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

DEPARTMENT: **Engineering and Construction Management Department**

AGENDA DATE: **Introduction on September 14, 2010; Public hearing on September 21, 2010**

CONTACT PERSON/PHONE: **R. Alan Shubert, P.E. - ext. 4423**

DISTRICT(S) AFFECTED: **Citywide**

SUBJECT:

Discussion and action on the following code changes to Titles, 9 (Health & Safety), and 18 (Building & Construction) of the City Code, as follows:

a) An Ordinance amending Title 18 (Building & Construction), Chapter 18.02 (Building and Construction administrative Code, Sections 18/02.103.1.1.6 (Prerequisite to Issuance of Permits), and 18/02.103.9.1.2.1 (Prerequisite to Issuance of Certificate of Occupancy) of the El Paso City Code to Amend the Requirements for Issuance of Conditional Building Permits and Certificates of Occupancy for Lots with Conditional Building Permits.

b) An Ordinance amending Title 18 (Building & Construction), Chapter 18.02 (Building and Construction Administrative Code) of the El Paso City Code, by repealing Chapter 18.02 in its entirety and adopting a new Chapter 18.02 in its place.

c) An Ordinance adopting the 2009 Edition of the International Building Code and amending Title 18 (Building & Construction), Chapter 18.08 (Building Code) of the El Paso City Code to provide for local amendments.

d) An Ordinance adopting the 2009 Edition of the International Residential Code and amending Title 18 (Building & Construction), Chapter 18.10 (Residential Code) of the El Paso City Code to provide for local amendments.

e) An Ordinance adopting the 2009 Edition of the International Mechanical Code and amending Title 18 (Building & Construction), Chapter 18.12 (Mechanical Code) of the El Paso City Code to provide for local amendments.

f) An Ordinance adopting the 2008 Edition of the National Electrical Code and amending Title 18 (Building & Construction), Chapter 18.16 (Electrical Code) of the El Paso City Code to provide for local amendments.

g) An Ordinance adopting the 2009 Edition of the International Plumbing Code and amending Title 18 (Building & Construction), Chapter 18.20 (Plumbing Code) of the El Paso City Code to provide for local amendments.

h) An Ordinance adopting the 2009 Edition of the International Fuel Gas Code and amending Title 18 (Building & Construction), Chapter 18.24 (Gas Code) of the El Paso City Code to provide for local amendments

i) An Ordinance adopting the 2009 Edition of the International Existing Building Code and amending Title 18 (Building & Construction), Chapter 18.28 (Existing Building Code) of the El Paso City Code to provide for local amendments.

j) An Ordinance amending Title 18 (Building and Construction), Chapter 18.46 (Landscape), of the El Paso City Code, to provide additional definitions, clarify the landscape requirements for parking lots, lower the percentage of plants required from the plant list, and add an exemption to the landscape requirements.

k) An Ordinance adopting the 2009 Edition of the International Energy Conservation Code and amending Title 18 (Building & Construction), to add Chapter 18.70 (Energy Conservation Code) to the El Paso City Code and providing for local amendments.

l) An Ordinance adopting the 2009 Edition of the International Fire Code and amending Title 9 (Health & Safety), Chapter 9.52 (Fire Prevention Code) of the El Paso City Code to provide for local amendments.

BACKGROUND / DISCUSSION:

The International Code Council has published the 2009 version of the International Code Family and local public input and industry input has been taken to assure that the current version of the codes are amended and adopted as appropriate for the City Of El Paso. These codes are normally revised on a three year cycle, and adoption is key to stay abreast of modern developments in building safety and to be consistent with adoption by the State of Texas of certain codes.

PRIOR COUNCIL ACTION:

The City Council on July 20, 2010 heard the findings of the Planning and Development Legislative Review Committee, and directed staff to go forward with the 2009 International Building Codes, perform additional industry outreach and to bring the codes back for Council consideration in 90 days.

AMOUNT AND SOURCE OF FUNDING:

No funding required for execution of this item.

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:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE) OF THE EL PASO CITY CODE, BY REPEALING CHAPTER 18.02 IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER 18.02 IN ITS PLACE, THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.

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

A. That Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code) of the El Paso City Code is hereby repealed in its entirety and replaced with the following Chapter 18.02.

18.02.101 TITLE AND SCOPE

18.02.101.1 Title.
The provisions of this chapter shall constitute and be known and be cited as the "Building and Construction Administrative Code" hereinafter referred to as "this code" of the City of El Paso.

18.02.101.1.1 Purpose.
The purpose of this chapter is to provide for the administration and enforcement of the technical codes, known as the building code, existing building code, residential code, property maintenance code, gas code, mechanical code, plumbing code, electrical code, and energy conservation code, as well as the vacant building code, outdoor lighting code, private sewage disposal code, irrigation code, and landscape code, as adopted by the city. If there are any conflicting provisions between this code and the International Building Code, 2009 Edition, Chapter 1, Scope and Administration, this code shall prevail.

18.02.101.1.2 Definitions. Unless otherwise expressly stated, the following words and terms shall have the meanings as shown in this code. In addition, definitions located in the technical codes are hereby incorporated into this code.

1. Building, existing: A building for which a legal certificate of occupancy has been issued for at least one (1) year.

2. Building official: The official appointed pursuant to section 18.02.101.4. of this code who is charged with the administration and enforcement of the codes enumerated in section 18.02.101.1.1 above.

3. Customized Plan Review (CPR): The Customized Plan Review process will be used to expedite the review of construction documents for new construction

projects, major additions to existing facilities and for complex projects upon payment of the established fee.

4. Home improvement: The repair, replacement, remodeling, alteration, conversion, modernization, or addition to any existing building or any portion or system thereof which is used or designed to be used as a dwelling unit, including construction, replacement or improvement of porches, garages, carports, roofs, fences, rockwalls and swimming pools.

5. Permit by Appointment (PBA): The permit by appointment process will be used to expedite the review of any construction documents for permits issued by the department other than those specifically addressed under the Customized Plan Review process upon payment of the established fee.

6. Permittee: The governmental entity, utility company, contractor, person or business entity that has received a permit pursuant to this chapter.

7. Tenant improvement: Work performed by or on behalf of a tenant in a completed building, or shell, or space within a building, that has previously received a certificate of occupancy or certificate of completion.

18.02.101.2 Code Remedial.

18.02.101.2.1 General.
This code is declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.

18.02.101.2.2 Quality control.
Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein.

18.02.101.2.3 Permitting and inspection.
The inspection or permitting of any building, system or plan by any jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. No jurisdiction nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

18.02.101.3. Technical Code References

18.02.101.3.1 Applicability, General.
The provisions of this code shall be applicable to the following codes of the El Paso City Code. Where, in any specific case, different sections of this code, or of the technical codes, or other codes mentioned herein, specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Building Code. The provisions of City Code Chapter 18.08, (Building Code), shall apply to the construction, alteration, repair, equipment, use of occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures.

Existing Building Code. The provisions of City Code Chapter 18.28, (Existing Building Code), shall apply to the construction, alteration, repair, equipment, use of occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures for which a legal certificate of occupancy has been issued for at least one (1) year.

Residential Code. The provisions of City Code Chapter 18.10, (Residential Building Code), shall apply to the construction, alteration, repair, equipment, use of occupancy, location, maintenance, removal and demolition of every one and two family structures and townhouse buildings or structures or any appurtenances connected or attached to such buildings or structures.

Property Maintenance Code. The provisions of City Code Chapter 18.50, (Property Maintenance Code), shall apply to the alteration, repair, equipment, use of occupancy, location, maintenance, of every vacant or occupied residential and commercial building or structure or any appurtenances connected or attached to such buildings or structures.

Gas Code. The provisions of City Code Chapter 18.24, (Gas Code), shall apply to the installation of consumer's gas piping, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances, and the installation and operation of residential and commercial gas appliances and related accessories.

Mechanical Code. The provisions of City Code Chapter 18.12, (Mechanical Code), shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and /or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems.

Plumbing Code. The provisions of City Code Chapter 18.20, (Plumbing Code), shall apply to every plumbing installation, including alterations, repairs, replacement,

equipment, appliances, fixtures, fittings and appurtenances, and connections to a water or sewerage system.

Electrical Code. The provisions of City Code Chapter 18.16, (Electrical Code), shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

Energy Conservation Code. The provisions of City Code Chapter 18.70, (Energy Conservation Code), shall apply to both residential and commercial construction of buildings for the effective use of energy. It is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve the effective use of energy.

Vacant Building Code. The provisions of City Code Chapter 18.40, (Vacant building Code), shall apply to the alteration, repair, equipment, use of occupancy, location, maintenance, removal and demolition, of every vacant building or structure or any appurtenances connected or attached to such buildings or structures.

Outdoor Lighting Code. The provisions of City Code Chapter 18.18, (Outdoor Lighting Code), shall apply to the installation and maintenance of lighting systems, including minimizing excessive outdoor lighting usage while preserving safety, security, and the nighttime use and enjoyment of property.

Private Sewage Disposal Code. Private Sewage Disposal regulations have been incorporated into the 2009 Plumbing Code. This portion of the Plumbing Code shall apply to the installation and maintenance of private sewage disposal systems with potential discharges not exceeding five thousand (5,000) gallons per day, where permitted, including septic tank and effluent absorption systems, and other treatment tank and effluent disposal systems.

Irrigation Code. The provisions of City Code Chapter 18.47, (Irrigation Code), shall apply to both residential and commercial construction, installation, alteration, repair and replacement of irrigation systems, including equipment, appliances, fixtures, fittings and appurtenances, where connected to a water or sewage system.

Landscape Code. The provisions of City Code Chapter 18.46, (Landscape Code), shall apply to commercial construction, installation, alteration, repair and replacement of landscaping, plant materials and irrigation systems when connected to a water or sewage system. Currently, there are no landscape regulations that apply to residential development.

18.02.101.3.2 Reserved.

18.02.101.3.3 Appendices.
To be enforceable, the appendices included in the technical codes must be referenced in the code text or specifically included in the adopting ordinance.

18.02.101.3.4 Referenced standards.
Standards referenced in the technical codes shall be considered an integral part of the codes without separate adoption. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

18.02.101.3.5 Maintenance.
All buildings, structures, electrical, gas, mechanical and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the technical codes when constructed, altered, or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical and plumbing systems.

18.02.101.4. Building official.
The building official shall be designated by the City Manager and shall have a valid Building Official Certification from the International Code Council or other recognized certification program at the time of appointment.

The building official is authorized to administer and enforce the provisions of the codes enumerated in section 18.02.101.4.1 and to delegate his enforcement authority.

All references as may be used in state or other applicable law, and in the ordinances and technical codes of the city, to the plumbing official, mechanical official, gas official, code official, or the authority having jurisdiction, shall mean the building official.

18.02.101.4.1 Administration and Enforcement.
The building official shall be responsible for enforcing the provisions of this code and of the technical codes including the building code, existing building code, residential code, property maintenance code, gas code, mechanical code, plumbing code, electrical code, and energy conservation code, as well as the vacant building code, outdoor lighting code, private sewage disposal code, irrigation code, and landscape code.

All references within the technical codes to the building department or the department of building safety shall mean the building permits and inspections division or the code compliance division of departments of the city as provided by ordinance, as applicable, or as designated by the City Manager. All references in this chapter to the department, when relating to the duties of the department, shall mean the building permits and inspections division or the code compliance division, as applicable, or as designated by the City Manager.

18.02.101.4.2 Deputy building officials.
The building official may designate City employees to be known as deputy building officials under either the building permits and inspections division or the code

compliance division for purposes of carrying out authority and delegation with respect to all matters under this code and the technical codes.

Employees designated to be known as deputy building officials shall have a valid Building Official Certification from the International Code Council or other recognized certification program at the time of appointment and shall have the powers as delegated by the building official. Final authority for interpretation of the codes enumerated in section 18.02.101.4.1 shall rest with the building official.

To the extent that provisions in the technical codes regarding the designation or appointment of deputy building officials may be contrary to the provision in this section, this section shall control.

18.02.101.4.3 Chief inspector qualifications.
Chief inspectors in the building permits and inspection division and the code compliance division shall obtain valid building official certification from the International Code Council or other recognized certification program as required by the approved job specifications for the position.

18.02.101.4.4 Inspector qualifications.
Inspectors in the building permits and inspections division and the code compliance division shall obtain valid inspector certification from the International Code Council or other recognized certification program as required by the approved job specifications for the position.

18.02.101.4.5 Third Party Services.

18.02.101.4.5.1 Purpose and authority.
Building and construction activities are affected by seasonal weather conditions, economic fluctuations and other conditions that create peak construction periods. The use of third party services to conduct plan review and/or inspection services during such peak periods, allows the city to maintain an acceptable level of customer service. This section establishes the methodology and sets out the requirements for the pre-qualification and appropriation of such third party services. Any reference in this section to third party service providers shall apply equally to companies and individuals engaged in such services.

18.02.101.4.5.2 Selection procedures for third party service providers.
The city, by and through the building official, shall select third party service providers solely on the basis of their qualification. The building official through the pre-qualification procedure enumerated herein shall establish a potential third party service provider's qualifications. This section does not apply to the hiring of such companies by the city to provide services relating to potential litigation or to provide services ancillary to compliance with local, state or federal laws. Such hiring shall be done in consultation with the city attorney and in accordance with the applicable requirements of local, state or federal law.

18.02.101.4.5.3 Pre-Qualification requirements.
The requirements for pre-qualification shall be determined by the building official and made available to the public. Potential third party service providers shall present the information set forth below to objectively demonstrate that the potential third party service provider has the capacity to perform plan review and/or inspection services as required under the provisions of this code.

1) Third party service provider's history identifying previous experience in conducting such services, including a client list.
2) Proof of International Code Council Certification for each individual who will be performing third party inspections/plan review services for the city.
3) Staff resumes including the identification, education, certification, and continuing education completed for each staff member who will be performing third party services including inspections and /or plan review services for the city.
4) Third party service provider's references including Better Business Bureau reports.
5) Evidence of commercial liability, property damage liability, vehicle liability and errors and omissions insurance coverage in the amounts required by the Third Party Service Agreement.
6) Any other information in support of the third party service provider's application.

In addition to the aforementioned requirements, anyone seeking to perform third party plumbing inspection services must comply with all statutory requirements of Texas Occupations Code, Title 8, Chapter 1301 and the Texas State Board of Plumbing Examiners Rules, as applicable.

It is the sole responsibility of the third party service provider to maintain current records with the city. The third party service provider may update pre-qualification information at any time. Updated pre-qualification materials submitted by a third party service provider shall replace existing materials in their entirety.

Third party service providers must pre-qualify on an annual basis by resubmitting all of the above information for review by the building official. Failure to update records as necessary may result in the determination of non-responsiveness or a decision to terminate or not enter into a Third Party Service Agreement with the provider.

The building official shall notify third party service providers in writing as to whether or not they have met the pre-qualification requirements. Upon notification of acceptance, the approved third party service provider shall enter into a Third Party Service Agreement with the city before performing any third party services.

18.02.101.4.5.4 Scope of services.
Pre-qualified third party service providers may provide services to the city. These services to the city may include plan review and/or inspection related to the city's own municipal projects and/or plan review and inspection of private sector projects for which the building official determines that third party services would be appropriate.

Any agreements entered into between an approved third party service provider and the private sector are private contracts to which the City of El Paso is not a party.

Contractors desiring to use third party service providers for plan review/inspection services shall pay, at the time of permit application, the established fee for third party plumbing inspectors in addition to the established permit fee.

18.02.101.4.5.5 Monitoring of third party service provider qualifications.
In order to remain qualified as a third party service provider for the City of El Paso, the following requirements must be maintained:

1) Update on an annual basis the records required pursuant to 18.02.101.4.5.3, Pre-Qualification requirements.
2) Maintain International Code Council certifications for each individual providing services.
3) Provide acceptable level of work as evidenced by city initiated periodic audits.

Third party service providers failing to maintain the above requirements are subject to removal from the approved third party service provider register. Removal from the approved register shall result in automatic termination of the Third Party Service Agreement. Parties removed from the approved register will need to show evidence of corrective action and shall be required to submit a new application for review by the building official prior to entering into another Third Party Service Agreement.

18.101.4.5.6 Third party service provider audits.
Third party service providers shall be subject to the same quality review as City of El Paso employees performing the same service. An audit of a third party service provider's annual services including inspections and plan reviews may be conducted to assure continuing compliance with all applicable codes and regulations. Third party service providers will be apprised in writing of all audit findings with deficiencies.

18.02.101.4.5.7 Third party service provider audit process.
The City is authorized to conduct periodic unannounced inspections as audits. The following shall apply to all third party service providers:

1. Following written notice by the building official of an audit inspection with one or more deficiencies (code requirements that were missed), and for each written notice of deficient audit inspection thereafter, the third party service provider shall:

   a. Inform the respective contractor of the specific code infraction(s) and the corrections required.
   b. Following correction by the contractor and a request for re-inspection by the third party service provider, the city shall conduct a follow up

inspection to assure compliance. Contractor shall bear the costs of all re-inspections.

c. The city shall not be responsible for the cost of any corrections required.

2. Two audit inspections with one or more deficiencies within any 180 day period shall also result in:

a. A conference with the building official and the third party service provider in an effort to improve the performance of the third party service provider.

b. Prior to performing any further third party inspection services, the third party service provider shall be required to show evidence of internal correction procedures, methods, and/or training as appropriate to prevent recurrence of infraction.

3. Three audit inspections with one or more deficiencies within any 180 day period shall also result in:

a. Third party service provider being placed on probation for a period of 180 days.

b. If the annual certification becomes due during the probation period, the requirement for certification shall be delayed until after the successful completion of the probation period.

c. Third party service providers that have been placed on probation more than once in any five (5) year period shall be ineligible for participation as a third party service provider for a two year period prior to re-application.

4. Further audit inspections with one or more deficiencies during the probationary period shall result in:

a. Suspension of third party service provider for a period of 180 days.

b. Third party service provider shall be removed from the approved third party service provider register. Removal from the approved register shall result in automatic termination of the Third Party Service Agreement and the third party service provider shall be required to reapply subsequent to the suspension period.

18.02.101.5 Existing Buildings.

18.02.101.5.1 General.

18.02.101.5.1.1 Continued occupancy.

The legal occupancy of any building or structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the Property Maintenance Code (Chapter 18.50) or the Fire Code (Chapter 9.52) or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

18.02.102 POWERS AND DUTIES OF THE BUILDING OFFICIAL

18.02.102.1 General.

The building official is authorized to enforce the provisions of the codes enumerated in section 18.02.101.1.1. The building official is further authorized to render interpretations of those codes that are consistent with their spirit and purpose. The building official is authorized to designate or authorize employees of the building permits and inspections division and code compliance division to perform these duties.

18.02.102.2 Right of Entry.

18.02.102.2.1 General.
Whenever necessary to make an inspection to enforce any of the provisions of this code and of the technical codes, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code or the technical codes; provided, that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

18.02.102.2.2 Inspection warrant.
When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code or the technical codes.

18.02.102.2.3 Stop work orders.
Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this code or of the technical codes, or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

18.02.102.2.4 Requirements for prefabricated buildings.
Building, plumbing, mechanical, fuel gas and electrical installations, structural systems, piping and wiring in prefabricated buildings or buildings which are moved into the city limits shall be made to conform to the requirements of this code and the technical codes for new work; provided, however, that this provision shall not apply to any structure which complies with the standards and requirements of the Texas Department of

Licensing and Regulations for Manufactured Housing or Industrialized Housing and Buildings.

18.02.103 PERMITS

18.02.103.1 Permit Application.

18.02.103.1.1 When required.

Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect or construct a sign, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing or fire protection systems, the installation of which is regulated by the technical codes or the fire code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work. No permit required under this code or the technical codes shall be issued until the proper application, on a form approved by the building official, accompanied by all required documents, has been filed with the department and the established fee has been paid.

Exceptions: Permits shall not be required for the following construction work:

Building

1. Ordinary minor nonstructural repair work having a value of twenty-five hundred dollars or less.
2. Masonry landscape walls and fences twenty-four inches in height or less.
3. Concrete walks, slabs on grade and driveways not more than thirty inches above grade, that are not over a basement or story below; and that will not serve as foundation or structural support for future construction, and are not located in public right-of-way.
4. Painting, papering and similar finish work.
5. Movable cases, cabinets, counters, and partitions not over five feet nine inches high that do not establish a corridor.
6. Swimming pools, wading pools or ponds that are in-ground containing a body of water less than twenty-four inches in depth, or that are entirely above ground containing less than five thousand gallons of water.
7. Accessory storage buildings or structures less than two hundred square feet in floor area. This exemption shall be restricted to only one accessory building within a site.

Mechanical

8. Portable heating appliances.
9. Portable ventilation equipment.
10. Portable cooling units.
11. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the technical codes.
12. Replacement of any part which does not alter its approval or make it unsafe.

13. Portable evaporative coolers.
14. Self-contained refrigeration systems containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

Electrical

15. Wiring devices or equipment installed by telephone, telegraph or other public service corporations used solely for the transmission of two-way communication.
16. Portable appliances or devices conforming to the electrical code, for operation from a receptacle outlet, provided such appliances are rated at no more than eighty percent of the branch circuit overprotective device.
17. Replacing or repairing flash or snap switches, receptacles, drop cords, replacing fuses, changing lamp sockets, or any other minor repairs of joints in wiring, fixtures, devices or equipment.
18. Ceiling fans, light fixtures, receptacle outlets or similar devices added onto an existing electrical circuit which has adequate capacity for the additional load in a one- or two-family residence; provided, however, that the work is performed by:
    a. A homeowner, on property that is their primary residence; or
    b. A master, journeyman or maintenance electrician licensed in accordance with Section 18.02.108.4.

Fire Protection Systems

19. Minor repair, service and maintenance work.
20. Periodic testing of installed systems.

18.02.103.1.2 Exemptions.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or the technical codes, or any other applicable laws or ordinances.

18.02.103.1.3 Separate and combined permits.

18.02.103.1.3.1. Separate permits.

Separate permits are required for building, gas, plumbing, mechanical, electrical, irrigation, and fire protection work, for every building, structure, or service system. This includes every separate building or structure regardless of the number of buildings or structures located on the same site or lot and regardless of the ownership of such buildings, structures or service systems except as provided in section 18.02.103.1.3.2. For projects where there are multiple buildings of similar nature on a single parcel, such as apartment complexes or storage units, the building permit fee shall be calculated as if the project were a single building.

Exceptions:

1. For one or two family dwellings; the accessory buildings, structures, and fences may be permitted under the same permit as the principal building or structure provided all such accessory buildings, structures and fences are located on the same site or lot and are under the same ownership as the principal building or structure.

2. All portions of the same building, structure or service system created by dividing one building, structure, or service system by fire walls shall be permitted under the same permit provided all such portions thus created are located on the same site or lot and are under the same ownership, and are intended for construction under the same schedules.
3. The building official may allow construction of minor, related work of the same type under one permit for more than one building, structure, or service system when located on the same site or lot and under the same ownership.

18.02.103.1.3.2 Combined permits. In general, a single, combined permit shall be required for every R-3 and R-4 occupancy as defined by Chapter 18.10 of the El Paso City Code. Such combined permit shall include all building, electrical, plumbing, fuel gas, mechanical, landscape irrigation and fire protection work. A single combined permit shall be required for every separate building or structure regardless of the number of buildings or structures located on the same site or lot and regardless of the ownership of such buildings, structures or service systems.

18.02.103.1.4 Reserved.

18.02.103.1.5 Application submission.
Plumbing, electrical, mechanical and special building (including roofing) permit applications which are not required to be accompanied by plans may be submitted in person to the department or through the U.S. mail service. A permit issued for any application received in person or transmitted through the mail shall not be valid until certified as "paid" by the comptroller's office and a "paid" receipt is received by the department within the time period established by the building official.

18.02.103.1.5.1 Call-in permits application submission.
The building official is empowered to establish rules and regulations pertaining to the application, submission and processing of minor permits through a permit "call-in" process. A permit issued for a permit application applied for through the "call-in" process shall not be valid until certified as "paid" by the comptroller's office and a "paid" receipt is received by the department within the time period established by the building official.

18.02.103.1.5.2 "One call" system notification.
When a permit is requested by an applicant under this code, and excavation or digging is involved, the building official shall require that a "one call" service be contacted by the permit applicant. The applicant shall be responsible for making the "one call" and no duty is expressed or implied on the part of the city to verify that such "one call" has been made by the applicant. However, the building official shall require confirmation, in a manner which he believes to be appropriate, that such a "one call" has been made by the applicant. A permit shall be denied for failure to contact a "one call" service or provide confirmation that such "one call" service has been contacted by the applicant when the building official requires that a "one call" service be contacted.

18.02.103.1.5.3 Application referral to city departments for approval--Permits not issued for work in violation of ordinances.

A. Application for permit for the construction, alteration or repair of buildings or structures shall be subject to the requirements of all applicable ordinances, laws and regulations, including but not limited to, the requirements for acceptance of subdivision improvements, as well as drainage approval where a subdivision plat is not required. Applications involving more than one acre of land shall require a Storm Water Pollution Prevention (SWPP) permit. Applications for properties located in the floodplain shall also be subject FEMA regulations. The city manager or his designee shall promptly approve, disapprove or conditionally approve the application as to its compliance with all applicable ordinances, laws and regulations; and no permit shall be issued until the application is so approved.

B A permit shall not be issued for any work which would involve a violation of the zoning ordinance or any other law or ordinance, and any permit so issued shall be void.

C. The approval, disapproval or conditional approval of a permit required by this code shall be based on the orders, regulations, ordinances or other duly adopted requirements in effect at the time the application for the permit is filed. When a series of permits is required for the development of a project, the applicant, by providing verification of the orders, regulations, ordinances or other duly adopted requirements in effect at the time the original application was filed for the first permit in that series, shall be entitled to develop that project based on those orders, regulations, ordinances or other duly adopted requirements.

18.02.103.1.6 Prerequisite to Issuance of Permits.

18.02.103.1.6.1 Building permits for lots in approved subdivision plats.

A. Unconditional Permits.

An unconditional building permit shall be issued for a lot within a subdivision, or a lot within an approved phase of a subdivision when the subdivision plat required by Title 19 (Subdivisions) of this Code has been recorded and the subdivision improvements required by the subdivision plat or accompanying subdivision improvement plans, have been constructed, completed, and if the improvements are public improvements, accepted for maintenance by the city.

B. Conditional Permits.

If the subdivision improvements required under Title 19 (Subdivisions), have not been constructed, completed, and if the improvements are public improvements, accepted by the city for maintenance, then the building official may issue conditional building permits for lots within the subdivision or lots within an approved phase of the subdivision provided the following requirements are complied with:

1. The developer provides financial security in accordance with section 19.08.040 of the City Code for completion of the subdivision improvements; and,

2. Fully charged fire hydrants are installed within the subdivision or the approved phase of the subdivision; and,

3. Drivable surface, acceptable to the fire marshal and the building official in accordance with applicable ordinances, has been constructed within the subdivision or the approved phase of the subdivision.

18.02.103.1.7 Reserved.

18.02.103.1.8 Authorization to proceed with construction.
The building official may issue to a contractor duly registered with the department an authorization to proceed with construction without a building permit subject to the following conditions:

1. The project is for a nonresidential use;

2. Application for the building permit has been submitted to the building official, and required plan review fees have been paid;

3. All required drawings for all aspects of the work have been submitted to the building official for review; and,

4. Either the owner or lessee of the building or structure, as applicant, has in the form and manner required by the building official, provided a statement that the applicant understands and agrees that the project is proceeding at the applicant's sole risk and that all requirements of this code necessary to obtain the building permit have been accomplished.

The work commenced under an authorization to proceed with construction shall not progress beyond the first required inspection for any type of permit sought until the permit is issued. No inspection shall be granted until the permit is issued, unless authorized by the building official.

18.02.103.1.9 Work authorized.
A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same is shown on the drawings or covered by the specifications submitted with the application. Separate permits may be required.

18.02.103.1.10 Homeowner permits.
Permits shall be issued to a homeowner doing work on their primary residence only if all of the following conditions apply:

1. The permit is for an R-3 occupancy that is the homeowner's own primary residence which he currently occupies;
2. The homeowner will act as his own general contractor;
3. The homeowner will perform some or all of the proposed building construction work (as permitted under this code);
4. The homeowner provides proof that all electrical, plumbing, mechanical or irrigation work shall be performed by contractors registered with the department.

18.02.103.1.11 Owner permits.
No permit shall be issued to the owner of any building, structure or occupancy, except R-3 occupancies.

18.02.103.1.12 Minor repairs.
Ordinary minor repairs may be made with approval of the building official without a permit; provided, that such repairs shall not violate any of the provisions of the technical codes.

18.02.103.1.13 Information required.
Each application for a permit, with the required established fee, shall be filed with the building official on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the building official.

18.02.103.1.14 Nontransferable.
Permits issued under this chapter shall be personal to the permittee, and shall not be assigned or transferred to any other person, firm, builder, owner or contractor.

18.02.103.2 Drawings and Specifications.

18.02.103.2.1 Requirements-General. Two sets of drawings, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs, and other data as required by the building official, and one computer disk or electronic transmittal containing an electronic copy of all submittal documents, shall be submitted with each application for permit. The construction documents shall be prepared, signed and sealed by a registered design professional where required by State law and this code. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. At anytime prior to issuance of a building permit, all construction documents submitted to the department may be expedited to reduce the review time. Such requests must be submitted in writing to the building official.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

18.02.103.2.2 Additional data.

A. The building official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the

building official to be prepared by an architect or engineer shall be affixed with their signature and official seal.

B. Title sheet. Construction documents shall contain a title sheet(s) indicating the name, address, and phone numbers of project owner(s), design professionals, and contractors (if known). The title sheet shall also contain information regarding the Code review as performed by the design professional, including the size of the building, type of construction, and type(s) of occupancy, building area, and height modifications (if any), fire sprinklers (if any), deferred items (if any), and other information as directed by the building official.

18.02.103.2.3 Design professional.

The design professional shall be an architect or engineer registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data, for the following:

1. For new construction, additions, expansions or for changes in occupancy of:
   - A. All Group A, B, E, F, H, I and M occupancies;
   - B. All R-1, R-2, R-3 and R-4 buildings and structures three stories or more high;
   - C. All R-1, R-2, R-3 and R-4 buildings and structures five thousand square feet or more in area.

2. For alterations, repair, or rehabilitation of:
   - A. All Group A, B, E, F, H, I and M occupancies where the affected area exceeds one thousand square feet or the proposed work involves or affects structural elements, fire-resistive elements or fire exits;
   - B. All R-1, R-2, R-3, and R-4 buildings and structures three stories or more high.

For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.

Every application for a permit to do electrical work on residential premises over two thousand five hundred square feet in area and all nonresidential premises shall be accompanied by drawings. Such drawings shall be signed by a master electrician, unless they bear the signature and seal of an electrical engineer.

18.02.103.3 Examination of Documents.

18.02.103.3.1 Plan review.

The building official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the technical codes and all other pertinent laws or ordinances.

18.02.103.3.2 Affidavits.
The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and if accompanied by drawings showing the structural design, a statement that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. When, under this section, the building official relies upon such affidavit, the architect or engineer shall agree, as provided in the affidavit required in this section, to accept full responsibility for the compliance of the design documents with all provisions of the technical codes and other pertinent laws or ordinances.

18.02.103.4 Issuing Permits.

18.02.103.4.1 Action on permits.
The building official shall act upon an application for a permit without unreasonable or unnecessary delay. If the building official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, and all required established fees have been paid, he shall issue a permit to the applicant.

18.02.103.4.2 Refusal to issue permit.
If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, or the required established fees have not been paid, the building official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

18.02.103.4.3 Placement Permits.

18.02.103.4.3.1 Mobile homes placement permit.
The building official may issue a placement permit for manufactured homes, mobile homes or HUD-Code manufactured homes provided that all of the following conditions are met:

1. The building is erected on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.
2. The building meets the regulations of the Texas Department of Licensing and Regulation for Manufactured Housing.

3. The building is placed in an area whose zoning permits the placement of mobile homes and the building is installed in accordance with the manufacturer's requirements, the rules promulgated by the Texas Department of Licensing and Regulation for Manufactured Housing, and all the technical codes and zoning codes of the city are met.

18.02.103.4.3.2 Texas industrialized buildings placement permit

The building official may issue a placement permit for structures built at a location other than the permanent commercial site and transported to the permanent site for erection and installation provided that all of the following conditions are met:

1. The building meets all the requirements of the Texas Industrialized Housing and Building Act, Texas Occupations Code, Chapter 1202 and is classified as "industrialized building" and bears an approved decal or insignia under the rules of the Texas Department of Licensing and Regulation reflecting that the building has been inspected at the manufacturing plant or facility by the Texas Department of Licensing and Regulation.
2. Two complete sets of the designs, plans and specifications bearing the stamp of Texas Industrialized Building Code Council are submitted to the department for review.
3. The building is placed on a site-built permanent foundation system designed by a professional engineer.
4. The building was not designed or intended to be used other than on a site-built permanent foundation.
5. All of the requirements of this code, the technical codes, the zoning code and other city, state and federal regulations are met.

18.02.103.4.3.3 Texas industrialized housing placement permit.

The building official may issue a placement permit for structures built at a location other than the permanent residential site and transported to the permanent site for erection and installation provided that all of the following conditions are met:

1. The building meets all the requirements of the "Texas Industrialized Housing and Building Act, Texas Occupations Code, Chapter 1202 and is classified as "industrialized housing" and bears an approved decal or insignia under the rules of the Texas Department of Licensing and Regulation reflecting that the building has been inspected at the manufacturing plant or facility by the Texas Department of Licensing and Regulation.
2. Two complete sets of the designs, plans and specifications bearing the stamp of Texas Industrialized Building Code Council are submitted to the department for review.
3. The building is placed on a site-built permanent foundation system designed by a professional engineer.
4. The building was not designed or intended to be used other than on a site-built permanent foundation.
5. The building is not designed to be moved once erected or installed on the permanent foundation.
6. All of the requirements of this code, the technical codes, the zoning code and other city, state and federal regulations are met.

18.02.103.4.4 Temporary gas permit.
A special permit is required when an owner or contractor intends to use fuel 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 building official 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 building official shall issue the permit.

18.02.103.4.5 Nonconforming buildings.
Persons who wish to utilize structures or buildings for a limited period of time, which do not meet the requirements of the technical codes, shall apply to the construction board of appeals for approval of a temporary exception.

18.02.103.5 Reserved.

18.02.103.6 Conditions/Duration of Permits.

18.02.103.6.1 Conditions of Permits.
A permit issued shall be construed as authority to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of this code or the technical codes.

18.02.103.6.2 Duration of Permits.
1. Every permit issued shall automatically expire and become null and void under any of the following circumstances:

A. The work authorized by such permit is not commenced within six months from the issue date of the permit;
B. The work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced;
C. The permit applicant fails to call for and receive an inspection for any period of six months.

2. A permittee holding an unexpired permit may apply for a maximum of two extensions of time, for periods of not more than one hundred and eighty (180) days each; provided that the request for extension is made in writing, prior to the expiration of the current permit, and justifiable cause is demonstrated. Such extension authorizations shall be made in writing by the building official. There shall be no fee for the extension of an unexpired permit.

Exception:
The following types of permits shall be valid for a maximum of 180 days from the date of issuance of such permits and shall not be eligible for extension.

1. Fence permits;
2. Demolition permits;
3. Mobile home placement permits;
4. Plumbing CHP permits;
5. Plumbing gas permits;
6. Plumbing lawn sprinkler permits;
7. Plumbing appliances, fixture permits;
8. Mechanical evaporative cooler permits;
9. Mechanical heater or furnace permits;
10. Electrical service change permits;
11. Electrical temporary service permits;
12. Electrical service investigation release permits.
13. Re-roofing permits.

3. An expired building permit may be renewed or reinstated, and a completion permit may be obtained, for a fee equal to one half the amount required for a new permit for such work. An expired subcontractor permit may be renewed in conjunction with the renewal of an expired building permit, at no additional fee.

Exception:
The following types of permits shall be valid for a maximum of 180 days from the date of issuance of such permits and shall not be eligible for renewal or reinstatement.

1. Fence permits;
2. Demolition permits;
3. Mobile home placement permits;
4. Plumbing CHP permits;
5. Plumbing gas permits;
6. Plumbing lawn sprinkler permits;
7. Plumbing appliances, fixture permits;
8. Mechanical evaporative cooler permits;
9. Mechanical heater or furnace permits;
10. Electrical service change permits;
11. Electrical temporary service permits;
12. Electrical service investigation release permits.

13. Re-roofing permits.

18.02.103.6.3 Permit issued on basis of an affidavit.
Whenever a permit is issued in reliance upon an affidavit submitted under section 18.02.103.3.2, or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations be responsible for conformity with the permit, and upon completion make and file with the building official written affidavit that the work has been done in conformity with the reviewed plans and with the provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead another architect or engineer licensed by the State of Texas.

18.02.103.6.4 Plans.
When the building official issues a permit, he shall endorse, in writing or by stamp, both sets of plans "THESE PLANS HAVE BEEN REVIEWED FOR GENERAL CONFORMITY WITH ALL PERTINENT CODES AND ORDINANCES." One set of drawings so reviewed shall be retained by the building official and the other set shall be returned to the applicant. The permitted drawings shall be kept at the site of work and shall be open to inspection by the building official or his authorized representative.

18.02.103.7 Fees.

18.02.103.7.1 Prescribed fees.
Fees are established and required in conjunction with all permits and services provided under this title, including this code and the technical codes, except as may be specifically excepted or provided otherwise. A permit, although issued, shall not be valid until all established fees have been paid in the amounts set forth in the annual budget resolution of the City Council or other duly authorized resolution for each of the various types of permits and services listed therein. An amendment to a permit shall not be valid until the additional established fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems, has been paid.

Exceptions:

1. The City of El Paso, the County of El Paso, the El Paso Housing Authority, the State of Texas, other governmental entities that are, as a matter of law, exempt from having to pay permit fees, utility companies and other entities whose permit fees have been waived by franchise agreement or resolution of the City Council, and the United States Government are exempted from the payment of the permit fees required in this chapter; provided, that only such construction as is owned, operated and maintained by such governmental agencies shall be exempted from payment of such permit fees. Also provided that the city council may authorize the building official to waive the permit fees required in this chapter when the project for which the permit is issued is a city project. For the purpose of this subsection, a "city project" shall be a project that the city council finds to be for

the benefit of the general public, and that is to be either constructed on property owned by the city or with funds provided in whole or part by the city.

2. Weatherization assistance projects for low-income persons are exempted from the payment of permit fees required in this chapter; provided that only such projects as are funded pursuant to 10 CFR Part 440 (1991) shall be exempted from payment of such permit fees.

18.02.103.7.2 Work commencing before permit issuance.
Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or written authorization from the building official shall be subject to a penalty of three hundred percent of the current established permit fee, in addition to the required established permit fees.

18.02.103.7.3 Accounting.
The building official shall keep an accurate accounting of all permit fees and other moneys collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof, in accordance with the established records retention schedule.

18.02.103.7.4 Schedule of permit fees.
On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, the established fee for each permit shall be paid at the time application is filed.

18.02.103.8 Building permit valuations.
If, in the opinion of the building official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as required earthwork within the building area, electrical, gas, mechanical, plumbing, including materials, labor and equipment, and all other permanent equipment.

18.02.103.8.1 Valuation for new commercial building permits.
Permit valuation for new commercial buildings and structures construction work shall be based on the valuation given on the building permit application but in no case shall that valuation be less than the value obtained from the International Code Council rates for building type and occupancy, in effect on the date of the permit application.

18.02.103.8.2 Valuation for shell only permits.
Permit valuation for new commercial shell only buildings and structures construction work shall be based on the valuation given on the building permit application but in no case shall that valuation be less than eighty percent of the value obtained from the International Code Council rates for building type and occupancy, in effect on the date of the permit application.

18.02.103.8.3 Valuation for tenant improvement permits to shell buildings.
Permit valuation for tenant improvements to shell buildings shall be based on the valuation given on the building permit application obtained from the International Code Council rates for building type and occupancy, in effect on the date of the permit application.

18.02.103.8.4 Valuation for foundation only permits.
Permit valuation for foundation only work shall be based on the valuation given on the building permit application obtained from the International Code Council rates for building type and occupancy, in effect on the date of the permit application.

18.02.103.8.5 Fee refunds.
A portion of the fee paid for building, electrical, plumbing, or mechanical permits may be returned to the permit applicant; provided, that no work authorized under the permit has been started, and the permit and associated records are returned for cancellation within six months after the date of issuance. In each case, 25% of the established permit fee will be retained by the department for plan review, in addition to any costs expended by the department for the issuance and maintenance of records, inspections to verify that no work was started, and costs of processing and preparing the refund.

18.02.103.9 Inspections.

18.02.103.9.1. Non-Business Hour Inspections and Re-Inspections.
1. Non-business hour inspections. Inspections requested under IBC Section 109.5.1, may be made upon payment of the established fee for each non-business hour inspection.

2. Re-inspections. Re-inspections required under IBC Section 109.5.2, may be made upon payment of the established fee for each re-inspection.

18.02.103.9.2 Existing building inspections.
Before issuing a permit the building official may examine or cause to be examined any building, electrical, gas, mechanical or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install or change the occupancy. He shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the technical codes.

18.02.103.9.3. Manufacturers and fabricators.
When deemed necessary by the building official, he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

18.02.103.9.4 Placement of permit.
The permit holder, prior to starting construction and until the final inspection of the work, shall post the permit, in a conspicuous place at the address where the permit work is authorized. In addition, the permit holder shall post a sign indicating the street address and suite number, if any, of sufficient size to be readable from the construction site access entry.

18.02.103.9.5 Inspections.
The building official, upon notification from the permit holder or his agent shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical codes:

18.02.103.9.5.1 Retaining Walls.

1. Foundation Inspection: To be made after trenches are excavated, forms erected, and reinforcing steel is in place.
2. In-Progress Inspection: To be made after the retaining wall is approximately twenty-five percent to fifty percent complete. Exceptions: Walls retaining less than six feet of earth.
3. Final Inspection: To be made after the retaining wall is completed.
4. Retaining wall inspections. In addition to foundation and final inspection, walls retaining over 6 feet of earth shall be subject to an in-progress inspection as well as material testing to be performed when the wall is approximately twenty-five percent to fifty percent complete.

18.02.103.9.5.2 Reroofing.

Final Inspection: To be made after the reroofing or recovering work has been completed.

18.02.103.9.5.3 Signs.

1. Foundation Inspection: To be made after piers are drilled or after trenches are excavated and forms erected.
   Exceptions: Free-standing signs less than twenty- four feet in height and less than two hundred square feet in facial area.
2. Electrical Sign Inspections: To be made after the wiring and equipment is installed. This inspection shall be made at the place of business of the electrical permit holder or of the sign permit holder, except that the building official may approve on-site inspection.
3. Final Inspection: To be made after the sign installation is completed and ready for use.
4. Sign inspections. Sign foundations, piers and trenches shall be inspected for freestanding signs greater than eight feet in height and two hundred square feet in facial area. In addition to the final inspection as identified in this section, electrical signs shall be inspected at the place of business of the electrical permit holder or sign permit holder after the wiring and equipment are installed, but prior to erection, unless otherwise approved by the building official.

18.02.103.9.5.4 Irrigation Systems.
1. Irrigation system inspection. Piping, wiring, controllers and backflow prevention devices required under Chapter 18.47 Irrigation systems shall be inspected prior to use.

2. Landscape inspection. Trees, plant materials, hard surface materials, etc. required under Chapter 18.46 Landscape shall be inspected prior to final occupancy.

18.02.103.9.5.5 Non Business Hours.
Non-business hours inspection requests. Inspections requested for weekends, city-observed holidays, or other times outside regular business hours of the department shall be subject to prior approval of the building official and shall be subject to the established fee. The minimum charge for an after hours inspection will be two hours which must be prepaid before it will be scheduled.

18.02.103.9.6 Plaster fire protection.
In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the building official. Plaster shall not be applied until the release from the building official has been received.

18.02.103.9.7 Reserved.

18.02.103.9.8 Reinforcing steel and structural frames.
Reinforcing steel or structural frame work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official.

18.02.103.9.9 Reserved.

18.02.103.9.10 Inspection of annexed installations.
When an area is annexed to the city, the existing buildings therein may be inspected under the conditions of "Reinspection" as set forth in Section 18.02.103.9.1.

18.02.103.10 Certificates.

18.02.103.10.1 Certificate of Occupancy.

18.02.103.10.1.1 Building occupancy.
A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until the building official has issued a certificate of occupancy. The certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the building official.

18.02.103.10.1.2 Issuing certificate of occupancy.
Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical codes, reviewed plans and specifications and after the final inspection, the building official, shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of this code and the technical code.

18.02.103.10.1.2.1 Prerequisite to issuance of certificate of occupancy.

18.02.103.10.1.2.1.1 Certificates of Occupancy for lots with unconditional building permits.
Certificates of occupancy shall be issued for lots receiving unconditional building permits as described in Section 18.02.103.1.6.1(A) of this code when the structures comply with the requirements of the building and zoning codes, and all subdivision improvements have been completed in accordance with Title 19 (Subdivisions) of this Code.

18.02.103.10.1.2.1.2 Certificates of Occupancy for lots with conditional building permits.
Certificates of occupancy may be issued for lots receiving conditional building permits as described in Section 18.02.103.1.6.1(B) of this code provided the following requirements are complied with:

1. The structures comply with the requirements of the building and zoning codes; and
2. The subdivision improvements required under Title 19 (Subdivisions) have been constructed, completed, and if the improvements are public improvements, accepted by the city for maintenance, or the developer provides financial security in accordance with section 19.08.040 of the City Code for completion of the subdivision improvements; or
3. The subdivision improvements for the approved phase of the subdivision have been constructed, completed, and if the improvements are public improvements, accepted by the city for maintenance and the developer provides financial security in accordance with section 19.08.040 of the City Code for completion of the remaining subdivision improvements.

18.02.103.10.1.3 Appeals to the Construction Board of 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 in accordance with the requirements and procedures of Chapter 2.30 of the City Code.

18.02.103.10.1.4 Existing building certificate of occupancy.
A certificate of occupancy for any existing building may be obtained by applying to the building official and supplying the information and data necessary to determine

compliance with the technical codes for the occupancy intended. Where necessary, in the opinion of the building official, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the technical codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued.

18.02.103.10.2 Certificate of completion. After the building official inspects the work completed under permit for a building, structure, electrical, fire protection, plumbing, mechanical, fuel gas, or similar system or structure that cannot be occupied, and finds no violations of the provisions of this code or the technical codes, the building official is authorized to issue a certificate of completion. Such certificate of completion certifies that the work performed under the permit has been satisfactorily completed. The certificate of completion does not authorize the occupancy of any incomplete shell, building or structure. The certificate of completion shall contain the information listed in Section 111.2 of the International Building Code, for certificate of occupancy.

18.02.103.10.3 Service Utilities.

18.02.103.10.3.1 Connection of service utilities.
No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by the technical codes for which a permit is required, until released by the building official, and a certificate of occupancy or completion is issued.

18.02.103.10.3.2 Temporary connection.
The building official, may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary certificate of occupancy. Any person receiving authorization under this section shall pay the established fees for installation and inspection.

18.02.103.10.3.3 Authority to disconnect service utilities.
The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and whenever possible the owner and occupant(s) of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

18.02.103.10.4 Plumbing outside city limits.

1. Water service shall not be furnished to any property outside the city limits having a water plumbing system installed on or before January 1, 1972, unless such water plumbing system has been inspected, tested and approved in accordance with rules and regulations of the public service board, department of water utilities.

2. Water service shall not be furnished to any property outside the city limits having a water plumbing system installed after January 1, 1972, unless such water plumbing system has been inspected and all plumbing thereon complies with the requirements of this code and the technical codes.

3. Persons receiving permits and inspections under this section shall pay all established fees.

4. After the department of water utilities begins water service to a property outside the city limits, all additional plumbing work done on such property shall comply with this code and the technical codes and pass the inspections therein required. Such additional plumbing work shall be pursuant to a permit issued upon payment of the established fees.

18.02.103.10.5 Relations with the El Paso Water Utilities (EPWU) department.

1. No system of plumbing utilizing a private disposal system as provided in the plumbing code shall be turned on by EPWU until EPWU has received a final approval of such system from the building official.

2. No existing out-of-city plumbing system as defined in Section 18.02.103.10.4 until the private sewage (whether individual or community) to which the system is connected has been inspected and approved by the building official and notice of such approval has been furnished to EPWU.

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.

18.02.104 TESTS

The building official may require tests or test reports as proof of compliance with any provision of this code or of the technical codes. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

18.02.105 RESERVED

18.02.106 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this code or of the technical codes is for any reason held to be unenforceable, such decision shall not affect the validity of the remaining portions of this code or of the technical codes.

18.02.107 VIOLATIONS AND PENALTIES

Any person, firm, corporation or agent who shall violate a provision of this code or of the technical codes, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or

demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be deemed guilty of a misdemeanor and punished by a fine not to exceed two thousand dollars. Each such person shall be deemed guilty of a separate offence for each and every day or portion thereof during which any violation of any of the provisions of this code or of the technical codes is committed or continued.

18.02.108 CONTRACTORS AND LICENSING

18.02.108.1 Contractors' responsibilities. It shall be the duty of every contractor who shall make contracts for the construction, installation or repair of buildings, structures, or fire protection, electrical, gas, mechanical or plumbing systems, for which a permit is required, to conform to the requirements of this code and the technical codes and with all other federal and state regulations.

18.02.108.2 Applicability. The provisions of this code and the technical codes shall govern all construction and installations, regardless of the trade areas concerned or of the type or class of permit under which the work is performed.

18.02.108.3 Quality control. Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein or the requirements of the technical codes.

18.02.108.4 Licenses.

18.02.108.4.1 License required. No individual, firm or corporation shall construct, install, maintain or repair any air conditioning, cooling, refrigeration or heating equipment, electrical equipment, plumbing, gas equipment, residential water treatment equipment, or landscape irrigation systems for which a permit is required, nor contract to do so, without being a holder of a proper license for the appropriate class of work being done as required by the Texas Department of Licensing and Regulation and this code as listed herein. No individual, firm or corporation shall employ or otherwise cause any person who does not hold an appropriate license to engage in such activities for which a license is required.

1. Mechanical contractors. No person, firm or corporation shall install, maintain or repair any air conditioning, cooling, refrigeration or heating equipment, nor contract to do so, without being a holder of a proper license for the appropriate class of work being done as required by the Texas Department of Licensing and Regulation and this code; nor shall any person, firm or corporation employ or otherwise cause any person who does not hold an appropriate license to engage in such activities for which a license is required.

2. Electrical contractors. No person or entity shall engage in electrical contracting or hold themselves out to be able to engage in electrical contracting without being the holder of a master electrician's license or the registered employer of a full time employee

who is a master electrician. Electrical work shall be performed under the control, supervision, direction and responsibility of a master electrician.

3. Plumbing contractors. No person or entity shall engage in plumbing contracting or hold themselves or itself out to be able to engage in plumbing contracting without being the holder of a master plumbing license. Plumbing and gas installations, including water treatment equipment and landscape irrigation systems, shall be performed under the control, supervision, direction and responsibility of a master plumber, certified residential water treatment operator, or licensed irrigator, respectively.

18.02.108.5 Bonds.

18.02.108.5.1 Bond required. It shall be the duty of every contractor, owner, firm, partnership, corporation, and builder who shall make contracts to construct, install, maintain or repair buildings, structures or systems for which a permit is required, and every contractor, owner, or builder making such contracts and subletting the same, or any part thereof, to have on file with the City, a bond in the sum of fifty thousand dollars ($50,000) executed in a form prescribed and approved by the city attorney. This section shall apply to plumbing, mechanical, electrical, irrigation and fire contractors acting as general contractors, whether or not state law requires a bond for their particular discipline.

Exceptions:
1. Residential property owners doing all the construction work or who will be hiring workers without employing a licensed contractor to perform the construction work on the residence they claim as their homestead.
2. Federal, state, county and city agencies and departments performing building work on their facilities and using only their employees to perform the construction work.
3. Commercial building and facilities owners, agents or lessees requesting permits for change of occupancy permits or minor nonstructural remodeling work which does not affect means of egress, such as non-load bearing partitions within tenant spaces and whose cost does not exceed five thousand dollars.

18.02.108.5.2 Bond Requirements.
1. No permit shall be issued under this chapter to any person, firm, or corporation applying for a permit until such applicant has filed with the City, the required bond signed by a surety company authorized to do business in Texas. The City and the person for whom the work is to be done shall be named as co-obligees under such bond. The bond shall provide that the principal and its agents, employees, and subcontractors shall comply with all provisions of this code and the technical codes and that the principal shall pay damages which are sustained by the City or by the person for whom the work is done and that are caused by failure of the principal, its agents, employees or subcontractors to comply with the provisions of this code and the technical codes, and that the principal shall indemnify the City against all claims arising out of such failure to comply. Bonds shall be issued and maintained for the time period from the issuance of the permit through two years after the date of completion of the work for which the bond

was required. The surety shall be acceptable to the City as to solvency; and if the City becomes dissatisfied that the surety is solvent, a new bond may be required.

2. Permit applicants who have provided a bond to the City in the amount required, for a permit pursuant to the requirements of a chapter of the City Code other than this chapter, that meets all of the requirements established in this chapter, shall not be required to obtain an additional bond but are required to provide a copy of such bond, provided that such bond specifically includes coverage for the permit or permits issued pursuant to this chapter. Permittees who have multiple permits issued pursuant to this Chapter are required to provide only one current valid bond for all such permits but may be required to provide a copy of the current bond with each application for a permit.

3. Contractors under contract with a government agency shall provide the bond required in this section. No bond is required when all of the work performed pursuant to a permit issued under this chapter to a government agency is performed entirely by the employees of that government agency.

18.02.108.6 Insurance.

18.02.108.6.1 Insurance required. No contractor, owner, firm, partnership, corporation, or builder bonded or required to be bonded under Section 18.02.108.5 shall apply for a permit until the applicant presents evidence satisfactory to the building official that the applicant meets the minimum insurance requirements stated herein.

Exceptions: Apartment complexes, hospitals, school districts, retirement communities and other facilities approved by the building official, using only their own employees to perform all of the permitted construction work only on property which they own, subject to the approval of the building official.

18.02.108.6.2 Insurance requirements. The applicant shall procure and shall maintain during the term of the permit such Commercial General Liability, Property Damage Liability and Vehicle Liability Insurance, naming the Permittee and any subcontractor performing work associated with the Permit as insured, co-insured or additional insured for claims for damages for personal injury, including accidental death, as well as from claims for property damage that may arise from work associated with the permit.

1. Minimum limits of liability and coverage shall be $250,000 for bodily injury liability, including death, for each person, and $500,000 in the aggregate, and $100,000 for property damage for each occurrence, and $100,000 in the aggregate. Permit applicants that are governmental entities may comply with the insurance requirements of this section by providing certification that they are self-insured.

2. Such insurance shall be written by an accredited insurance company under the supervision of the Board of Insurance Commissioners of the State of Texas. Evidence of compliance with these insurance requirements shall be considered as having been met when copy of the insurance policy or a certificate of insurance has been filed with and

approved by the building official. Such policy shall include an endorsement that the City is named as an additional insured to the full amount of the policy limits and that building official shall be notified at least thirty days in advance in the event the policy or policies are canceled and ten days in advance for cancelation due to non-payment of policy premiums. The certificate of insurance shall recite or attach such endorsement for additional insured and the notice requirements. The Permittee shall maintain said insurance with a solvent insurance company authorized to do business in Texas. The policy shall provide that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the City, its officers, agents, servants or employees and Permittee, his officers, agents, servants or employees. Failure to keep the policy in full force and effect throughout the term of the permit shall be grounds for cancellation of the permit.

3. Permit applicants who have provided certificates of insurance to the City pursuant to the requirements of a chapter of the City Code other than this chapter, that meet all of the requirements established in this chapter, shall not be required to obtain additional insurance but are required to provide such certificates of insurance showing present coverage as required in this chapter.

4. Governmental Agencies: Permits shall be required in connection with all city (including but not limited to El Paso Public Service Board/El Paso Water Utilities), county, state, or federal public works projects provided that no permit fee shall be required for such projects. When work is performed by the employees of a governmental agency, the insurance requirements of this section may be met by providing certification that the governmental agency obtaining the permit is self-insured. Work performed by those contracting with a governmental agency shall provide the insurance required herein.

18.02.108.7 Identification of vehicles. Every person engaging in business for which a license is required under Section 18.02.108.4 shall mark all vehicles used in the conduct of such business, with the name under which such business is conducted and the license number. The same name and number shall be used for all vehicles of such person or entity. The markings shall be as follows:

1. Permanent signs only (not magnetic or removable).
2. Letters and numbers at least two inches high.
3. A color of sufficient contrast to the vehicle color so as to be plainly legible.
4. Marked on both sides of vehicle.

18.02.108.8 Contractor Registration. Persons, firms, partnerships or corporations doing business as contractors shall file an annual registration application with the department to be eligible to apply for and obtain permits. The established registration fee shall accompany such application. Pursuant to the State Occupations Code, plumbing contractors shall be exempt from the registration fee.

18.02.108.8.1 Registration application. The application shall require such information as determined reasonably necessary by the building official and shall include the following:

1. Company or business name, as well as all company names used for the last five years.
2. Company or business address and phone number, as well as all previous business addresses for last five years.
3. Number of years company has been inoperation.
4. Principal owner of company.
5. Name of company operator or manager.
6. Full name, date of birth, residence address, residence phone number, position with the company, of the person completing the application.
7. Federal employer identification number.

18.02.108.8.2 Disclosures. The registration application shall include disclosure of the following information:

Whether the principal owner or operator has filed an assumed name certificate with El Paso County. If so, a copy of such shall be attached.

18.02.108.8.3 Acknowledgements. The registration application shall be signed by the principal owner or operator of the company and shall include a statement acknowledging the following:

1. That the company and the persons involved understand that they have a duty to comply with this code and the technical codes.
2. That to be eligible to obtain building permits from the city, they must annually file the registration application required by this section.
3. That they have received a copy of Section 18.02.108.8 of this code.
4. That all statements made in the registration application and submittal attachments are true and correct.

18.02.108.8.4 Denial of permits. The building official may deny issuing permits to any contractor upon a finding that the contractor was a holder of previous permits that have been revoked for any of the following grounds:

1.For failure to complete the work described in the permit.
2. For making false statements or misrepresentations as to material facts in the permit application.
3. Work was done in violation of or not in conformity with the provisions of this code or the technical codes.

Exception: Prior permit revocations that were revoked at the request of the permit holder, property owner or lessee who is a party to the contract on which the permit is based, and not involving any of the grounds listed herein.

18.02.108.8.5 Ineligibility period. A contractor whose permit privileges have been denied by the building official as described in Section 18.02.108.8.4 shall be ineligible to obtain building permits for a period of time as follows:

1. If a contractor has had one building permit revoked in any twelve-month period, such contractor shall be ineligible to obtain a building permit for a period of three months; provided, however, that in the event that the contractor cures the cause for revocation of the building permit which was involved in the dispute, such contractor shall immediately become eligible to obtain permits.
2. If a contractor has had two permits revoked in any twelve-month period, such contractor shall be ineligible to obtain a building permit for a period of six months.
3. If a contractor has had three permits revoked in any twelve month period, such contractor shall be ineligible to obtain building permits for a period of one year.

Upon finding that a contractor is ineligible to obtain building permits, the building official shall provide written notice of such finding to the contractor or to their principal place of business.

18.02.108.8.6 Additional grounds for permit denial. The building official shall deny building permits to any contractor upon any one of the following findings:
1. The contractor has made false statements or misrepresentations in the annual registration application required by this section.
2.The contractor has failed to file the annual registration application required by this section.

18.02.108.8.7 Appeals to the Construction Board of Appeals.
Any contractor that is declared by the building official to be ineligible to obtain permits pursuant to this section shall have the right to appeal to the Construction Board of Appeals pursuant to the provisions of Chapter 2.30.

18.02.109 PERMIT FEES

18.02.109.1 General.
The fees described in this section as well as the fees described in the Fire Prevention Code are applicable to all plumbing, mechanical, electrical, irrigation, and fire contractors.

18.02.109.1.1 Re-inspection fees.
For any re-inspection required because the work failed to comply with this code, the technical codes, the Fire Prevention Code, or because the work was not ready for the inspection as requested, the fee for each re-inspection shall be equal to double the minimum established inspection fee.

18.02.109.1.2 Investigation fees.
An investigation fee in the established amount shall be additionally charged for any special investigation or inspection which is not a part of a regular permit program, or any

special investigation or inspection required to be made at a time other than regular duty hours by either the department or the fire department.

18.02.109.1.3 Starting without permit.
Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or written authorization from the building official shall be subject to a penalty of three hundred percent of the current established permit fee, in addition to the required permit fees. The payment of such penalty shall not relieve such person from concurrent or later prosecution of penalties as prescribed elsewhere for violation of this code or the technical codes.

18.02.109.2 Building permit fees.
A person obtaining a building permit shall pay the established fee.

18.02.109.2.1 Moving of buildings or structures.
A person obtaining a permit for the moving of buildings or structures shall pay the established fee.

18.02.109.2.2 Demolition of building or structure.
A person obtaining a permit for the demolition of any building or structure or of any portion of a building or structure shall pay the established fee.

18.02.109.2.3 Temporary structures.
A person obtaining a permit for temporary structures (construction sheds, seat canopies, tents, etc.), shall pay the established fee as applicable:

A. For tents to be used for assembly or display or storage.
B. For amusement devices (rides) available to the public, at any one location.

18.02.109.2.4 Submission and plan review fees.
Each application for permit shall be subject to a building permit fee. The total building permit fee includes fees for plan submission, plan review, and required inspections.

The established submission fee shall be collected at the time of permit application and submission of plans. If plans are approved and a permit is secured within one hundred eighty days after the date of permit application, the entire submission fee shall be credited toward the building permit fee. If no building permit under the plan is secured within one hundred eighty days after the date of permit application, then the application shall be considered expired and the submission fee is non refundable and may not be applied to any future building permits.

The plan review fee, in the amount of 25% of the established building permit fee shall be collected upon submission of the first set of revisions or at the time of permit issuance, whichever occurs first. If plans are approved and a permit is secured within one hundred

eighty days after the date of permit application, the entire plan review fee shall be credited toward the building permit fee.

If at any time during the permit application process, there is no activity in excess of one hundred eighty (180) days, such application shall be declared expired and the applicant will be deemed responsible for any plan review fee not yet paid. Written notice will be sent to the applicant stating that the application for permit has been declared expired and that the plan review fee is due and payable. If the applicant does not respond within thirty (30) days of the written notice, the option for permit extension will expire, and the paper plans, the electronic plans, and all other documents associated with the application for permit will be destroyed. The plan review fee is non refundable and may not be applied to any future building permits.

The building official shall collect any outstanding fees prior to the issuance of any permits for the subject property.

Exceptions. The following entities are not required to pay the submission fee and plan review fee:

1. El Paso Independent School District;
2. Socorro Independent School District;
3. Ysleta Independent School District; and
4. Canutillo Independent School District.

18.02.109.2.5 Plan review options available to the applicant:

A. For a preliminary plan review requested prior to application for a building permit, the amount to be paid as the established fee shall be determined by the building official as follows:

1. Custom Plan Review (CPR): The Custom Plan Review process will be used to expedite the review of construction documents for new construction projects, major additions to existing facilities and for complex projects.
2. Permit by Appointment (PBA): The permit by appointment process will be used to expedite the review of any construction documents for permits issued by the department other than those specifically addressed under the Customized Plan Review process.

18.02.109.2.6 Reserved.

18.02.109.2.7 Sidewalk, street, alley, public right-of-way, and parking meter space, rental.

A. Each application for permit shall pay an additional established fee for use of any sidewalk, street, alley, public right-of-way, or any space the occupancy of which prevents the use of one or more parking meters.
B. Such fee shall not apply to permits issued pursuant to Chapter 13.08 (Excavations) or Chapter 18.44 (Grading).

C. If the use of the space is not discontinued at the expiration of the time for which payment has been made, the permit may be extended from time to time upon payment of further fees computed as if the extension were an original issuance. If the use of the parking meter space is discontinued before expiration of the time covered by the advance payment, and notice thereof given the building official so that he may ascertain whether such use is actually discontinued, the holder of the permit shall be entitled to a refund of the unearned portion of the payment meter space, but not to a refund of any other fees paid under this section.
D. The permits and fees herein required for use of streets, sidewalks, alleys and parking meter space shall not be required when such use is necessary for the purpose of paving, surfacing, repairing, widening or other improvement of streets, sidewalks or alleys, done by or under contract with the city. The contractor and the person in charge of such work shall, however, as far as possible consistent with the nature of work, stack or arrange all material and equipment in such manner as not to create a hazard to persons using the streets, sidewalks or alleys, and upon completion or abandonment of the work shall clear the occupied areas.

18.02.109.2.8 Fees for fire protection systems and appliances.
On all construction work requiring a building permit for the installation of fire protection systems and appliances, the established fee for each building permit shall be paid at the time the permit is issued.

18.02.109.2.9 Fees for temporary or partial certificate of occupancies.
On the original application and for each extension thereof, the established fees for temporary or partial certificate of occupancies shall be paid at the time of each application or request for extension.

18.02.109.3 Mechanical Permit Fees.
Except for group R3 occupancies permitted under a one-fee schedule, for all mechanical construction work requiring a mechanical permit, the established fee for each mechanical permit shall be paid at the time the permit is issued.

18.02.109.4 Electrical Permit Fees.
Except for group R3 occupancies permitted under a one-fee schedule, for all electrical construction work requiring an electrical permit, the established fee for each electrical permit shall be paid at the time the permit is issued.

18.02.109.5 Plumbing Permit Fees.
Except for group R3 occupancies, for all plumbing construction work requiring a plumbing permit, the established fee for each plumbing permit shall be paid at the time the permit is issued.

18.02.109.6 Gas Permit Fees.
Except for group R3 occupancies, for all gas construction work requiring a gas permit, the established fee for each gas permit shall be paid at the time the permit is issued.

18.02.109.6.1 Temporary gas permit fee.
A nonrefundable established permit fee is required for each month or portion of a month for which such permit is requested and shall be paid when the application is filed. This shall be separate from and in addition to fees required under Section 18.02.109.6.

18.02.110 CONSTRUCTION SITE WASTE MANAGEMENT REQUIREMENTS

18.02.110.1 Discarded Building Materials and Construction Site Waste.
Construction site waste must be properly managed and disposed to ensure worker safety, public health and welfare, as well as to reduce risks of injury, pollution, environmental contamination, and ensure storm water protection. Practices such as trash disposal, proper material handling, and spill prevention and clean up measures must be implemented in accordance with El Paso City Code, Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) and Texas Administrative Code, Title 30, Chapter 327, 330, and 335.

B. The effective date of this ordinance shall be January 1, 2011. This ordinance shall be applicable to all permit applications received on or after that date.

C. Except as herein provided, Title 18 (Building and Construction) shall remain in full force and effect.

(Signatures begin on following page)

PASSED AND APPROVED this _____ day of _____, 2010.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
R. Alan Shubert, P.E.
City Engineer