

Planning & Inspections Department

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

**Mayor**  
Oscar Leeser

**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

**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

*Dedicated to Outstanding Customer Service for a Better Community*

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 SOLE PURPOSE OF IMPROVING ACCESSIBILITY SHALL NOT REQUIRE COMPLIANCE WITH OTHER CITY 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 improving accessibility shall not require compliance with other code requirements; and

WHEREAS, any appeal of this section will be made to the Construction Board of Appeals, per Section 18.02.108.13 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 improve accessibility 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. Any exterior site modifications that are

required by this Code as a result of the alterations or repairs may be deferred for a period of up to 5 years provided however, that such are not required by Federal or State law.

**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 to improve accessibility 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 exterior site modifications that are required as a result of such addition may be deferred for a period of up to 5 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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kristen L. Hamilton-Karam  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Mathew S. McElroy, Director  
Planning and Inspections Department

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