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.

An additional amendment was made after introduction of the ordinance to item b, adding language in 18.02.103.2.3 (Design Professional) defining the sections in the Texas Occupations Code, sections 1001 (Engineers) and 1051 (Architects) that are applicable and govern these professions and adding language in18.02.109.2.5 (Plan Review Options Available to the Applicant) regarding the fee reductions in place for the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone, which may be designated by resolution of the City Council.

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) 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, THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.

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

Section 1. That 18.02 (Building and Construction Administrative Code), Section 18.02.103.1.1.6.1 (Building permits for lots in approved subdivision plats), of the El Paso City Code be deleted in its entirety and replaced with the following:

18.02.103.1.1.6.1 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.

Section 2. That 18.02 (Building and Construction Administrative Code), Section 18.02.103.1.1.6.2 (Subdivisions with development agreement), of the El Paso City Code be deleted in its entirety.

Section 3. That 18.02 (Building and Construction Administrative Code), Section 18.02.103.9.1.2.1.1 (Unconditional building permits), of the El Paso City Code be deleted in its entirety and replaced with the following:

18.02.103.9.1.2.1.1 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.

Section 4. That 18.02 (Building and Construction Administrative Code), Section 18.02.103.9.1.2.1.2 (Conditional "A" building permits), of the El Paso City Code be deleted in its entirety and replaced with the following:

18.02.103.9.1.2.1.1 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.

Section 5. That 18.02 (Building and Construction Administrative Code), Section 18.02.103.9.1.2.1.3 (Conditional "B" building permits), of the El Paso City Code be deleted in its entirety.

Section 6. That 18.02 (Building and Construction Administrative Code), Section 18.02.103.9.1.2.1.4 (Subdivisions with development agreement), of the El Paso City Code be deleted in its entirety.

Section 7. Except as herein provided, Title 18 (Building and Construction) shall remain in full force and effect.

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

Chapter 18.02 BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE
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18.02.101 TITLE AND SCOPE

18.02.101.1 Title.

The provisions of the following chapters shall constitute and be known and be cited as the "Building and Construction Administrative Code" hereinafter known as "this code." of the City of El Paso(Ord. 11837 (part), 1994)

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, ~~and~~ 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.

(Ord. 11837 (part), 1994)

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 fees.

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. The fees charged for the Permit By Appointment process shall be in the amount as identified in the City's adopted budget resolution or other appropriately adopted resolution by City Council for the current fiscal year

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.
(Ord. 11837 (part), 1994)

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.
(Ord. 11837 (part), 1994)

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.
(Ord. 11837 (part), 1994)

18.02.101.3 ~~Scope.~~ Technical Code References

18.02.101.3.1 Applicability--General.

The provisions of this code shall be applicable to each 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 of the El Paso Municipal Code. Where, in any specific case, different sections of this code, or of the technical codes, 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 Chapter 18.08, Building Code of this 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 Chapter 18.28, Existing Building Code of this 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 Chapter 18.10, Residential Building code of this 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 Chapter 18.50, Property Maintenance Code of this 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 Chapter 18.24, Gas Code of this 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. (Ord. 12778 § 1, 1996; Ord. 11837 (part), 1994)

Mechanical Code. The provisions of Chapter 18.12, Mechanical Code of this 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 Chapter 18.20, Plumbing Code of this 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. The provisions of Chapter 18.16, Electrical Code of this 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 Chapter 18.70, Energy Conservation Code 2009 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 Chapter 18.40, Vacant building Code of this 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 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 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, and where connected to a water or sewage system

Landscape Code. The provisions of 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 ~~Federal and state authority.~~ Reserved

~~The provisions of this code shall not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of the ordinance codified in this chapter or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.~~
~~(Ord. 11837 (part), 1994)~~

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.
(Ord. 11837 (part), 1994)

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.
(Ord. 11837 (part), 1994)

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.
(Ord. 11837 (part), 1994)

18.02.101.4 ~~Development Services Department~~--Building official.

~~All references within the technical codes to the building department shall mean the development services department, including building permits and inspections division where applicable. All references in this chapter to the department, when relating to the duties of the department, shall mean the development services department, which includes the building permits and inspections division. All references as may be used in state or other applicable law, and in the ordinances and technical codes of the city, to the building official, plumbing official, mechanical official, gas official, or the authority~~

~~having jurisdiction, shall mean the director of the development services department when the director holds the certification established for the deputy director -- building permits and inspections in Section 18.02.101.4.1 or other legally required certification, and in the event that the director does not hold such certification, such terms shall mean the deputy director -- building permits and inspections or his designee, or as permitted by law such other qualified designee of the director of the development services department.~~
~~(Ord. 16985 § 1, 2008: Ord. 15189 § 1 (part), 2002; Ord. 15188 § 1 (part), 2002; Ord.~~ 13152 § 134, 1997; Ord. 11837 (part), 1994)
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 18.02.101.4. and to delegate 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. (Ord. 16985 § 1, 2008: Ord. 15189 § 1 (part), 2002; Ord. 15188 § 1 (part), 2002; Ord. 13152 § 134, 1997; Ord. 11837 (part), 1994)

18.02.101.4.1 ~~Deputy director - Building permits and inspections~~. Administration and Enforcement

~~The deputy director -- building permits and inspections shall meet the requirements of the job specifications approved in accordance with the city Charter and shall obtain a valid building official certification from the International Code Council or other certification program as required by the approved job specifications for the position, within one year of the hiring date.~~
~~(Ord. 16985 § 2, 2008: Ord. 15189 § 1 (part), 2002; Ord. 13152 § 135, 1997: Ord. 11837 (part), 1994)~~ 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, as applicable. 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 ~~Chief inspector qualifications.~~ Deputy building officials.

~~The director of the development services department in accordance with applicable city procedures, may designate or authorize the deputy director -- building permits and inspections to designate chief inspectors to administer the provisions of the building, electrical, gas, mechanical and plumbing codes, and as required, obtain valid building official certification from the International Code Council or other certification program as required by the approved job specifications for the position, within one year of the hiring date.~~
~~(Ord. 16985 § 3, 2008: Ord. 15189 § 1 (part), 2002; Ord. 13152 § 136, 1997: Ord. 11837 (part), 1994)~~

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.

~~**18.02.101.4.2 Development Services Department - Building official**. All references within the technical codes to the building department shall mean the development services department, including building permits and inspection division where applicable. All references in this chapter to the department, when relating to the duties of the department, shall mean the development services department, which includes the building permits and inspections division. All references as may be used in the state or other applicable law, and in the ordinances and technical codes of the city, to the building official, plumbing official, mechanical official, gas official, or the authority having jurisdiction, shall mean the director of development services department when the director holds the certification established for the deputy director - building permits and inspections in section 18.02.101.4.2.1 or other legally required certification, and in the event that the director does not hold such certification, such terms shall mean the deputy director – building permits and inspections or his designee or as permitted by law such other qualified designee of the director of the development services department.~~

~~**18.02.101.4.2.1 Deputy Director – Building Permits and Inspections**~~
~~The deputy director- building permits and inspections shall meet the requirements of the job specifications approved in accordance with the city charter and shall obtain a valid building official certification from the International Code Council or other certification program as required by the approved job specification for the position within one year of hire date.~~

18.02.101.4.3 ~~Inspector qualifications.~~ Chief Inspector Qualifications

~~Inspectors in the building permits and inspections division shall obtain valid inspector certification from the International Code Council or other certification program as required by the approved job specifications for the positions, within six months of the hiring date as an inspector.~~
~~(Ord. 16985 § 4, 2008: Ord. 15189 § 1 (part), 2002; Ord. 13152 § 137, 1997: Ord. 11837 (part), 1994)~~

Chief inspectors in the building permits and inspection 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. (Ord. 16985 § 3, 2008: Ord. 15189 § 1 (part), 2002; Ord. 13152 § 136, 1997: Ord. 11837 (part), 1994)

18.02.101.4.4 ~~Deputy building official.~~ Inspector Qualifications

~~The development services director may, in accordance with applicable city procedures, designate or authorize the deputy director -- building permits and inspections to designate one or more employees in the department as a deputy building official, who shall have the same authority as the building official and exercise all the powers of the building official. Such deputy building officials shall have the same qualifications listed in Section 18.02.101.4.2.~~
~~(Ord. 16985 § 5, 2008: Ord. 11837 (part), 1994)~~
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 positions. (Ord. 16985 § 4, 2008: Ord. 15189 § 1 (part), 2002; Ord. 13152 § 137, 1997: Ord. 11837 (part), 1994)

18.02.101.4.5 ~~Restrictions on employees.~~ Third Party Services

~~An officer or employee connected with the department, except one whose only connection is as a member of all of the boards established by this code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with his duties or conflict with the interests of the department, in accordance with Civil Service rules and the Charter of the city.~~
~~(Ord. 11837 (part), 1994)~~

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 review a 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, sate 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 Services 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 Services 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 Services 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.

~~18.02.101.4.6 Records.~~

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

~~(Ord. 16985 § 6, 2008: Ord. 15189 § 1 (part), 2002; Ord. 13152 § 138, 1997: Ord. 11837 (part), 1994)~~

~~18.02.101.4.7 Liability.~~

~~Any officer or employee, or member of any board established by the code, charged with the enforcement of this code, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provision of this code shall be defended by the legal department of the city until the final termination of the proceedings.~~

~~(Ord. 11837 (part), 1994)~~

~~18.02.101.4.8 Reports.~~

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

~~(Ord. 16985 § 7, 2008: Ord. 15189 § 1 (part), 2002; Ord. 13152 § 139, 1997: Ord. 11837 (part), 1994)~~

~~18.02.101.4.8.1~~

~~18.02.101.4.8.2 Selection Procedures for third party service providers~~.

~~This section is intended to provide the city with a selection procedure for pre-qualifying companies or individuals to perform the services of plan review and/or inspection under the provisions established by this code. Any reference in this section to third party service providers shall apply equally to companies and individuals engaged in such services.~~

~~18.02.101.4.9.1 Purpose and authority.~~

~~The purpose of the procedures enumerated in this section is to provide the city with a selection procedure for pre-qualifying companies or individuals to perform the services of plan review and/or inspection under the provisions established by this code. Any reference in this section to third party plan review or inspection companies shall apply equally to individuals engaged in third party plan review or inspections. This section shall be applicable to the city's selection of third party plan review and/or inspection companies under the authority of the building official. Specifically, the city, by and through the building official, shall select a third party plan review and/or~~

~~inspection company solely on the basis of qualifications. The building official through the pre-qualification procedure enumerated herein shall review a company'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.~~
~~(Ord. 15993 § 1 (part), 2005: Ord. 15779 § 1 (part), 2004)~~

~~18.02.101.4.9.2~~ ~~Pre-qualification of companies.~~

The requirements for pre-qualification ~~of any company~~ shall be determined by the building official and ~~shall be approved by city council resolution, which shall be~~ made available to the public. ~~In order to be considered as a provider of plan review and/or inspection services for a municipal project for the city, a company must be pre-qualified by the closing date of such project, as noted herein.~~ The information presented shall objectively demonstrate that the ~~company~~ has the capacity to perform plan review and/or inspection services as provided under the provisions of this code. ~~A company may update prequalification information at any time, but it is the sole responsibility of the company to maintain current records with the city. Updated pre-qualification materials submitted by a company shall replace existing materials in their entirety. Failure to update records as necessary may result in the determination of non-responsiveness of any submittal for pre-qualification. The building official shall notify companies in writing as to whether or not they have met the pre-qualification requirements. Upon the granting of pre-qualification, annual renewal shall be required.~~

~~In addition to the aforementioned requirements, any company seeking to perform third party plumbing inspections must comply with all statutory requirements of Texas Occupations Code, Title 8, Chapter 1301 and the Texas State Board of Plumbing Examiners Rules.~~
~~(Ord. 15993 § 1 (part), 2005: Ord. 15779 § 1 (part), 2004)~~

~~18.02.101.4.9.3~~ ~~Procedures.~~
~~A. Scope of Services.~~
~~1. The pre-qualified third party plans review and/or inspection companies may perform work for the private sector. However, any agreements entered into between a company and the private sector are private contracts to which the City of El Paso is not a party.~~
~~2. The pre-qualified company may also provide services to the city. These services to the city may include plans review and/or inspection related to the city's own municipal projects and/or plans review and inspection of private sector projects by the city for which the building official determines that third party plans review and/or inspection services would be appropriate.~~
~~B. Award of City Contract to Provide Third Party Services. The city shall abide by all local, state and federal law, statutes, rules and regulations regarding the procurement of the services noted in subsection (A)(2) of this section.~~
~~(Ord. 15993 § 1 (part), 2005: Ord. 15779 § 1 (part), 2004)~~

~~**18.02.101.4.9.4 Appeal procedures.**~~

~~Any company which feels that the pre-qualification procedure regulated by Section 18.02.101.4.9.2 has occurred improperly, may appeal directly to the building board of appeals of the City of El Paso. Such appeal must be made within ten working days from the date of receiving written notice by the building official pursuant to Section 18.02.101.4.9.2. The building board of appeals shall hear any and all appeals related to this section. The building board of appeals shall be the final authority regarding any such appeals.~~

~~(Ord. 15993 § 1 (part), 2005: Ord. 15779 § 1 (part), 2004)~~

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 18.30) 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.

(Ord. 16985 § 27 (part), 2008; Ord. 15604 § 1A (part), 2003: Ord. 15347 § 1A (part), 2003)

~~**18.02.101.5.1.2 Additions.**~~

~~An addition may be added to any building or structure provided the addition complies with the requirements of this chapter and the technical codes for new construction. An addition that is separated from the existing building or structure by fire barriers as required in the Building Code may be treated as a separate building.~~

~~(Ord. 15604 § 1A (part), 2003: Ord. 15347 § 1A (part), 2003)~~

~~**18.02.101.5.1.3 New work.**~~

~~Alterations, repairs, renovations or rehabilitation work may be made to any existing structure, building, equipment or system without requiring the building, structure, equipment or system to comply with all the requirements of the technical codes; provided, that the alteration, repair, renovation or rehabilitation work conforms to the requirements of this chapter and the technical codes for new construction.~~

~~(Ord. 15604 § 1A (part), 2003: Ord. 15347 § 1A (part), 2003)~~

18.02.101.5.2 ~~Condemned buildings.~~ Reserved

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

~~(Ord. 16985 § 8, 2008: Ord. 15604 § 1B, 2003)~~

~~**18.02.101.6 Special historic buildings.**~~

~~Historic buildings shall comply with the provisions of Chapter 10 of the existing building code relating to repair, alteration, relocations and change of occupancy.~~
~~(Ord. 15604 § 1C, 2003: Ord. 13152 § 141, 1997: Ord. 11837 (part), 1994)~~

18.02.102 POWERS AND DUTIES OF THE BUILDING OFFICIAL*
~~* Editor's Note: Section 18.02.102 was amended by Ord. 16985, § 9.~~

18.02.102.1 General.

The building official is authorized and directed to enforce the provisions of this code and of the technical codes. The building official is further authorized to render interpretations of this code and of the technical codes, which are consistent with their spirit and purpose. The director for the development services department is authorized to designate or authorize the building official to designate employees of the development services department to perform these duties.
(Ord. 16985 § 9 (part), 2008: Ord. 13152 § 142, 1997: Ord. 11837 (part), 1994)

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.
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 143, 1997: Ord. 11837 (part), 1994)

18.02.102.2.2 ~~Quality control.~~ 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.
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 144, 1997: Ord. 11837 (part), 1994)

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.
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 145, 1997: Ord. 11837 (part), 1994)

~~18.02.102.3 Revocation of permits.~~

~~18.02.102.4.1 Misrepresentation of application.~~

~~The building official may revoke a permit or approval, issued under the provisions of this code, in case there has been any false statement or misrepresentation to the material fact in the application or plans on which the permit or approval was based.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 146, 1997: Ord. 11837 (part), 1994)~~

~~18.02.102.4.2 Violation of code provisions.~~

~~The building official may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code or the technical codes.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 147, 1997: Ord. 11837 (part), 1994)~~

~~18.02.102.4.3 Procedure.~~

~~The building official may suspend or revoke any permit for cause after notification to the holder of the permit either in person or by ordinary mail to his address of record and no work shall be started nor continued while such suspension is in effect. The building official may, after notice to the permit holder, revoke a permit:~~
~~1. At the request of the property owner or lessee who is a party to the contract on which the permit is based;~~
~~2. At the request of the permit holder;~~
~~3. When circumstances indicate that a permitted project has been abandoned by the permit holder even though the period of time indicated in Section 18.02.103.6 has not expired;~~
~~4. Upon notice that the license required of the permit holder has been revoked or suspended;~~
~~5. Upon notice of termination of the employer-employee relationship between the master electrician, master sign electrician, master plumber or master mechanical contractor to whom the permit was issued and their registered employer;~~
~~6. Upon written notice from the master electrician, master sign electrician, master plumber or master mechanical contractor, or from the employer of the master electrician, master sign electrician, master plumber or master mechanical contractor, that the master~~

~~to whom the permit was issued has become incapacitated or is no longer on the job for which the permit was issued.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 148, 1997; Ord. 11837 (part), 1994)~~

~~18.02.102.5 Unsafe buildings or systems.~~

~~All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Chapter 18.52, Unsafe Structures and Conditions.~~
~~(Ord. 11837 (part), 1994)~~

~~18.02.102.5.1 Permits on premises with unlawful electrical systems.~~

~~No permit shall be issued for installing, altering, extending, or replacing any electrical wiring or equipment if any unlawful electrical wiring or equipment exists on the same premises, unless a permit to correct such unlawful electrical wiring or equipment is first obtained and all necessary corrections are made.~~
~~(Ord. 11837 (part), 1994)~~

~~18.02.102.6 Requirements not covered by code.~~

~~Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, service system, or for the public safety, health and general welfare, not specifically covered by this code or the technical codes, shall be determined by the building official in conformity with recognizable construction industry standards.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 149, 1997: Ord. 11837 (part), 1994)~~

~~18.02.102.7 Alternate materials and methods.~~

~~The provisions of the technical codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the building official. The building official shall approve any such alternate, provided the building official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the technical codes, in quality, strength, effectiveness, fire resistance, durability and safety. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 150, 1997: Ord. 11837 (part), 1994)~~

~~18.02.102.8~~ 18.02.102.2.4 Requirements for prefabricated buildings.

Building, plumbing, mechanical, 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 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 and Industrialized Housing and Buildings.
(Ord. 11837 (part), 1994)

~~18.02.102.9 Interference with department employees.~~

~~No person shall interfere with the building official, inspector, official, agent or employee of the development services department in the discharge of their duties or in any manner prevent or attempt to prevent them from carrying out the provisions of this code and the technical codes.~~
~~(Ord. 16985 § 10, 2008: Ord. 11837 (part), 1994)~~

~~18.02.102.10 Sign installation.~~

~~No sign shall be installed without displaying the approval identification tags from the development services department and from the listing laboratory. No sign shall be moved or relocated without the issuance of a new identification tag for the new location from the development services department.~~
~~(Ord. 16985 § 11, 2008: Ord. 12683 § 3 (part), 1996)~~

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 ~~development services~~ 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 the 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 ~~one~~ two hundred ~~twenty~~ 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 homestead; or
b. A master, journeyman or maintenance electrician licensed in accordance with Section 18.02.108.3.

Fire Protection Systems

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

(Ord. 16985 §§ 25 (part), 26 (part), 2008; Ord. 13316 § 1, 1997; Ord. 13152 § 151, 1997; Ord. 12683 § 4, 1996: Ord. 11837 (part), 1994)

~~**18.02.103.1.1.1.** Unless otherwise exempted, separate plumbing, electrical, and mechanical permits may be required for the above permit-exempted work. (Ord. 11837 (part), 1994)~~

~~**18.02.103.1.1.2.**~~ **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.
(Ord. 11837 (part), 1994)

~~18.02.103.1.1.3 Separate permits~~. 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 and electrical work for every building, structural 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 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, accessory buildings, structures, fences, etc. may be permitted under the same permit as the principal building or structure provided all such accessory buildings, structures, fences, etc. 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 ~~may~~ 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.
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.

(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 152, 1997; Ord. 11837 (part), 1994)

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 ~~Homeowner permits~~ Reserved

~~18.02.103.1.1.4~~ 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 development services 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 development services department within the time period established by the building official.
(Ord. 16985 §§ 25 (part), 26 (part), 2008; Ord. 13152 § 153, 1997: Ord. 11837 (part), 1994)

~~18.02.103.1.1.4.1~~ 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 development services department within the time period established by the building official.
(Ord. 16985 §§ 25 (part), 26 (part), 2008; Ord. 13152 § 154, 1997: Ord. 11837 (part), 1994)

~~18.02.103.1.1.4.2~~ 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.
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 155, 1997: Ord. 11837 (part), 1994)

~~18.02.103.1.1.5~~ 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 referred to the engineering department for review as to acceptance of subdivision improvements, drainage approval where a subdivision plat is not required, and applications involving more than two acres of land or applications for properties located in the floodplain. The engineering department shall promptly approve, disapprove or conditionally approve the application as to its compliance with the 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.
(Ord. 13152 § 156, 1997; Ord. 12683 § 5, 1996: Ord. 11837 (part), 1994)

~~18.02.103.1.1.6~~ 18.02.103.1.6 Prerequisite to issuance of permits.

~~18.02.103.1.1.6.1~~ 18.02.103.1.6.1 Building permits for lots in approved subdivision plats.

A. **Unconditional Permits**. ~~When a subdivision plat is required by Title 19 (Subdivisions) of this code, building permits may be issued for lots in subdivision plats which have been approved and filed of record according to the following provisions~~ 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.

~~1. Where a Subdivider Provides Public Improvements.~~
~~A. An unconditional building permit shall be issued for a lot within a subdivision, or an approved phase of a subdivision, where the public improvements required by either the subdivision plat or the accompanying subdivision improvement plans have been constructed, installed and accepted for maintenance.~~
B. 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 property within the subdivision provided the following requirements are complied with:

1. The developer provides financial security in accordance with section 19.80.040 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 has been constructed in accordance with applicable ordinances, has been constructed within the subdivision or the approved phase of the subdivision.

~~If a lot is located within a subdivision where the public improvements have not been constructed, installed and accepted for maintenance; and the building permit is requested for single family detached dwelling, single family attached dwellings, single family mobile homes, or two-family dwellings, building permits may be issued as follows:~~
~~i. An unconditional building permit may be issued for up to the first twenty-five percent of the lots within the subdivision, rounded to the next whole lot, provided that water and sewer service, conforming with the appropriate street design cross-section, any drainage facility, or any other remaining public improvement required by the building official in order to adequately provide for construction on the lot has been constructed and installed within the right-of-way servicing each lot.~~

~~ii. A conditional "A" building permit may be issued for up to the next twenty-five percent of the lots within the subdivision, rounded to the next whole lot, provided that the following have been constructed and installed within the right-of-way servicing each lot:~~
~~- Water and sewer service;~~
~~- Curbing conforming with the appropriate street design cross-section;~~
~~- Any drainage facility;~~
~~- Any other remaining public improvement required by the building official to adequately provide for construction on the lot;In addition, the developer and the permit applicant shall execute a development agreement and file it of record with the county clerk. A copy shall be provided with the building permit application.~~
~~iii. A conditional "B" building permit may be issued for the remaining lots within the subdivision provided that the following have been constructed and installed within the right-of-way servicing each lot:~~
~~- Water and sewer service;~~
~~- Curbing conforming with the appropriate street design cross-section;~~
~~- Any drainage facility;~~
~~- Any other remaining public improvement required by the building official to adequately provide for construction on the lot; In addition, a finding has been made by city council that additional permits should be issued based on economic hardship or public benefit demonstrated by the subdivider; and the developer and the permit applicant shall execute a development agreement and file it on record with the county clerk. A copy shall be provided with the building permit application.~~

~~C. If a lot is located within a subdivision, or an approved phase of a subdivision where the public improvements have not been constructed, installed and accepted for maintenance; and the building permit is requested for uses other than those identified in subsection B of this section, a conditional "B" building permit may be issued, provided that drainage facilities are constructed to the extent found by the building official to adequately provide for construction on the lot.~~

~~2. Where a Subdivider Provides Private Improvements.~~
~~A. An unconditional building permit shall be issued for a lot within a subdivision or an approved phase of a subdivision where the private improvements required by either the subdivision plat or the accompanying subdivision improvement plans have been constructed, installed, inspected and approved by the building official.~~
~~B. If a lot is located within a subdivision, or an approved phase of a subdivision, where the private improvements have not been constructed, installed and approved by the deputy director building , and the building permit is requested for single-family detached dwellings, single-family attached dwellings, single-family mobile homes, or two-family dwellings, building permits may be issued as follows:~~
~~i. An unconditional building permit may be issued for up to the first twenty-five percent of the lots within the subdivision, rounded to the next whole lot, provided that water and sewer service, curbing conforming with the appropriate street design cross-section, any drainage facility, or any other remaining public improvement required by the building official in order to adequately provide for construction on the lot has been constructed and installed within the right-of-way servicing each lot.~~

ii. A conditional "A" building permit may be issued for up to the next twenty-five percent of the lots within the subdivision, rounded to the next whole lot, provided that the following have been constructed and installed within the right-of-way servicing each lot:
- Water and sewer service;
- Curbing conforming with the appropriate street design cross-section;
- Any drainage facility;
- Any other remaining public improvement required by the building official to adequately provide for construction on the lot; In addition, the developer and the permit applicant shall execute a development agreement and file it of record with the county clerk. A copy shall be provided with the building permit application.
iii. A conditional "B" building permit may be issued for the remaining lots within the subdivision provided that the following have been constructed and installed within the right-of-way servicing each lot:
- Water and sewer service;
- Curbing conforming with the appropriate street design cross-section;
- Any drainage facility;
- Any other remaining public improvement required by the building official to adequately provide for construction on the lot; In addition, a finding has been made by city council that additional permits should be issued based on economic hardship or public benefit demonstrated by the subdivider; and

The developer and the permit applicant shall execute a development agreement and file it of record with the county clerk. A copy shall be provided with the building permit application. And provided that no conditional "B" building permits shall be issued until financial security for completion of the remaining subdivision improvements has been provided in accordance with Title 19, Section 19.08.040.
C. If a lot is located within a subdivision or an approved phase of a subdivision where the improvements have not been constructed, installed and approved by the building official, and the lot is designed to accommodate other uses than those identified in subsection (2)(B) of this section, a conditional "B" building permit may be issued for all lots within the subdivision, provided that drainage facilities are constructed to the extent found by the building official to adequately provide for construction on the lot.
(Ord. 16985 § 26 (part), 2008; Ord. 16896 § 1 (part), 2008; Ord. 13956 §§ 27--37, 1999; Ord. 13152 § 157, 1997; Ord. 11837 (part), 1994)

18.02.103.1.1.6.2 Subdivisions with development agreement.

For purposes of this section, a development agreement shall be defined as a document that acknowledges that all required subdivision improvements have not been completed and accepted for maintenance by the city, or approved by the building official; and that a certificate of occupancy will not be issued for any dwelling unit until all subdivision improvements have been inspected and approved for acceptance by the city or approved by the building official, or financial security is provided for completion of the remaining subdivision improvements in accordance with Title 19, Section 19.08.040. A development agreement shall be executed by the developer and permit applicant, and shall be filed of record with the county clerk. A copy of the development agreement shall accompany the building permit application. Upon satisfactory completion of the required public or private improvements, the building official shall be authorized to execute a

~~release of the development agreement, which may be filed of record by the developer or the permit applicant.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 16896 § 1 (part), 2008: Ord. 13956 § 38, 1999: Ord. 13152 § 159, 1997: Ord. 11837 (part), 1994)~~

~~18.02.103.1.1.6.3 Subdivisions not requiring a plat.~~

~~When a subdivision plat is not required by Title 19 (Subdivisions) of this code, and the site of the building or structure is one for which drainage approval by the building official is required, a building permit shall not be issued until the required drainage facilities have been actually constructed to the extent found by the building official to adequately provide for construction on the site. When this is accomplished, an unconditional building permit shall be issued.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13956 § 39, 1999: Ord. 13152 § 160, 1997: Ord. 11837 (part), 1994)~~

~~18.02.103.1.1.6.4 Appeals.~~

~~In any case where a decision of the building official regarding adequacy or quality of public or private improvements prevents the issuance of a building permit or certificate of occupancy, the permit applicant may appeal the decision to the construction board of appeals.~~
~~(Ord. 16985 § 12, 2008: Ord. 13956 § 40, 1999: Ord. 13152 § 161, 1997: Ord. 11837 (part), 1994)~~

~~18.02.103.1.1.6.5~~ ~~Compliance with Texas Asbestos Health Protection Act~~

~~Any public building or facility which any owner, individually, or through an authorized agent or contractor desires to enlarge, alter, repair, move, demolish or make any changes to, must follow and comply with the Texas Asbestos Health Protection Act (TAHPA) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) rules and regulations concerning asbestos related activities. Unless exempted by Texas Department of State Health Services rules, the issuance of building or demolition permit(s) must be preceded by submission of (1) a completed asbestos survey conducted by an asbestos inspector licensed by the Texas Department of State Health Services, and (2) certification that there is an asbestos related activities project plan to comply with federal, state and local asbestos regulations.~~
~~1. Definitions.~~
~~a. For purposes of this section, "public building" shall be defined as a building used or to be used for purposes that provide public access or occupancy, other than a building owned by a school district governed by the Asbestos Hazard Emergency Response Act (AHERA).~~
~~b. For purposes of this section, "facility" shall be defined as any institutional, commercial, public or industrial structure, installation or building not owned by a school district governed by the Asbestos Hazard Emergency Response Act (AHERA), and any residential structure, installation or building, including condominiums or individual dwelling units operated as a residential cooperative excluding residential buildings having four or fewer dwelling units.~~

~~c. For purposes of this section, "asbestos survey" shall be defined as an inspection of a building or facility, or portion thereof affected by the work, conducted by an asbestos inspector licensed by the Texas Department of State Health Services to determine location, quantity, and condition of asbestos containing material (ACM) by analyzing samples.~~

~~2. Penalties. Violation of this section may result in administrative and legal action by the Texas Department of State Health Services in accordance with the Texas Asbestos Health Protection Act, and governing rules therein, in addition to penalties provided for in Section 18.02.107 of this code.~~

~~(Ord. 16818 § 1 (part), 2008; Ord. 12814 § 1, 1996: Ord. 12463, 1995)~~

18.02.103.1.7 Reserved

~~18.02.103.1.1.7~~ 18.02.103.1.8 Authorization to proceed with construction.

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

1. ~~The project shall consist of demolition, repair, construction, or improvement to the interior of an existing building or structure. The project does not include structural modification to the existing building;~~
2. The project is for a nonresidential use;
3. Application for the building permit has been submitted to the building official, and required plan review ~~checking~~ fees have been paid;
4. All required drawings for all aspects of the work have been submitted to the building official for review; and
5. Either the owner or lessee of the building or structure, as applicant, has submitted a notarized statement to the building official that the project is proceeding at the applicant's sole risk and that all requirements of the building official necessary to obtain the building permit shall be 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.

(Ord. 16985 §§ 25 (part), 26 (part), 2008; Ord. 13152 § 158, 1997: Ord. 12683 § 6, 1996: Ord. 11837 (part), 1994)

~~18.02.103.1.1.8 Emergency work.~~

~~Properly authorized and licensed persons shall be allowed to begin work at night, or Saturdays, or holidays when an emergency exists; provided, that the required permit is obtained on the first working day after work has begun.~~

~~(Ord. 11837 (part), 1994)~~

~~18.02.103.1.2~~ 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 shall be required.

(Ord. 11837 (part), 1994)

~~**18.02.103.1.2.1 Homeowner permits.**~~

~~No building permit or other permits shall be issued to a homeowner doing work on their homestead until all the permits required for the building, plumbing, gas and mechanical work have been applied for and paid. No electrical permit shall be issued to a homeowner even if working on their homestead .~~

~~EXCEPTION: Homeowners acting as their own general contractor may apply for and be issued one or more permits for work on their own homestead only; provided, that they submit to the department of public inspection proof that the remainder of the work will be permitted and performed by a duly licensed, bonded and insured contractor that is registered with the department.~~
~~(Ord. 11837 (part), 1994)~~

18.02.103.1.10 Homeowner permits. Permits shall be issued to homeowners 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 and irrigation work will be performed by contractors registered with the department.

~~**18.02.103.1.2.2**~~ **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, ~~unless that owner is deemed qualified by the building official to perform the work proposed under such permit.~~
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 162, 1997: Ord. 11837 (part), 1994)

~~**18.02.103.1.3**~~ **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.
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 163, 1997: Ord. 11837 (part), 1994)

~~**18.02.103.1.4**~~ **18.02.103.1.13 Information required.**

Each application for a permit, with the required 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 .
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 164, 1997: Ord. 11837 (part), 1994)

~~**18.02.103.1.5 Time limitations.**~~

~~An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than ninety days each may be allowed by the building official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 165, 1997: Ord. 11837 (part), 1994)~~

~~18.02.103.1.6~~ 18.02.103.1.14 Non-transferable.

Permits issued under this chapter shall be personal to their permittee, and shall not be assigned or transferred to any other person, firm, builder, owner or contractor ~~without the permission of the building official.~~
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 166, 1997: Ord. 11837 (part), 1994)

18.02.103.2 Drawings and specifications.

18.02.103.2.1 Requirements - General.

~~When required by the building official, two or more copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used, as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the seal and signature of the individual responsible for the design.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 167, 1997: Ord. 11837 (part), 1994)~~
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.

(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 168, 1997: Ord. 11837 (part), 1994)

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, ~~or~~ expansions or for changes in occupancy of:
   A. All Group A, B, E, F, H, ~~and~~ 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, ~~and~~ 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 other occupancies where the affected area exceeds five thousand square feet.~~ . All R-1, R-2, R-3 and R-4 Buildings and structures three stories or more high;

~~Further the design professional required to seal the drawings, specifications and accompanying data which depict or involve architectural work shall be a registered architect. Architectural work includes, but is not limited to the following: any creative work, either public or private, applying the art and science of developing design concepts, planning for functional relationships and intended uses, and establishing the form, appearance, aesthetics and construction details, for any building or structure to be constructed, enlarged or altered, the proper application of which requires architectural education, training and experience.~~

~~The design professional required to seal the drawings, specifications and accompanying data which involve or depict engineering work, including civil, structural, plumbing, mechanical and electrical, shall be a registered professional engineer appropriately qualified by education, training and professional work experience in the specific engineering work involved. Engineering work includes, but is not limited to the following: any creative work, either public or private, the performance of which requires engineering education, training or experience in the application of special knowledge of the mathematical, physical or engineering sciences for the construction, enlargement or alteration of any building, structure or service system.~~

~~The extent of architectural work, the extent and type of engineering work, and the qualification of engineers within specific engineering work areas shall be determined by the building official. The building official may require the submission of education, training and professional work experience information from any design professional to assist him in making such determinations.~~

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.

~~EXCEPTION: Group R3 buildings, regardless of size, shall require neither a registered architect or engineer, nor a certification that an architect or engineer is not required.~~

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.

~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 169, 1997; Ord. 11837 (part), 1994)~~

~~18.02.103.2.4~~ ~~Structural and fire resistance integrity.~~

~~Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistant wall, floor or partition will be made for electrical, gas, mechanical, plumbing and communication conduits, pipes and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistant floors intersect the exterior walls.~~

~~(Ord. 11837 (part), 1994)~~

~~18.02.103.2.5 Site drawings.~~

~~For permits requiring drawings, the drawings submitted with the application shall show the location of the proposed building or structure, driveways and every existing building or structure on the site or lot, including all existing and proposed utility poles, lines, service drops, guy wires and utility easements that are on, crossing over, or adjacent to the property. The building official may also require a boundary line survey, prepared by a qualified surveyor.~~

~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 170, 1997; Ord. 11837 (part), 1994)~~

~~18.02.103.2.6~~ ~~Hazardous occupancies.~~

~~The building official may require the following:~~

~~1. General Site Plan. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stores.~~

~~2. Building Floor Plan. A building floor plan drawn to a legible scale which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous~~

~~materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 171, 1997; Ord. 11837 (part), 1994)~~

~~18.02.103.2.7 TAS plan review.~~
~~1. An additional set of plans, an additional set of specifications, a project registration form, and a TAS Plan Review Fee shall be provided to the Department of Public Inspection at the time of permit application for review for general conformity with the Texas Accessibility Standards for all subject buildings and facilities as defined in Article 9102, Texas Civil Statutes.~~
~~2. Upon completion of the TAS Plan Review, the Department of Public Inspection shall submit to the Texas Department of Licensing and Regulation the following items:~~
~~A. Completed project registration form;~~
~~B. Project filing fee;~~
~~C. Completed review worksheet;~~
~~D. Copies of related correspondence;~~
~~E. Site and floor plans.~~
~~(Ord. 12027 (part), 1994)~~

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.
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 172, 1997: Ord. 11837 (part), 1994)

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, and by 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 to the building official, 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. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances.
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 173, 1997: Ord. 11837 (part), 1994)

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, he shall issue a permit to the applicant.
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 174, 1997: Ord. 11837 (part), 1994)

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, 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.
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 175, 1997: Ord. 11837 (part), 1994)

~~18.02.103.4.3 Miscellaneous~~ Placement permits.

~~18.02.103.4.3.1 Special foundation permit.~~

~~When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the building official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit shall be deemed to be proceeding at his own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of this code or of the technical codes.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 176, 1997: Ord. 11837 (part), 1994)~~

~~18.02.103.4.3.2~~ 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.
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 177, 1997; Ord. 11837 (part), 1994)

~~18.02.103.4.3.3~~ 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, article 5221f-1" V.T.C.S 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 development services 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.

(Ord. 16985 §§ 25 (part), 26 (part), 2008; Ord. 13152 § 178, 1997: Ord. 11837 (part), 1994)

~~18.02.103.4.3.4~~ 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, Article 5221f-1" V.T.C.S. 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 development services 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.

(Ord. 16985 §§ (25) (part), 26 (part), 2008; Ord. 13152 § 179, 1997; Ord. 11837 (part), 1994)

~~18.02.103.4.3.5 Temporary structures.~~

~~A special building permit shall be obtained from the building official before the erection of temporary structures such as canopies, tents and fences used in construction~~

~~work or for purposes such as reviewing and seasonal sales stands. Such structures shall be allowed for a limited amount of time only and shall be completely removed upon the expiration of the time limit stated in the permit.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 180, 1997: Ord. 12683 § 7, 1996: Ord. 11837 (part), 1994)~~

~~18.02.103.4.3.6 Special building permits for seasonal sales.~~

~~Special building permits for seasonal sale of food items shall allow such sales for a limited amount of time not to exceed one hundred eighty days and shall be subject to review and approval by the fire chief, director of the department of public health and the deputy director for development services, or their designee. Such structures or stands shall not exceed one hundred square feet in area. Site plans reflecting parking and setbacks, and drawings and details of the structure or stand shall be submitted with the request for the special building permit.~~

~~Exception: wood framed seasonal stands shall not be permitted in the fire district.~~
~~(Ord. 16818 § 4, 2008: Ord. 13152 § 181, 1997: Ord. 11837 (part), 1994)~~

~~18.02.103.4.3.7~~ 18.02.103.4.4 Temporary gas permit.

A permit is required when an owner or contractor intends to use gas for temporarily heating a structure or part of a structure before certification of all plumbing or mechanical work. Such permit is required whether the intended use is for all or part of the system of piping, devices and appliances making up the permanent heating system for the structure, or by the use of a temporary system, or by the use of parts of either or both systems.

Such owner or contractor shall make application to the development services department on forms provided by the department and shall set out the proposed use of the system, its design and period of use desired.

If the building official finds that such request is reasonable as to design and length of time requested under the conditions existing in the particular case, and that safe conditions of operation of such system can be maintained then the department shall issue the permit.
(Ord. 16985 §§ 13, 25 (part), 2008: Ord. 13152 § 182, 1997: Ord. 11837 (part), 1994)

~~18.02.103.4.3.8~~ 18.02.103.4.5 Nonconforming buildings.

Persons who wish to utilize structures or buildings which do not meet the requirements of the technical codes for a limited period of time shall apply to the ~~building~~ construction board of appeals for approval of a temporary exception.
(Ord. 12683 § 8, 1996; Ord. 11837 (part), 1994)

~~18.02.103.4.3.9 Temporary real estate sales or rental offices.~~

~~A special building permit to allow the placement of a relocatable office unit meeting all the requirements of the Texas Industrialized Housing and Building Act, Article 5221f-1 V.T.C.S and which is classified as "industrialized building" for use as a sales or rental office for an approved real estate development or subdivision. The building shall be placed on the same tract as the real estate development or subdivision and shall be removed upon completion or abandonment of the project or upon the expiration of a period of four years, whichever is sooner. Site plans reflecting parking, handicapped~~

~~accessibility and setbacks, and drawings and details of the structure shall be submitted with the request for the special building permit.~~
~~(Ord. 12683 § 9, 1996)~~

~~18.02.103.4.4 Use of streets and sidewalks during construction.~~

~~18.02.103.4.4.1 Permit required.~~

~~No person shall without first obtaining a permit from the building official approved by the city engineer, store or place in any street, sidewalk, or alley any materials or equipment in connection with any building, repair or excavation operations. Such permit shall describe the space to be used and the time for such use, both of which shall be not more than in the judgment of the building official is reasonably necessary for the purpose. If the use of the space is not discontinued at the expiration of the time for which the permit allowed, the permit may be extended for an additional period upon payment of further fees computed as if the extension were an original issuance.~~
~~(Ord. 16985 § 27 (part), 2008; Ord. 15189 § 1 (part), 2002; Ord. 13152 § 183, 1997: Ord. 11837 (part), 1994)~~

~~18.02.103.4.4.2 Hazard prevention.~~

~~In addition to the precautions required by law or ordinance for protection of the public, the holder of such permit shall stack or arrange all such material or equipment in such manner as not to create a hazard to persons using such streets, sidewalks or alleys. Upon completion or abandonment of operations, the holder of such permit shall clear the occupied area in streets, sidewalks and alleys and leave them in the same conditions as before the operations were begun.~~
~~(Ord. 11837 (part), 1994)~~

~~18.02.103.4.4.3 Exemption for city work.~~

~~The permits 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.~~
~~(Ord. 11837 (part), 1994)~~

~~18.02.103.4.5 Construction adjoining Bataan Trainway.~~

~~18.02.103.4.5.1 General.~~

~~Any of the requirements of this chapter may be waived by the city engineer, and plans and specifications for proposed construction deviating from the provision of this section may be approved by him, if he finds that the proposed construction will not adversely affect the safety of the trainway nor impair the operation of the cathodic protective system, and if the proposed construction is approved by the chief engineer of~~

~~the Texas and New Orleans Railroad Company, or its successor in title, provided, such waiver or deviation shall not be approved unless the proposed structure and the construction of it meet the following minimum safeguards, and any waiver or deviation not meeting such minimum safeguards shall be void:~~

~~1. Neither the structure nor the construction of it shall introduce into the trainway walls on the ground around the trainway walls any additional electrolysis, nor shall it change the existing electrolytic load now in the trainway without the proper provision for the continued protection of the trainway walls.~~

~~2. Neither the structure nor the construction of it shall introduce any load in the area adjacent to the trainway walls which will rest against or place any undue strain on the trainway walls.~~

~~3. The trainway walls are constructed with their top walers and piling in compression from the struts across the trainway, and the same compressible ration shall be maintained as now exists in such trainway walls, both during the construction and upon completion of such structure.~~

~~4. In the event the proposed structure is to be erected adjacent to the trainway walls, then the structure shall be of such a nature that none of the weight of the structure itself shall rest upon the trainway walls, and the walls shall be protected structurally at the subgrade level so that the piling will not be weakened, either by the new construction or electrolytic action. The proposed structure shall be so designed that it will take the thrust that would normally have been taken by the original earth on the back side of the trainway wall and protect both the piling and wall, the same as though the original earth remained in place.~~

~~(Ord. 15189 § 1 (part), 2002; Ord. 13152 § 184, 1997; Ord. 11837 (part), 1994)~~

~~18.02.103.4.5.2 Columns, footings, foundations.~~

~~Any column, footing or foundation wall of any building to be constructed adjacent to the trainway, except as noted below, shall be so constructed that the extreme edge of such footing or foundation wall adjacent to the trainway shall lie below and outside a diagonal line forming an angle of forty-five degrees with the vertical and extending away from the trainway. The diagonal line shall have as its origin the point where the exterior concrete facing the trainway wall intersects the top of the concrete slab enclosing the truck drainage gutter.~~

~~(Ord. 11837 (part), 1994)~~

~~18.02.103.4.5.3 Underground vaults.~~

~~All underground utility manholes or vaults to be constructed adjacent to the trainway shall be so constructed that the extreme edge of such manhole or vault adjacent to the trainway shall lie outside a vertical plane which lies ten feet outside of and parallel to the exterior concrete facing of the trainway wall. All underground utility systems or any part of such systems shall be subject to all other restrictions included in this section.~~

~~(Ord. 11837 (part), 1994)~~

~~18.02.103.4.5.4 Cathodic protection system inspection.~~

~~Any building or structure to be constructed in that area adjacent to the trainway in which the cathodic protective system has been installed shall be so constructed that any~~

~~column, footing, foundation wall, floor slab, or other part of such building or structure which lies above or below grade will not interfere with the inspection, maintenance or replacement of any or all parts of the cathodic protective system outside the trainway walls.~~
~~(Ord. 11837 (part), 1994)~~

~~18.02.103.4.5.5 Approval of construction plans.~~

~~Plans and specifications for the construction of any building or structure to be constructed adjacent to the trainway shall be approved by the city engineer and shall indicate clearly that the requirements of this section have been met. In addition, plans and specifications for the construction of any building or structure to be constructed in that area adjacent to the trainway in which the cathodic protective system has been installed shall be approved by the city engineer (and the chief engineer of the Texas and New Orleans Railroad Company as far as they may affect the safety and efficient operation of the trainway, trainway walls and cathodic system) and shall indicate clearly the method in which the cathodic protective system is to be protected during construction. Further, the plans of any such structure must be reviewed to determine whether the new construction will introduce any excessive drainage which would impair the efficiency of the existing system's protective value to the trainway project. In the event the efficiency of the existing system's protective value is impaired or reduced, it shall be the responsibility of the individual, or individuals, sponsoring the new construction to provide the necessary corrective measures that will restore the efficiency of the cathodic protective systems to the same protective value to the trainway as existed prior to the start of new construction.~~
~~(Ord. 15189 § 1 (part), 2002; Ord. 13152 § 185, 1997: Ord. 11837 (part), 1994)~~

18.02.103.5 ~~Contractors' responsibilities.~~ Reserved

~~It shall be the duty of every contractor who shall make contracts for the installation or repair of buildings, structures, 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.~~
~~(Ord. 11837 (part), 1994)~~

~~18.02.103.5~~ 18.02.103.6 Conditions/Duration of the permit.

18.02.103.6.1 Conditions of Permit ~~intent.~~

~~1.~~ A permit issued shall be construed as authority ~~to be a license~~ 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.

EXCEPTIONS: 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. ~~become null and void if the work authorized by such permits is not completed and inspections called for and passed within six months from the date of issuance of such permits.~~

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

~~2. A permittee holding an unexpired permit may apply for a maximum of four extensions of time, for periods of not more than ninety days each; provided, that the request for extension is made in writing and justifiable cause is demonstrated. Such extension authorizations shall be made in writing by the building official. A denial of an extension request pursuant to this section shall be appealable to the pertinent board of appeals.~~

3. ~~An expired master permit may be renewed for a fee equal to one-half the amount required for a new permit for such work, but not less than twenty-seven dollars. An expired subordinate permit may be renewed in conjunction with the renewal of an expired master permit at no additional fee.~~

~~(Ord. 16985 § 27 (part), 2008; Ord. 15189 § 1 (part), 2002; Ord. 13152 § 186, 1997; Ord. 11837 (part), 1994)~~ 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.

18.02.103.6.2 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. ~~shall supervise such work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspections are performed, 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 structural 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. ~~a competent person or agency whose qualifications are reviewed by the building official.~~
(Ord. 16985 § 27 (part), 2008; Ord. 15189 § 1 (part), 2002; Ord. 13152 § 187, 1997: Ord. 11837 (part), 1994)

18.02.103.6.3 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.
(Ord. 16985 § 27 (part), 2008; Ord. 15189 § 1 (part), 2002; Ord. 13152 § 188, 1997: Ord. 11837 (part), 1994)

~~18.02.103.6~~ 18.02.103.7 Fees.

18.02.103.7.1 Prescribed fees.
~~A permit, although issued, shall not be valid until the fees prescribed in Section 18.02.109, Permit Fees, have been paid. Nor shall an amendment to a permit be valid until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems, has been paid. Permits issued through the call in process shall be paid for in accordance with the rules and regulations issued by the building official and shall be valid when issued unless not paid within ten working days from the date issued.~~ 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 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.
(Ord. 16985 § 27 (part), 2008; Ord. 15189 § 1 (part), 2002; Ord. 13152 § 189, 1997: Ord. 12779 § 2, 1996: Ord. 11837 (part), 1994)

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 ~~one~~ three hundred

percent of the of the current established ~~usual~~ permit fee, in addition to the required permit fees.
(Ord. 11837 (part), 1994)

18.02.103.7.3 Accounting.

The building official shall keep ~~a permanent and~~ 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.
(Ord. 16985 § 27 (part), 2008; Ord. 15189 § 1 (part), 2002; Ord. 13152 § 190, 1997: Ord. 11837 (part), 1994)

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. ~~as required at the time of filing application. in accordance with the schedules in Section 18.02.109, Permit Fees~~.
(Ord. 11837 (part), 1994)

~~18.02.103.7.5~~ 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.
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 191, 1997: Ord. 12683 § 10, 1996: Ord. 11837 (part), 1994)

~~18.02.103.7.5.1~~ 18.02.103.8.1 Valuation for new commercial building ~~and electrical~~ 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. ~~by using the most current "Building Valuation Data" as published twice-yearly in Southern Building Magazine by SBCCI~~.
(Ord. 11837 (part), 1994)

~~18.02.103.7.5.2~~ 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. ~~by using the most current "Building Valuation Data" as published twice-yearly in Southern Building Magazine by SBCCI.~~
~~(Ord. 11837 (part), 1994)~~

~~18.02.103.7.5.3~~ 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. ~~but in no case less twenty percent of the value obtained by using the most current "Building Valuation Data" as published twice-yearly in Southern Building Magazine by SBCCI.~~
~~(Ord. 11837 (part), 1994)~~

~~18.02.103.7.5.4~~ 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. ~~but in no case less than the larger of either five dollars per square foot or fifteen percent of the value obtained by using the most current "Building Valuation Data" as published twice-yearly in Southern Building Magazine by SBCCI.~~
~~(Ord. 11837 (part), 1994)~~

18.02.103.8.5 Fee refunds.

A portion of the fee, paid for building permits 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 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. (Ord. 11837 (part), 1994)

~~18.02.103.7.5.5 Valuation for R3, R4 occupancies.~~

~~Permit valuation for new R3 permits and additions to R3 occupancies shall be based on the following table:~~
~~TABLE INSET:~~

~~Gross Area***~~	~~Valuation Per Square Foot~~
~~0 – 1,000~~	~~$40.00~~
~~1,001 – 2,200~~	~~$45.00~~
~~Over 2,200~~	~~$50.00~~

~~* * * Gross area shall be determined by adding one hundred percent of the gross area of the addition or new residence excluding the gross area of garages, carports and covered~~

~~patios, to sixty-seven percent of the gross area of the new garage and to thirty-three percent of the aggregate area of new carports and new covered patios.~~
~~(Ord. 15756 § 1, 2004)~~

~~18.02.103.7.6 Fee refunds.~~

~~Subject to approval of the city council in each case, the fee, less forty-five dollars, paid for building permits and, less twenty-seven dollars, paid for 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 the amount retained out of the permit fee shall be retained to help defray the cost of issuance and maintenance of records, inspections to verify that no work was started, and costs of processing and preparing the refund. The plan checking fee required under this code is not subject to refund under this code.~~
~~(Ord. 11837 (part), 1994)~~

~~18.02.103.7~~ 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.

~~18.02.103.8.1~~ 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.
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 192, 1997: Ord. 11837 (part), 1994)

~~18.02.103.8.2~~ 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.
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 193, 1997: Ord. 11837 (part), 1994)

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 director of development services or designee, may approve on-site inspection.
3. Final inspection: To be made after the sign installation is completed and ready for use. (Ord. 13152 S 199,1997; Ord. S 12683 S 11(part), 1996: Ord. 11837 (part), 1994)
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, holidays, or other times outside regular business hours of the Department shall be subject to prior approval of the director of development service or designee and shall be subject to additional fees as established in this code. The minimum charge for an after hours inspection will be two hours which must be prepaid before it will be scheduled.

~~**18.02.103.8.3 Inspection service.**~~

~~The building official may make, or cause to be made, the inspections required by this code. He may accept reports of inspectors of recognized inspection services provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called for by any provision of the technical codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 194, 1997: Ord. 11837 (part), 1994)~~

~~**18.02.103.8.4 Inspections prior to issuance of certificate of occupancy or completion.**~~

~~The building official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 195, 1997: Ord. 11837 (part), 1994)~~

~~**18.02.103.8.5 Posting of permit.**~~

~~Work requiring a permit shall not commence until the permit holder or his agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the building official or representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy or completion is issued by the building official.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 196, 1997: Ord. 11837 (part), 1994)~~

~~**18.02.103.8.6 Required inspections.**~~

~~**18.02.103.8.6.1 General.**~~

~~All construction or work for which a permit is required shall be subject to inspection by the building official and all such work shall remain accessible and exposed for inspection purposes until approved by the building official.~~

~~Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of the technical codes. Inspections presuming to give authority to violate or cancel the provisions of this code or other ordinances shall not be valid.~~

~~It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the city shall be liable for expense entailed in the removal or replacement of any material to allow inspection.~~

~~A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 197, 1997: Ord. 12683 § 11 (part), 1996)~~

~~18.02.103.8.6.2 Inspection requests.~~

~~It shall be the duty of the permit holder or his agent doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.~~

~~It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 198, 1997: Ord. 12683 § 11 (part), 1996)~~

~~18.02.103.8.6.3 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:~~

~~Building~~

~~1. Foundation Inspection: To be made after trenches are excavated, forms erected, and reinforcing steel, if any, is in place.~~

~~2. Frame Inspection: To be made after the roof, all framing, fireblocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete.~~

~~3. Final Inspection: To be made after the building is completed and ready for occupancy.~~

~~Electrical~~

~~1. Temporary Service: To be made after installation of temporary service.~~

~~2. Underground Inspections: To be made after trenches, or ditches are excavated, conduit or cable installed, and before any backfill is put in place.~~

~~3. Rough Inspections: To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes. All conductors, except service conductors, shall be pulled and have all joints made before a rough-in inspection will be made.~~

~~4. Final Inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.~~

~~Plumbing~~

~~1. Rough Inspection: To be made when all underground and underfloor portions of the drain, waste, vent and water systems are in place, tested and before they are covered; for floors above grade, inspection may be made concurrently with top-out.~~
~~2. Top-Out Inspection: To be made when all above floor (or floor to floor) portions of drain, waste, vent and water systems are in place, secured and tested, but before being covered or sealed in.~~
~~3. Sewer: May be made at any time sewer is in place from house to curb or house to tap but before sewer is covered; if connected, may be made concurrently with ground floor rough and/or sewer tap; curb line joint must be made if sewer tap inspection has been made.~~
~~4. Sewer Tap: May be made when actual tap to public sewer has been completed and sewer laid to curb but before being covered; curb line joint must be made up if sewer inspection called concurrently or previously made and approved.~~
~~5. Final Inspection: To be made when entire plumbing system is complete and ready for use.~~

~~Mechanical~~

~~1. Underground Inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.~~
~~2. Rough In Inspection: To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.~~
~~3. Final Inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.~~

~~Gas~~

~~1. Rough Piping Inspection: To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.~~
~~2. Final Piping Inspection: To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.~~
~~3. Final Inspection: To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to insure compliance with all requirements of this Code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.~~

~~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.~~

~~Reroofing~~

~~1. In Progress Inspection: To be made when a portion of the supporting deck is exposed in the case of roofing replacement or in the case of roofing recovering when the work is approximately twenty-five percent to seventy-five percent complete.~~

~~2. Final Inspection: To be made after the reroofing or recovering work has been completed.~~

~~Signs~~

~~1. Foundation Inspection: To be made after piers are drilled or after trenches are excavated and forms erected.~~

~~Exceptions: Freestanding 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.~~

~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 199, 1997; Ord. 12683 § 11 (part), 1996: Ord. 11837 (part), 1994)~~

~~18.02.103.8.7 Approval required.~~

~~Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the building official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated in Section 18.02.103.8.6. Portions of the work which do not comply with this code or the technical codes shall be corrected and such corrected work shall not be covered or concealed until authorized by the building official. Any construction work, whether permitted or not, which has been covered prior to approval may be required to be reopened for inspection.~~

~~There shall be a final inspection and approval of all buildings, structures, electrical, gas, mechanical, plumbing or fire protection systems when completed and ready for occupancy or use.~~

~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 200, 1997: Ord. 12683 § 12, 1996: Ord. 11837 (part), 1994)~~

~~18.02.103.8.7.1 Notice of inspection results.~~

~~Upon completion of any regular or special inspection, the inspector will leave the following notice:~~

~~1. When inspection is approved, the inspector shall date and initial the permit inspection card in the appropriate space, or in those instances in which a special inspection on a project requiring no job inspection record, the inspector shall furnish to the person in charge of work an inspection approval card.~~

~~2. When inspection is not approved, a disapproval card also known as a red tag will be left on the jobsite at the location of the permit inspection record. Reasons for disapproval shall be noted on reverse of the red tag.~~

~~3. A correction notice may be left in lieu of a red tag for minor corrections which do not warrant disapproval or reinspection. Failure to respond to such requests may be a basis for a later disapproval.~~

~~4. When the electrical inspector or plumbing inspector finds the installation to be in conformity with the provisions of the appropriate technical codes, the inspector shall~~

~~issue to the person, firm or corporation making such installation, an electrical or gas service release tag number, authorizing the use of such installation and connection to the supply of electricity or gas as applicable, and may send written notice of such authorization to the agency supplying the electrical or gas service. When there is no new service release as part of the permit, a certificate of approval will be issued if requested by the permit holder.~~

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

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

~~(Ord. 16985 §§ 14, 25 (part), 26 (part), 2008; Ord. 13152 § 201, 1997: Ord. 11837 (part), 1994)~~

~~18.02.103.8.8~~ 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 ~~after all lathing and backing is in place.~~ Plaster shall not be applied until the release from the building official has been received.

(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 202, 1997: Ord. 11837 (part), 1994)

~~18.02.103.8.9~~ 18.02.103.9.7 ~~Reinspection of electrical installations.~~ Reserved

~~Subject to notice requirements elsewhere in this code, the building official may periodically reinspect existing installations of electrical conductors and equipment. When the installation of any conductors or equipment is found to be in an unsafe condition, the person, firm, or corporation owning, using or operating the installation shall be notified in writing and shall make the necessary repairs or changes required to place such conductors or equipment in safe condition.~~

~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 203, 1997: Ord. 11837 (part), 1994)~~

~~18.02.103.8.10~~ 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.

(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 204, 1997: Ord. 12683 § 13, 1996; Ord. 11837 (part), 1994)

~~18.02.103.8.11~~18.02.103.9.9 ~~Final inspection penalty.~~ Reserved

~~A permit holder that fails to call for and receive a final inspection within thirty days after completing the work allowed under the permit may shall be subjected to a special investigation and fee.~~
~~(Ord. 11837 (part), 1994)~~

~~18.02.103.8.12~~ 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 18.02.103.8.9.
(Ord. 12683 § 14, 1996; Ord. 11837 (part), 1994)

~~18.02.103.9~~ 18.02.103.10 Certificates.

~~18.02.103.9.1~~ 18.02.103.10.1 Certificate of occupancy.

~~18.02.103.9.1.1~~ 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 after 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.
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 205, 1997: Ord. 11837 (part), 1994)

~~18.02.103.9.1.2~~ 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.
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 206, 1997: Ord. 11837 (part), 1994)

~~18.02.103.9.1.2.1~~ 18.02.103.10.1.2.1 Prerequisite to issuance of certificate of occupancy.

~~18.02.103.9.1.2.1.1~~ 18.02.103.10.1.2.1.1 Certificates of Occupancy for lots with Unconditional building permits.

~~No certificates of occupancy shall be issued for lots receiving unconditional building permits as described in Section 18.02.103.1.1.6, Prerequisite to Issuance of Permits, until the structures meet the building and zoning codes, and provided that all subdivision improvements have been completed in accordance with Chapter 19.08 or financial security has been provided for completion of the remaining subdivision improvements in accordance with Section 19.08.040.~~
~~(Ord. 16896 § 1 (part), 2008: Ord. 11837 (part), 1994)~~

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.

~~18.02.103.9.1.2.1.2~~ 18.02.103.10.1.2.1.2 Certificates of Occupancy for lots with Conditional ~~"A"~~ building permits.

~~No certificates of occupancy shall be issued for lots receiving conditional "A" building permits as described in Section 18.02.103.1.1.6, Prerequisite to Issuance of Permits, until the structures meet the building and zoning codes; and that the subdivision or approved phase of a subdivision has been approved for acceptance by the building official, or financial security has been provided for completion of the remaining subdivision improvements in accordance with Section 19.08.040.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 16896 § 1 (part), 2008: Ord. 13956 § 41, 1999: Ord. 13152 § 207, 1997: Ord. 11837 (part), 1994)~~

~~18.02.103.9.1.2.1.3 Conditional "B" building permits.~~

~~No certificates of occupancy shall be issued for lots receiving conditional "B" building permits described in Section 18.02.103.1.1.6, Prerequisite to Issuance of Permits, until the structures meet the building and zoning codes; and that the subdivision or approved phase of a subdivision has been accepted for maintenance by the city, or financial security has been provided for completion of the remaining subdivision improvements in accordance with Section 19.08.040.~~
~~(Ord. 16896 § 1 (part), 2008: Ord. 11837 (part), 1994)~~
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

~~18.02.103.9.1.2.1.4 Subdivisions with development agreement.~~

~~A certificate of occupancy will not be issued for any building permit in subdivisions with development agreement as described in Section 18.02.103.1.1.6, Prerequisite to Issuance of Permits, until all subdivision improvements have been~~

~~inspected and approved for acceptance by the city or approved by the building official, or financial security has been provided for completion of the remaining subdivision improvements in accordance with Section 19.08.040.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 16896 § 1 (part), 2008: Ord. 13956 § 42, 1999: Ord. 13152 § 208, 1997: Ord. 11837 (part), 1994)~~

~~18.02.103.9.1.2.1.5~~ 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 City Code
(Ord. 16985 § 15, 2008: Ord. 13956 § 43, 1999: Ord. 13152 § 209, 1997: Ord. 11837 (part), 1994)

~~18.02.103.9.1.3 Temporary/partial occupancy.~~

~~A temporary/partial occupancy may be allowed by the building official for a portion or portions of a building which may safely be occupied prior to final completion of the building.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 210, 1997: Ord. 11837 (part), 1994)~~

~~18.02.103.9.1.4~~ 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.
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 211, 1997: Ord. 11837 (part), 1994)

~~18.02.103.9.2~~ 18.02.103.10.2 Certificate of completion.

~~Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a certificate of completion may be issued. This certificate is proof that a structure or system is complete and is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a certificate of occupancy.~~
~~(Ord. 11837 (part), 1994)~~
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.

~~18.02.103.9.2~~ 18.02.103.10.3 Service utilities.

~~18.02.103.9.3.1~~ 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.~~

~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 212, 1997: Ord. 11837 (part), 1994)~~

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 director of development services or designee, and a certificate of occupancy or completion is issued. (Ord. 13152 § 212, 1997: Ord. 11837 (part), 1994)

~~18.02.103.9.3.2~~ 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. Fees for installation and inspection shall be as listed in Section 18.02.109.

(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 213, 1997: Ord. 11837 (part), 1994)

~~18.02.103.9.3.3~~ 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 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.

(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 214, 1997: Ord. 11837 (part), 1994)

~~18.02.103.9.3.4 Relations with electric utility companies.~~

~~1. Electric utility companies shall have authority to designate the type of service, point of service, the placing of metering equipment, the type of metering equipment to be used, and amount of space required for metering equipment.~~

~~2. Before any electrical service is installed, the person, firm or corporation intending to make such installation shall obtain from the utility company furnishing the service, the point at which the service drop will be installed and the location of metering equipment.~~

~~3. Electricity shall not be supplied to a part or parts of building or premises unless all of such buildings or premises have been made to conform with the provisions of this code and of the technical codes.~~

~~4. The utility company shall be consulted in regard to the amount of space required for all metering purposes. The amount of space required shall be subject to approval by the building official. All other questions of meter installation shall meet the joint approval of the utility and the building official.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 215, 1997; Ord. 11837 (part), 1994)~~

~~18.02.103.9.3.5 Relations with city water utilities.~~
~~1. The building official shall have the authority, when the building official deems it necessary for the protection of the health of the city or the protection of property, to order the discontinuance and disconnection of water services to any defective plumbing or plumbing system.~~
~~2. The department of water utilities shall not reconnect any such service until the building official shall have certified to the utility that such plumbing or system has been made safe.~~
~~3. The physical connection of any house sewer to the city's public sewer system shall be made only by the department of water utilities and the issuance of a "sewer tap" permit by the development services department should not be construed as superseding this provision.~~
~~4. Where commercial or industrial refuse, sewage or waste are to be discharged into the public sewer system, the issuance of the plumbing permit shall be subject to approval of the department of water utilities and restrictions, requirements or equipment required by the utility to safeguard the public sewer or treatment system shall be made a condition for issuance of such permit.~~
~~(Ord. 16985 §§ 25 (part), 26 (part), 2008; Ord. 13152 § 216, 1997: Ord. 11837 (part), 1994)~~

~~18.02.103.9.4~~ 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 all plumbing thereon complies with this code and the technical codes ~~and has passed the inspections required therein.~~
3. ~~Fees for inspection under subsection (1) of this section for each initial inspection and for each reinspection of the same installation shall be as listed in Section 18.02.109.5, fees for permits under subsection (2) of this section shall be the same as fees for plumbing inside the city limits plus a surcharge for the initial permit.~~ . Persons receiving permits and inspections under this section shall pay all established fees.

4. After the department of water utilities begins water service to any property outside the city limits, all additional plumbing work done on such property shall comply with 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. ~~Permit fees for~~

~~such additional plumbing work shall be the same as for plumbing inside the city limits plus a surcharge for each permit.~~
~~5. The surcharges under subsections (3) and (4) of this section are to defray the additional cost to the city of making inspections outside the city limits.~~
~~(Ord. 11837 (part), 1994)~~

~~18.02.103.9.5~~ 18.02.103.10.5 Relations with ~~development services~~ 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. ~~finally approved or released until the development services department has received a final approval of such system from the building official.~~

2. No ~~approval shall be granted to an~~ existing out-of-city plumbing system as defined in Section 18.02.103.9.4 shall be turned on until the private sewage (whether individual or community) to which the system is connected has been inspected and approved by the Building official ~~development services department~~ and notice of such approval has been furnished to the EPWU ~~development services~~ department.

3.- Clear water waste from swimming, wading and bathing pools and similar devices and installations may be utilized for irrigation by either surface or subsurface spreading when specifically authorized by the building official. ~~and such authorization and the conditions under which it is granted is furnished in writing to the development services department.~~
(Ord. 16985 § 16, 2008: Ord. 16818 § 3 (part), 2008; Ord. 11837 (part), 1994)

~~18.02.103.10 Posting of floor loads.~~

~~18.02.103.10.1 Occupancy.~~

~~An existing or new building shall not be occupied for any purpose which will cause the floors thereof to be loaded beyond their safe capacity. The building official may permit occupancy of a building for mercantile, commercial or industrial purposes, by a specific business, when he is satisfied that such capacity will not thereby be exceeded.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 217, 1997: Ord. 11837 (part), 1994)~~

~~18.02.103.10.2 Storage and factory-industrial occupancies.~~

~~It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the development services department.~~
~~(Ord. 16985 § 23, 2008; Ord. 11837 (part), 1994)~~

~~18.02.103.10.3 Signs required.~~

~~In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the building official on the plan, shall be~~

~~marked on plates or approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 218, 1997: Ord. 11837 (part), 1994)~~

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.
(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 219, 1997: Ord. 11837 (part), 1994)

~~18.02.105~~ ~~BOARD OF APPEALS~~ 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 unconstitutional, such decision shall not affect the validity of the remaining portions of this code or of the technical codes.
(Ord. 11837 (part), 1994)

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.
(Ord. 11837 (part), 1994)

18.02.108 ~~LICENSES, BONDS, INSURANCE~~ Contractors and Licensing

18.02.108.1 ~~Building contractors.~~ Contractor's 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.

~~18.02.108.1.1 Bond and insurance required.~~

~~A. It shall be the duty of every contractor, owner, firm, partnership, corporation, builder or home improvement contractor who shall make contracts for the erection, construction~~

~~or repair of buildings for which a permit is required, and every contractor, owner, builder or home improvement contractor making such contracts and subletting the same, or any part thereof, to give good and sufficient bond in the sum of ten thousand dollars to be approved by the city attorney's office, conditioned to conform to the building and construction regulations and other ordinances, amendments or laws of the city in reference to buildings. The current five thousand dollar bonds shall remain in force until their expiration date when they shall be renewed and replaced with ten thousand dollar bonds.~~

~~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 are exempt from the bond requirement.~~

~~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 are exempt from the bond requirement.~~

~~3. Commercial building and facilities owners, agents or lessees requesting the following permits:~~

~~(a) Change of Occupancy permits;~~

~~(b) 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.~~

~~B. No contractor, owner, firm, partnership, corporation, builder or home improvement contractor bonded or required to be bonded under this section shall apply for a permit until the applicant presents evidence satisfactory to the building official that the applicant meets the following minimum insurance requirements:~~

~~1. Commercial general liability insurance with limits of fifty thousand dollars for each occurrence and fifty thousand dollars as a general aggregate, which must include coverage for on-site construction losses and for losses relating to property damage or personal injury proximately caused by the contractor or his agents after construction is completed.~~

~~2. Such insurance shall be written by an accredited insurance company under the supervision of the Board of Insurance Commissioners of the state. Evidence of compliance with these insurance requirements shall be considered as having been met when the policy, a copy thereof, or a certificate of insurance has been filed with and approved by the building official. Such policy shall include an endorsement that the building official shall be notified at least ten days in advance in the event the policy or policies are canceled.~~

~~EXCEPTIONS: Apartment complexes, hospitals, school districts, retirement communities and similar facilities using only their own employees to perform all of the permitted construction work only on property which they own.~~

~~C. Bonds required by this section shall be executed in a form prescribed and approved by the city attorney in the following amounts:~~

~~1. General contractor/builder, ten thousand dollars;~~

~~2. Home improvement contractor, ten thousand dollars;~~

~~3. Plumbing, mechanical or electrical contractors performing work as prime contractor, and undertaking only incidental work not directly related to his craft or trade, need file no~~

~~additional bond as long as his trade bond is in effect and can be available under this section.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 239, 1997; Ord. 11837 (part), 1994)~~

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.

~~**18.02.108.1.2 Home improvement contractors.**~~

~~**18.02.108.1.2.1 Definitions.**~~

~~"Home improvement contractor" means any person, firm, partnership or corporation other than a bona fide employee, who owns or operates a home improvement business or who undertakes or offers to undertake or agrees to perform any home improvement.~~

~~"Home improvement" means the repair, replacement, remodeling, alteration, conversion, modernization, or addition to any existing building or any portion or curtilage thereof which is used or designed to be used as a private residence. "Home improvement" includes, but is not limited to, the construction, replacement or improvement of porches, garages, carports, roofs, fences, rockwalls and swimming pools. All Building Code references to contractors or builders shall include home improvement contractors unless such are specifically excluded from a particular section.~~
~~(Ord. 11837 (part), 1994)~~

~~**18.02.108.1.2.2 Permit denial to home improvement contractor.**~~

~~Except as herein provided, the building official may deny building permits to any person, firm, partnership or corporation doing business in El Paso as a home improvement contractor upon a finding that the home improvement contractor was a holder of previous building permits which have been revoked pursuant to any of the following provisions:~~
~~1. A building permit has been revoked pursuant to Section 18.02.102.4.3 for failure to complete a job;~~
~~2. A building permit has been revoked pursuant to Section 18.02.102.4.1 for making false statements or misrepresentations as to material facts in the permit application;~~
~~3. A building permit has been removed pursuant to Section 18.02.102.4.2 upon a finding that work done was in violation of or not in conformity with the provisions of this code or the technical codes.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 240, 1997; Ord. 11837 (part), 1994)~~

~~**18.02.108.1.2.3 Additional grounds for building permit denial.**~~

~~Prior permit revocations shall not be grounds for denial of building permits if such permits are revoked at the request of the property owner or lessee who is a party to~~

~~the contract on which the permit is based, or at the request of the permit holder; unless, however, if the building official finds that the property owner or lessee's request to remove a permit was based on any of the following:~~

~~1. The home improvement contractor failed to complete the job;~~

~~2. The home improvement contractor made false statements or misrepresentations as to material facts in the application;~~

~~3. The home improvement contractor's work was done in violation of or not in conformity with the provisions of this code or of the technical codes.~~

~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 241, 1997; Ord. 11837 (part), 1994)~~

~~18.02.108.1.2.4 Ineligibility to obtain building permits.~~

~~A home improvement contractor whose building permits have been revoked as described in Section 18.02.102.4 shall be ineligible to obtain building permits for a period of time to be determined by the building official as follows:~~

~~1. If a home improvement 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 home improvement 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 home improvement 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 home improvement 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 home improvement contractor is ineligible to obtain building permits, the building official shall provide written notice of this finding by delivering such to the home improvement contractor or to his principal place of business.~~

~~18.02.108.1.2.7 Application required.~~

~~All persons, firms, partnerships or corporations doing business as home improvement contractors shall file an annual application with the development services department. The applicable registration fee shall accompany such application.~~

~~The application form shall require such information as determined reasonably necessary by the building official and shall include the following:~~

~~1. Company or business name. If this company name has been used for less than one year, list previous company names used for the last five years;~~

~~2. Company or business address and phone number. If the current business address has been used for less than one year, list previous business addresses for last five years;~~

~~3. Number of years that this company has been in use;~~

~~4. Principal owner of company;~~

~~5. Name of company operator or manager;~~

~~6. Person filling out the application to provide the following information: full name, residence, address, residence phone number, position with the company, date of birth, social security number and state driver's license number;~~

~~7. Federal employer identification number.~~

~~In addition, the application form shall require disclosure of the following information:~~

~~1. Whether the principal owner or operator of the company has a final criminal conviction of theft or deceptive business practices under the Texas Penal Code and said conviction arose out of conduct related to the home remodeling business. If so, the county in which the conviction was entered and the approximate date must be disclosed;~~

~~2. Whether the principal owner or operator has filed an assumed name certificate with El Paso County. If so, a copy of such is to be attached;~~

~~3. Whether any civil judgments under the Texas Deceptive Trade Practices Act have been entered against the principal owner or operator of the company or any entity wholly or substantially owned by the principal owner or operator within five years prior to the filing of the application. If so, the county in which the judgment was entered and the approximate date must be disclosed, together with an assurance that all such judgments have been satisfied, if such is the case.~~

~~(Ord. 16985 §§ 25 (part), 26 (part), 2008; Ord. 13152 § 245, 1997; Ord. 11837 (part), 1994)~~

~~18.02.108.1.2.5 Additional grounds for building permit ineligibility.~~

~~The building official shall deny building permits to any person, firm, partnership or corporation doing business as a home improvement contractor upon a finding that:~~

~~1. The home improvement contractor has a final criminal conviction of theft or deceptive business practices under the Texas Penal Code and said conviction arose out of conduct related to the home remodeling business;~~

~~2. The home improvement contractor has failed to file the application required by Section 18.02.108.1.2.7 of this code;~~

~~3. The home improvement contractor has made false statements or misrepresentations in the application form as described in Section 18.02.102.4.1 of this code.~~

~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 243, 1997; Ord. 11837 (part), 1994)~~

~~18.02.108.1.2.6 Appeals to the construction board of appeals.~~

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

~~(Ord. 16985 § 17, 2008: Ord. 13152 § 244, 1997; Ord. 11837 (part), 1994~~

~~18.02.108.1.2.8 Signature required.~~

~~The application form shall be signed by the principal owner or operator of the company and shall include a statement acknowledging the following:~~

~~1. That such person understands that he and the company he represents has a duty to comply with this code and the technical codes;~~

~~2. That such person understands that in order to be eligible to obtain building permits from the city, he must annually file the application required by this section;~~

~~3. That such person has received a copy of Section 18.02.108.1.2 of this code;~~

~~4. That all statements made in the application are true and correct.~~

~~(Ord. 11837 (part), 1994)~~

~~18.02.108.2 Mechanical contractors.~~

~~18.02.108.2.1 Licenses required.~~

~~1. 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.~~

~~EXCEPTION: A mechanical contractor currently licensed by the city as a Class A mechanical contractor, class B air conditioning contractor, class C commercial contractor, class D cooling contractor may continue to engage in building and construction activities as a contractor until December 31, 1996; provided, that the license is renewed in accordance with this code and that the mechanical contractor performs installation, repair or maintenance work within the license limitations described in this Section.~~

~~2. Every person engaging in business shall mark all vehicles used in the conduct of such business, with the name under which such business is conducted and with the business telephone number. The markings shall be as follows:~~

~~A. Permanent signs (not magnetic or removable);~~

~~B. Letters and numbers at least two inches high;~~

~~C. A color of sufficient contrast to vehicle color so as to be plainly legible;~~

~~D. Marked on both sides of vehicle;~~

~~E. The same name and number shall be used for all vehicles of such person or entity.~~

~~3. The foregoing provisions shall not prohibit the owner of a residence who occupies such residence as their homestead from making installations on or in such residence provided permits are secured and inspections called for and providing further that they give evidence of being able to complete a safe installation. Nor shall any license nor permit be required for ordinary user maintenance such as the replacement of filter pads as long as such work is performed by the owner or tenant of the property.~~

~~4. The provisions of this code and the technical codes shall govern all installations, regardless of the trade areas concerned or of the type or class of permit under which the work is performed.~~

~~5. No city mechanical contractor license shall be renewed until the mechanical contractor license holder has satisfactorily demonstrated to the building official that they have applied to the Texas Department of Licensing and Regulation to take an examination required to obtain a Texas Class A or B Mechanical Contractor License and have paid for such examination.~~

~~6. Every individual holding a license, temporary license or registration card, as required by this section, shall visibly display such license, temporary license or registration card on his or her outer garment at all times while performing duties covered by such license, temporary license or registration card and shall present the same upon request of any authorized city, state or federal inspector or other government official.~~

~~(Ord. 16985 § 26 (part), 2008; Ord. 15034 § 1, 2002; Ord. 15014 § 1, 2002; Ord. 13152 § 246, 1997; Ord. 12780 § 1 (part), 1996: Ord. 12683 § 17 (part), 1996: Ord. 11837 (part), 1994)~~

~~18.02.108.2.2 Existing City of El Paso license classification.~~

~~1. Journeyman Mechanic License. A journeyman mechanic license shall qualify the holder to install, maintain or repair all types of heating, cooling, air conditioning or refrigeration equipment under the supervision of a properly licensed, insured and bonded mechanical contractor. Such license shall be voluntary.~~

~~(Ord. 16985 § 19, 2008; Ord. 12780 § 1 (part), 1996: Ord. 12683 § 17 (part), 1996: Ord. 11837 (part), 1994)~~

~~18.02.108.2.3 Reserved.~~

~~18.02.108.2.4 Examinations.~~

~~A. The city shall make arrangements with a qualified reputable independent testing service to provide appropriate examinations for the journeyman mechanic license.~~

~~B. Applications shall be submitted by the applicant directly to the testing service. The examination fee shall be paid by the applicant.~~

~~C. Applicants shall adhere to the application and examination rules and requirements as promulgated by the testing service.~~

~~D. The department of public inspection will maintain a record of examination results needed for processing license requests.~~

~~E. Neither the department nor the plumbing/HVAC board of appeals shall have the authority to influence or alter examination results.~~

~~(Ord. 12780 § 1 (part), 1996)~~

~~18.02.108.2.5 Licensing procedures.~~

~~A. Persons desiring to be licensed as a journeyman mechanic shall make application to the building official on forms provided by the department.~~

~~B. The license fee shall be submitted with the application. In the event the applicant is found not eligible to receive the license applied for, the fee shall be refunded, except for twenty dollars which shall be retained as processing fee.~~

~~C. The applicant shall complete all portions of the application, shall present photo identification, shall provide documentation and proof of all mechanical work experience listed on the application and shall comply with all application requirements as established by the department.~~

~~D. An applicant shall have passed a department-approved examination in the appropriate category within twenty-four months prior to making application. Results from tests taken earlier than twenty-four months prior to making application shall not be counted as fulfilling the examination requirement.~~

~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 248, 1997; Ord. 12780 § 1 (part), 1996)~~

~~18.02.108.2.6 Additional licensing provisions.~~

~~A. All journeyman mechanic licenses shall expire the last day of April of the year following issuance and shall expire the last day of April of each ensuing year. Licenses~~

~~which have not been revoked may, within one year after expiration, be renewed upon payment of the required fee and penalty.~~
~~B. If a license is not renewed or if any fee or penalty is not paid within one year from date of expiration of such license, it shall automatically expire. The licensee shall make a new application and pay all fees as required for an original license.~~
~~C. The holder of a license required under this section shall not transfer or assign that license. The holder of a license shall not allow any other person to use that license.~~
~~D. No person shall misrepresent or omit any material fact on any application required by this section.~~
~~E. No person shall aid or abet any person to evade any provision of this code.~~
~~(Ord. 16985 §§ 20, 26 (part), 2008; Ord. 13152 § 249, 1997; Ord. 12780 § 1 (part), 1996: Ord. 12683 § 17 (part), 1996: Ord. 11837 (part), 1994)~~

~~18.02.108.2.7 Reserved.~~

~~18.02.108.2.8 Reserved.~~

~~18.02.108.2.9 Mechanical contractors--Identification of apprentices.~~

~~Every apprentice shall be registered with the development services department and as required by the ordinance codified in this section, shall visibly display such registration identification card on his or her outer garment at all times while assisting a licensed master or journeyman, and shall present the registration identification card upon request of any authorized city, state or federal inspector or other government official.~~
~~(Ord. 16985 § 25 (part), 2008; Ord. 15033 § 1, 2002)~~

18.02.108.3 ~~Electrical contractors.~~

~~18.02.108.3.1 Licenses required.~~
~~A. No person, firm, or corporation shall install, maintain, alter, expand or repair electrical equipment without being the holder of a proper license issued by the state of Texas in accordance with Texas Occupations Code, Title 8, Chapter 1305. If a state-issued electrical license is held, all requirements set forth in Section 18.02.108.3, et seq. shall not apply. A city license may be issued by the development services department for any person, firm or corporation engaged in electrical work in the City of El Paso who does not hold a state electrical license; however, all city-issued electrical licenses shall expire without ability to renew on February 28, 2006. No person 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. All electrical work shall be performed under the control, supervision, direction and responsibility of a master electrician.~~
~~B. No person shall employ or cause any person who does not hold the appropriate license to do any work for which this code or the electrical code requires a license.~~
~~C. Any licensee under the provisions of this section may have two apprentices to assist in work authorized by such license, but such apprentices may work only under the direct, immediate supervision of the license holder at the job site. Such apprentices will not be required to take any examination, but will be required to register annually as an~~

~~apprentice electrician or apprentice neon electrician with the development services department.~~

~~D. Every individual holding a license, temporary license or registration card, as required by this section, shall visibly display such license, temporary license or registration card on his or her outer garment at all times while performing duties covered by such license, temporary license or registration card and shall present the same upon request of any authorized city, state or federal inspector or other government official.~~

~~E. The building official will assign a permanent identification number to each licensed master electrician and to each licensed master neon electrician.~~

~~F. Every person engaging in an electrical business within the city shall mark all vehicles used in the conduct of such business, with the name under which such business is conducted, with its permanent identification number, and with the business telephone number. The markings shall be as follows:~~

~~1. Permanent signs (not magnetic or removable);~~

~~2. Letters and numbers at least two inches high;~~

~~3. A color of sufficient contrast to vehicle color so as to be plainly legible;~~

~~4. Marked on both sides of vehicle;~~

~~5. The same name and number shall be used for all vehicles of such person or entity.~~

~~(Ord. 16985 §§ 24, 25 (part), 26 (part), 2008; Ord. 16008 § 1, 2005; Ord. 15034 § 2, 2002; Ord. 15014 § 2, 2002; Ord. 13152 § 252, 1997; Ord. 12683 § 18 (part), 1996: Ord. 11837 (part), 1994)~~

~~18.02.108.3.2 Classification of licenses and registration.~~

~~A. Master Electrician's License. A master electrician's license shall qualify the holder to install, maintain, and repair all types of electrical systems, including circuits for new and remodeled signs and outline lighting and circuits to which signs and outline lighting are to be connected to employ and supervise journeyman electricians in the performance of such work and to make contracts to do so.~~

~~B. Master Sign Electrician License. A master sign electrician license shall qualify the holder to contract for and engage in the business of manufacturing electrical signs, luminous gas or electric discharge signs, and luminous gas or electric discharge outline lighting from the secondary wiring power source in the sign, or transformer in the sign, and to employ and supervise journeyman sign electricians in the performance of such work on such signs and outline lighting.~~

~~C. Journeyman Electrician License. A journeyman electrician license shall qualify the holder to install, maintain, and repair all types of electrical equipment under the supervision of a master electrician and as an employee of the master electrician or their registered employer, and to maintain electrical equipment under the supervision of a maintenance electrician.~~

~~D. Journeyman Sign Electrician License. A journeyman sign electrician license shall qualify the holder to manufacture, erect, maintain, and repair gaseous discharged lighting signs and all other types of signs using electrical lighting, under the supervision of a master sign electrician or a master electrician and as an employee of such master sign electrician or master electrician or their registered employer.~~

~~E. Maintenance Electrician License. A maintenance electrician license shall qualify the holder to act as maintenance electrician for one building or property, or one group of~~

~~buildings or properties, as an employee of the owner or lessee thereof. The term "maintenance" as used in this section means all repairs necessary to keep an electrical installation in safe condition.~~

~~F. Apprentice Electrician Registration. An apprentice electrician registration shall qualify the holder to assist in work authorized by a master electrician's license. An apprentice electrician may work only under the direct, immediate supervision of the electrician on the job site, and shall be registered with the department of public inspection.~~

~~G. Apprentice Sign Electrician Registration. An apprentice sign electrician registration shall qualify the holder to assist in work authorized by a master sign electrician's license. An apprentice sign electrician may work only under the direct, immediate supervision of the sign electrician on the job site, and shall be registered with the department of public inspection.~~

~~(Ord. 12683 § 18 (part), 1996: Ord. 11837 (part), 1994)~~

~~**18.02.108.3.3 License qualifications.**~~

~~Licenses shall be issued when the applicant has passed a Department approved examination and possesses one of the following qualifications:~~

~~A. For a master electrician license:~~

~~1. A minimum of four years as a licensed journeyman electrician or eight years of equivalent experience in the electrical construction industry.~~

~~2. A graduate electrical engineer with a degree from a recognized college of engineering with four years of experience in the electrical construction industry.~~

~~3. A professional electrical engineer registered by the state of Texas with two years of experience in the electrical construction industry.~~

~~B. For a master sign electrician license:~~

~~1. A minimum of four years experience as a licensed sign journeyman electrician or eight years of equivalent experience in the electrical sign construction industry.~~

~~2. A graduate electrical engineer with a degree from a recognized college of engineering with four years experience in the electrical sign construction industry.~~

~~3. A professional electrical engineer registered by the state of Texas with two years experience in the electrical sign construction industry.~~

~~C. For a journeyman electrician license:~~

~~1. A minimum of four years experience as an apprentice electrician in the electrical construction industry in a jurisdiction with electrical work governed by the National Electrical Code. The amount of class time spent in successfully completing an electrical training course at a certified trade school may be substituted for an equivalent amount of experience.~~

~~D. For a journeyman sign electrician license:~~

~~1. A minimum of four years experience as an apprentice sign electrician in the electrical construction industry in a jurisdiction with electrical work governed by the National Electrical Code. The amount of class time spent in successfully completing an electrical training course at a certified trade school may be substituted for an equivalent amount of experience.~~

~~E. For a maintenance electrical license:~~

~~1. A minimum of four years experience in the operation, care, and repair of electrical installations covered by the National Electrical Code. The amount of class time spent in~~

~~successfully completing an electrical training course at a certified trade school may be substituted for an equivalent amount of experience.~~
~~(Ord. 12779 § 3, 1996: Ord. 12683 § 18 (part), 1996: Ord. 11837 (part), 1994)~~

~~18.02.108.3.4 Temporary license.~~

~~The building official may, upon receipt of proof of a current master electrician's, master sign electrician's or journeyman's license from another jurisdiction with comparable license qualifications, issue a temporary journeyman electrician's license or temporary journeyman sign electrician's license, authorizing the applicant to work as such until the next scheduled examination. Such temporary license shall be valid for a period not to exceed one hundred twenty days and shall not be renewable.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 253, 1997: Ord. 12683 § 18 (part), 1996: Ord. 11837 (part), 1994)~~

~~18.02.108.3.5 Examinations.~~

~~A. The city shall contract with a qualified, reputable independent testing service to provide appropriate examinations for each classification of license required by this section.~~
~~B. Applications shall be submitted by the applicant directly to the testing service. The examination fee shall be paid by the applicant.~~
~~C. Applicants shall be adhere to the application and examination rules and requirements as promulgated by the testing service.~~
~~D. The development services department will maintain a record of examination results as required for processing license requests.~~
~~E. Neither the department nor the electrical board of appeals shall have the authority to influence or alter examination results.~~
~~F. The building official may designate a member of the department to represent the city on the testing service's advisory panel.~~
~~(Ord. 16985 §§ 25 (part), 26 (part), 2008; Ord. 13152 § 254, 1997; Ord. 12683 § 18 (part), 1996: Ord. 11837 (part), 1994)~~

~~18.02.108.3.6 Licensing procedures.~~

~~A. Persons desiring to be licensed to do electrical work within the city shall make application for a license in the appropriate category. Applications shall be submitted to the building official on forms provided by the department.~~
~~B. The appropriate license fee shall be submitted with the application. In the event the applicant is found not eligible to receive the license applied for, the fee shall be refunded, except for twenty dollars which shall be retained as processing fee.~~
~~C. The applicant shall complete all portions of the application, shall present photo identification, shall provide documentation and proof of all electrical work experience listed on the application and shall comply with all application requirements as established by the department.~~
~~D. An applicant applying for the first time in each category shall have passed a department approved examination in the appropriate category within twenty four months prior to making application in that category. Results from tests taken earlier than twenty-~~

~~four months prior to making application in that category shall not be counted as fulfilling the examination requirement in that category.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 255, 1997; Ord. 12683 § 18 (part), 1996: Ord. 11837 (part), 1994)~~

~~18.02.108.3.7 Additional licensing provisions.~~
~~A. All electrical licenses shall expire the last day of February of the year following issuance and shall expire the last day of February of each ensuing year. Licenses which have not been revoked may, within one year after expiration, be renewed upon payment of the required fee and penalty.~~
~~B. If a license is not renewed or if any fee or penalty is not paid within one year from date of expiration of such license, it shall automatically expire. The licensee shall make a new application and pay all fees as required for original license.~~
~~C. No work shall be done while any license is expired or if any fee or penalty remains unpaid. Late payment of such fee or penalty shall not bar prosecution for doing work without a license if such offense was committed at any time before such payment was made.~~
~~D. The holder of a license required under this section shall not transfer or assign that license. The holder of a license shall not allow any other person to use that license, or to use the name of the licensee as authority for doing any work or obtaining any permit.~~
~~E. No person shall do or attempt to do any work by authority of a license issued to another, nor shall any person use the name of any license holder for that purpose.~~
~~F. No person shall misrepresent or omit any material fact on any application required by this section.~~
~~G. No person shall aid or abet any person to evade any provision of this section.~~
~~H. No person shall contract, offer to contract, or engage in any electrical work for which a license is required by this section without having been issued that license, nor shall any person contract, offer to contract, or engage in any electrical work for which a license is required by this section while that license is suspended or revoked.~~
~~I. No license required under this section shall be issued to any person within a period to be calculated by multiplying twelve months times the number of revocations of that category of license for that person.~~
~~J. Every master electrician, and master sign electrician shall register their employer's name, business address, and phone number with the building official. Upon termination of the employer/employee relationship, notice shall be given to the building official within five days from the date of termination of that relationship. That termination shall end the responsibility of the license holder for completion of electrical work for any unclosed permit which had been previously issued to the master electrician or master sign electrician.~~
~~K. Master electricians shall devote the majority of working time during normal business hours to supervising the work of employees or the employees of such registered employer; and whether the master electrician is self-employed or the employee of a firm, they shall perform services in the capacity of master electrician for only one business.~~
~~L. For the purpose of enforcing this chapter, the building official may, during normal working hours, examine the payroll records for the preceding twelve months of the master electrician or their employer. Should the master electrician, or their employer, fail~~

~~or refuse to make a full, true and accurate disclosure of the payroll records, the building official may, after written notification by certified mail, prohibit the issuance of electrical permits to that master electrician until such time as there has been a full, true and accurate disclosure of the payroll records. This provision shall be cumulative of other penalties provided in this section.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 256, 1997; Ord. 12683 § 18 (part), 1996: Ord. 11837 (part), 1994)~~

~~18.02.108.3.8 Disciplinary action.~~
~~A. The following acts or omissions shall be cause for disciplinary action:~~
~~1. Misrepresentation or omission of material fact by any applicant on any application or supporting document required by this section in obtaining a license shall be cause for revocation of such license.~~
~~2. Aiding or abetting any person to evade any provision of this section; or knowingly combining or conspiring with any person; or allowing one's license to be used by any person; or acting as agent, partner, associate or otherwise of any person with intent to evade provisions of this section shall be cause for disciplinary action as follows:~~
~~a. Suspension of license for six months for the first such offense within any twelve-month period;~~
~~b. Revocation of license for the second such offense within any twelve-month period.~~
~~3. Securing a permit for electrical work not actually performed by the master electrician or by qualified employees of the master electrician or their registered employer shall be cause for disciplinary action as follows:~~
~~a. Suspension of license for six months for the first such offense within any twelve-month period;~~
~~b. Revocation of license for the second such offense within any twelve-month period.~~
~~4. Contracting, offering to contract, or engaging in any electrical work for which a license is required by this section without having such license shall be cause for disciplinary action as follows:~~
~~a. Suspension of license for six months for the first such offense within any twelve-month period;~~
~~b. Revocation of license for the second such offense within any twelve-month period.~~
~~5. Contracting, offering to contract, or engaging in electrical work for which a license is required by this section while the license required for the work is suspended shall be cause for revocation of such license.~~
~~6. Allowing any person to perform electrical work without the required supervision of an appropriately licensed electrician shall be cause for disciplinary action as follows:~~
~~a. A written warning for the first three such offenses in any twelve-month period;~~
~~b. Suspension of license for six months for the fourth such offense within any twelve-month period;~~
~~c. Revocation of license for the fifth such offense in any twelve-month period.~~
~~7. The receipt of at least three citation convictions for the same offense under this section within any twelve-month period, shall be cause for the suspension of the license of the individual involved for six months.~~
~~B. Revocation or suspension shall be accompanied by written notice of the following:~~
~~1. The reason for the revocation or suspension;~~

~~2. The time period for correction or an opportunity to be heard by the building official; and~~
~~3. The opportunity to appeal that revocation or suspension to the board.~~
~~C. In the event of the suspension or revocation of a master electrician's license or a master sign electrician's license, the individual involved may be issued an appropriate journeyman electrician license.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 257, 1997; Ord. 12683 § 18 (part), 1996: Ord. 11837 (part), 1994)~~

~~18.02.108.3.9 Bond and insurance required.~~
~~A. No permit shall be issued under this code to any person, firm or corporation licensed as a master electrician or master sign electrician or their registered employer until such person, firm or corporation has filed with the department and has kept in effect a bond in the amount of ten thousand dollars, signed by a surety company authorized to do business in Texas, and conditioned that the principal and their agents, employees, and subcontractors shall comply with all provisions of this code and the electrical code that the principal shall pay damages which are sustained by the city or by the person for whom the work is done and which are caused by failure of the principal, their agents, employees or subcontractors to comply with the provisions of this code and the electrical code, and that the principal shall indemnify the city against all claims arising out of such failure to comply. 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. In lieu of a bond, the applicant may deposit with the city the principal amount of said bond to be held by the city without interest until the permit closes or bond is given; and such deposit shall be security for the payment of claims which would have been secured by the bond.~~
~~B. No permit shall be issued under this section to any person, firm or corporation until the applicant presents evidence satisfactory to the building official that the applicant meets the following insurance requirements:~~
~~1. Commercial general liability insurance with limits of fifty thousand dollars for each occurrence and fifty thousand dollars as a general aggregate, which must include coverage for on-site construction losses and for losses relating to property damage or person injury proximately caused by the contractor or their agents after construction is completed.~~
~~2. Such insurance shall be written by an accredited insurance company under the supervision of the Board of Insurance Commissioners of the state.~~
~~3. Evidence of compliance with these insurance requirements shall be considered as having been met when the policy, a copy thereof, or a certificate of insurance has been filed with and accepted by the building official. Such policy shall include an endorsement that the building official shall be notified at least ten days in advance in the event the policy or policies are canceled.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 258, 1997; Ord. 12683 § 18 (part), 1996: Ord. 11837 (part), 1994)~~

~~18.02.108.3.10 Definitions.~~
~~The following definitions shall apply to this chapter:~~

~~A. "Apprentice" means unlicensed individual registered with the city who assists in electrical work under the direct, on-site supervision of a licensed electrician.~~
~~B. "Contractor" means a person who engages in the business of electrical contracting and who is a master electrician or who employs a master electrician.~~
~~C. "Journeyman," unless otherwise noted, means an individual who holds a valid, current journeyman electrician's license or journeyman sign electrician's license.~~
~~D. "Maintenance electrician" means an individual who holds a valid, current maintenance electrician's license.~~
~~E. "Master electrician" means an individual who holds a valid current master electrician's license or master sign electrician's license.~~
~~(Ord. 12683 § 18 (part), 1996: Ord. 11837 (part), 1994)~~

~~18.02.108.3.11 Electrical contractors--Identification of apprentices.~~

~~Every apprentice shall be registered with the development services department and as required by the ordinance codified in this section, shall visibly display such registration identification card on his or her outer garment at all times while assisting a licensed master or journeyman, and shall present the registration identification card upon request of any authorized city, state or federal inspector or other government official.~~
~~(Ord. 16985 § 25 (part), 2008; Ord. 15033 § 2, 2002)~~

18.02.108.4 ~~Plumbing contractors.~~ Licenses

18.02.108.4.1 Licenses required.
~~1. No individual shall install or repair plumbing, gas equipment, residential water treatment equipment, or landscape irrigation systems for which a permit is required without being the holder of a proper license as required by the licensing agency of the state. 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. All 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.~~
~~2. No person shall employ or cause any person who does not hold the appropriate license to perform any work for which this code requires a license.~~
~~3. A licensee under the provisions of this code may have two plumber's apprentices to assist in work authorized by such license, but such apprentices shall work only under the direct supervision of the licensed journeyman or master plumber on the job site. Every individual holding a license, temporary license or registration card, as required by this section, shall visibly display such license, temporary license or registration card on his or her outer garment at all times while performing duties covered by such license, temporary license or registration card and shall present the same upon request of any authorized city, state or federal inspector or other government.~~
~~4. The foregoing provisions shall not prohibit the owner of a residence who claims and occupies such residence as their homestead from making installations on or in such residence provided permits are secured and inspections called for and providing further that they give evidence of being able to complete a safe installation.~~

~~(Ord. 15034 § 3, 2002; Ord. 15014 § 3, 2002; Ord. 11837 (part), 1994)~~

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.

~~18.02.108.4.2 Bond and insurance required.~~

~~1. Every master plumber, certified residential water treatment operator and licensed irrigator desiring to secure permits and perform work under this code, shall first file with the department a bond in the sum of ten thousand dollars in a form approved by the city attorney, conditioned to conform to this code and the technical codes.~~

~~2. No permit shall be issued to any person, firm or corporation bonded under this section until the applicant presents evidence satisfactory to the building official that the applicant carries the following minimum insurance requirements:~~

~~a. Commercial general liability insurance with limits of fifty thousand dollars for each occurrence and fifty thousand dollars as a general aggregate, which must include coverage for on-site construction losses and for losses relating to property damage or~~

~~personal injury proximately caused by the contractor or its agents after construction is completed.~~
~~b. Such insurance shall be written by an accredited insurance company under the supervision of the Board of Insurance Commissioners of the state. Evidence of compliance with these insurance requirements shall be considered as having been met when the policy, a copy thereof, or a certificate of insurance, has been filed with and approved by the building official. Such policy shall include an endorsement that the building official shall be notified at least ten days in advance in the event the policy or policies are canceled.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 13152 § 259, 1997; Ord. 11837 (part), 1994)~~

~~18.02.108.4.3 Identification of vehicles.~~

~~All vehicles used by master or employing plumbers, licensed irrigators, and certified water treatment facility operators in connection with the performance of their work, shall carry thereon the name under which such business is conducted and the permanent license or certificate number. The marking shall be as follows:~~
~~1. Permanent signs (not magnetic or removable);~~
~~2. Letters and numbers at least two inches high;~~
~~3. A color of sufficient contrast to vehicle color so as to be plainly legible;~~
~~4. Both sides of vehicle marked;~~
~~5. The same name and license number shall be used for all vehicles of such person or entity.~~
~~(Ord. 12683 § 19, 1996: Ord. 11837 (part), 1994)~~

~~18.02.108.4.4 Plumbing contracts--Identification of apprentices.~~

~~Every apprentice shall be registered with the development services department and as required by the ordinance codified in this section, shall visibly display such registration identification card on his or her outer garment at all times while assisting a licensed master or journeyman, and shall present the registration identification card upon request of any authorized city, state or federal inspector or other government official.~~
~~(Ord. 16985 § 25 (part), 2008; Ord. 15033 § 3, 2002)~~

18.02.108.5 ~~Gas contractors.~~ Bonds

18.02.108.5.1 ~~Licenses, bond and insurance.~~ Bond required

It shall be the duty of every contractor, owner, firm, partnership, corporation, 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, tro 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.

~~1. Every licensed master plumber desiring to secure permits or do any installation, extension or alteration of consumer's gas piping, or to install gas appliances, shall first file with the department a bond in the sum of ten thousand dollars in a form approved by the city attorney, conditioned to conform to this code and the technical codes. A master plumber holding a current bond under Section 18.02.108.4 will be considered as having complied with this requirement.~~
~~2. Mechanical contractors and other contractors desiring to make installations under the provisions of this section shall first have on file in the department the license and bond called for in other sections of this code as appropriate.~~
~~3. No person, firm or corporation bonded under this section shall apply for any permits until the applicant presents evidence satisfactory to the building official that the applicant meets the following minimum insurance requirements:~~
~~A. Commercial general liability insurance with limits of fifty thousand dollars for each occurrence and fifty thousand dollars as a general aggregate, which must include coverage for on-site construction losses and for losses relating to property damage or personal injury proximately caused by the contractor or his agents after construction is completed.~~
~~B. Such insurance shall be written by an accredited insurance company under the supervision of the Board of Insurance Commissioners of the state. Evidence of compliance with these insurance requirements shall be considered as having been met when the policy, a copy thereof, or a certificate of insurance has been filed with and approved by the building official. Such policy shall include an endorsement that the building official shall be notified in writing at least ten days in advance in the event the policy or policies are canceled.~~
~~C. Nothing herein contained shall be construed as prohibiting an individual from installing or repairing appliances or installing, extending, replacing, altering or repairing consumer's piping on or within the residential premises they claim and occupy as their homestead, or requiring a license, bond and proof of insurance from an individual doing such work on or within the residential premises they claim as their homestead; provided, however, all such work shall be done in conformity with all provisions of this code and the technical codes.~~
~~4. Every individual holding a license, temporary license or registration card, as required by this section, shall visibly display such license, temporary license or registration card on his or her outer garment at all times while performing duties covered by such license,~~

~~temporary license or registration card and shall present the same upon request of any authorized city, state or federal inspector or other government official.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 15034 § 4, 2002; Ord. 15014 § 4, 2002; Ord. 13152 § 260, 1997; Ord. 11837 (part), 1994)~~

18.02.108.5.2 ~~Gas contractors--Identification of apprentices~~. 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 two years from the date of the 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.

~~Every apprentice shall be registered with the development services department and as required by the ordinance codified in this section, shall visibly display such registration identification card on his or her outer garment at all times while assisting a licensed master or journeyman, and shall present the registration identification card upon request of any authorized city, state or federal inspector or other government official.~~
~~(Ord. 16985 § 25 (part), 2008; Ord. 15033 § 4, 2002)~~

18.02.108.6 ~~Contractors and licensing~~. Insurance

~~A. Contractors' responsibilities. Every person who enters into a contract for or performs the construction, installation, maintenance or repair of buildings, structures, or fire protection, electrical, gas, mechanical or plumbing systems, for which a city building permit is required, and every person making contracts for the performance of such work and/or subletting the same, or any part thereof, (hereafter, "contractor") shall meet and comply with the requirements of this code and with all other federal and state regulations.~~

~~B. Applicability. The provisions of this code 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.~~

~~C. City registration fee. Every contractor shall register with the building official and provide the proof of bond and insurance as required in this code. The application shall be filled with a registration fee that shall be in an amount pursuant to the current budget resolution or such other resolution approved by the city council. Each contractor shall provide a copy of the assumed name registration, if applicable.~~

~~(Ord. 17172, § 1, 8-18-2009)~~

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 director of development services or designee.

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 and 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 aggregate, and $100,000 for property damage for each occurrence and $100,000 in 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 insurance compliance with these insurance requirements shall be considered as having been met when a copy of the insurance policy or a certificate of insurance has been filed with and approved by the director of development services. Such policy shall include an endorsement that that the City is named as an additional insured to the full amount of the

policy limits and that the director of development services shall be notified at least thirty days in advance in the event the policy or policies are canceled and ten days in advance for cancellation due to non payment of policy premiums. The certificate of insurance shall recite or attach such endorsements for additional insured and the notice requirements. The permittee shall maintain such insurance with a solvent insurance company authorized to do business in Texas. The policy shall provide that the insurer will defend against all claims of 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. Fialure to keep the policy in full force and effect throughout the term of the permit shall be grounds for cancelation 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 Contractors 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 applicable 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. List all company names used for the last five years.
2. Company or business address and phone number. List all previous business addresses for last five years.
3. Number of years this company has been in use.
4. Principal owner of company.
5. Name of company operator or manager.
6. Full name, residence address, residence phone number, position with the company, date of birth, social security number and state driver's license number 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 home improvement 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 home improvement contractor upon any one of the following findings:

1. The contractor has a final criminal conviction of theft or deceptive business practices under the Texas Penal Code and said conviction arose out of conduct related to the home remodeling business.
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
* Prior ordinance history for Section 18.02.109: Ords. 11837, 12027, 12109, 12683, 12779, 12780, 13152, 14614 and 15164.

18.02.109.1 General.
The fees described in this section as well as described in the Fire Prevention Code fees are applicable to all plumbing, mechanical electrical and fire contractors' ~~technical trades and to the fire department as prescribed herein.~~
(Ord. 15755 § 1 (part), 2004)

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 Standard Fire Protection Code or because the work was not ready for the inspection as requested, the fee ~~shall be fifty dollars for each inspection. (Ord. 15755 § 1 (part), 2004)~~ for each re-inspection shall be equal to double the minimum established inspection fee

~~**18.02.109.1.1.5 Non-business hours inspection fee.**~~

~~Inspections requested for weekends, holidays, or other times outside regular business hours of the development services department shall be subject to prior approval of the building official and shall be subject to additional fees in accordance with the fee schedule established pursuant to budget resolution or such other resolution approved by the city council.~~

~~(Ord. 17172, § 2, 8-11-2009)~~

18.02.109.1.2 Investigation fees.

~~For any special investigation or inspection which is not a part of a regular permit program, or is required to be made at a time other than regular duty hours by either the department of public inspection or the fire department, the fee shall be thirty-five dollars per half-hour of inspector's required time with a minimum fee of seventy dollars.~~

~~(Ord. 15755 § 1 (part), 2004)~~ 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 Correspondence fees.**~~

~~For any letter, memorandum, certificate or other documentation issued in conjunction with any special inspection or based on other inspection records, the fee shall be ten dollars for up to three pages and two dollars for each additional page; except that no charge will be made for the first copy of any certificate of occupancy or completion.~~

~~(Ord. 15755 § 1 (part), 2004)~~

~~**18.02.109.1.4**~~ **18.02.109.1.3 Starting without permit.**

~~If any construction work is started before obtaining the required permit, then the permit fee shall be doubled; provided, however, that the payment of such fee shall not relieve such person from concurrent or later prosecution of penalties as prescribed elsewhere for violation of this code or the technical codes.~~

~~(Ord. 15755 § 1 (part), 2004)~~

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.

~~**18.02.109.1.5 Board appeals fees.**~~

~~A fee of one hundred dollars shall accompany each application for appeal to any of the boards of appeals created by this code.~~

~~(Ord. 15755 § 1 (part), 2004)~~

~~18.02.109.1.6 Home improvement contractor registration and fee.~~

~~Home improvement contractors shall file an annual registration application with the development services department to be eligible to apply for and obtain permits. The application shall be filled with a registration fee that shall be in an amount pursuant to the current budget resolution or such other resolution approved by the city council.~~
~~(Ord. 15755 § 1 (part), 2004)~~
~~(Ord. 17172, § 3, 8-11-2009)~~

18.02.109.2 Building permit fees.

A person obtaining a building permit shall pay the established fee. ~~On all building construction work requiring a building permit, the fees for each building permit shall be paid at the time the permit is issued~~ in ~~accordance with the following schedule:~~
A. ~~Work for which a permit is required and which requires only one inspection, the fee shall be sixty dollars. The list of works which require only one inspection includes but is not limited to:~~

~~1. Placement of mobile home (placement only);~~
~~2. Placement of prefabricated building (placement includes prefabricated storage sheds and snow cones);~~
3. ~~Exterior vinyl, aluminum or siding veneer;~~
~~4. Fences~~
~~5. Wrought iron/burglar bars in windows and doors;~~
~~6. All other work requiring only one inspection and no plans~~

B. ~~Work for which a permit is required and which requires only two inspections, the fee shall be ninety dollars. The list of works which require two inspections includes but is not limited to:~~

~~1. Residential swimming pools and spas;~~
2. ~~Retaining walls~~;
3. ~~Reroofing;~~
~~4. Stucco veneer;~~
~~5. Roofs (additions or changes);~~
~~6. Antennas, towers, satellite dishes;~~
~~7. Brick veneers;~~
~~8. Residential storage sheds (construction of);~~
~~9. Enclosure of carports and garages;~~
~~10. Repairs exceeding five hundred dollars in value and remodeling and alteration work with a valuation up to and not including fifteen thousand dollars;~~
~~11. All other work requiring only two inspections and not requiring the submission of plans.~~

~~C. Building permit fee schedule for other than R3 or R4 occupancies. Building permit fees for building other than R3 or R4 occupancies shall be based on the following valuation categories of construction of all repair work, new work and remodeling. The amount of each fee shall be in accordance with the fee schedule established pursuant to budget resolution or such other resolution approved by the city council.~~

~~1. All work with a valuation over five hundred dollars and less than two thousand dollars.~~
~~2. All work with a valuation from two thousand dollars and including fifteen thousand dollars.~~
~~3. All work with a valuation over fifteen thousand dollars up to and including twenty five thousand dollars.~~
~~4. All work with a valuation over twenty five thousand dollars up to and including fifty thousand dollars.~~
~~5. All work with a valuation over fifty thousand dollars up to and including one hundred thousand dollars.~~
~~6. All work with a valuation over one hundred thousand dollars up to and including two hundred fifty thousand dollars.~~
~~7. All work with a valuation over two hundred fifty thousand dollars up to and including five hundred thousand dollars.~~
~~8. All work with a valuation over five hundred thousand dollars up to and including one million dollars.~~
~~9. All work with a valuation over one million dollars.~~
~~D. One-permit Fee Schedule for R3 and R4 Occupancies.~~
~~1. For a valuation up to twenty five thousand dollars, the fee shall be two hundred seventy five dollars.~~
~~2. For a valuation over twenty five thousand up to and including forty thousand dollars, the fee shall be two hundred seventy five dollars for the first twenty five thousand dollars, plus eight dollars for each one thousand dollars or fraction thereof by which the valuation exceeds twenty five thousand dollars.~~
~~4. For a valuation over forty thousand dollars up to and including seventy thousand dollars, the fee shall be three hundred ninety five dollars for the first forty thousand dollars plus seven dollars and fifty cents for each one thousand dollars or fraction thereof by which the valuation exceeds forty thousand dollars.~~
~~5. For a valuation over seventy thousand dollars up to and including one hundred thousand dollars, the fee shall be six hundred twenty dollars for the first seventy thousand dollars plus seven dollars for each one thousand dollars or fraction thereof by which the valuation exceeds seventy thousand dollars.~~
~~6. For a valuation over one hundred thousand dollars up to and including one hundred fifty thousand dollars, the fee shall be eight hundred thirty dollars for the first one hundred thousand dollars plus six dollars and fifty cents for each one thousand dollars or fraction thereof by which the valuation exceeds one hundred thousand dollars.~~
~~7. For a valuation over one hundred fifty thousand dollars up to and including two hundred thousand dollars, the fee shall be one thousand one hundred fifty five dollars for the first one hundred fifty thousand dollars plus six dollars for each one thousand dollars or fraction thereof by which the valuation exceeds one hundred fifty thousand dollars.~~
~~8. For a valuation over two hundred thousand dollars up to and including two hundred fifty thousand dollars, the fee shall be one thousand four hundred fifty five dollars for the first two hundred thousand dollars plus five dollars and fifty cents for each one thousand dollars or fraction thereof by which the valuation exceeds two hundred thousand dollars.~~
~~9. For a valuation over two hundred fifty thousand dollars up to and including three hundred thousand dollars, the fee shall be one thousand seven hundred thirty dollars for~~

~~the first two hundred fifty thousand dollars plus five dollars for each one thousand dollars or fraction thereof by which the valuation exceeds two hundred fifty thousand dollars.~~
~~10. For a valuation over three hundred thousand dollars, the fee shall be one thousand nine hundred eighty dollars for the first three hundred thousand dollars plus four dollars for each one thousand dollars or fraction thereof by which the valuation exceeds three hundred thousand dollars.~~
~~(Ord. 15755 § 1 (part), 2004)~~
~~(Ord. 17172, § 4, 8-18-2009)~~

18.02.109.2.1 Moving of buildings or structures.

~~For the moving of any building or structure, the fee shall be ninety dollars.~~
~~(Ord. 15755 § 1 (part), 2004)~~ 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. For the demolition of any building or structure or of any portion of a building or structure, the fee shall be the amount set by the budget or other appropriate resolution of the city council.~~
~~B. The fee required by this section for the demolition of any building or structure located within the boundaries of the Tax Increment Financing Zone No. 5, and any neighborhood empowerment zone which may be designated by a resolution of the city council, shall be reduced by one hundred percent for the period from the effective date of the ordinance codified in this chapter through August 31, 2008; reduced by eighty percent for the period from September 1, 2008 through August 31, 2009; reduced by sixty percent for the period from September 1, 2009 through August 31, 2010; reduced by forty percent for the period from September 1, 2010 through August 31, 2011; and reduced by twenty percent for the period from September 1, 2011 through August 31, 2012.~~
~~(Ord. 16880 § 1, 2008: Ord. 15755 § 1 (part), 2004)~~ 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.

~~For temporary structures (construction sheds, seat canopies, tents, etc.), a fee shall be paid in accordance with the following:~~
~~A. For tents to be used for assembly or display or storage of type, the fee shall be $0.005 per square foot for the total area per month or fraction thereof, with a minimum fee of forty dollars.~~
~~B. For amusement devices (rides) available to the public, seven dollars per ride, per month or portion thereof with a minimum fee of forty dollars at any one location~~
~~(Ord. 15755 § 1 (part), 2004)~~
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 ~~Plan checking fee.~~ Submission and Plan Review fees

~~A. When a plan is required to be submitted by Section 18.02.103.2, a plan checking fee equal to twenty-five percent of the building permit fee shall be paid, except for work with a valuation of less than fifteen thousand dollars, no additional fee shall be required. (Plan check cost is included in minimum permit fee.)~~

~~Exception: The plan check fee is included in the one-permit fee for R3 occupancies.~~

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

~~1. Customized Plan Reviews. The fee for customized plan reviews for new construction projects, major additions to existing facilities and for complex projects shall be in the amount as set by the budget or other appropriate resolution of the city council.~~

~~C. Plan Review by Appointment. The fee for plan reviews by appointment for tenant improvements shall be in the amount as set by the budget or other appropriate resolution of the city council.~~

~~D. The fees required by this section for the checking and reviewing of plans for properties located within the boundaries of the Tax Increment Financing Zone No. 5, and any neighborhood empowerment zone which may be designated by a resolution of the city council, shall be reduced by twenty-five percent from the effective date of the ordinance codified in this chapter through August 31, 2012.~~

~~E. The fees required by this section for the checking and reviewing of plans for properties located within the boundaries of the Tax Increment Financing Zone No. 5, and any neighborhood empowerment zone which may be designated by a resolution of the city council, and which are located in a historic district or designated with a historic "H" overlay, shall be reduced by fifty percent for the period of the effective date of the ordinance codified in this chapter through August 31, 2012.~~

~~(Ord. 16985 § 28 (part), 2008; Ord. 16880 § 2, 2008: Ord. 15755 § 1 (part), 2004)~~

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 ~~deposit.~~ Review options available to the applicant

~~A. At the time of submitting plans for a building permit application, a deposit shall be paid according to the amount established by formal action of the city council of the City of El Paso.~~

~~B. Exceptions. The following entities are not required to pay the plan deposit fee at the time of submitting the plans:~~

~~1. El Paso Independent School District;~~

~~2. Socorro Independent School District;~~

~~3. Ysleta Independent School District; and~~

~~4. Canutillo Independent School District.~~

~~(Ord. 16655 § 1, 2007)~~

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 department other than those specifically addressed under the Customized Plan Review process.

18.02.109.2.6 ~~Time limitation~~. Reserved

~~If plans are finally approved and a permit secured within one hundred eighty days after the date of filing for the permit, the entire shall be credited toward the plan check/permit fees; if no permit under the plan is secured within one hundred eighty days after the date of filing for the permit, then the application shall be considered void and the total deposit shall be forfeited.~~
~~(Ord. 15755 § 1 (part), 2004)~~

18.02.109.2.7 Sidewalk, street and public R.O.W. rental.
~~A. Pursuant to Title 3 of this code, the applicant shall pay thirty dollars in advance for such permit, plus for each month or fraction thereof that the permit is to run, ten cents per square foot of street, sidewalk or alley space to be occupied, but in no case less than forty dollars; and in addition thereto, for any space the occupancy of which prevents the use of one or more parking meters, a sum computed at a rate of twelve dollars per day per fifteen minute meter, six dollars per day per thirty minute meter, and three dollars per day per one and two-hour meters. 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 refund of the unearned portion of the payment meter space, but not any other fees paid under this section.~~
~~B. 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.~~
~~(Ord. 16985 § 26 (part), 2008; Ord. 15755 § 1 (part), 2004)~~

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, a the established fee for each building permit shall be paid at the time the permit is issued ~~in accordance with the following schedule:~~

~~A. Fire Sprinkler or Fire Extinguishing Systems.~~

~~TABLE INSET:~~

~~Number of sprinkler heads~~	~~Fee~~
~~1 to 15~~	~~$ 60.00~~
~~16 to 75~~	~~90.00~~
~~76 to 100~~	~~120.00~~
~~101 to 200~~	~~180.00~~
~~201 to 300~~	~~210.00~~
~~over 300~~	~~240.00~~

~~B. Fire Suppression Systems for Cooking Operations: . . . $60.00~~

~~C. Manual or Automatic Fire Detection Systems.~~

~~TABLE INSET:~~

~~Number of Devices (Actuation, Notification or Detection Devices)~~	~~Fee~~
~~1 to 5~~	~~$ 60.00~~
~~6 to 20~~	~~90.00~~
~~21 to 40~~	~~120.00~~
~~41 to 60~~	~~150.00~~
~~61 to 100~~	~~180.00~~
~~over 100~~	~~210.00~~

~~D. Sprinkler Systems--Underground Installations:~~

~~TABLE INSET:~~

~~1 to 3 fire hydrants~~	~~$ 60.00~~
~~3 to 6 fire hydrants~~	~~90.00~~
~~over 6 fire hydrants~~	~~120.00~~

~~(Ord. 15755 § 1 (part), 2004)~~

18.02.109.2.9 Fees for temporary or partial certificate of occupancies.

~~Fees for temporary or partial certificate of occupancies shall be one hundred dollars for original application and for each extension.~~

(Ord. 15755 § 1 (part), 2004)

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

~~**18.02.109.3.1 Mechanical permit fees.**~~

~~Except for group R3 occupancies permitted under a one-fee schedule, for all mechanical construction work requiring a mechanical permit, a fee for each mechanical permit shall be paid at the time the permit is issued in accordance with the following schedule:~~

~~TABLE INSET:~~

~~1. Evaporative coolers, each~~	~~$ 19.20~~
~~2. Forced air or gravity heater or furnace, each~~	~~19.20~~
~~3. Non-ducted heating appliances; wall, space, unit infra-red heaters, each~~	~~17.00~~
~~4. Combination heating/cooling unit or refrigeration~~	~~—~~
~~unit, each~~	~~36.00~~
~~plus~~	~~4.80 per ton~~
~~5. Heat exchangers, each~~	~~17.00~~
~~6. Air handlers and mixing boxes, each~~	~~17.00~~
~~7. Perimeter convectors, per linear foot~~	~~2.40~~
~~8. Cooling tower~~	~~30.00~~
~~9. Powered units:~~	~~—~~
~~Icemakers, walk-in coolers, chillers, reach-in coolers, etc., each~~	~~19.20~~

~~plus~~	~~4.80 per ton~~
~~Ventilation system and fans, ducts (not a portion of any heating and cooling system), each~~	~~27.00~~
~~10. Condensate drains~~	~~7.20~~
~~11. Solar systems (excluding duct work)~~	~~27.00~~
~~Collectors, each~~	~~15.00~~
~~12. Hood and/or exhaust fan, duct:~~	~~—~~
~~Residential~~	~~7.20~~
~~Nonresidential~~	~~22.00~~
~~13. Restroom exhaust fan and duct:~~	~~—~~
~~Residential~~	~~$ 4.80~~
~~Nonresidential~~	~~7.20~~
~~14. Dryer vents:~~	~~—~~
~~Residential~~	~~4.80~~
~~Nonresidential~~	~~7.20~~
~~15. Fire dampers~~	~~3.00~~
~~16. Humidifier~~	~~15.00~~
~~17. Heating, cooling, and underslab ducts: (per system)~~	~~—~~
~~1-10 openings~~	~~17.00~~
~~11-20 openings~~	~~22.00~~
~~21-30 openings~~	~~27.00~~
~~Over 30 openings~~	~~27.00~~
~~for the first 30 openings plus $1.00 per opening~~	~~—~~
~~18. Boiler:~~	~~—~~
~~5 horsepower or less, each~~	~~36.00~~
~~Horsepower additional over 5, each~~	~~4.80~~
~~Fees for work not listed shall be determined by the building official.~~	
~~19. Minimum fee for any permit (except in-process additions or amendments)~~	~~60.00~~

~~(Ord. 16985 § 28 (part), 2008; Ord. 15755 § 1 (part), 2004)~~

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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 establshed fee for each electrical permit shall be paid at the time the permit is issued.

~~**18.02.109.4.1 Electrical permit fees.**~~

~~A. Except for group R3 occupancies permitted under a one-fee schedule, for all electrical construction work requiring an electrical permit, a fee for each electrical permit shall be paid at the time the permit is issued in accordance with the following schedule:~~

~~Schedule A~~

~~1. For ordinary minor repairs costing under one thousand dollars and requiring no building permit, a fee shall be paid as set forth in Schedule B of this section.~~

~~2. For repair work costing over one thousand dollars and for all new work and remodeling with a building permit valuation up to six thousand dollars, the electrical permit fee shall be sixty dollars.~~

~~3. For a building permit valuation from six thousand dollars, and including fifteen thousand dollars, the fee shall be sixty dollars for the first six thousand dollars, plus one dollar for each additional thousand or fraction thereof.~~

~~4. For a building permit valuation over fifteen thousand dollars up to and including one hundred thousand dollars, the fee shall be sixty-nine dollars for the first fifteen thousand, plus one dollar and twenty cents for each additional thousand or fraction thereof.~~

~~5. For a building permit valuation over one hundred thousand dollars up to and including five hundred thousand dollars, the fee shall be one hundred and seventy-one dollars plus eighty cents for each one thousand dollars, or fraction thereof, by which the valuation exceeds one hundred thousand dollars.~~

~~6. For a building permit valuation of five hundred thousand dollars up to and including one million dollars, the fee shall be four hundred ninety-one dollars, plus sixty-five cents for each thousand dollars or fraction thereof by which the valuation exceeds five hundred thousand dollars.~~

~~7. For a building permit valuation over one million dollars, the fee shall be eight hundred sixteen dollars, plus fifty cents for each thousand dollars or fraction thereof which the valuation exceeds one million dollars.~~

~~B. Fees as established in Schedule B shall be paid for ordinary minor repairs costing under two hundred fifty dollars or for work on projects in which building permits are not required.~~

~~Schedule B~~

~~TABLE INSET:~~

~~1. Minimum processing fee, each (non-refundable)~~	~~$60.00~~
~~2. Service entrance:~~	—
~~Temporary, each~~	~~$ 35.30~~
~~New change or replace~~	—

~~Up to 100 ampere, each~~	~~24.00~~
~~Over 100 ampere, each:~~	—
~~Base fee~~	~~24.00~~
~~Plus $.04 per ampere over 100~~	—
~~Maximum service fee, each~~	~~100.00~~
~~3. Outlets:~~	—
~~1 to 20, each~~	~~0.95~~
~~21 to 40, each~~	~~0.70~~
~~Over 40, each~~	~~0.55~~
~~4. Fixtures:~~	—
~~1 to 20, each~~	~~0.95~~
~~21 to 40, each~~	~~0.70~~
~~Over 40, each~~	~~0.55~~
~~5. Range, each~~	~~2.80~~
~~6. Dryer, each~~	~~2.80~~
~~7. Water heater, each~~	~~2.80~~
~~8. Furnace, each~~	~~2.80~~
~~9. Dishwasher, each~~	~~2.80~~
~~10. Garbage disposal, each~~	~~2.80~~
~~11. Trash compactor, each~~	~~2.80~~
~~12. Bathroom heater, each~~	~~2.80~~
~~13. Evaporative cooler, each~~	~~2.80~~
~~14. Refrigerated air conditioner, per ton~~	~~0.60~~
~~15. Transformer type welder, each~~	~~9.50~~
~~16. X-ray machine, each~~	~~29.00~~
~~17. Fractional H.P. Motor, per H.P.~~	—
~~1 to 10 H.P., each~~	~~1.90~~
~~plus, above 10 H.P., each~~	~~1.10~~
~~18. Motor, per H.P.~~	—
~~1 to 20 H.P., each~~	~~1.90~~

~~plus, above 20 H.P., each~~	~~1.10~~
~~19. Signs, electrified or illuminated including billboards and display lighting, not required per Chapter 20.66.~~	—
~~20. Line work, per pole~~	~~$ 3.00~~
~~21. Streamer lights, per circuit~~	~~6.00~~
~~22. Feedrail and busway, per lineal foot~~	~~0.55~~
~~23. Underfloor duct or cellular raceway per lineal foot~~	~~0.20~~
~~24. Power or lighting transformer per, k.v.a.~~	~~1.10~~
~~25. Mobile home:~~	—
~~Base fee~~	~~10.00~~
~~Plus applicable service entrance fee~~	—
~~26. T.V. outlets--Master systems only:~~	—
~~Base fee~~	~~19.00~~
~~Plus per outlet~~	~~1.65~~
~~27. Swimming pool--hot tub--spa--jacuzzi, each~~	~~35.00~~
~~28. Temporary installation such as carnivals, show windows, conventions, and the like, each~~	~~40.00~~
~~29. Generators~~	~~40.00~~
~~30. Other items not covered above, each~~	~~10.00~~

~~(Ord. 15755 § 1 (part), 2004)~~

~~18.02.109.4.2 Electrical licensing fees.~~

~~The following fees shall be paid for licenses and license renewals:~~

~~TABLE INSET:~~

~~License Classification~~	~~License Fee~~	~~Renewal Fee~~
~~Master electrician license~~	~~$150.00~~	~~$100.00~~
~~Master sign electrician license~~	~~150.00~~	~~100.00~~
~~Journeyman electrician license~~	~~50.00~~	~~30.00~~
~~Journeyman sign electrician license~~	~~50.00~~	~~30.00~~
~~Maintenance electrician license~~	~~50.00~~	~~30.00~~
~~Temporary license~~	~~50.00~~	~~(nonrenewable)~~
~~Apprentice electrician registration~~	~~20.00~~	~~$10.00~~

~~Apprentice neon electrician registration~~	~~20.00~~	~~10.00~~

~~(Ord. 15755 § 1 (part), 2004)~~

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.

~~**18.02.109.5.1 Plumbing permit fees.**~~

~~Except for group R3 occupancies permitted under a one-fee schedule, for all plumbing construction work requiring a plumbing permit, a fee for each plumbing permit shall be paid at the time the permit is issued in accordance with the following schedule: TABLE INSET:~~

~~1. House to sewer curb~~	~~$ 21.00~~
~~2. Sewer tap to curb~~	~~8.00~~
~~3. Water closet, 1 through 5, each~~	~~15.50~~
~~4. Water closet, over 5, each~~	~~11.00~~
~~5. Water closet, reset~~	~~11.00~~
~~6. Grease traps, sand traps, separation tanks, dental chair, dishwasher, washing machine, garbage disposal unit (however, no permit shall be required for the replacement of household washing machines or garbage disposal units), water softener, electric water heater, indirect waste line into plumbing drain or fixture (all others this category), each~~	~~8.00~~
~~7. Commercial roof drain~~	~~6.20~~
~~8. Bathtub, shower, lavatory, kitchen sink, commercial sink (per section), urinal, bidet, drinking fountain, each~~	~~6.20~~
~~9. Vehicular dump station~~	~~11.00~~
~~10. Sewer ejectors:~~	~~—~~
~~Single~~	~~13.00~~
~~Dual~~	~~19.00~~
~~11. Solar heating system~~	~~$19.00~~ -
~~Solar panels, each~~	~~11.00~~
~~Back-up water heaters, gas~~	~~11.00~~
~~Storage tank~~	~~9.50~~

~~12. Containment backflow assembly commercial installations only~~	~~20.00~~
~~13. Landscape irrigation systems:~~	—
~~Residential:~~	—
~~complete installation unlimited components~~	~~40.00~~
~~Commercial~~	~~20.00~~
~~Base fee~~	~~20.00~~
~~Plus for each type of component:~~	—
~~Control valve~~	~~7.00~~
~~Backflow prevention device~~	~~7.00~~
~~Sprinkler head, each~~	~~0.50~~
~~Drips, each~~	~~0.10~~
~~Bubblers, each~~	~~0.10~~
~~Subterranean irrigation system, per square yard irrigated~~	~~0.10~~
~~14. Swimming pools~~	~~20.00~~
~~Jacuzzi (hot tubs), therapy tubs, whirlpools, each~~	~~11.00~~
~~Gas water heater~~	~~11.00~~
~~Cartridge filters~~	~~6.20~~
~~15. Mobile home hook-up~~	~~35.00~~
~~16. Plumbing work no fixtures or sewer.~~	~~13.00~~
~~17. Minimum fee for any permit (except in process addition or amendments)~~	~~60.00~~
~~18. Fees for work not listed shall be determined by the building official.~~	

~~(Ord. 16985 § 26 (part), 2008; Ord. 15755 § 1 (part), 2004)~~

~~18.02.109.5.2~~ ~~Fees for plumbing outside city limits.~~

~~A. Fees for inspection under Section 18.02.103.9.5.1 shall be thirty-five dollars for each initial inspection and thirty-five dollars and for each reinspection of the same installation. Fees for permits under this section shall be the same as fees for plumbing inside the city limits plus a surcharge of seventy-five dollars for the initial permit.~~

~~B. After the department of water utilities begins water service to any property outside the city limits, all additional plumbing work done in such property comply with this code and pass the inspections herein required. Permit fees for such additional plumbing work shall be the same as for plumbing inside the city limits, plus a surcharge of seventy-five dollars for each permit.~~

~~C. The surcharges under subsections A and B of this section are to defray the additional cost to the city of making inspections outside the city limits.~~

~~(Ord. 15755 § 1 (part), 2004)~~

18.02.109.6 Gas permit fees.

Except for group R3 occupancies, for all gas construction work requiring a gas permit, the establsihed fee for each gas permit shall be paid at the time the permit is issued

~~.02.109.6.1 Gas permit fees.~~

~~Except for group R3 occupancies permitted under a one-fee schedule, for all gas construction work requiring a gas permit, a fee for each gas permit shall be paid at the time the permit is issued in accordance with the following schedule:~~

~~TABLE INSET:~~

~~1. Gas opening, appliance by others, each~~	~~$ 5.00~~
~~2. Commercial cooking unit, (ovens, etc.) each~~	~~11.00~~
~~3. Domestic cooking unit~~	~~8.00~~
~~4. Gas water heater:~~	~~—~~
~~50 gallons or less~~	~~11.00~~
~~Over 50 gallons~~	~~13.00~~
~~5. Commercial clothes dryer~~	~~11.00~~
~~Residential clothes dryer~~	~~8.00~~
~~6. Unducted heating appliances:~~	~~—~~
~~Circulating wall, ceiling, space, unit infra-red, each~~	~~15.00~~
~~7. Lighting unit, log lighter~~	~~8.00~~
~~8. Floor furnace~~	~~13.00~~
~~9. Service yard line~~	~~11.00~~
~~10. Gas refrigerator~~	~~11.00~~
~~11. Fees for work not listed shall be determined by the building official.~~	
~~12. Minimum fee for any permit (except in-process additions or amendments)~~	~~$60.00~~

~~(Ord. 16985 § 26 (part), 2008; Ord. 15755 § 1 (part), 2004)~~

~~18.02.109.6.2~~ 18.02.109.6.1 Temporary gas permit fee.

A. A nonrefundable established permit fee ~~of sixty dollars per month~~ 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.~~1.~~

~~B. In addition to the permit fee, the applicant shall also pay the sum of thirty dollars as a deposit to assure proper maintenance of the system and removal of the temporary system according to the time limits stated in the permit or any extension thereof.~~

~~(Ord. 15755 § 1 (part), 2004)~~

~~Prior ordinance history for Section 18.02.109: Ords. 11837, 12027, 12109, 12683, 12779, 12780, 13152, 14614 and 15164.~~

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 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 Chapter 9.040 (Solid Waste Management) of the City of El Paso and Title 30, Texas Administrative Code, Chapters 327, 330 and 335

~~18.02.110 DISPLAYS IN CITY FACILITIES~~

~~18.02.110.1 Purpose.~~

~~A. The purpose of this section is to set forth guidelines and requirements for the approval and issuance of permits to place wall hangings, to include, but not by way of limitation: plaques, photographs, drawings, paintings and engineering drawings, in city facilities. This section allows wall hangings as defined in this section to be displayed in city facilities while preserving, protecting and enhancing historically, culturally and architecturally the facilities.~~

~~B. This section is not to be interpreted in any way to establish a specific public forum at city facilities and is created for the benefit of the city itself and not individual members or groups of the public. This section shall in no way be interpreted or enforced so as to interfere with the public's right of expression at meetings of the city council or other public meetings held at city facilities provided that reasonable time, place and manner of expression rules may be applied to avoid the unreasonable disruption of public meetings as provided for elsewhere in the city code or state law.~~

~~C. No wall hanging, plaque or other display device shall ever be permitted to cause interference with the orderly activity of government service in city facilities. Should a wall hanging, plaque or other display device cause or result in an interference in any manner with the orderly function of government service in a city facility, the permit of such an item may be immediately revoked and the item be removed from display as provided for hereinafter.~~

~~(Ord. 15056 (part), 2002)~~

~~18.02.110.2 Exclusions.~~

~~This section shall not apply to the following:~~

~~A. City-owned facilities leased in whole or in part to non-city entities;~~

~~B. The "Peoples Gallery," first floor, city hall;~~

~~C. Individual offices of city employees and officials;~~

~~D. Self-managed facilities as defined in this section;~~

~~E. Any other area or facility as designated as excluded by the director of public works.~~

~~(Ord. 15056 (part), 2002)~~

~~18.02.110.3 Definitions.~~

~~In the interpretation and application of this section, the following definitions shall be used:~~

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

~~"City facility" means hallways and common areas of buildings or structures owned by the city and not individual internal offices at such buildings or structures since displays for such shall be under the prerogative of the applicable department head.~~

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

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

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

~~"Self-managed facility" means the facilities of the following city departments:~~

~~1. El Paso museums and cultural affairs;~~
~~2. City of El Paso library system;~~
~~3. El Paso international airport;~~
~~4. El Paso parks and recreation department, and recreation centers;~~
~~5. El Paso municipal court;~~
~~6. El Paso museum of art and any other city museum(s);~~
~~7. El Paso zoo;~~
~~8. Sun Metro;~~
~~9. City of El Paso police headquarters, and regional command centers;~~
~~10. City of El Paso municipal services center.~~

~~"Wall hanging or display" means, but not by way of limitation, honorary and recognition plaques, flags, framed items (such as photographs, portraits, special citations, honorary citations, proclamations, awards to the city and other entities relevant to municipal government). In general, works of art, political material and advertising material for purposes of this section are not wall hanging(s) or display(s) and shall not be allowed.~~

~~(Ord. 16985 § 21, 2008; Ord. 15056 (part), 2002)~~

~~18.02.110.4 Organization and function of the DRC.~~

~~A. The display review committee (DRC) shall be composed as provided for in Section 18.02.110.3. As organized, the committee representative from the department of public works shall be the chair of the DRC. The DRC shall designate a vice-chair at its first meeting each year. The DRC will meet during January and July of each calendar year or upon call of the Chair as necessary.~~

~~B. Upon receipt from the BSD of a completed application form, the Chair of the DRC will call a meeting to consider issuing a permit to an applicant based on that application~~

~~itself or any applications received since the DRC's last meeting. Notice of the meeting shall be sufficient if mailed regular mail, postage prepaid to the applicant(s).~~

~~C. At the meeting, the DRC will consider the application, applying the factors set forth in this section. Factors considered by the DRC in the approval of a permit for an applicant to display an item or items shall be the following: size, shape and ease of presentation, hanging or display of the material; relevance to an award or recognition for municipal government or a person or entity which merits such recognition as relates to government service or citizenship; an appropriate location where the item or items are to be displayed; and, the length of time the presentation, wall hanging, plaque or display will be permitted to be displayed. In every instance, the applicant(s) will be allowed a reasonable opportunity to be heard at the meeting.~~

~~D. In general, advertising materials shall not be permitted except for such things as small banners displayed in the immediate area of the city council chambers in recognition of a donation or special event for less than one day. Such materials need not have a permit per se but, prior to their display, must be approved by the chair of the DRC.~~

~~E. The DRC will by simple majority vote decide the issue and may notify the applicant(s) at the meeting of the decision. At any rate, the DRC shall formally notify the applicant of its determination by regular mail following the meeting. The DRC's decision in all cases shall be final.~~

~~(Ord. 15056 (part), 2002)~~

~~18.02.110.5 Application and process.~~

~~Any person or organization desiring to present to the city a display item to be placed on a city facility shall do the following:~~

~~A. Obtain a standardized application form from the development services department;~~

~~B. Complete and return the application to the development services department;~~

~~C. Agree to submit an installation fee as necessary upon approval of the application.~~

~~(Ord. 16985 § 25 (part), 2008; Ord. 15056 (part), 2002)~~

~~18.02.110.6 Term of display.~~

~~An item or material may be displayed or mounted for a temporary or permanent display pursuant to this section as follows:~~

~~A. Dedication Plaques. Plaques for city facilities with construction costs exceeding $1.5 million dollars will be individually designed by the design professional contracted with for the purpose. Said plaques shall be permanently mounted as appropriate and approved by the DRC.~~

~~B. Recognition Plaques. Special features within city facilities, such as fountains, statues, special rooms, major building features, etc., may be dedicated to individuals or organizations by plaque. Size and physical features of such plaques, as well as the final location thereof shall be as determined by the DRC.~~

~~C. Other Wall Hanging Or Display Item. All other items or materials will be allowed to be displayed for periods of one, three, six or twelve months as requested by the applicant or set by the DRC.~~

~~D. As a matter of public convenience, as determined by the DRC, a wall hanging, plaque or display item may be removed or relocated at any time during its display term.~~

~~(Ord. 15056 (part), 2002)~~

~~**18.02.110.7 Installation costs.**~~

~~Installation fees may be individually set by the BSD based on the complexity, size, weight, labor requirements, etc., for display costs or installation of the material submitted. Said fees shall approximate the actual costs for such installation.~~
~~(Ord. 15056 (part), 2002)~~

~~**18.02.110.8 Security and insurance.**~~

~~The city is not an insurer of any display material or item. Displays are exhibited at the owner's sole risk. The city shall not be held responsible for any damages of whatsoever nature or kind to the display material. The owner or applicant may furnish his or her own insurance. A copy of such policy shall be provided to the development services department.~~
~~(Ord. 16985 § 25 (part), 2008; Ord. 15056 (part), 2002)~~

~~**18.02.110.9 Publicity.**~~

~~Any publicity regarding the wall hanging or display shall be accomplished through prior coordination with the office of the city manager.~~
~~(Ord. 16985 § 22, 2008: Ord. 15056 (part), 2002)~~