

**July 8, 2010 DRAFT**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.44 (GRADING) PROVIDING FOR GRADING REQUIREMENTS; PROVIDING FOR THIS ISSUANCE, SUSPENSION AND REVOCATION OF PERMITS FOR GRADING, CLEARING AND ACCESS, BORROW AND WASTE SITES AND PERMIT FEES; REQUIRING GRADING STABILIZATION PLANS, DRAINAGE PLANS, STORM WATER POLLUTION PLANS, INSURANCE, BONDS, INDEMNIFICATION AND REMOVAL OF HAZARDOUS CONDITIONS; ESTABLISHING GRADING DESIGN GUIDELINES; PROVIDING THE AUTHORITY TO ISSUE CITATIONS; THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.**

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

**Section 1.** That Title 18 (Building and Construction), Chapter 18.44 (Grading), Section of the El Paso City Code shall be and hereby is amended by replacing all sections of Chapter 18.44 to read as follows:

**Section 18.44.010: Short title**

This Chapter shall be known and may be cited as the “grading ordinance”.

**Section 18.44.020 Purpose.**

The provisions of this Chapter are to complement the subdivision ordinance and the zoning ordinance, and to make the uses permitted by these ordinances more feasible and acceptable in the interest of the individual property owner, the adjacent property owner and the general public. It shall be the purpose of this Chapter:

- A. To protect life, limb, property, the public welfare and the physical environment by regulating grading on public and private property.
- B. To ensure that proposed grading shall result in the minimum possible disturbance of terrain and natural land features necessary to construct

residences or other permitted buildings or structures, or to conduct other legal land uses;

C. In conjunction with Chapter 18.46 – Landscaping, to prevent grading which unnecessarily changes the physical character of terrain, mountains, and natural features.

D. To ensure that the grading will not adversely affect the natural topographic drainage features, result in excessive erosion, degrade natural drainage paths or other drainage features or alter natural surface runoff creating flood problems or irreparable scars;

E. To stabilize steep hillsides and ensure that lateral support to either public or private property is not endangered.

F. To regulate grading in a manner that stabilizes sites to prevent soil erosion both during construction and after construction;

G. To encourage harvesting and preservation of rainwater within the project site, reduce dependence on groundwater, and reduce potential off-site flooding and erosion;

H. To ensure proper method and construction for clearing, grubbing, excavating, filling and land grading operations.

I. To prevent grading which unnecessarily changes critical open spaces as identified in the Green Infrastructure Plan for El Paso and to mitigate any adverse effects by retaining and/or resorting trees and vegetation.

#### **Section 18.44.030 Definitions.**

For the purpose of this Chapter, the following words have the meaning set forth in this section:

A. “Best management practices” (“BMP”) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices such as effective integration of storm water management systems (storage/controlled discharge), with appropriate combinations of

landscape conservation, enhancement, structural controls, and impervious cover, which provide an optimum way to eliminate soil erosion and prevent soil from leaving the site through water runoff and/or wind during construction or after construction.

B. "Caliper" means the average cross-sectional measurement of the trunk of a newly planted tree at six (6) inches above grade if the resulting measurement does not exceed four (4) inches, and twelve (12) inches above grade if the resulting measurement exceeds four (4) inches.

C. "City Engineer" shall include the City Engineer or his designee.

D. "Clearing" means the removal of surface vegetation without modifying, impacting or improving the drainage pattern.

E. "Dripline" means a vertical line run through the outermost portion of the crown of a tree and extending to the ground.

F "Engineer" means a professional engineer currently licensed and registered with the state of Texas.

G. "Grading Stabilization Plan" ("GSP") means a plan the permittee shall prepare and provide to the City Engineer that shall include a description of site work, the schedule of work /sequencing and maintenance activities, specifically stating whether any portion of the land will remain graded and idle for more than 90 days for the purposes of stabilizing sites to prevent excessive erosion.

H. "Excessive Erosion" – soil particle movement from a destabilized graded site and/or soil particle movement that causes a public nuisance and/or creates a hazardous condition.

I. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of

waters or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

K. "Grading" means any disturbance of the surface of the land with earth moving or other heavy equipment.

L. "Heavy Equipment" means self powered, self propelled or towed mechanical devices, equipment and vehicles of the nature customarily for use in agriculture, mining, industry, business, transportation, building or construction such as tandem axle trucks, backhoes, trenchers, loaders, tractors, bulldozers, graders, cranes forklifts, or similar like equipment but excluding automobiles, recreational vehicles and boats and their trailers.

M. "Natural state" means the topography that existed prior to any disturbance of land as certified by a licensed surveyor.

N. "Natural Drainage Path – a flowpath/ channel/ watercourse/ wash/ stream as delineated in the City's Natural Drainage Path Map, plus an additional twenty (20') buffer on each side in the delineation in said map.

O. "Owner" shall mean the person or entity who has any ownership interest in the property on which grading is proposed or has taken place or such owner's authorized agent.

P. "Processed material" means naturally occurring, materials such as sand, gravel and rock that have been subjected to any process other than initial excavation such as, but not limited to, screening, crushing, washing and segregating.

Q. "Permitee" means the governmental entity, utility company, contractor, person or business entity that has received a permit pursuant to this chapter.

R. "Area of special Flood Hazard" is defined in Chapter 18.60.

S. "Sensitive Vegetation" – the following naturally occurring vegetation: sweet acacia, honey mesquite, coyote bush, turpentine bush, trailing indigo bush and others as determined by the biologist **[WAITING FOR INPUT FROM THE BIOLOGIST]**.

T. "Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

U. "Slope" means the ratio of elevation change to horizontal distance, expressed as a percentage. Slope is computed by dividing the vertical distance by the horizontal distance, and multiplying the ratio by one hundred (100T).

V. "Soil" means dirt, sand and other similar earth matter, rocks and other solid or semisolid mass material, whether produced by man or nature, but shall not include the matter consisting the infrastructure or appurtenances thereto.

W. "Stabilized Site/Slope" – a site or slope that does not undergo excessive erosion.

X. "Stormwater" means stormwater runoff, snowmelt runoff, and surface runoff and drainage.

#### **Section 18.44.040 Compliance with provisions.**

A. No grading shall be done within the city without complying with the requirements of this Chapter. All approvals of the City Engineer shall be in writing and issued in advance of the activity being approved.

B. Posting Permit. A copy of the grading permit issued pursuant to this Chapter shall be posted on the grading site during all hours of operation.

C. No blasting shall be done within the city until a grading permit has been granted and the provisions of Chapter ~~9.68~~ 9.52 of this code have been complied with.

D. At any time that a permit is required by this Chapter, the applicant requesting the permit shall be responsible for contacting a the "one call" notification system servicing the area and shall be required to furnish a verification number confirming that such a "one call" has been made as part of the application for grading permit. This requirement however shall

create no duty, express or implied, on the part of the city to verify that such a “one call” has been made by the applicant.

E. Work for which a grading permit has been issued under this Chapter shall be executed in conformance with the grading plan approved by the City Engineer and shall not be abandoned or left incomplete.

1. Failure to continue significant work on a grading site once grading has begun or failure to complete the work within the time allowed in the Grading Permit, as limited in this Chapter, may be determined by the City Engineer to be an abandonment of the work required by the permit, and such abandonment will constitute a violation of this Chapter.
2. Having persons or equipment at a site but not prosecuting the work shall not be construed to be significant work.

F. The Grading Stabilization Plan (GSP) shall conform to the guidelines provided by this Chapter.

G. In conjunction with this Chapter, the applicant must comply with the requirements of the Storm Water Pollution Prevention Plan (SWPPP) as defined in Chapter 15 of the City Municipal Code.

H. No grading shall be done in an area of special flood hazard unless permitted and the grading meets the requirements Chapter 18.60 of the City Municipal Code.

#### **Section 18.44.050 Permits required.**

A. A grading permit is required and may be issued by the City Engineer for the following activities:

1. The reshaping of the land to conform to approved plans for construction on the property;
2. If a borrow or waste permit is required as part of the grading, a grading permit is required for the borrow and/or the waste site as well as a grading permit for the site at which the grading takes place. All

requirements of the grading permit as part of a borrow or waste site shall be observed except that earthwork need not balance within the borrow or waste site.

B. When materials are to be borrowed from or wasted to a development site, a borrow or waste grading permit is required and may be issued by the City Engineer.

#### C. Proposed Subdivisions

If property is required to be subdivided pursuant to Title 19, grading permits are required and shall be issued when the following requirements are met:

1. A grading permit shall not be issued by the City Engineer until preliminary approval on a subdivision/plat application has been granted by the city plan commission or administrative approval on a minor subdivision has been granted by the subdivision coordinator as applicable;
2. When a land study is required under Title 19, the City Engineer shall not issue a grading permit until the completed study is submitted to the City Engineer.
3. Should the grading plan and/or drainage plan change after the preliminary approval was granted by the city plan commission or administratively by the subdivision coordinator as applicable, such changes shall not be allowed until approved by the City Engineer;
4. A borrow or waste permit meeting the requirements of this Chapter may be issued by the City Engineer pursuant to the requirements of this Chapter.

#### **Section 18.44.060 Exceptions from permits.**

Permits will not be required under the following circumstances, which are exceptions concerning only the obligation to apply for a permit, and do not relieve the landowner from complying with the remaining provisions of this Chapter. A Storm Water Pollution Prevention permit and/or Grading Stabilization Plan may

be required in accordance with state regulations. The person engaged in grading shall have the burden of establishing that he comes within any of the following exceptions:

- A. If the work is to be performed in connection with construction on a legally platted residential lot or an unplatted residential lot not exceeding one acre in size, and the work is included as part of a valid building permit by a valid building permit, a grading permit shall not be required, except if the lot is within the Mountain Development Area.
- B. Where the work to be performed is routine agricultural or land management operations necessary for cultivation of the soil of a farm or ranch;
- C. Where the work is performed as part of a city solid waste disposal operation;
- D. Where the work is small in depth, area or effect such as tree planting, minor landscaping on a residentially used property or interment in **property zoned cemeteries.**
- E. Demolition of existing buildings and structures including removal of foundation system provided that the original grades and drainage **shall not be modified.**
- F. Quarry operations.
- G. Road access to the area being surveyed and/or is the subject of geotechnical work, provided that grading for such access is less than twenty feet in width.
- H. Maintenance activities to restore a site to the previously approved grading plan.

**Section 18.44.070 Permit application.**

Any person desiring a permit under this Chapter shall apply to the City Engineer upon forms furnished by the city. The application will be signed by the owner of the property where the work is to be performed or by his duly authorized agent. The applicant shall assure that all application data are correct. Any falsification of application data shall invalidate the permit. Areas within the designated Mountain

Development Area must meet the requirement of this Chapter and Chapter 19.24 of the City Municipal Code. Every application shall contain the following information:

- A. A location, nature and extent of the proposed work and a statement as to the intended use of the site. Changes in the intended use of the land involved will require reapplication for a permit;
- B. The name and address of the owner of record (and owners, if more than one) of the property on which the work is to be performed;
- C. The names, addresses and phone numbers of the persons or organizations that will perform the work and of the person who will be in effective control of the work;
- D. The amount of material to be excavated, moved or filled and the proposed schedule of the work;
- E. A verification number confirming that the applicant has contacted a "one call" notification system as required by this Chapter;
- F. Grading Plan. The following are requirements to be included in the grading plan:
  - 1. Proposed contours that will shape the site showing in detail the contours, grades, elevations and all facilities for control and disposition of stormwater runoff; the extent of all cuts and fills,
  - 2. Boundaries of the property involved,
  - 3. The location of all buildings and structures on-site and those on adjacent properties within a horizontal distance equal to three times the height of the proposed slope;
  - 4. The present and proposed grades and contours of the property;
  - 5. The plans for any facilities, walls, storm drains or other protective measures to be constructed as part of or in connection with the proposed work;
  - 6. Plans and drawings of the proposed grading shall be included in the grading plan. Such plans and drawings shall be prepared, sealed, signed and dated by an Engineer;

7. Shall indicate where the borrow is to be used and a grading plan for the waste of the borrow shall be submitted if the site is unbalanced by more than 10%;

8. The grading plan shall indicate where the source of the waste is located and a grading plan for the area that is the source of the waste shall be submitted. A waste grading plan is required only if the waste area is offsite the area that is the source of the waste;

9. The grading plan shall clearly identify the areas to remain undisturbed.

10. Where a natural drainage path will be crossed by construction vehicles regularly during construction, a temporary crossing shall be designed by an Engineer and included in the grading plan.

11. Prior to any disturbance in waters of the United States, the waters of the state of Texas or federally regulated wetlands, the permittee must verify whether a permit will be required from the U.S. Army Corps of Engineers (USACOE) and the Texas Commission for Environmental Quality (for the Environmental Protection Agency). Formal determination from the USACOE on jurisdiction or a permit from the USACOA must be provided.

12. Any additional information required by the City Engineer, that may be required to carry out the purpose and intent of this Chapter.

G. Drainage Plan. The following information is required to be included in the drainage plan:

1. Existing watersheds and how stormwater falling on the site will be contained or channeled after grading has been completed;

2. Sufficient drainage information to demonstrate proper interim and final handling of stormwater runoff;

3. A drainage study by a Engineer where the proposed work covered by the application results in changes in existing patterns of drainage or results in the requirement for storm drainage facilities.

4. Grading details for grading conducted in natural drainage ways shall be specifically identified in plans and drawings.

H. Grading Stabilization Plan (GSP). The following information is required to be included in the GSP:

1. Show all disturbed areas that will be exposed to erosion for more than 90 days, including finalized graded areas.

2. The location and description of BMPs to be implemented to stabilize the site and prevent excessive erosion and degradation of the areas adjacent to the site specifying the methods to be used for water erosion, wind erosion and sediment control;

3. Detail the maintenance measures, sequencing/scheduling plan, inspections, verification procedures and documentation that will be followed to ensure that grading and erosion controls are in place and functioning effectively. Ongoing maintenance measures after the site has been stabilized must be included.

4. Shall be prepared by an Engineer.

5. The GSP may combine with the grading plan if all facilities and measures can be shown on the grading sheets without obscuring the clarity of either the grading plan or the erosion and sediment control plan;

I. Storm Water Pollution Prevention Plan (SWPPP) may be required by the City Engineer in accordance with state regulations. Requirements for the SWPPP are defined in Chapter 15 of the City Code.

J. Geotechnical Investigation. A geotechnical report indicating the types and characteristics of the soil formations with substantiating data and opinion as to slopes, fills, excavations and the like which may be safely constructed in line with the proposed development of the site and the BMPS to be used. The minimum requirements for the geotechnical report include but are not limited to slope stability, soil type and stabilization requirements

K. A. borrow or waste grading application shall include a projected land use plan for the borrow or waste area.

L. Detailed Topographic survey. A detailed topographical survey with all improvements including existing ecological resources (sensitive vegetation, natural drainage paths, etc), detailing which resources will be preserved, and the methods of preservation. All shall be clearly legible. This may be included in the grading plan provided the information on the plan is legible.

M. Permit application documents required by this Chapter shall be submitted to the City in one hard copy and one electronic copy in pdf format.

N. Bonds and Insurance as required in this Chapter.

### **Section 18.33.080 Insurance and Bonds**

**A. Insurance requirements.** No permit applicant shall be issued a permit until the applicant presents evidence satisfactory to the City Engineer that the applicant meets the following minimum insurance requirements:

1. Insurance shall not be required for projects less than one acre in size of disturbed land.
2. The applicant shall procure and shall maintain during the term of the permit such Commercial General Liability, Property Damage Liability and Vehicle Liability Insurance, naming the Permittee and any subcontractor performing work associated with the Permit as insured, co-insured or additional insured for claims for damages for personal injury, including accidental death, as well as from claims for property damage that may arise from work associated with the permit.
3. Minimum limits of liability and coverage shall be Two Hundred Fifty Thousand and no/100 Dollars (\$250,000.00) for bodily injury liability, including death, for each person and Five Hundred Thousand and No/100 Dollars (\$500,000.00) in the aggregate and One Hundred

Thousand and No/100 Dollars (\$100,000.00) for property damage for each occurrence and One Hundred Thousand and No/100 Dollars (\$100,000.00) in the aggregate.

4. Such insurance shall be written by an accredited insurance company under the supervision of the Board of Insurance Commissioners of the state of Texas. Evidence of compliance with these insurance requirements shall be considered as having been met when copy of the insurance policy or a certificate of insurance has been filed with and approved by the City Engineer. Such policy shall include an endorsement that the city is named as an additional insured to the full amount of the policy limits and that City Engineer shall be notified at least thirty days in advance in the event the policy or policies are canceled and ten days in advance for non-payment of policy premiums. The certificate of insurance shall recite or attach such endorsement for additional insured and the notice requirements. The permittee shall maintain said insurance with a solvent insurance company authorized to do business in Texas. The policy shall provide that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the City, its officers, agents, servants or employees and permittee, his officers, agents, servants or employees. Failure by Permittee to keep the policy in full force and effect throughout the term of the permit shall be grounds for cancellation of the permit.

5. 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 an additional insurance but are required to provide such certificates of insurance showing present coverage as required in this Chapter.

6. Government 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 grading work is performed by the employees of a governmental agency, the insurance requirements of this section may be met by providing certification that government agency obtaining the permit is self-insured. Grading work performed by those contracting with a governmental agency shall provide the insurance required herein

**B. Permit Bond Requirements.**

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 Engineer a bond for the amount of Fifty Thousand and No/100 Dollars (\$50,000.00), signed by a surety company authorized to do business in Texas. The City shall be named as the obligee under such bond. The bond shall provide that the principal and its agents, employees, and subcontractors shall comply with all provisions of this Chapter, that the principal shall pay all damages which are sustained by the city and adjacent property owners and which are caused by failure of the principal, its agents, employees or subcontractors to comply with the provisions of this Chapter, and that the principal shall indemnify the obligee against claims arising out of such failure to comply, including but not limited to the warranty period required in this Chapter. Bonds shall be issued for a duration sufficient to cover the warranty period required in this Chapter. The surety shall be acceptable to the city as to solvency and such surety shall be listed on the current Department of the Treasury's Listing of Approved Sureties, Department Circular 570, United States Department of the Treasury or its successor publication, ("Circular 570"). If the city becomes dissatisfied that the surety is solvent or the surety is no longer included in Circular 570, the City Engineer may require a bond from a surety listed in Circular 570. Permit applicants who have provided a bond to the city in the amount required by the City Engineer 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.

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

### **Section 18.33.090 Warranty**

Any person issued a permit shall agree warrant and maintain the area described in the permit for a period of one year after the completion of the work permitted or until a building permit is issued for the purpose of maintaining a stabilized site in accordance with the approved GSP (the “warranty” or “warranty period”). The city may conduct inspections of the permitted area throughout the warranty period and require maintenance and correction of the work by the permit holder. Failure of the permit holder to correct the work shall constitute a failure to comply with the provisions of this Chapter.

Section 18.44.100 Permit application, staff review. When grading is to be performed on an unplatted site or when the area of the site exceeds one acre, the City Engineer may evaluate the application regarding any aspect of the proposed work which relates to or affects the zoning or land use, and on the apparent ecological effect of the development. The City Engineer may also refer applications to other appropriate city agencies for review and comment. In such

cases, the staff shall provide such comments within a period of ten days. The failure of staff to provide timely comments shall not delay the continued processing of the permit application.

**Section 18.44.110 Issuance, denial, suspension or revocation of permit.**

A. The grading permit will be issued by the City Engineer upon verification and approval of the information contained within the permit application; and upon payment of the appropriate permit fees.

B. The City Engineer may refuse to issue any grading permit whenever the proposed grading is contrary to the provisions of this Chapter.

C. A grading permit may be denied for the failure of the applicant to contact a “one call” notification system servicing the area and to provide a verification number confirming that such a “one call” has been made by the applicant.

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

D. Suspension and Revocation. The City Engineer may suspend or revoke a permit for non-compliance with the requirements of this Chapter. Suspension may be issued by the City Engineer for minor violations of the permit that can be corrected within ten calendar days. Failure to correct to the satisfaction of the City Engineer shall result in a revocation of the permit, provided that suspension shall not apply to correction of public nuisance and/or hazardous conditions, as regulated in this Chapter.

**Section 18.44.120 APPEALS**

Any person aggrieved by the decision of the City Engineer concerning the issuance, denial, revocation or suspension of a permit may appeal such decision to the Construction Board of Appeals.

**Section 18.44.130 Period of validity of permits.**

All permits, except for borrow and/or waste permits, shall expire within one year of the date of issuance of the permit. Two one-year extensions for completion of work may be granted subject to an additional thirty percent of the initial total fee for each extension. An application for an extension of the permit shall be submitted to the City Engineer prior to the expiration of the permit. The permit will become void and a new permit application required after expiration of the second extension. Borrow or waste permits shall expire within six months from the date of issuance of the permit. Upon expiration of the permit, a reapplication for a borrow or waste permit shall be required.

**Section 18.44.140 Permit fees.**

- A. The application for any permit required by this Chapter outside the mountain development area shall be accompanied by a fee in the amount set by the budget or other appropriate resolution of the city council. The standard fee for a borrow or waste permit shall in the amount set by the budget or other appropriate resolution of the city council for each site.
- B. The fees are to help pay the expense of enforcing this Chapter and will not be returned.

**Section 18.44.150 Work Hours Specified-**

No grading of any kind will be conducted on legal holidays and weekends unless the landowner or his authorized agent has notified the city's engineering department by noon of the day before the holiday or by noon on Friday.. "Weekend" means that the period between seven p.m. on Friday and seven a.m. on the following Monday. Grading will not be permitted within three hundred feet of a residentially zoned area before seven a.m. or after seven p.m. on weekends and holidays.

**Section 18.44.160 Removing hazardous conditions.** – A. If the City Engineer finds that any grading (either completed or in progress) is causing a hazard to persons or property, he may notify the owner and require that the hazard be removed or eliminated as soon as practicable depending upon the degree of urgency associated with the hazard involved. If such action is not completed within the time limit stated within the notice, the City Engineer may require that reasonable temporary protective measures be provided by the property owner in the interim until a final correction plan is approved by the City Engineer.

B. If materials are washed or deposited upon city right-of-way, streets, alleys or other public property as a result of improperly controlled grading of higher or adjacent lands, the City Engineer shall notify the owner to remove such materials and restore the streets, alleys or other public property to their original condition within 24 hours or the time specified on the notice.

C. Regardless of whether or not any person is convicted of a misdemeanor for failure to comply with a notice given under subsection A or B of this section, the City Engineer may, if the owner or any principal named in the permit bond fails to comply with such notice, authorize the work to be done by city forces or by contract. If such work is completed while the grading permit is active or during the warranty period, the City Engineer shall file a claim with the permit bond surety for the actual cost of doing the work.

D. Whenever earthen ramps are required to cross city rights-of-way, written approval must be obtained from the City Engineer prior to the installation of such ramps.

**Section 18.44.170 Responsibilities of the owner or his authorized agent.**

Under this Chapter the owner shall bear responsibility for:

A. Obtaining a permit if required for any grading. Application for the permit shall be made as provided in this Chapter.

- B. Obtaining, when required, the services of an Engineer;
- C. All of the legal duties, obligations or liabilities incident to ownership of the property while the work of grading is in progress or after the completion of the work. Neither the issuance of a permit under this Chapter nor the compliance with the provisions of this Chapter shall relieve any person or owner from any responsibility for damages to persons or property otherwise imposed by law, nor impose any liability upon the city or any official of the city for such damages;
- D. Installing the appropriate devices, structures, landscaping and facilities and executing soil stabilization, erosion control, handling of materials and other proper measures in conjunction with any proposed grading so as to fulfill the intent and purpose of this Chapter;
- E. The continued inspection, maintenance and repair of all retaining walls, cribbing, drainage facilities, slopes, landscaping, soil stabilization and erosion control measures and any other protective devices located upon his property and constructed pursuant to the permit and maintenance activities specified in the approved Grading Stabilization Plan and the documentation thereof;
- F. Owner shall be responsible for all testing and costs to assure that the conditions of the permit and intent and purpose of this Chapter have been fulfilled.
- G. Should a graded site become destabilized or destabilization become imminent, the owner and/or contractor shall immediately take all necessary steps to control such discharge.
- H. Apply for all applicable permits as required in the City -Code.

#### **Section 18.44.180 Responsibility and authority of the City Engineer.**

The City Engineer, under the authority of this Chapter and pursuant to applicable city ordinances and procedures, shall be responsible for:

- A. Reviewing all grading permit applications as submitted under the requirements of Section 18.44.070 and the issuing or denying of grading

permits as expeditiously as possible and confirm it meets the requirements of the Chapter;

B. Temporary Suspension of Grading Permit due to public nuisance and/or hazardous conditions; Engineer to Provide Corrective Action; Collection of Costs. The City Engineer may, during a situation in which, in his opinion, blowing sand or dust or runoff from a site under permit is causing or may cause a public nuisance or hazard affecting the health, safety, welfare, or property of resident adjacent to the site, after giving permittee due notice and time to take corrective action and upon permittee's failure to act within a period of time determined by the City Engineer to be reasonable, suspend the grading permit and cause the implementation of BMPs as determined by the City Engineer to reduce said nuisance or hazard. The permit holder shall pay such costs to city within ten working days of receipt of an invoice for the costs. If the costs are not paid, then a claim will be made against the permit bond.

#### **Section 18.44.190 Authority to issue citations.**

A. The City Engineer is authorized to enforce the provisions of this Chapter and shall have the power to issue misdemeanor citations to any persons violating the provisions of this Chapter.

B. The City Engineer is authorized to make inspections of any property necessary to enforce the provisions of this Chapter. If the owner or person in possession of any property refuses to allow the City Engineer permission to enter the property, the City Engineer shall have recourse to every remedy provided by law to secure entry including obtaining the proper judicial warrants.

#### **18.44.200 Engineering controls for grading.**

The requirement for grading permits may differ due to local conditions of land use, proposed site development, drainage patterns, topography, soil conditions

and other items. The requirements in this section have been developed as an aid for operations covered by the grading ordinance. Engineering judgment, experience and competence shall be used to verify applicability of the requirements for the site.

Any deviation from the requirements in this section, shall be reviewed by the City Engineer. The City Engineer shall impose the following requirements as part of the issuance of the grading permit.

#### **A. Grading Design Requirements**

1. Shall maintain on-site balance of earthwork. No materials shall be brought to or taken from the site, unless a borrow or waste permit is obtained.
2. Transporting of processed material from one site shall be allowed to a noncontiguous site when:
  - a. Both sites are under the same ownership or the permittee has obtained written permission from the owner of such other site not belonging to the permit applicant and is provided with the permit application. MS.
  - b. The processed material is transported from a site with grading permit to a site with a grading permit unless the other site is outside the City limits.
  - c. The site where the material is processed shall have a grading permit and a borrow permit,
  - d. The City Engineer shall approve the route for transporting processed material from one site to another, and the acceptable wheel-axle loads.
3. Sites shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located on the site.

4. Construction, grading, or paving on any site shall not increase the damage potential to upstream, downstream, or adjacent properties or public right-of-way, property and/or facilities.

5. The design of desilting basins that discharge into city streets or natural drainage paths shall be subject to the approval of the City Engineer. Desilting basins shall provide sufficient settlement time for settling of solids in the basin before discharging onto city streets and natural drainage paths. Hydraulic documentation shall be provided to demonstrate or establish ensure that all debris settles in the basin.

6. No grading operation shall excavate or fill so as to cause falling rocks, soil, or debris in any form to fall, slide, or flow onto adjoining properties.

7. Compaction requirements.

a. The compaction requirements for load bearing fills upon which buildings, structures, streets, alleys or public facilities are to be located should be determined by an Engineer as part of the design for the fill and shall fully meet the requirements of the geotechnical investigation as approved by the City Engineer.

b. Fills should be compacted to a minimum density of ninety-five percent as per American Standard Testing Materials (A.S.T.M. D-1557). Fills shall be placed and compacted to produce a stabilized slope.

8. Slope Design Requirements. Excavations shall be constructed and/or protected so that they are stable and do not endanger life or property. The provisions of this Chapter are not intended to prevent the use of any alternate method of slope design provided that the alternate is designed by an Engineer as determined by the soils

investigation report and the City Engineer finds that the alternate design is equivalent to that prescribed in this Chapter.

a. Embankments and slopes supporting occupied buildings, streets and roadways shall have a factor of safety of not less than 1.5.

b. Slopes located above occupied buildings and whose toe is located within 20 feet or half of the embankment height from the exterior walls of any occupied building, whichever controls, shall have a factor of safety of not less than 1.5.

c. All other slopes and embankments shall have a minimum factor of safety of 1.3.

d. Drainage facilities should be provided to protect slope faces from erosion.

e. Construction of berms and swales on the brow or top of the slope shall provide protection from runoff. Swale inverts may be required to be lined in accordance with flow velocities.

f. The slope of cut and fill surfaces shall not be steeper than 3 horizontal to 1 vertical. Steeper slopes may be permitted with the approval of the City Engineer, provided it can be adequately demonstrated in a soils/geologic report that such slopes are stable and will not undergo accelerated erosion. Soil analysis describing engineering properties and suitability of the existing soils to support the proposed slope must be included in the geotechnical investigation. The City Engineer may require a flatter slope than 3 horizontal to 1 vertical (3H:1V) if soils/geologic information submitted shows that flatter slopes are necessary for stability, post construction BMPs effectiveness or maintenance

i. The slope of cut surfaces which are 5 feet in height or less and are in competent bedrock may be steeper than 2H:1V, but shall be no steeper than 1 1/2H:1V. Steeper slopes may be permitted with the approval of the City Engineer, provided it

can be adequately demonstrated in a soils/geologic report that such slopes are stable and will not undergo accelerated erosion.

g. Areas adjacent to slopes shall not drain over onto the slope face if the offsite drainage area is greater than half of the graded slope.

i. Slopes having a ratio of 3 horizontal to 1 vertical or steeper shall not exceed twenty (20') feet in vertical height, without a five (5') bench being placed half way and at every twenty (20') thereafter. The bench should be constructed in such a way as to collect rainfall and conduct it to a point where it will not cause erosion. The invert of the bench terrace may be required to be lined in accordance with flow velocities and to prevent the percolation of water into the slope;

ii. Cut slopes shall be rounded into the existing terrain to produce a contoured transition from cut face to natural ground.

h. No stormwater storage shall be at or adjacent to the top of a slope.

i. Cut and fills should be set back a minimum of five feet from walls, buildings or structures should be set back from cut or fill slopes sufficiently to allow access to the top of the slope for maintenance purposes and to assure the stability of the slope and the security of the foundations of the buildings and structures.

j. Subsurface drainage facilities should be provided where needed to intercept seepage that would affect slope stability, building and structure foundations or create undesirable wetness.

k. Excavations should not be made close to property lines as to endanger adjoining property without providing support and protection to prevent damage due to erosion, sliding or settlement.

l. Fills

- i. Fill materials should be free of materials detrimental to the construction of stable fills as required by the geotechnical investigation.
- ii. Fills should not be placed where they will slide or wash onto the property of others nor should they be placed where they will cause encroachment upon natural drainage paths or other natural drainage ways without providing facilities to assure the capacity of the drainage way as approved by the City Engineer and in compliance with other state and federal guidelines.
- iii. Fills that toe out on natural slopes or grades steeper than three feet horizontal to one foot vertical should not be made unless the fill has been designed by an Engineer on the basis of a soils investigation report.
- iv. Fills placed above the top of an existing or proposed surface with a slope steeper than three feet horizontal to one foot vertical shall be set back from the top of the slope face at least five feet or as determined by the soils investigation report, unless slopes are stabilized to the top of slope face.
- v. Prior to placing fills on existing surfaces (condition before grading), all organic materials, vegetation, non-complying fill, topsoil and other unsuitable materials should be removed and the existing surface should be scarified to a depth of six inches.
- vi. Fills used to support the foundations of any building or structure shall comply with the requirements of a geotechnical investigation.

9. Rainwater Harvesting. Grading plans may be designed to encourage harvesting and preservation of rainwater within the project site, to reduce surface runoff discharged from project site.

10. Retaining Walls. Retaining walls shall be engineered and shall be faced with stone or constructed with textured earth colored material that is identified in the grading plan. If a series of retaining walls is required, the horizontal distance between walls shall be a minimum of four (4) feet. Retaining walls in excess of three (3) feet in height shall be constructed in accordance with the design prepared by a Texas registered professional engineer. The design may require consultation with a geotechnical engineer, shall consider such factors as expansive soils, steep slopes and vehicles or structures near the walls and shall include the following:

- a. Construction plans indicating how the proposed wall height will vary along its length.
- b. Details with elevations showing top and bottom of wall for critical points along the wall length.
- c. Supporting calculations that demonstrate a factor of safety in accordance with the Chapter 18.08.240 for bearing capacity, overturning, sliding, and internal stability, including surcharge loads due to sloping backfill, adjacent vehicles and structures

#### 11. POND LANDSCAPING GENERAL REQUIREMENTS

- a. Any pond, which is landscaped, shall have irrigation designed with separate irrigation zones for slope and basin floor areas.
- b. Ponding areas landscaped with percolation rates lower than 0.5 inches per hour shall have additional capacity to be designed by a Professional Engineer.
- c. Turf areas should not exceed slopes steeper than 3:1 unless otherwise approved by the City Engineer. If grass is used, native grasses are recommended.

#### 12. PARK, RECREATION, AND MULTI USE PONDING FACILITIES

- a. Ponding Capacity design requirements shall be in accordance to Drainage Design Manual as adopted by City Council;

- b. A minimum of one side of the ponding area shall be at a slope no steeper than 5:1 if use is open to pedestrian access;
  - c. If required within basin area, public ponding area shall incorporate a pedestrian path that is accessible under Texas Accessibility Standards.
  - d. Ponding areas shall include an area with 10% of the required capacity for the purposes of containing initial rainfall. The area shall be located at the lowest area of pond and shall be fenced and a minimum 12 feet wide double gate installed unless otherwise approved by the City Engineer.
  - e. Design is subject to review and approval by the City Engineer
13. Any drainage improvements that are installed, as a result of land disturbance activities shall be designed to compliment and blend with the natural topography of the land.

**B. Preservation of Existing Natural Drainage Paths, Terrain and Vegetation.**

Undeveloped areas in the City of El Paso contain significant natural terrain, drainage paths and vegetation. As a result, special design requirements are necessary to mitigate potential erosion hazards, minimize adverse physical and visual impacts and conserve natural scenic beauty so as to leave existing conditions undisturbed as much as possible and not interfere with existing conditions.

- 1. Natural Drainage Paths. The natural drainage paths shall be delineated in the grading plan. It is encouraged that the identified natural drainage paths remain in their natural state, including riparian vegetation, boulders and rock outcroppings. Should the permittee request grading within the natural drainage paths, the following design requirements shall apply.

a. The maximum design velocity for open channels shall not exceed the scouring velocity of the native soil with a natural covering. When the scour velocity is exceeded as defined in the Drainage Design Manual, additional erosion protection shall be provided.

i. All modified existing natural drainage paths, new channels, detention/ retention/desilting ponds tied hydrological/ hydraulically to the natural drainage paths and energy dissipaters shall be designed to achieve a restored natural appearance. The natural appearance shall be achieved using grading and landscape techniques that replicate a natural drainage path by using materials native to El Paso, vegetation, boulders and contouring. The design plans shall be in conjunction with the overall landscape theme for a natural drainage path by a landscape architect and be sealed by an Engineer. These improvements shall be detailed in the grading plan and GSP.

ii. An erosion/scour analysis must be completed and submitted to the city engineer for approval. Water velocity shall be reduced using energy dissipaters to the maximum extent possible to provide room for floodwater to spread safely and allow for native materials to be used for channel armoring.

iii. A constant trapezoidal and/or rectangular section shall not be allowed.

b. Disturbance for public access trails, roadway crossing and underground utilities required for the development shall be kept to a minimum and must be designed to meet the

landscape requirements listed in the preceding section (should it be B.1.a).

c. Fences, walls and similar structures shall not be constructed in the undisturbed or modified natural drainage paths.

d. Where drainage structures enter natural drainage paths the structure must be blended into the natural terrain and lined with natural materials or other alternative material as approved by the City Engineer.

e. Channel fencing is required for all channels with slopes higher than 4 feet high and slopes steeper than 3 feet horizontal and 1 foot vertical shall have fencing of 2 feet high along the abutting street and 4 feet high along residential land uses. Fencing shall be masonry, wrought iron, concrete, or combination thereof.

f. Provide a maintenance access route to be determined based on site conditions and to be approved by the City Engineer. The access route may be a public street when immediately adjacent to the natural drainage path.

2. Natural Terrain. Where grading is proposed on any parcel having an average natural slope of ten percent or greater, grading shall be limited to the minimal amount possible under standard engineering practices. Special requirements shall be considered by the Engineer including the intensity of land disturbance and natural characteristics of the terrain, such as steepness of slope, vegetation, landforms, and soil/rock stability. These factors are intended to provide for responsible development while minimizing the physical and visual impact of such development.

- a. The overall shape, height or grade of any cut or fill slopes shall be developed utilizing contour grading in concert with existing natural contours and the scale of the natural terrain of the site with seamless blending to the natural terrain at the edges of the disturbance.
- b. Where two cut or fill slopes intersect and/or intersect the natural grade the intersection shall be horizontally and vertically contoured and blended to match existing terrain
- c. The area of a site proposed to be graded shall be that which fits into the natural terrain and which allows for a minimal amount of grading. The ungraded area must be left in its natural form for the remainder of the site. No native vegetation shall be removed. No nonnative vegetation shall be introduced. No development of any kind shall be allowed within hillside areas not included as part of the delineated graded area.

### 3. Natural Vegetation

- a. The proposed grading shall occur in such a manner that it avoids, to the extent practicable, all rock outcroppings, existing sensitive vegetation and riparian and wetland areas. If from the original documentation and/or field investigation it appears that a less impactful alternative exists, the City may require the grading plan to be revised.
- b. Areas with sensitive vegetation coverage and drainage ways that are to remain undisturbed shall be fenced off prior to the use of any heavy machinery on-site and shall remain fenced during the entire construction process. Fencing material may include plastic mesh or other similar fencing material. To protect the root zone of said vegetation, fencing

shall be placed five feet (5') to the outside of the dripline and shall be a minimum of three (3') in height.

c. The property owner has the option of transplanting vegetation to another area within the site prior to full disturbance of the lot and must make all provisions to ensure the survival of the vegetation.

### **C. Construction Activity Requirements**

The following operational guidelines must be followed during the grading of the site. They are required to be included as "General Notes" on the approved grading plan.

1. Grading shall be performed without major alteration of watersheds and drainage patterns, unless appropriate and adequate means of water retainage or control are utilized and shown on the grading plan.
2. No on-site processing of material for commercial or retail sales shall be allowed. On-site processing of materials to be used for preparation or construction of improvements within the site covered by the grading permit shall be allowed.
3. Work shall be conducted in manner that preserves and does not obstruct, impede or interfere with the flow of storm water in natural drainage ways, unimproved channels or watercourses, or improved ditches, channels or canals in such a manner as to cause flooding where it would not otherwise occur
4. Construction equipment shall be kept out of watercourses except when necessary to perform work on the approved plans. Where in-channel work is designated on approved plans, precautions shall be taken to stabilize the work area during construction to minimize erosion as shown on the plans. The channel, including bed and banks, shall always be restabilized immediately after in channel work is completed;
5. Where a drainage way will be crossed by construction vehicles regularly during construction, a temporary crossing shall be constructed as required in the approved grading plans.

6. Material stockpiling shall be limited to four feet high when grading operations are idle for more than seven consecutive calendar days. Stockpiling shall be limited to ten feet high when grading operations are being conducted.

7. Traffic control permit will be if grading operation will impact traffic.

8. Any use of vibratory equipment shall be approved in writing by the City Engineer in advance of such use

9. The City Engineer must be notified no later than 4:00 pm the day in advance of any grading work; backfill densities, inspections and/or such as placing curb, pavement and storm sewer structures. Additional activity requirements/restrictions specified by the design engineer of record.

#### **D. Construction Erosion Control Requirements**

The applicant shall meet the requirements of the Storm Water Pollution Prevention Plan for all construction activities as required in Chapter 15 of the City Municipal Code.

1. Erosion control measures specified in the SWPPP shall be fully operational prior to beginning work and maintained throughout the project.

2. After a wind event and rainstorm that causes erosion, the permittee shall inspect all erosion and sediment control devices, clean them, repair any damage and document the inspection and repairs. During multiple days of rain or rain of high intensity, conduct additional inspections as necessary to establish that all BMPs are performing adequately.

3. Idle Land. The Permittee shall comply with the requirements of the GSP and the requirements that follow whenever the site that is subject any permit issued under this Chapter or any portion of such site has no grading activity for a period of more than ninety consecutive days.

- a. All BMPs identified in the GSP shall continue to be maintained. The permittee shall remain in charge of the site during the warranty period.
- b. The GSP shall be revised to provide for permanent erosion protection.
- c. The City shall be notified in writing by the permittee/owner that a portion of the construction site is or will become idle. The permittee responsible for the GSP shall inspect the construction site to verify that the site is adequately protected. The City may conduct an inspection of the site.
- d. Additional protection measures may be required by the City Engineer. Any construction site found idle for more than 90 days without the installation of appropriate protection measures and notification that the construction project is idle shall be considered in violation of this Chapter.
- e. Inactive/idle sites shall be inspected and maintained at least every two weeks in addition to inspecting within within 24 hours following a wind and/or rainstorm event. A monitoring and inspection program shall be implemented and shall consist of inspections to determine the following:
  - i. Erosion and sediment control BMPs are installed properly. The SWPPP BMPs should include details or references to allow for the proper construction of structural or vegetative erosion and sediment control devices. The inspector should ensure that these systems are installed according to the SWPPP in the proper locations
  - ii. The BMPs are effective. The effectiveness of the BMP shall be based on the presence of sediment behind or within control devices, the presence of sediment downstream of the site, and signs of erosion in stabilized areas after a storm event.

iii. Making a determination of whether drainage patterns have changed. If the site has undergone significant grading operations, resulting in a change of drainage patterns, adjustment to the BMPs may be required by the City Engineer to address this change. The inspector shall determine the additional BMPs required for the reconfigured and/or changed drainage pattern.

iv. Determine if the permitted site is stabilized after completion of grading activities at the site. Disturbed active and inactive sites should be stabilized as soon as practical. Inactive construction areas are those areas within a permitted grading site in which no grading activity occurs for a period of thirty or more days. If grading, climatological, or other site conditions do not allow stabilization, the SWPPP should define alternative BMPs.

v. The permittee shall maintain erosion and sediment control at all time and implement the applicable BMPs. Erosion controls shall be installed as soon as practical after an area becomes inactive, and before the onset of rain. The capacity of sediment controls shall be restored prior to the next rain event.

**E. Grading Stabilization Plan Design requirements:**

The applicant shall meet the following requirements in developing the GSP. The requirements for soil erosion control measures depend largely upon the extent of the destructive and nuisance potentials due to erosion that may develop from the work to be performed. Thus, the need for erosion control measures is largely determined by prevailing winds, drainage patterns, soils characteristics, residences, businesses, thoroughfares and other facilities. Analysis must be completed to verify and account for drainage patterns, soil characteristics and proximity to

downstream development where erosion may occur and/or may cause hazards or damage to public or private property. The following are design guidelines for completing and complying with the GSP.

1. The GSP shall be prepared and designed to meet the following goals:

a. Development plans for any project site shall be as effectively fitted to existing topography and soils as practical so as to create the least erosion potential possible.

b. Sediment caused by excessive erosion shall be removed from runoff water before leaving the site.

c. All disturbed areas, slopes and slopes shall be stabilized through the implementation of a BMP to prevent excessive erosion by wind or water.

d. Ensure that the BMPs are implemented properly and maintenance activities, both short and long term, are specified to ensure effectiveness of the BMPs.

e. Cut and fill slopes shall be stabilized through the implementation of a BMP and surface water damage to cut and fill slopes shall be prevented.

2. Implementation of the GSP shall be applied to disturbed areas and soil stockpiles within 90 days after final grade is reached on any portion of the site.

3. Scheduling Requirements – The maintenance activities shall continue for the warranty period.

a. The smallest practical project area should be physically disturbed at any one time in the development of the site. Where possible, final structures, paving, facilities and effective drainage control measures should be completed in each project area as soon as possible.

- b. Project areas physically disturbed during development should be exposed to erosion producing influences for the shortest period of time practicable.
- c. Special consideration should be given to stabilize critical project areas. Critical areas are those particularly subject to erosion due to the effects of wind and water.
- d. Permanent storm drainage facilities, paving and other related facilities should be constructed as soon as practicable to reduce water erosion problems.
- e. The GSP must include a description of site work schedule and sequencing, specifically stating whether any portion of the land will remain graded and idle for more than 90 days.

#### 4. Erosion Control – Water ways

Disturbed areas and slopes must be stabilized using one or more of the following BMPs. BMPs are detailed in the Design Standards for Construction:

- a. Velocity Dissipation Devices
- b. Slope Drains
- c. Streambank Stabilization
- d. Earth Dikes and Drainage Swales
- e. Sediment Basin
- f. Check Dams
- g. Others as proposed by the applicant and approved by the City Engineer.

#### 5. Erosion Control – Disturbed Areas

Disturbed areas and slopes must be stabilized using the wind erosion BMP plus one or more of the following BMPs. BMPs are detailed in the Design Standards for Construction.

- a. Wind Erosion - After completion of site grading the project area shall be ~~completely~~ watered as required to control wind erosion.

- b. Polyacrylamide
- c. Hydraulic Mulch
- d. Hydroseeding-Seeding methods such as hydro seeding, drilling, seeding and raking in, or other seeding method may be required when necessary to quickly and effectively establish a groundcover for areas where other types of seeding may be ineffective. Seeding alone is not erosion control until vegetation is established. Seeding shall be combined with applicable erosion control structural BMP's until vegetation is established
- e. Soil Binders
- f. Straw Mulch
- g. Geotextiles and Mats
- h. Wood Mulching
- i. Revegetation/landscaping- Revegetation required shall be similar to existing vegetation and feature the prominent use of plants which are indigenous to the area or as approved by the City. Revegetation shall include a weed-free seed mixture or live transplanted plants.
- j. Tree line and vegetation wind barriers
- k. Others as proposed by the applicant and approved by the City Engineer.

6. Each BMP shall be detailed on the plan. It shall list all required maintenance activities and frequency of maintenance. The maintenance requirements must continue for the warranty period to ensure that graded sites are stabilized. Temporary irrigation shall be maintained for the time required to ensure vegetation survival.

- a. Site monitoring shall be performed by the permittee responsible for the GSP. The City may also monitor the site compliance at any time and require access to the updated site GSP and records of all inspections made.

7. The GSP shall be updated in accordance with the actual construction sequence, and the BMPs are implemented according to actual construction progress.

**18.44.210 Penalty--Severability.**

Any person violating this Chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed two thousand dollars. In the case of a continuing violation, each day's violation shall be deemed a separate offense. The severability provisions of Section 1.04.060 of this code apply to this Chapter.

**18.44.220 Permit Closeout Procedure.**

After the permittee completes the grading under the permit, the permit shall be closed. As part of the closeout procedure, the applicant must submit the following the City:

- A. A statement from the engineer of record that states "the grading operation has been substantially completed and generally conforms to the approved set of plans". The permittee shall call the Engineering Department to establish the beginning of the warranty period and date when the GSP must be implemented.
- B. A copy of the Notice of Termination filed with the state, if applicable in accordance with Chapter 15.

The City will issue a letter stating general conformance to the permit has been met and that warranty period requirements will continue to be in effect.

**Section 2.** Except as expressly herein amended, Title 18 (Building and Construction) of the El Paso City Code shall remain in full force and effect.

**PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.**

THE CITY OF EL PASO:

ATTEST:

\_\_\_\_\_  
John F. Cook, Mayor

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Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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Mark Shoemith  
Assistant City Attorney

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R. Alan Shubert, P.E.  
City Engineer