



## Planning & Inspections Department

Mayor  
Oscar Leoser

City Council

*District 1*  
Ann Morgan Lilly

*District 2*  
Larry Romero

*District 3*  
Emma Acosta

*District 4*  
Carl L. Robinson

*District 5*  
Dr. Michiel R. Noe

*District 6*  
Claudia Ordaz

*District 7*  
Lily Limón

*District 8*  
Cortney C. Niland

City Manager  
Tommy Gonzalez

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

DEPARTMENT: CITY DEVELOPMENT DEPARTMENT

AGENDA DATE: INTRODUCTION: FEBRUARY 24, 2015  
PUBLIC HEARING: MARCH 3, 2015

CONTACT PERSON NAME AND PHONE NUMBER: VICTOR  
MORRISON-VEGA, (915) 212-1553

DISTRICT(S) AFFECTED: ALL

#### **SUBJECT:**

An ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), of the El Paso City Code, to provide that Alterations, Repairs, and Additions made for the purpose of ADA Compliance shall not require compliance with Non-ADA Code requirements, the penalty being as provided by Section 18.02.111 (Violations and Penalties) of the El Paso City Code.

#### **BACKGROUND / DISCUSSION:**

The ordinance clarifies the requirement to meet all ADA standards on new buildings and new additions to all buildings. It allows for ADA improvements on existing buildings, however, does not require the entire existing structure to be brought into current code. In addition, it requires ADA improvements on building sites where any permits are obtained, however, it allows for a 7 year period for such site improvements.

#### **PRIOR COUNCIL ACTION:**

N/A

#### **AMOUNT AND SOURCE OF FUNDING:**

N/A

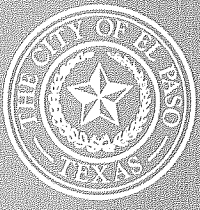
#### **BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A



Planning & Inspections Department  
City 3 | 801 Texas Avenue | El Paso, Texas 79901 | (915) 212-0083

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

**DEPARTMENT HEAD:** \_\_\_\_\_

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

*Information copy to appropriate Deputy City Manager*



City Development Department

City 3 | 801 Texas Avenue | El Paso, Texas 79901 | (915) 212-0083

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

AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.08 (BUILDING CODE), OF THE EL PASO CITY CODE, TO PROVIDE THAT ALTERATIONS, REPAIRS OR ADDITIONS MADE FOR THE PURPOSE OF ADA COMPLIANCE SHALL NOT REQUIRE COMPLIANCE WITH NON-ADA CODE REQUIREMENTS, THE PENALTY BEING AS PROVIDED BY SECTION 18.02.111 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.

**WHEREAS**, on September 21, 2010, the City Council for the City of El Paso adopted the 2009 Edition of the International Building Code together with certain local amendments appropriate for the City of El Paso; and

**WHEREAS**, the City Council now desires to add another local amendment to the 2009 Edition of the International Building Code to provide that alterations, repairs or additions made for the purpose of ADA compliance shall not require compliance with non-ADA code requirements; and

**WHEREAS**, any appeal of this section will be made to the Construction Board of Appeals, per Section 18.18.380 of the El Paso City Code.

**WHEREAS**, the City Council has deemed the proposed local amendment appropriate for the City of El Paso.

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

**Section 1.** That Title 18 (Building and Construction), Chapter 18.08 (Building Code), of the El Paso City Code is hereby amended to add the following section to read as follows:

**18.08.221 Section 3401.3 Compliance, amended.**

International Building Code, 2009 Edition, Section 3401.3 Compliance, is hereby amended to read as follows:

**3401.3 Compliance.** Alterations or repairs to existing buildings and structures shall comply with the provisions for alterations or repairs in the International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Private Sewage Disposal Code, International Residential Code and NFPA 70. Any alterations or repairs to existing structures made solely in order to comply with ADA accessibility and/or Architectural Barriers Texas Accessibility Standards shall comply with the provisions for alterations or repairs in this Code, provided however, that nothing in this Code shall require the entire existing structure to be brought into current code compliance. For example, modifications to height and placement of

water fountains, widening of doorways, or improvement of accessibility to restroom facilities, shall not require the entire structure to become compliant to current codes. Any site modifications such as curbs, sidewalks, ramps, or driveways which may be required as a result of the alterations or repairs made solely for ADA compliance, may be deferred for a period of up to 7 years.

**Section 2.** That Title 18 (Building and Construction), Chapter 18.08 (Building Code), of the El Paso City Code is hereby amended to add the following section to read as follows:

**18.08.222 Section 3403.1 General, amended.**

International Building Code, 2009 Edition, Section 3403.1 General, is hereby amended to read as follows:

**3403.1 General.** Additions to existing buildings or structures shall comply with the requirements of this code for new construction. Any addition to existing structures made solely in order to comply with ADA accessibility and/or Architectural Barriers Texas Accessibility Standards shall comply with the provisions for new construction in this Code, provided however, that nothing in this Code shall require the remaining existing structure to be brought into current code compliance. Any site modifications such as curbs, sidewalks, ramps, or driveways which may be required as a result of any new addition made solely for ADA compliance, may be deferred for a period of up to 7 years.

**Section 3.** Except as herein provided, Title 18 (Building and Construction), Chapter 18.08 (Building Code), shall remain in full force and effect.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leeser  
Mayor

**ATTEST:**

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

CITY CLERK DEPT.  
2015 JAN 27 AM 9:54

**APPROVED AS TO FORM:**



Kristen L. Hamilton-Karam  
Assistant City Attorney

**APPROVED AS TO CONTENT:**



Mathew S. McElroy, Director  
Planning and Inspections Department