing laboratory. No sign shall be moved or relocated without the issuance of a new identification tag for the new location from the development services department.

Section 12. That Section 18.02.103.1.1.6.4 (Appeals to the City Council), of the El Paso City Code, is amended to read as follows:

18.02.103.1.1.6.4 Appeals.

In any case where a decision of the building official regarding adequacy or quality of public or private improvements prevents the issuance of a building permit or certificate of

occupancy, the permit applicant may appeal the decision to the Construction Board of Appeals.

Section 13. That Section 18.02.103.4.3.7 (Temporary gas permit), of the El Paso City Code, is amended to read as follows:

18.02.103.4.3.7 Temporary gas permit.

A permit is required when an owner or contractor intends to use gas for temporarily heating a structure or part of a structure before certification of all plumbing or mechanical work. Such permit is required whether the intended use is for all or part of the system of piping, devices and appliances making up the permanent heating system for the structure, or by the use of a temporary system, or by the use of parts of either or both systems. Such owner or contractor shall make application to the development services department on forms provided by the department and shall set out the proposed use of the system, its design and period of use desired.

If the building official finds that such request is reasonable as to design and length of time requested under the conditions existing in the particular case, and that safe conditions of operation of such system can be maintained then the department shall issue the permit.

Section 14. That Section 18.02.103.8.7.1, Subsections 5 and 6, (Notice of inspection results), of the El Paso City Code, is amended to read as follows:

18.02.103.8.7.1, Subsections 5 and 6, Notice of inspection results.

5. When a service release number is issued to a contractor authorizing the connection and use of a temporary installation, such release shall be revocable by the building official for cause and shall be otherwise valid only until the service is transferred to owner or tenant control. The utility company shall notify the building official when the service is transferred to owner or tenant control.

6. The building official and all development services department inspectors are authorized to attach to electrical or gas equipment any official notice or seal to prevent the unlawful use of electricity or gas; and it is unlawful for any person who is not the building official or a development services department inspector to place or attach any such notice or seal, or to break, change, mutilate, cover, deface or injure any such official notice or seal posted by building official or development services department inspector.

Section 15. That Section 18.02.103.9.1.2.1.5 (Appeals to the city council), of the El Paso City Code, is amended to read as follows:

18.02.103.9.1.2.1.5 Appeals.

08 AUG 11 PM 2:37
CITY CLERK DEPT.

In any case where a decision of the building official regarding adequacy or quality of public or private improvements prevents the issuance of a building permit or certificate of occupancy, the permit applicant may appeal the decision to the Construction Board of Appeals.

Section 16. That Section 18.02.103.9.5 (Relations with the building permits and inspections department), of the El Paso City Code, is amended to read as follows:

18.02.103.9.5 Relations with development services department.

1. No system of plumbing utilizing a private disposal system as provided in the plumbing code shall be finally approved or released until the development services department has received a final approval of such system from the building official.
2. No approval shall be granted to an existing out-of-city plumbing system as defined in Section 18.02.103.9.4 until the private sewage (whether individual or community) to which the system is connected has been inspected and approved by the development services department and notice of such approval has been furnished to the development services department.
3. Clear water waste from swimming, wading and bathing pools and similar devices and installations may be utilized for irrigation by either surface or subsurface spreading when specifically authorized by the building official and such authorization and the conditions under which it is granted is furnished in writing to the development services department.

Section 17. That Section 18.02.108.1.2.6 (Appeals to the building board), of the El Paso City Code, is amended to read as follows:

18.02.108.1.2.6 Appeals to the construction board of appeals.

Any home improvement contractor that is declared ineligible to obtain building permits pursuant to the provisions of Sections 18.02.102.2 through 18.02.102.5 shall have the right to appeal these denials by the building official to the construction board of appeals.

Section 18. That Sections 18.02.108.2.3 (Temporary license), 18.02.108.2.7 (Disciplinary action), and 18.02.108.2.8 (Bond and insurance required required), of the El Paso City Code, be deleted and the sections marked as "reserved".

Section 19. That Section 18.02.108.2.2 (Existing city of El Paso license classification), be amended in part to delete subsection (also referred to as paragraph) 2, to include the sublistings A, B, C, and D thereunder.

08 AUG 11 PM 2:37
CITY CLERK DEPT.

Section 20. That Section 18.02.108.2.6 (Additional licensing provisions), of the El Paso City Code, be amended in part to delete subsections F, G, H, I, and J.

Section 21. That Section 18.02.110.3 (Definitions), of the El Paso City Code, is amended in part to amend the definitions of “self-managed facility”, “display review committee”, “BSD”, and “display application” to read as follows:

18.02.110.3 Definitions.

“Self-managed facility” means the facilities of the following city departments:

1. El Paso Museums and Cultural Affairs;
2. City of El Paso Library System;
3. El Paso International Airport;
4. El Paso Parks and Recreation Department, and Recreation Centers;
5. El Paso Municipal Court;
6. El Paso Museum of Art and any other city Museum(s);
7. El Paso Zoo;
8. Sun Metro;
9. City of El Paso Police Headquarters, and Regional Command Centers;
10. City of El Paso Municipal Services Center

“Display review committee (DRQ)” means a committee established as authorized in this section by the mayor and city council consisting of one person from each of the following city departments:

1. Development services department
2. Parks and recreation department;
3. Museums and cultural affairs department;

“BSD” means the development services department of the city of El Paso. The development services department shall be the implementing agency for this section and may be referred to as the implementing agency, development services department or BSD.

“Display application” means a standardized application form will be kept available at the Development Services Department, 2 Civic Center Plaza, El Paso, Texas for distribution to applicants upon request.

Section 22. That Section 18.02.110.9 (Publicity) of the El Paso City Code, is amended to read as follows:

18.02.110.9 Publicity.

Any publicity regarding the wall hanging or display shall be accomplished through prior coordination with the office of the city manager.

Section 23. That Chapter 18.02 (Building and Construction Administrative Code), section 18.02.103.10.2 (Storage and factory-industrial occupancies), of the El

CITY CLERK DEPT.
08 AUG 11 PM 2:37

Paso City Code, is amended change the phrase “building department ” to “Development Services Department”, as used within this section.

CITY CLERK DEPT.
08 AUG 11 PM 2:37

Section 24. That Chapter 18.02 (Building and Construction Administrative Code), section 18.02.108.3.1(License required), of the El Paso City Code, is amended change the phrase “department of building, permits and inspections ” to “Development Services Department”, as used within this section.

Section 25. That Chapter 18.02 (Building and Construction Administrative Code), sections 18.02.103.1.1 (When required), 18.02.103.1.1.4 (Application submission), 18.02.103.1.1.4.1 (Call-in-permits application submission), 18.02.103.1.1.7 (Authorization to proceed with construction), 18.02.103.4.3.3 (Texas industrialized buildings placement permit), 18.02.103.4.3.4 (Texas industrialized housing placement permit), 18.02.103.4.3.7 (Temporary gas permit), 18.02.103.8.7.1 (Notice of inspection results), 18.02.103.9.3.5 (Relations with city water utilities), 18.02.108.1.2.7 (Application required), 18.02.108.2.9 (Mechanical contractors-identification of apprentices), 18.02.108.3.1 (Licenses required), 18.02.108.3.5 (Examinations), 18.02.108.3.11 (Electrical contractors-identification of apprentices), 18.02.108.4.4 (Plumbing contractors-identification of apprentices), 18.02.108.5.2 (Gas contractors-identification of apprentices), 18.02.110.5 (Application and process), and 18.02.110.8 (Security and insurance), of the El Paso City Code, are amended change the phrase “Building Services Department”, as amended by ordinance nos. 15188 and 16134, to “Development Services Department”, as used within these sections.

Section 26. That Chapter 18.02 (Building and Construction Administrative Code), sections 18.02.102.2.1 (General), 18.02.102.2.2 (Quality control), 18.02.102.3 (Stop work orders), 18.02.102.4.1 (Misrepresentation of application), 18.02.102.4.2 (Violation of code provisions), 18.02.102.4.3 (Procedure), 18.02.102.6, (Requirements not covered by code), 18.02.102.7 (Alternate materials and methods), 18.02.103.1.1 (When required), 18.02.103.1.1.3 (Separate permits, 18.02.103.1.1.4 (Application submission), 18.02.103.1.1.4.1 (Call-in-permits application submission), 18.02.103.1.1.4.2 (“One call” system notification), 18.02.103.1.1.6.1 (Building permits for lots in approved subdivision plats), 18.02.103.1.1.6.2 (Subdivisions with development agreement), 18.02.103.1.1.6.3 (Subdivisions not requiring a plat), 18.02.103.1.1.7 (Authorization to proceed with construction), 18.02.103.1.2.2 (Owner permits), 18.02.103.1.3 (Minor repairs), 18.02.103.1.4 (Information required), 18.02.103.1.5 (Time limitations), 18.02.103.1.6 (Nontransferability), 18.02.103.2.1 (Requirements), 18.02.103.2.2 (Additional data), 18.02.103.2.3 (Design professional), 18.02.103.2.5 (Site drawings), 18.02.103.2.6 (Hazardous occupancies), 18.02.103.3.1 (Plan review), 18.02.103.3.2 (Affidavits), 18.02.103.4.1 (Action on permits), 18.02.103.4.2 (Refusal to issue permit), 18.02.103.4.3.1 (Special foundation permit), 18.02.103.4.3.2 (Mobile homes placement permit), 18.02.103.4.3.3 (Texas industrialized buildings placement permit), 18.02.103.4.3.4 (Texas industrialized housing placement permit),

08 AUG 11 PM 2:37

CITY CLERK DEPT.

18.02.103.4.3.5 (Temporary structures), 18.02.103.4.3.6 (Special permits for seasonal sales), 18.02.103.4.3.7 (Temporary gas permit), 18.02.103.7.5 (Building permit valuations), 18.02.103.8.1 (Existing building inspections), 18.02.103.8.2 (Manufacturers and fabricators), 18.02.103.8.3 (Inspection service), 18.02.103.8.4 (Inspections prior to issuance of certificate of occupancy or completion), 18.02.103.8.5 (Posting of permit), 18.02.103.8.6.1 (General), 18.02.103.8.6.2 (Inspection requests), 18.02.103.8.6.3 (Inspections), 18.02.103.8.7 (Approval required), 18.02.103.8.7.1 (Notice of inspection results), 18.02.103.8.8 (Plaster fire protection), 18.02.103.8.9 (Reinspection of electrical installations), 18.02.103.8.10 (Reinforcing steel and structural frames), 18.02.103.9.1.1 (Building occupancy), 18.02.103.9.1.2 (Issuing certificate of occupancy), 18.02.103.9.1.2.1.2 (Conditional "A" building permits), 18.02.103.9.1.2.1.4 (Subdivisions with developer agreement), 18.02.103.9.1.3 (Temporary/partial occupancy), 18.02.103.9.1.4 (Existing building certificate of occupancy), 18.02.103.9.3.1 (Connection of service utilities), 18.02.103.9.3.2 (Temporary connection), 18.02.103.9.3.3 (Authority to disconnect service utilities), 18.02.103.9.3.4 (Relations with electric utility companies), 18.02.103.9.3.5 (Relations with city water utilities), 18.02.103.10.1 (Occupancy), 18.02.10.3 (Signs required), 18.02.104 (Tests), 18.02.108.1.1 (Bond and insurance required), 18.02.108.1.2.2 (Permit denial to home improvement contractor), 18.02.108.1.2.3 (Additional grounds for building permit denial), 18.02.108.1.2.4 (Ineligibility to obtain building permits), 18.02.108.1.2.5 (Additional grounds for building permit ineligibility), 18.02.108.1.2.7 (Application required), 18.02.108.2.1 (Licenses required), 18.02.108.2.5 (Licensing procedures), 18.02.108.2.6 (Additional licensing provisions), 18.02.108.3.1 (Licenses required), 18.02.108.3.4 (Temporary license), 18.02.108.3.5 (Examinations), 18.02.108.3.6 (Licensing procedures), 18.02.108.3.7 (Additional licensing provisions), 18.02.108.3.8 (Disciplinary action), 18.02.108.3.9 (Bond and insurance required), 18.02.108.4.2 (Bond and insurance required), 18.02.108.5.1 (Licenses, bond and insurance), 18.02.109.2.7 (Sidewalk, street and public R.O.W. rental), 18.02.109.5.1 (Plumbing permit fees), and 18.02.109.6.1 (Gas permit fees), 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 these sections.

Section 27. That Chapter 18.02 (Building and Construction Administrative Code), sections 18.02.101.5.1.1 (Continued occupancy), 18.02.102.2.1 (General), 18.02.103.4.4.1 (Permit required), 18.02.103.6.1 (Permit intent), 18.02.103.6.2 (Permit issued on basis of affidavit), 18.02.103.6.3 (Plans), 18.02.103.7.1 (Prescribed fees), and 18.02.103.7.3 (Valuation for tenant improvement permits to shell buildings), of the El Paso City Code, are amended to change the phrase "building permits and inspections director", as amended by ordinance nos. 15189 and 16135, to "building official", as used within these sections.

Section 28. That Chapter 18.02 (Building and Construction Administrative Code), sections 18.02.109.2.4 (Plan checking fee) and 18.02.109.3.1 (Mechanical permit fees), of the El Paso City Code, are amended to change the phrase "director for building

permits and inspections”, as amended by ordinance nos. 15189 and 16135, to “building official”, as used within these sections.

Section 29. That Chapter 18.10 (Residential Code) section 18.10.060 (Section R321 amended-site address), of the El Paso City Code, is amended as follows:

Section R321, Site Address, shall be and hereby is amended to read as follows:

SECTION R321 SITE ADDRESS

R321.1 Building Numbering.

R321.1.1 Definitions.

For the purpose of administering the numbering of buildings, the following definitions shall apply:

1. “Building Numbering” means those numbers and/or letters as may be needed to identify building(s) at a municipal street address.
2. “Municipal Street Address” means the building numbering used in conjunction with the street name and assigned by the Development Services Department for the purposes of identifying individual properties.
3. “Prominently Displayed” means that which is uniformly located, readily noticeable, and easily readable from the street during normal daytime atmospheric conditions by a person having normal vision.

R321.1.2 Municipal Street Address Identification.

Building numbering shall be displayed on all buildings for which a municipal street address has been assigned. In order to provide for the prominent display and uniform location of municipal street addresses, residential building numbering shall comply with the following:

1. Building numbering shall be displayed in characters having a minimum height of four (4) inches.
2. For properties fronting on a street with curbs, building numbering shall be mounted or painted on the face of the curb in close proximity to the entry driveway. In the case of a corner property fronting on two streets with the driveway located on the street that is not the street name of the municipal street address, the building numbering shall be mounted or painted in a prominent location on the face of the curb fronting on the addressed Street.
3. For other properties, building numbering shall be located on the building wall fronting the addressed street or on another permanent structure that fronts on the addressed street and is closer to the street than the building wall.
4. It is recommended, but not required, that building numbering for residential buildings meet the requirements of building numbering for other buildings described in Chapter 18.08.

R321.1.3 Administration and Enforcement.

The requirements of this Section shall be administered as part of the building permit and inspection process. The Building Official shall refuse the issuance of a final inspection and certificate of occupancy unless the building numbering has been provided as required by this Section.

R321.1.4 Alternate Building Numbering Location.

CITY CLERK DEPT.
08 AUG 11 PM 2:37

The Building Official shall be authorized to approve alternate location(s) for building numbering required under this Section when the owner of the property satisfactorily demonstrate that the alternate location(s) provide(s) an equivalent degree of visibility and readability.

Section 30. That Chapter 18.12 (Mechanical Code), section 18.12.060 (Section 908.6 amended-Drainage), of the El Paso City Code, is amended to change the phrase “building permits and inspections department director” to “building official”, as used within this section.

Section 31. That Chapter 18.16 (Electrical Code), section 18.16.040 (Section 320.28-Amended), of the El Paso City Code, is amended to change the phrase “director of building permits and inspections” to “building official”, as used within this section.

Section 32. That Chapter 18.16 (Electrical Code), section 18.16.080 (Article 80 Administration and Enforcement-Amended), of the El Paso City Code, is amended to change the phrase “director for building permits and inspections” to “building official”, as used within this section.

Section 33. That Chapter 18.18 (Outdoor Lighting Code), Section 18.18.060 (Definitions), of the El Paso City Code, is amended in part, to amend the definition of “director” to read as follows:

18.18.060 Definitions

“Director” means the building official.

Section 34. That Chapter 18.20 (Plumbing Code), section 18.20070 (Section 312.9.3 added-Backflow inspection records), of the El Paso City Code, is amended to correct the citation number of the section to read 18.20.070 and to change the phrase “Building Services Department”, as amended by ordinance nos. 15188 and 16134, to “Development Services Department”, as used within this section.

Section 35. That Chapter 18.20 (Plumbing Code), section 18.20.080 (Section 403.6-amended-Public Facilities), of the El Paso City Code, is amended to change the phrase “Building Permits and Inspections Department Director” to “Building Official”, as used within this section.

Section 36. That Chapter 18.20 (Plumbing Code), section 18.20.230 (Section 802.1.8 added-Evaporative coolers waste), of the El Paso City Code, is amended to

CITY CLERK DEPT.
08 AUG 11 PM 2:37

change the phrase “Building Permits and Inspections Director” to “Building Official”, as used within this section.

Section 37. That Chapter 18.21 (Private Sewage Facilities), section 18.21.060 (License to operate), of the El Paso City Code, is amended to change the phrase “building permits and inspections department” to “development services department”, as used within this section.

Section 38. That Chapter 18.36 (Standard Amusement Device Code), Section 18.36.020 (Section 103.2 amended-Inspections), of the El Paso City Code, is amended to read as follows:

18.36.020 Section 103.2 amended--Inspections.

Standard Amusement Device Code Section 103.2, inspections, is changed to read:

Section 103.2--Inspections.

- (a) The Building Official is hereby authorized to make such inspections and take such action as may be required to enforce the provisions of this Code.
- (b) Whenever the Building Official shall find in or upon any amusement ride or device or portion thereof, any condition creating an imminent danger to human life, he shall immediately declare said ride or device to be unsafe and the use discontinued.

Section 39. That Chapter 18.44 (Grading), Section 18.44.040 (Definitions), of the El Paso City Code, is amended in part to add a new subsection D to add the definition of “director” to read as follows:

18.44.040 Definitions

D. “Director” means the director of the development services department or his designee.

Section 40. That Chapter 18.44 (Grading), sections 18.44.030 (Compliance with provisions), 18.44.050 (Permits required), 18.44.060 (Exceptions from permits), 18.44.070 (Proposed subdivisions), 18.44.080 (Permit application), 18.44.090 (Liability insurance required), 18.44.110 (Permit application. referral to El Paso-Hudspeth soil and water conservation district), 18.44.140 (Period of validity of permits), 18.44.190 (Responsibilities of the landowner or his authorized agent), and 18.44.220 (Engineering controls for grading), of the El Paso City Code, is amended to change the phrase “deputy director for building services”, as amended by ordinance nos. 15189 and 16135, to “director”, as used within this section.

08 AUG 11 PM 2:37
CITY CLERK DEPT.

Section 41. That Chapter 18.44 (Grading), Section 18.44.100 (Permit application, referral to planning department), of the El Paso City Code, is amended as follows:

18.44.100 Permit application, staff review.

When grading is to be performed on an unplatted site or when the area of the site exceeds one acre, the director may direct staff in the planning division to study and provide comment on the application regarding any aspect of the proposed work which relates to or affects the zoning or land use, and on the apparent ecological effect of the development. The director may also refer applications to the city engineer or the stormwater administrator for review and comment in accordance with applicable city ordinances and procedures. In such cases, the staff shall provide such comments within a period of 10 days. The failure of staff to provide timely comments shall not delay the continued processing of the permit application.

Section 42. That Chapter 18.44 (Grading), Section 18.44.130 (Issuance or denial of permit), of the El Paso City Code, is amended to read as follows:

18.44.130 Issuance or denial of permit.

A. The grading permit will be issued by the director upon verification and approval of the information contained within the permit application; upon the timely receipt if any, of the comments and recommendations of staff and the El Paso-Hudspeth soil and water conservation district where referrals have been made; and upon payment of the appropriate permit fees.

B. The director can refuse to issue any grading permit not otherwise approved by the city plan commission or city council whenever the proposed grading is contrary to the provisions of this chapter or contrary to other applicable city ordinances. A grading permit may be denied for the failure of the applicant to contact a "one call" notification system servicing the area and to provide a verification number confirming that such a "one call" has been made by the applicant.

C. If any person does any grading or otherwise disturbs the ground cover of any property within the city without a grading permit, he must apply for a grading permit and shall be subject to a double permit fee.

Section 43. That Chapter 18.44 (Grading), Section 18.44.160 (Revocation of permits), of the El Paso City Code, is amended to read as follows:

18.44.160 Revocation of permits.

A. After reasonable notice and opportunity to be heard, the director may revoke a permit issued under this chapter if he finds that the work being done is in violation of this chapter or any other ordinance or law, or creates an unreasonable hazard to persons or property.

CITY CLERK DEPT.
08 AUG 11 PM 2:37

CITY CLERK DEPT.

08 AUG 1 PM 2:37

B. In the case of a permittee whose permit has been revoked, the director may also suspend all other permits currently held by such person, pending completion of any investigation regarding the revoked permit. The permittee whose permits have been suspended shall have the right to appeal the suspension of the permits to the construction board of appeals. If the construction board of appeals finds there is a reasonable relationship between the revocation and the suspension of all currently held permits, the suspension will be upheld.

Section 44. That Chapter 18.44 (Grading), Section 18.44.180 (Removing hazardous conditions), of the El Paso City Code, is amended to read as follows:

18.44.180 Removing hazardous conditions.

A. If the director finds that any grading (either completed or in progress) is causing a hazard to persons or property, he may notify the owner or his authorized agent and require that the hazard be removed or eliminated as soon as practicable depending upon the degree of urgency associated with the hazard involved. If such action is not completed within the time limit stated within the notice, the director may require that reasonable temporary protective measures be provided in the interim.

B. If materials are washed or deposited upon streets, alleys or other public property as a result of improperly controlled grading of higher or adjacent lands, the director shall notify the owner or his authorized agent to remove such materials and restore the streets, alleys or other public property to their original condition. Failure to comply with such an order shall be a violation of this chapter as provided in Section 18.44.240.

C. In addition, and regardless of whether or not any person is convicted of a misdemeanor for failure to comply with a notice given under subsection A or B of this section, the director may, if the owner fails to comply with such notice, authorize the work to be done by city forces or by contract. The director shall then report to the city council the actual cost of doing such work. After notice and an opportunity to be heard, the city council may by resolution determine the actual cost of doing the work and declare this amount, plus the cost of recording the resolution, to be a personal liability of the owner of the land and a lien on the land, payable within ten days after adoption of the resolution, and thereafter bearing the twelve percent simple annual interest until paid. A copy of the resolution, authenticated by the acknowledgment of the city clerk shall be filed for record in the office of the county clerk. Notice of the hearing before the city council shall be in writing and delivered in person or sent by certified mail with return receipt requested to the owner and to holders of recorded liens on the property. If after reasonably diligent efforts the person to be notified of such hearing cannot be found, notice may be given by one publication in the official newspaper.

D. Materials from a grading site which are spilled or deposited onto public streets shall be removed by the contractor or permittee on the same day. Whenever earthen ramps are required to cross city rights-of-way, approval must be obtained from the deputy director for building services.

E. The city engineer shall have the same authority as the director to take issue directives and take action authorized by this section.

CITY CLERK DEPT.

08 AUG 11 PM 2:37

Section 45. That Chapter 18.44 (Grading), Section 18.44.200 (Responsibility and authority of the deputy director for engineering), of the El Paso City Code, is amended to read as follows:

18.44.200 Responsibility and authority of the director.

The director, under the authority of this chapter, and with input from the city engineer when appropriate pursuant to applicable city ordinances and procedures, shall be responsible for:

- A. Reviewing all grading permit applications as submitted under the requirements of Section 18.44.080 and the issuing or denying of grading permits as expeditiously as possible;
- B. Performing or obtaining all the appropriate tests and inspections to assure that the conditions of the permit and intent and purpose of this chapter have been fulfilled. The costs of all the tests required shall be paid for by the applicant;
- C. Imposing such conditions and specifications on the issuance and duration of the grading permit as may be reasonably necessary to cause the work to fulfill the intent and purpose of this chapter. These conditions and specifications shall include, but will not be limited to, the following:
 - 1. Interim and permanent soil erosion control and land management requirements including provision for:
 - a. Disturbed soil surface treatments (emissions, mulches, seeding and the like),
 - b. Protective drainage measures for surface drainage and subsurface water where required,
 - c. Terracing and use of dikes and berms,
 - d. Landscaping measures,
 - e. Paving and other miscellaneous related measures;
 - 2. Compaction requirements in filled areas;
 - 3. Slope stabilization requirements, including the establishment of:
 - a. Degree of slope limitations,
 - b. Height of slope limitations,
 - c. Allowable factors of safety with respect to slope stability,
 - d. Protective drainage measures;
 - 4. Work procedures and safety requirements:
 - a. Protective fencing,
 - b. Excavation slope limitations, shoring and bracing,
 - c. Traffic control requirements concerning transportation of materials on public ways,
 - d. Limitations on the amount of area which may be disturbed by grading operations,
 - e. Work scheduling requirements,
 - f. Stockpiling and reuse of top soils;
- D. Promulgating rules and regulations, subject to approval of the city council, concerning grading, concerning the setting up of technical specifications, and concerning the administration of this chapter. The technical specifications shall deal with (but are not limited to) criteria for degree and height of slope, compaction requirements, work

procedures, safety standards, drainage, traffic control requirements, slope protection, methods of erosion control and other matters pertinent to the conduct of the work and the quality of the work upon collection. Such rules, regulations and guidelines shall also contain special provisions which shall apply in the mountain development area.

Section 46. That Chapter 18.44 (Grading), Section 18.44.210 (Authority to issue citations), of the El Paso City Code, is amended to read as follows:

18.44.210 Authority to issue citations.

A. The following public officials are authorized to enforce the provisions of this chapter and shall have the power to issue misdemeanor citations to any persons violating the provisions of this chapter:

1. The director of the development services department and any person designated by the director to perform this function;
2. The city engineer and any person designated by the city engineer to perform this function;

B. The public officials designated in the subsection A of this section are authorized to make inspections of any property necessary to enforce the provisions of this chapter. If the owner or person in possession of any property refuses to allow the public officials permission to enter the property, at any reasonable time, those officials shall have recourse to every remedy provided by law to secure entry including obtaining the proper judicial warrants.

Section 47. That Chapter 18.46 (Landscape), Section 18.46.050 (Definitions), of the El Paso City Code, is amended in part, to delete the definition of "official" and add the definition of "director" to read as follows:

18.46.050 Definitions

Delete: "Official" means the building official or his designee.

Add: "Director" means the director of the development services department or his designee.

Section 48. That Chapter 18.46 (Landscape), sections 18.46.100 (Landscape standards), 18.46.150 (Fees in lieu of installation), 18.46.170 (Appeals), of the El Paso City Code, is amended to change the phrase "building official" to "director", as used within these sections.

08 AUG 11 PM 2:37
CITY CLERK DEPT.

CITY CLERK DEPT.
08 AUG 11 PM 2:38

Section 49. That Chapter 18.46 (Landscape), section 18.46.140 (Alternative compliance), of the El Paso City Code, is amended to change the phrase “building official’s” to “director’s”, as used within this section.

Section 50. That Chapter 18.46 (Landscape), section 18.46.130 (Maintenance standards), of the El Paso City Code, is amended to change the phrase “official” to “director”, as used within this section.

Section 51. That Chapter 18.46 (Landscape), Section 18.46.160 (Enforcement), of the El Paso City Code, is amended to read as follows:

18.46.160 Enforcement.

- A. Revocation of Permit. Permits may be revoked in accordance with the provisions in Section 18.02.102 of this code.
- B. Citations. The director shall be authorized to issue citations for violations of this chapter, which shall be prosecuted in municipal court.

Section 52. That Chapter 18.48 (Projection Booths), section 18.48.010 (Construction), of the El Paso City Code, is amended to change the phrase “deputy director for building services”, as amended by ordinance nos. 15189 and 16135, to “director of the development services department or his designee”, as used within this section.

Section 53. That Chapter 18.50 (Property Maintenance Code), Section 18.50.050 (Section 202 General Definitions-Amended), of the El Paso City Code, is amended to read as follows:

18.50.050 Section 202 General Definitions--Amended.

Section 202 General Definitions shall be and is hereby amended by adding the following definitions:

- Board.** The Building and Standards Commission.
- Official.** The building official as established in section 18.02.101.4 of this code.
- Urban Nuisance.** Premises or structure that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety and welfare.

Section 54. That Chapter 18.60 (Flood damage prevention), section 18.60.180 (Development permit procedures), of the El Paso City Code, is amended to change the phrase “director of planning, research and development”, as amended by ordinance no.

16135, to “director of the development services department or his designee”, as used within this section.

Section 55. This ordinance shall take effect on September 1, 2008.

Section 56. Except as herein amended, Title 18 of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS 26th day of August 2008.

CITY CLERK DEPT.

28 AUG 11 PM 2:38

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:



Victor Q. Torres, Director
Development Services Department