



CITY CLERK DEPT.

2016 MAY 10 PM 5:37

**Planning & Inspections Department**

**Mayor**  
Oscar Leoser

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

**City Council**

*District 1*  
Peter Svarzbein

*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: PLANNING & INSPECTIONS DEPARTMENT**

**AGENDA DATE: INTRODUCTION: MAY 17, 2016  
PUBLIC HEARING: MAY 31, 2016**

**CONTACT PERSON NAME AND PHONE NUMBER:**

**LARRY F. NICHOLS, (915) 212-1550, [nicholslf@elpasotexas.gov](mailto:nicholslf@elpasotexas.gov)**

**VICTOR MORRISON-VEGA, (915) 212-1553, [Morrison-vegavx@elpasotexas.gov](mailto:Morrison-vegavx@elpasotexas.gov)**

**DISTRICT(S) AFFECTED: ALL**

**SUBJECT:**

An Ordinance amending Title 18 (Building & Construction), Chapter 18.02 (Administrative Code), adding provisions for Demolition Permit, Certificates of Use, and Conditional Certificates of Occupancy, Chapter 18.08 (Building Code), 18.10 (Residential Code), 18.12 (Mechanical Code), 18.16 (Electrical Code), 18.20 (Plumbing Code), 18.24 (Gas Code), 18.28 (Existing Building Code), 18.30 (Swimming Pool and Spa Code), 18.50 (Property Maintenance Code), 18.70 (Energy Conservation Code), adopting the 2015 International Building Codes, and the 2014 National Electrical Code, and adopting appropriate local amendments, and amending Title 9, Chapter 9.52, adopting the 2015 International Fire Code, the penalty being as provided in 18.02.111 of the El Paso City Code.

Discussion and action on the following code changes to Title 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) of the El Paso City Code.
- b.) An Ordinance adopting the 2015 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.
- c.) An Ordinance adopting the 2015 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.

Larry F. Nichols – Department Head  
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- d.) An Ordinance adopting the 2015 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.
- e.) An Ordinance adopting the 2014 Edition of the National Electrical Code and amending the Title 18 (Building & Construction), Chapter 18.16 (Electrical Code) of the El Paso City Code to provide for local amendments.
- f.) An Ordinance adopting the 2015 Edition of the International Plumbing Code and amending the Title 18 (Building & Construction), Chapter 18.20 (Plumbing Code) of the El Paso City Code to provide for local amendments.
- g.) An Ordinance adopting the 2015 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.
- h.) An Ordinance adopting the 2015 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.
- i.) An Ordinance adopting Title 18 (Building & Construction), Chapter 18.30 (Pool & Spa Code) of the El Paso City Code to provide for local amendments.
- j.) An Ordinance adopting the 2015 Edition of the International Property Maintenance Code and amending Title 18 (Building & Construction), Chapter 18.50 (Property Maintenance Code) of the El Paso City Code to provide for local amendments.
- k.) An Ordinance adopting the 2015 Edition of the International Energy Conservation Code and amending Title 18 (Building & Construction), Chapter 18.70 (Energy Conservation Code) to the El Paso City Code and providing for local amendments.
- l.) An Ordinance adopting the 2015 Edition of the International Fire Code and amending Title 9, Chapter 9.52 (Fire Prevention Code) of the El Paso City Code.

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**BACKGROUND / DISCUSSION:**

The International Code Council has published the 2015 Edition of the International Code Family and local public input and industry input has been taken to assure that the current version of the codes are amended and adopted as appropriate for the City of El Paso. These codes are normally revised on a three-year cycle, and adoption is key to stay abreast of modern developments in building safety and to be consistent with adoption by the State of Texas of certain codes.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

N/A

\*\*\*\*\*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*

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

**AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02 (ADMINISTRATIVE CODE), ADDING PROVISIONS FOR DEMOLITION PERMITS, CERTIFICATES OF USE, AND CONDITIONAL CERTIFICATES OF OCCUPANCY, ADOPTING THE 2015 INTERNATIONAL BUILDING CODE, AND ADOPTING APPROPRIATE LOCAL AMENDMENTS, THE PENALTY BEING AS PROVIDED IN 18.02.111 OF THE EL PASO CITY CODE**

**WHEREAS**, the 2015 Addition of the International Building Codes has been published and adoption of the 2015 International Building Codes are now proposed; and

**WHEREAS**, the Building Official for the City of El Paso has reviewed and favorably recommends the adoption of the 2015 International Building Codes; together with the local amendments appropriate for the City of El Paso; and

**WHEREAS**, the City Council has deemed the proposed local amendments 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 18.02 (Administrative Code) is hereby amended as follows:

Chapter 18.02 - BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE

18.02.101 - TITLE AND SCOPE

18.02.101.1 - Title.

18.02.101.2 - Purpose.

18.02.101.3 - Interpretation.

18.02.101.4 - Referenced standards.

18.02.101.5 - Code remedial.

18.02.101.6 - Quality control.

18.02.101.7 - Permitting and inspection.

18.02.102 - DEFINITIONS

18.02.103 - POWERS AND DUTIES OF THE BUILDING OFFICIAL

18.02.103.1 - Building official.

18.02.103.2 - Administration and enforcement.

18.02.103.3 - Deputy building officials.

18.02.103.4 - Chief inspector qualifications.

18.02.103.5 - Inspector qualifications.

18.02.103.6 - Right of entry.

18.02.103.7 - Inspection warrant.

18.02.103.8 - Tests.

18.02.104 - CONTRACTORS AND LICENSING

18.02.104.1 - Contractors' responsibilities.

18.02.104.2 - Contractor registration.

18.02.104.3 - Registration application.

18.02.104.4 - Disclosures.

18.02.104.5 - Acknowledgements.

18.02.104.6 - Licenses required.

18.02.104.7 - Bonds required.

18.02.104.8 - Bond requirements.

18.02.104.9 - Insurance required.

18.02.104.10 - Insurance requirements.

18.02.104.11 - Identification of vehicles.

18.02.105 - PERMITS

18.02.105.1 - Permit application.

18.02.105.2 - Exceptions to permit applications.

18.02.105.3.3 - Master permits.

18.02.105.3.4 - Separate subcontractor permits.

18.02.105.3.5 - Permits required for every building.

18.02.105.8 - Information required.

18.02.105.9 - Drawings and specifications.

18.02.105.10 - Additional data.

18.02.107.3.4.3 - Design professional.

18.02.107.6 - Application submission.

18.02.107.7 - Examination of documents/plan review.

18.02.107.8 - Issuing permits.

18.02.107.9 - "One call" system notification.

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

18.02.107.11 - Prerequisite to issuance of permits.

18.02.107.12 - Authorization to proceed with construction.

18.02.107.13 - Affidavits.

18.02.107.14 - Permit issued on basis of an affidavit.

18.02.107.15 - Plans.

18.02.107.16 - Conditions of permits.

18.02.107.17 - Construction work hours.

18.02.107.18 - After hour's construction/grading permit.

18.02.107.19 - Emergency condition.

18.02.107.20.4 - Duration of permit.

18.02.107.21 - Nontransferable.

18.02.107.22 - Placement of permit.

18.02.107.23 - Duration of permits.

18.02.107.24 - Refusal to issue permit.

18.02.107.25 - Denial of permits.

18.02.107.26 - Cancellation/Termination of Permit

18.02.107.27 - Ineligibility period.

18.02.107.28 - Appeals to the construction board of appeals.

18.02.107.29 - Miscellaneous permit provisions.

18.02.107.29.1 - Homestead permits.

18.02.107.30 - Owner permits.

18.02.107.31 - Mobile homes placement permit.

18.02.107.32 - Texas Industrialized Buildings/Housing Placement Permit.

18.02.107.33 - Temporary Placement Texas Industrialized Buildings for School Sites.

18.02.107.34 - Temporary gas permit.

18.02.109 - PERMIT FEES

18.02.109.1.1 - General.

18.02.109.2.1 - Prescribed fees.

18.02.109.3.1 - Accounting.

18.02.109.3.2 - Schedule of permit fees.

18.02.109.3.3 - Building permit valuations.

18.02.109.3.4 - Valuation for new residential or commercial master permits.

18.02.109.3.5 - Valuation for shell only permits.

18.02.109.3.6 Valuation for Shell II permits

18.02.109.3.7 - Valuation for tenant improvement permits to shell buildings.

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18.02.109.6.1 - Fee refunds.

18.02.109.3.9 - Submission, plan review and additional review fees.

18.02.107.7.1 - Plan review options available to the applicant.

18.02.109.3.10 - Building permit fees: Mechanical, Electrical, Plumbing, Gas, Irrigation, Solar.

18.02.109.3.11 - Temporary gas permit fee.

18.02.109.3.12 - Moving of buildings or structures.

18.02.118.8.1 Demolition of building or structure

18.02.108.5 - Temporary structures.

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

18.02.109.3.14 - Fees for fire protection systems and appliances.

18.02.109.3.15 - Fees for temporary or partial certificate of occupancies.

18.02.109.3.16 - Investigation fees.

18.02.109.3.17 - Re-inspection fees.

18.02.109.3.18 - Starting work without a permit—Commercial.

18.02.109.3.19 - Contractor starting work without a permit—Residential.

18.02.109.3.20 - Homeowner starting work without a permit—Residential.

18.02.110 - INSPECTIONS

18.02.110.1.1 - Inspections.

18.02.110.2.1 - Existing building inspections.

18.02.110.7 - Retaining walls.

18.02.110.8 - Reroofing.

18.02.110.9 - Signs.

18.02.110.10 - Irrigation and Landscaping systems.

18.02.110.11 - Plaster fire protection.



18.02.110.12 - Reinforcing steel and structural frames.

18.02.110.13 - Inspection of annexed installations.

18.02.110.14 - Non-business hour inspections and re-inspections.

18.02.110.15 - Requirements for prefabricated buildings.

18.02.110.16 - Manufacturers and fabricators.

18.02.110.17 - Commercial roof safety inspections.

18.02.110.18 - Special inspectors/agencies.

18.02.107.6 - Third party service providers.

18.02.107.6.1 - Purpose and authority.

18.02.107.6.2 - Selection procedures for third party service providers.

18.02.107.6.3 - Qualification requirements.

18.02.107.6.4 - Scope of services.

18.02.107.6.5 - Third party service provider audits.

18.02.107.6.6 - Third party service provider audit process.

18.02.111 - CERTIFICATES OF OCCUPANCY

18.02.111.1.1 - New building certificate of occupancy.

18.02.111.1.2 - Existing building certificate of occupancy.

18.02.111.1.3 - Certificates of occupancy for lots with unconditional master building permits.

18.02.111.1.4 - Certificates of occupancy for lots with conditional master building permits.

18.02.111.3.1 - Temporary Certificate of Occupancy (TCO)

18.02.111.3.2 - Nonconforming buildings or uses.

18.02.111.3.3 - Certificate of completion.

18.02.111.3.4 - Conditional Certificate of Occupancy

18.02.111.3.5 - Certificate of use (C/U)

18.02.112.1.1 – Connection of service utilities

18.02.112.2.1 - Temporary connection.

18.02.112.3.1 - Authority to disconnect service utilities

18.02.112.4 - Plumbing outside city limits

18.02.112.5 - Relations with the El Paso Water Utilities (EPWU) Department.

18.02.113.1.1.15 - Appeals to the construction board of appeals.

18.02.117 - CONSTRUCTION SITE WASTE MANAGEMENT REQUIREMENTS

18.02.117.1 - Discarded building materials and construction site waste.

18.02.114 - SEVERABILITY

18.02.114.1 - VIOLATIONS AND PENALTIES

18.02.101 - TITLE AND SCOPE

**18.02.101.1 - Title.**

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

**18.02.101.2 - Purpose.**

The purpose of this Code is to provide for the administration and enforcement of the following technical codes adopted by the City, as amended:

El Paso City Code Chapter 18.08 - Building Code.

El Paso City Code Chapter 18.10 - Residential Building Code.

El Paso City Code Chapter 18.12 - Mechanical Code.

El Paso City Code Chapter 18.16 - Electrical Code.

El Paso City Code Chapter 18.18 - Outdoor Lighting Code.

El Paso City Code Chapter 18.20 - Plumbing Code.

El Paso City Code Chapter 18.21 - Private Sewage Disposal Code

El Paso City Code Chapter 18.24 - Gas Code.

El Paso City Code Chapter 18.28 - Existing Building Code.

El Paso City Code Chapter 18.30 - Swimming Pool & Spa Code

El Paso City Code Chapter 18.40 - Vacant Building Code.

El Paso City Code Chapter 18.44 - Grading.

El Paso City Code Chapter 18.46 - Landscape Code.

El Paso City Code Chapter 18.47 - Irrigation Code.

El Paso City Code Chapter 18.50 - Property Maintenance Code.

El Paso City Code Chapter 18.60 - Flood Damage Prevention.

El Paso City Code Chapter 18.70 - Energy Conservation Code.

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.

### **18.02.102 - 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: building constructed prior to the adoption of the Building Code for which a legal certificate of occupancy has not been issued. A building subject to the Existing Building Code.
2. Building official: The official appointed pursuant to Section 18.02.103.1 of this Code who is charged with the administration and enforcement of the codes enumerated in Section 18.02.101.2 above.
3. Customized plan review (CPR): The customized plan review process may be used to expedite the review of commercial construction documents for new construction projects, major additions to existing facilities and for complex projects upon payment of the established fee.

4. Home improvement: The repair, replacement, remodeling, alteration, conversion, modernization, or addition to any existing building or any portion or system thereof which is used or designed to be used as a dwelling unit, including construction, replacement or improvement of porches, garages, carports, roofs, fences, rockwalls and swimming pools.
5. Master permit: All new construction shall require a building permit that shall serve as the master permit and all other required permits (electrical, mechanical, plumbing, fire, and/or irrigation permits) shall be obtained separately and attached to the master permit. For new construction, master permits must be obtained prior to any other required permits.
6. Separate subcontractor permit: Are permits issued for disciplines such as electrical, mechanical, plumbing, fire, and/or irrigation. Separate subcontractor permits are issued separately and may be used as stand-alone permits or may be attached to a master permit for new construction.
7. Permit by appointment (PBA): The permit by appointment process may be used to expedite the review of any residential construction documents for permits issued by the department other than those specifically addressed under the customized plan review process, upon payment of the established fee.
8. Permittee: The governmental entity, utility company, contractor, person or business entity that has received a permit pursuant to this chapter.
9. 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.
10. Shell I structure: A shell I structure shall consist of foundation, exterior walls, roofing along with underground MEP systems only.

11. Shell II structure: A shell II structure may have interior walls as well as partial interior MEP systems however remain incomplete until a tenant improvement completes the structure for occupancy.

#### **18.02.104.3 - Registration application.**

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

1. Company or business name, as well as all company names used for the last five years.
2. Company or business address and phone number, as well as all previous business addresses for last five years.
3. Number of years the company has been in operation.
4. Principal owner of company.
5. Name of company operator or manager.
6. Full name, date of birth, residence address, residence phone number, position with the company, and current e-mail of the person completing the application.
7. A list of individuals authorized to obtain permits on behalf of the company and what documentation each will show to verify authorization when obtaining permits on behalf of the company, such as a Driver's License Number or other identification card number.

#### **18.02.104.6 - Licenses required.**

No individual, firm or corporation shall construct, install, maintain or repair any air conditioning, cooling, refrigeration or heating equipment, electrical equipment, plumbing, gas equipment, residential water treatment equipment, fire protection systems, or 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 State of Texas 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 or the registered employer of a full time employee who is a master plumber.
4. Plumbing and gas installations, including water treatment equipment, shall be performed under the control, supervision, direction and responsibility of a master plumber and certified residential water treatment operator, respectively.
5. Irrigation systems shall be performed under the control, supervision, direction and responsibility of a master plumber or licensed irrigator.

#### Fire Protection

6. Each person or organization, before engaging in business as an independent fire protection system contractor must obtain a certificate of registration from the Texas Department of Insurance (Texas State Fire Marshal's Office). A registered firm may not subcontract with an unregistered firm to allow the unregistered firm as an independent contractor to perform any act of a fire protection system contractor.
7. An individual or organization may not engage in the business of planning, certifying, leasing, selling, installing, servicing, monitoring, or maintaining:
  - a. Any fire alarm, or fire detection devices, or systems;
  - b. Portable fire extinguishers;
  - c. Fixed fire extinguisher systems;
  - d. Fire protection sprinkler systems, and;
  - e. Any other type of fire protection system; unless the individual or organization holds a registration certificate issued by the Texas Department of Insurance (Texas State Fire Marshal's Office).

8. Medical Gas installations shall be performed by a master plumber with state medical gas endorsement.

#### **18.02.104.7 - Bonds required.**

It shall be the duty of every contractor, owner, firm, partnership, corporation, and builder who shall make contracts to construct, install, maintain or repair buildings, structures or systems for which a permit is required, and every contractor, owner, or builder making such contracts and subletting the same, or any part thereof, to have on file with the city, a bond in the sum of twenty-five thousand dollars 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:**

The following type of work shall require a bond in the sum of ten thousand dollars executed in the form prescribed and approved by the city attorney:

- a. Irrigation installations.
- b. Site lighting and landscape installations.
- c. Temporary structure placement.
- d. Mobile placement permits.
- e. Temporary sign placements.
- f. Tents in excess of two hundred square feet.
- g. Fences.
- h. Pavement and curb cut excavation.

However the building official shall have the authority to require a bond in the amount of twenty-five thousand dollars if the subject work exceeds ten thousand dollars in valuation.

The following type of work shall not require a bond:

- a. 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.
- b. Federal, state, county and city agencies and departments performing building work on their facilities and using only their employees to perform the construction work.

- c. 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 nonload bearing partitions within tenant spaces and whose cost does not exceed five thousand dollars.

#### **18.02.104.8 - Bond requirements.**

1. No permit shall be issued under this chapter to any person, firm, or corporation applying for a permit until such applicant has filed with the city, the required bond signed by a surety company authorized to do business in Texas. The city and the person for whom the work is to be done shall be named as co-obligees under such bond. The bond shall provide that the principal and its agents, employees, and subcontractors shall comply with all provisions of this Code and the technical codes and that the principal shall pay damages which are sustained by the city or by the person for whom the work is done and that are caused by failure of the principal, its agents, employees or subcontractors to comply with the provisions of this Code and the technical codes, and that the principal shall indemnify the city against all claims arising out of such failure to comply. Bonds shall be issued and maintained for the time period from the issuance of the permit through one year after the date of completion of the work for which the bond was required. The surety shall be acceptable to the city as to solvency; and if the city becomes dissatisfied that the surety is solvent, a new bond may be required. In addition, the surety shall be required to notify the city within thirty days of any termination or cancellation of the bond or any claims paid which reduce the liability under the bond.
2. Permit applicants who have provided a bond to the city in the amount required, for a permit pursuant to the requirements of a chapter of the City Code other than this chapter, that meets all of the requirements established in this chapter, shall not be required to obtain an additional bond but are required to provide a copy of such bond, provided that such bond specifically includes coverage for the permit or permits issued pursuant to this chapter. Permittees who have multiple permits issued pursuant to this chapter are required to provide only one current valid bond for all such permits but may be required to provide a copy of the current bond with each application for a permit.
3. Contractors under contract with a government agency shall provide the bond required in this section. No bond is required when all of the work performed pursuant to a permit issued under this chapter to a government agency is performed entirely by the employees of that government agency.

#### **18.02.104.9 - 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. Homestead permits for new construction is not exempt from obtaining required insurance.

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

#### **18.02.104.10 - Insurance requirements.**

The applicant shall procure and shall maintain during the term of the permit such commercial general liability, property damage liability and vehicle liability insurance, naming the permittee and any subcontractor performing work associated with the permit as insured, co-insured or additional insured for claims for damages for personal injury, including accidental death, as well as from claims for property damage that may arise from work associated with the permit.

1. Minimum limits of liability and coverage shall be two hundred fifty thousand dollars for bodily injury liability, including death, for each person, and five hundred thousand dollars in the aggregate, and one hundred thousand dollars for property damage for each occurrence, and one hundred thousand dollars in the aggregate. Permit applicants that are governmental entities may comply with the insurance requirements of this section by providing certification that they are self-insured.
2. Such insurance shall be written by an accredited insurance company under the supervision of the Board of Insurance Commissioners of the State of Texas. Evidence of compliance with these insurance requirements shall be considered as having been met when copy of the insurance policy or a certificate of insurance has been filed with and approved by the building official. Such policy shall include an endorsement that the city is named as an additional insured to the full amount of the policy limits and that building official shall be notified at least thirty days in advance in the event the policy or policies are canceled and ten days in advance for cancellation due to non-payment of policy premiums. The certificate of insurance shall recite or attach such endorsement for additional insured and the notice requirements. The permittee

shall maintain said insurance with a solvent insurance company authorized to do business in Texas. The policy shall provide that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the city, its officers, agents, servants or employees and permittee, his officers, agents, servants or employees. Failure to keep the policy in full force and effect throughout the term of the permit shall be grounds for cancellation of the permit.

3. Permit applicants who have provided certificates of insurance to the city pursuant to the requirements of a chapter of the City Code other than this chapter, that meet all of the requirements established in this chapter, shall not be required to obtain additional insurance but are required to provide such certificates of insurance showing present coverage as required in this chapter.
4. Governmental agencies: Permits shall be required in connection with all city (including but not limited to El Paso Public Service Board/El Paso Water Utilities), county, state, or federal public works projects provided that no initial 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. Permits issued for homeowner/homesteads need to provide insurance for new construction only.

(Ord. No. 17749, § A, 3-6-2012, eff. 5-1-2012)

## **18.02.105 - PERMITS**

### **18.02.105.1 - Permit application.**

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, or board and secure a vacant premises, where the work is regulated by the technical codes or the fire code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work. No permit required under this Code or the technical codes shall be issued until the proper application, on a form approved by the building official, accompanied by all required documents, has been filed with the department and the established fee has been paid.

(Ord. No. 17749, § A, 3-6-2012, eff. 5-1-2012)

### **18.02.105.2 - Exceptions to permit applications.**

Permits shall not be required for the following construction work:

#### **Building**

1. Masonry landscape walls and fences forty-two inches in height or less.
2. Chain link fences six feet or less in height meeting zoning requirements.
3. Concrete walks, slabs on grade and driveways not more than thirty inches above grade, that are not over a basement or story below; and that will not serve as foundation or structural support for future construction, and are not located in public right-of-way.
4. Ordinary minor nonstructural repair work such as painting, papering, siding 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. An accessory storage building or structure less than two hundred square feet in floor area and not within 5 feet of another structure, eave to eave. This exemption shall be restricted to only one accessory building within a site.
8. Replacement of less than twenty-five percent of existing roof covering on residential structures only.

9. Canopies less than 200 square feet not exceeding lot coverage as allowed by Title 20, and with a 10 feet separation from any other structures.

### **Mechanical**

10. Portable heating appliances.
11. Portable ventilation equipment.
12. Portable cooling units.
13. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the technical codes.
14. Replacement of any part which does not alter its approval or make it unsafe.
15. Portable evaporative coolers.
16. 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**

17. Wiring devices or equipment installed by telephone, telegraph or other public service corporations used solely for the transmission of two-way communication.
18. 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.
19. 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.
20. 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 homeowner, on property that is their primary residence; or

A master, journeyman or maintenance electrician licensed in accordance with Section 18.02.104.6.

### **Fire protection systems**

21. Minor repair, service and maintenance work as allowed by the Fire Code Official.

22. Periodic testing of installed systems.

(Ord. No. 17749, § A, 3-6-2012, eff. 5-1-2012)

**18.02.105.3.5 - Permits required for every building.**

Permits shall be required for every building, structure, or service system. This includes every separate building or structure regardless of the number of buildings or structures located on the same site or lot and regardless of the ownership of such buildings, structures or service systems. For projects where there are multiple buildings of similar nature on a single parcel, such as apartment complexes or storage units, the master building permit fee shall be calculated as if the project were a single building.

**Exceptions:**

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

1. All portions of the same building, structure or service system created by dividing one building, structure, or service system by fire walls shall be permitted under the same permit provided all such portions thus created are located on the same site or lot and are under the same ownership, and are intended for construction under the same schedules.
2. 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.
3. In the case of City Annual Permits, the building official may allow for the use of a single permit to be issued to a City Department that will apply to all buildings, structures, or service systems under their control that are owned or operated by the City of El Paso.

(Ord. No. 17749, § A, 3-6-2012, eff. 5-1-2012)

**18.02.105.10 - Additional data.**

- A. The building official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the building official to be prepared by an architect or engineer shall be affixed with their signature and official seal.
- B. Title sheet. Construction documents shall contain a title sheet(s) indicating the name, address, and phone numbers of project owner(s), design professionals, and contractors (if known). The title sheet shall also contain information regarding the Code review as performed by the design professional, including the size of the building, type of construction, and type(s) of occupancy, building area, and height modifications (if any), fire sprinklers (if any), deferred items (if any), and other information as directed by the building official.
- C. A Pre-Submission Conference will be required for projects receiving city assistance. Applicants with projects receiving funds of any kind or tax incentives will be required to attend a pre-submission conference with appropriate project staff to explain proposed development and receive instruction/requirements to expedite the review and permitting of their projects. The conference will be scheduled and conducted in advance of any plan submittals to the city.

(Ord. No. 17749, § A, 3-6-2012, eff. 5-1-2012)

#### **18.02.107.15 - 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. The printing of approved electronic plan sets for use by the contractor shall be the responsibility of the permit applicant.

#### **18.02.107.21 - Nontransferable.**

Permits issued under this chapter shall be personal to the permittee, and shall not be assigned or transferred to any other person, firm, builder, owner or contractor. A registered contractor may not obtain a permit on behalf of an unregistered contractor.

(Ord. No. 17749, § A, 3-6-2012, eff. 5-1-2012)

**18.02.107.23 - 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 eighty 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.

3. A completion permit may be obtained for an expired master building permit within one year of the date of expiration of the original master building permit and provided there have been no modifications to the existing plans, there is no need for additional plan review and the existing plans still comply with current codes. The cost of the completion permit shall be equal to one half the established fee required for a new permit for such work. An expired subcontractor permit may only be renewed in conjunction with the renewal of an expired master building permit, at no additional fee.

(Ord. No. 17749, § A, 3-6-2012, eff. 5-1-2012)

**18.02.107.25 – Denial/Revocation of permits.**

The building official shall deny or revoke permits to any contractor upon any one of the following findings:

1. The contractor has failed to file the annual registration application required by this section.
2. The contractor has made false statements or misrepresentations in the annual registration application required by this section.

3. The contractor has any outstanding fees or penalties due in connection with the permit application.
4. The contractor was a holder of previous permits that have been revoked for any of the following grounds:
  - a. For failure to complete the work described in the permit.
  - b. For making false statements or misrepresentations as to material facts in the permit application.
  - c. Work was done in violation of or not in conformity with the provisions of this Code or the technical codes.

**Exception:** Prior permit cancellations/revocations that were cancelled/revoked at the request of the permit holder and 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.

(Ord. No. 17749, § A, 3-6-2012, eff. 5-1-2012)

#### **18.02.107.26 Cancellation/Termination of Permit**

A permit may be canceled by the applicant at any time prior to the commencement of any work. Subsequent to performance of any work, a permit may be canceled or terminated by the applicant or property owner with the concurrence of both applicant and property owner. Absent any concurrence the permit shall remain on hold until its expiration period or good cause shown the building official that allows the permit to be cancelled.

#### **18.02.107.29 - Miscellaneous permit provisions.**

##### **18.02.107.29.1 – Homeowner/Homestead permits.**

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

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



5. Permits for trades will only be issued to contractors licensed by the state and registered with the City

(Ord. No. 17749, § A, 3-6-2012, eff. 5-1-2012)

#### **18.02.107.31 - Owner permits.**

With the exception of homestead permits as defined in Section 18.02.107.29.1. No permit shall be issued to the owner of any building, structure or occupancy, except R-3 occupancies.

#### **18.02.105.28.3 - Mobile homes/Manufactured Housing 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 Title 24, CFR Section 3280.
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, in accordance with the rules promulgated by Title 24, CFR Section 3280 Housing and Urban Development (HUD) Code of Federal Regulations and all of the technical codes and zoning codes of the city are met.
4. Placement of any Mobile Home constructed prior to 1976 is not allowed within the City of El Paso unless any such Mobile Home is in compliance with Section 3 above.

#### **18.02.107.32 - Texas Industrialized Buildings/Housing Placement Permit.**

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

1. The building meets all the requirements of the Texas Industrialized Housing and Building Act, Texas Occupations Code, Chapter 1202 and is classified as "industrialized building" and bears an approved decal or insignia under the rules of the Texas Department of Licensing and Regulation reflecting that the building has been inspected at the manufacturing plant or facility by the Texas Department of Licensing and Regulation.
2. Two complete sets or an electronic copy of the designs, plans and specifications bearing the stamp of Texas Industrialized Building Code Council are submitted to the department for review.

3. The building is placed on a site-built permanent foundation system designed by a professional engineer.
4. The building was not designed or intended to be used other than on a site-built permanent foundation.
5. All of the requirements of this Code, the International Fire Code, the Texas Accessibility Standards, the technical codes, the municipal code and other city, state and federal regulations are met.

#### **18.02.107.33 – Temporary Placement Texas Industrialized Buildings for School Sites.**

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

1. The building meets all the requirements of the Texas Industrialized Housing and Building Act, Texas Occupations Code, Chapter 1202 and is classified as "Industrialized Building" and bears an approved decal or insignia under the rules of the Texas Department of Licensing and Regulation reflecting that the building has been inspected at the manufacturing plant or facility by the Texas Department of Licensing and Regulation.
2. Two complete sets or an electronic copy of the site plan showing the location where the building will be placed, designs, plans and specifications bearing the stamp of Texas Industrialized Building Code Council are submitted to the department for review.
3. The building is securely anchored to an on site-built 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 International Fire Code, the Texas Accessibility Standards, the technical codes, the municipal code and other city, state and federal regulations.

B. Duration:

1. An approved temporary placement permit for school sites shall be valid for two years from the date the permit is issued.
2. Upon expiration of the placement permit the structure will be removed or;
3. A new permit application for permanent placement shall be submitted.

**18.02.109.3.6 - Valuation for shell II only permits.**

Permits for shell II permits shall be based on the International Code Council rates for building type and occupancy in effect on the date of the permit application.

**18.02.109.3.7 - Valuation for tenant improvement permits to shell buildings.**

Permit valuation for tenant improvements to commercial shell only buildings and structures construction work shall be based on twenty percent of the value obtained from the International Code Council rates for building type and occupancy in effect on the date of permit application.

**18.02.109.3.8 - Valuation for foundation only permits.**

Permit valuation for foundation only work on commercial buildings shall be based on ten 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. This work shall be authorized separately and the fee shall be in addition to the overall permit fee.

**18.02.109.3.9 - Valuation** for Groups F (Factory), S (Storage), and U (utility) occupancies, as defined by the IBC. Permit valuation for commercial buildings of, Groups F (Factory), S (Storage), and U (Utility) occupancies, shall be based on seventy percent of the value obtained from the International Code Council rates for building type and occupancy in effect on the date of the permit application.

**18.02.109.3.10 - Building permit fees: Mechanical, Electrical, Plumbing, Gas, Irrigation, Solar, permit fees**

A person obtaining a permit shall pay the established fee.

**18.02.109.3.11 - Temporary gas permit fee.**

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

**18.02.118.8.1 Demolition of building or structure.**

The purpose of this section is to assure greater public safety during demolition activities by establishing the process and setting forth the requirements for obtaining a demolition permit, establishing requirements for demolition including notification to adjacent property owners when applicable and encouraging the salvage and/or recycling of materials. City ordered demolitions shall be exempt from the requirements of this section.

A. Definitions.

1. Deconstruction means the process of systematically dismantling a structure or portion of a structure in an environmentally, economically and socially responsible manner, aiming to maximize the recovery of materials for reuse and recycling.

2. Demolition means the deconstructing, destroying, razing, tearing down, alteration or wrecking of any structure or removal of any load-supporting structural member of a building or structure together with any related handling operations.

#### B. Permit Required.

1. A demolition permit shall be required before any person proceeds with any of the following activities/work:

2. Level I: The demolition or partial demolition of a single family, duplex, triplex, quadruplex or commercial building under 5,000 square feet of the gross floor area being demolished.

3. Level II: The demolition or partial demolition of a commercial building greater than 5,000 square feet but less than 10,000 square feet of the gross floor area being demolished.

4. Level III: The demolition or partial demolition of a commercial building greater than 10,000 square feet of the gross floor area being demolished.

#### C. Fees.

1. A person obtaining a Level I demolition permit shall pay the established fee.

2. A person obtaining a level II demolition permit shall pay two hundred percent of the established permit fee.

3. A person obtaining a level III demolition permit shall pay three hundred percent of the established permit fee.

#### D. Duration.

A demolition permit shall be valid for a consecutive 90 day period. Every permit issued shall expire under any of the following circumstances:

1. The work authorized by such permit is not commenced within three months from the issue date of the permit;

2. The work authorized by such permit is suspended or abandoned for a period of three months after the time the work is commenced;

3. The permit applicant fails to call for and receive an inspection for any period of three months.

4. Upon completion and successful final inspection of the work authorized by such permit.
5. A permittee holding an unexpired permit may apply for one extension of time for a period of not more than one ninety day period; provided that the request for extension is made in writing prior to the expiration of the current permit, Such extension authorizations shall be made in writing to the building official. There shall be no fee for the extension of an unexpired permit.
6. A completion permit may be obtained for an expired permit within six months of the date of expiration of the original permit. The cost of the completion permit shall be equal to one half the established fees required for a new permit for such work.

#### E. Application Requirements.

1. Emergency demolition: Emergency demolition will be permitted upon provision of:
  - a. A copy of the Building Standards Commission order *or*;
  - b. A fire assessment from the Fire Marshall 's office *or*;
  - c. A structural engineer' s assessment of imminent hazard, *or*
  - d. Court order; or
  - e. Upon a determination made by the building official pursuant to International Building code Section 116.1 that the structure or equipment is unsafe and must be taken down and removed or made safe.
2. Standard demolition: The applicant shall provide a demolition plan
3. Complete and interior demolition: The applicant shall provide scaled survey of property clearly labeling limits of proposed demolition.
4. Interior demolition of commercial properties. The applicant shall provide:
  - a. Scaled floor plan of structure clearly labeling area(s) of existing structure.
  - b. Proposed demolition and/or removal and replacement of materials.
  - c. Hazardous Material/Asbestos remediation report.
  - d. Material (CDM) manifest form as per section 9.04.280 of the municipal code
  - e. Proof of utility disconnections.
  - f. Proof of ownership, title deed and/or warranty deed or notarized letter from property owner authorizing demolition.

F. Demolition of Property within the Downtown Plan Area:

1. If the property to be demolished is located within a historic district or is a landmark, approval for demolition from the Historic Landmark Commission is required prior to the issuance of a demolition permit and all other application requirements of 18.02.118.8.1, E shall be followed.
2. If the property to be demolished is within the Downtown Plan Area, the applicant will be required prior to demolition to:
  - a. Provide for as-built drawings or photo – documentation.
  - b. Provide proof of notices sent: If the proposed building to be demolished is three stories or less, the applicant shall provide copies of certified letters to all adjacent property owners and businesses notifying them of the proposed demolition and approximate schedule of events. If the proposed demolition is for a commercial or industrial structure or a residential structure four stories or more, all property owners and business within 300 feet shall be notified. If the proposed building to be demolished shares a common wall with another building(s) the applicant shall submit a sealed structural engineer's report that verifies that the proposed demolition will not adversely impact adjoining structures.

G. Additional Provisions:

1. No wall, chimney or other structural part shall be left at the end of each shift in such condition that it may collapse due to wind, vibration or other cause.
2. Upon the completion of demolition operations, the site shall be completely cleared of rubbish, brush, weeds and other debris. The site must be left free of ponds/ponding areas.
3. Footings/foundations, basement/surface slabs, septic tanks, wells, cesspools, and cisterns shall be completely removed.

**Exception** – Footings, foundations, basement walls may remain provided that:

- a. The site is properly secured by appropriate fencing.
- b. Plans sealed by a design professional are submitted at the time of proposed new construction using existing footings, foundations, or basement walls.

- c. The plans provide an engineering analysis stating that the footing/foundations are structurally adequate for the intended new structure
- d. An engineering inspection report indicating that the original footings/foundation or other structures that will be utilized have not been disturbed, structurally impaired and/or impacted by the demolition

4. Security fencing shall be provided by the contractor.

5. The applicant shall coordinate with applicable city departments for the blocking of walkways, thoroughfares and alleys to protect the public.

#### H. Final Site Preparation/Security

1. The site must be left ready for new construction. All underground utilities, footings, foundations, vaults, basements, etc. must be removed and clean fill must be used to return the site/lot to its original and/or otherwise appropriate elevation consistent with adjoining lots and/or public improvements.

**Exception** – Footings, foundations, basement walls may remain provided that:

- e. The site is properly secured by appropriate fencing.
- f. Plans sealed by a design professional are submitted at the time of proposed new construction using existing footings, foundations, or basement walls.
- g. The plans provide an engineering analysis stating that the footing/foundations are structurally adequate for the intended new structure
- h. An engineering inspection report indicating that the original footings/foundation or other structures that will be utilized have not been disturbed, structurally impaired and/or impacted by the demolition.

2. Contractor shall return all public improvements to their original and/or improved condition(s)

#### **18.02.110.18 - Special inspectors/agencies.**

Special inspectors are required to obtain International Code Council (ICC) certification for the specific discipline they will be inspecting. Organizations that employ special inspectors shall gain accreditation through the International Accreditation Service (IAS), a subsidiary of the ICC.

#### **18.02.107.6 - Third party service providers.**

##### **18.02.107.6.1 - 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 service providers to conduct plan review and/or inspection services during such peak periods or for expedited service delivery, allows the city to maintain an acceptable level of customer service. This section establishes the selection procedure and requirements for qualification as a third party service provider. Any reference in this section to third party service providers shall apply equally to companies and individuals engaged in such services. This section does not apply to the hiring of such companies by the city to provide services relating to potential litigation or to provide services ancillary to compliance with local, state or federal laws. Such hiring shall be done in consultation with the city attorney and in accordance with the applicable requirements of local, state or federal law.

##### **18.02.107.6.2 - Selection procedures for third party service providers.**

Third party service providers shall be selected through the Request for Qualification (RFQ) solicitation process solely on the basis of their qualification.

##### **18.02.107.6.3 - Qualification requirements.**

The determination of a potential third party service provider's qualifications shall be based on the criteria set forth below. Third party service providers may also present other information which objectively demonstrates 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.

- A. Third party service provider's history identifying previous experience in conducting such services, including a client list.
- B. Proof of International Code Council Certification for each individual who will be performing third party inspections/plan review services for the city.
- C. 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.
- D. Third party service provider's references including Better Business Bureau reports.
- E. Evidence of commercial liability, property damage liability, vehicle liability and errors and omissions insurance coverage in the amounts required by the RFQ and/or the third party service agreement.



F. 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.

#### **18.02.107.6.4 - Scope of services.**

Selected third party service providers shall be required to enter into an agreement for third party services with the City of El Paso and may thereafter provide plan review and/or inspection services for both residential and commercial projects. These services 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 third party service provider fee in addition to the established permit fees.

#### **18.107.6.5 - 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 appraised in writing of all audit findings with deficiencies.

#### **18.02.107.6.6 - Third party service provider audit process.**

The city is authorized to conduct periodic unannounced audits of plan review and inspections. The following shall apply to all third party service providers:

1. Following written notice by the building official of an audit resulting in one or more deficiencies (code requirements that were missed), and for each written notice of deficient audit 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 of the deficiencies, the city shall conduct a follow up plan review and/or inspection to assure compliance. The established fee for plan review and/or re-inspection shall be paid.
  - c. The city shall not be responsible for the cost of any corrections required.
- 2. Two audits with one or more deficiencies within any one hundred eighty-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 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 audits with one or more deficiencies within any one hundred eighty-day period shall also result in:
  - a. Third party service provider being placed on probation for a period of one hundred eighty days.
  - b. Third party service providers that have been placed on probation more than once in any five-year period shall have their agreement for third party services terminated and be deemed non-qualified for a two-year period, in reference to subsequent request for qualification solicitations.
- 4. Further audits with one or more deficiencies during the probationary period shall result in:
  - a. Suspension of third party service provider for a period of one hundred eighty days.

## **18.02.111 - CERTIFICATES OF OCCUPANCY**

### **18.02.111.1.1 - New building certificate of occupancy.**

A Certificate of Occupancy allows for full occupancy of an entire building or structure when the entire building or structure is dedicated to one specific use or occupancy type. A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until the building official has issued a certificate of occupancy. The certificate shall not be issued until the building has passed all required inspections, is in compliance with the technical codes and other applicable laws and ordinances and is released by the building official and the applicant has paid the established fee.

#### **18.02.111.1.2 - 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, 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 and the applicant has paid the established fee.

#### **18.02.111.1.3 - Certificates of occupancy for lots with unconditional master building permits.**

Certificates of occupancy shall be issued for lots receiving unconditional master building permits as described in Section 18.02.105.15 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 and upon payment of the established fee.

#### **18.02.111.1.4 - Certificates of occupancy for lots with conditional master building permits.**

Certificates of occupancy may be issued for lots receiving conditional master building permits as described in Section 18.02.105.15 B. of this Code provided the applicant has paid the established fee and the following requirements are complied with:

The structures comply with the requirements of the building and zoning codes; and

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

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.

#### **18.02.111.3.1 - Temporary Certificate of Occupancy (TCO)**

A TCO may be issued that allows for temporary occupancy of an incomplete building upon payment of the established fee and provided that the building has passed the following life safety and service system inspections:

Inspections required prior to issuance of a commercial TCO:

Engineering final, electrical final, fire final, mechanical final, plumbing final, building final.

Inspections required for a residential TCO:

Electrical final, mechanical final, plumbing final, building final, and fire final.

A TCO is valid for thirty days. An extension TCO may be granted for an additional thirty (30) days upon with written request for extension and upon payment of the established fee contained in Schedule C.

#### **18.02.111.3.2. - Nonconforming buildings or uses.**

Persons who wish to utilize structures or buildings for a limited period of time, which do not meet the requirements of the technical codes, shall apply to the building official for approval of a temporary certificate of occupancy, and pay the established fee contained in Schedule C. Temporary Certificates of Occupancy for non-conforming buildings or uses shall not exceed thirty days.

#### **18.02.111.3.4 Conditional Certificate of Occupancy (CCO).**

A CCO allows for temporary occupancy of a complete or portion of an existing building or structure for an occupancy other than the occupancy for which the building or structure was intended, or for vacant premises as described in this section, provided all life safety requirements have been met for the proposed new occupancy and upon payment of the established fee. A CCO shall not exceed one year.

A CCO for otherwise vacant premises shall be allowed only in specific portions of the street level in buildings within a 1-mile radius of the Downtown Plan Area, upon application approval by the building official and upon agreement to the proposed occupancy classification and compliance benchmarks. A CCO for otherwise vacant premises may be extended through a second year with no additional permit fees by the building official, pending a phased compliance plan and expires automatically when applicant vacates the premises.

#### **18.02.111.3.5 Certificate of Use (C/U).**

Following application, inspection and payment of established fee, certificates of use allow for multiple occupancy types in one building or structure and/or occupancy of only a specified portion of a building or structure when the remainder of the building or structure is

vacant provided all life safety requirements have been met for the proposed new occupancy and no hazards are posed by the remainder of the structure. A certificate of use is also required for any use or partial use of a site or lot.

Buildings or structures with multiple uses and/or occupancies and buildings or structures where only a portion of the building is in use, are required to have a certificate of use for each use and/or occupancy. Each certificate shall specify the allowable use and the specific location (floor and area allocated on each floor) for each use. Any modifications or changes to such uses and/or areas occupied shall be reported to the building official and shall require an additional review/inspection and issuance of a new certificate. A certificate of use is required for use or partial occupancy of a vacant building(s) that may be in the process of renovation and/or rehabilitation. The area allocated to the specific use shall comply with all life safety requirements as established in Section 18.02 and no hazards are posed by the remainder of the structure

#### **18.02.112.1.1 Connection of service utilities.**

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

#### **18.02.112.2.1 Temporary connection.**

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

#### **18.02.112.3.1 Authority to disconnect service utilities.**

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

#### **18.02.112.4 Plumbing outside city limits.**

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/El Paso Water Utilities (EPWU).

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

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

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

#### **18.02.112.5 Relations with the El Paso Water Utilities (EPWU) Department.**

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.

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

Clear water waste from swimming, wading and bathing pools and similar devices and installations may be utilized for irrigation by either surface or subsurface spreading when specifically authorized by the building official.

#### **18.02.113.1.1.15 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 permit or certificate of occupancy, the permit applicant may appeal the decision to the construction board of appeals in accordance with the requirements and procedures of Chapter 2.30 of the City Code.

### **18.02.117 CONSTRUCTION SITE WASTE MANAGEMENT REQUIREMENTS**

#### **18.02.117.1 Discarded building materials and construction site waste.**

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

#### **18.02.114 – SEVERABILITY**

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

#### **18.02.114.1 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 offense 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.

**SECTION 2.** That except as herein amended, Title 18 (Building and Construction), Chapter 18.02 (Administrative Code) of the El Paso City Code shall remain in full force and effect.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

**THE CITY OF EL PASO**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

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John R. Batoon  
Assistant City Attorney

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Larry Nichols, Director  
City Development Department