

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

DEPARTMENT: Fire

AGENDA DATE: Introduction: August 25, 2015  
Public hearing: September 1, 2015

CONTACT PERSON/PHONE: Samuel Peña (Fire Chief) 485-5605  
Orlando Arriola (Fire Marshal) 240-9962

DISTRICT(S) AFFECTED: All Districts (city-wide)

STRATEGIC GOAL: Goal 2: Set the Standard for a Safe and Secure City

SUBJECT:

An Ordinance amending Title 18 (Building and Construction), Chapter 18.50 (Property Maintenance Code) of the City Code in its entirety relating to all provisions, to require additional safeguards and maintenance criteria for vacant buildings; the penalty being as provided in section 18.02.111 (Violations and Penalties) of the El Paso City Code.

BACKGROUND / DISCUSSION:

Please see attachment: Ch. 18.50 Property Maintenance Code

The proposed ordinance is in alignment with the City's strategic goals and strategies to include: implementation of effective code enforcement to reduce nuisances and improve overall health and safety; providing for business-friendly permitting and inspection processes; and support streamlining processes to provide a solid foundation for economic development.

PRIOR COUNCIL ACTION:

CHAPTER 18.50 PROPERTY MAINTENANCE CODE (*Ord. No. 17376, §B, 8-24-2010, eff. 1-1-2011*)

AMOUNT AND SOURCE OF FUNDING:

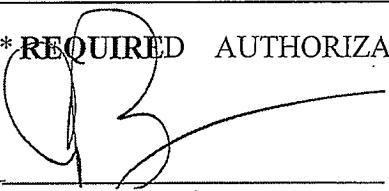
N/A

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:

  
Samuel Peña, El Paso Fire Department, Fire Chief

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

**AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.50 (PROPERTY MAINTENANCE CODE) OF THE CITY CODE IN ITS ENTIRETY RELATING TO ALL PROVISIONS, TO REQUIRE ADDITIONAL SAFEGUARDS AND MAINTENANCE CRITERIA FOR VACANT BUILDINGS; THE PENALTY BEING AS PROVIDED IN SECTION 18.02.111 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.**

**WHEREAS**, the City Council desires to amend Chapter 18.50 (Property Maintenance Code) of the City Code;

**WHEREAS**, the City's Property Maintenance Code (Chapter 18.50) governs the minimum conditions and responsibilities of persons for the maintenance of structures, equipment and exterior property; and

**WHEREAS**, the El Paso City Code was adopted to promote the health, safety, morals and general welfare of the community; and

**WHEREAS**, Title 18 (Building and Construction Code) provides for the administration and enforcement of technical codes; and

**WHEREAS**, El Paso's Strategic Plan 2015 calls for the creation of an environment conducive to strong, sustainable economic development; and

**WHEREAS**, El Paso's Strategic Plan 2015 enumerates strategies that set standards for a safe and secure city and to promote the visual image of El Paso; and

**WHEREAS**, an effective Property Maintenance Code averts environmental and visual nuisances engendered by unmaintained property; and

**WHEREAS**, a Property Maintenance Code helps to conserve buildings for future reuse, contributing to economic viability and enhancement of an area's aesthetic identity.

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

Section 1. That Chapter 18.50 of the El Paso City Code is amended in its entirety to read as follows:

## **Chapter 18.50 - PROPERTY MAINTENANCE CODE**

- 18.50.010 - Short title.
- 18.50.020 - Adoption.
- 18.50.030 - Section 202 General Definitions, amended.
- 18.50.040 - Section 301.1 Scope, amended.
- 18.50.050 - Section 302.2 Grading and drainage, amended.
- 18.50.060 - Section 302.4 Weeds, amended.
- 18.50.070 - Section 304.3 Premises identification, amended.
- 18.50.080 - Section 304.14 Insect screens, amended.
- 18.50.090 - Section 310 Additional requirements for vacant structures, added.
- 18.50.100 - Section 501.1 Scope, amended.
- 18.50.110 - Section 503.4 Floor surface, amended.
- 18.50.120 - Section 601.1 Scope, amended.
- 18.50.130 - Section 605.2 Receptacles, amended.
- 18.50.140 - Section 605.3 Luminaires, amended.
- 18.50.150 - Section 701.1 Scope, amended.
- 18.50.160 - Appendix A, Boarding Standard, adopted.
- 18.50.170 - Appendix A, Boarding Standard, Section A101.1 General, amended.

## **Chapter 18.50 - PROPERTY MAINTENANCE CODE**

### **Sections:**

#### **FOOTNOTE(S):**

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**Editor's note**—Ord. No. 17376, § B, adopted August 24, 2010, effective January 1, 2011, amended chapter 18.50 in its entirety to read as herein set out. Former chapter 18.50, §§ 18.50.010—18.50.110, pertained to similar subject matter. See Ordinance List, Code Comparative Table and Disposition List for history.

**Note**—Section C of Ord. No. 17376 states all references to the NEC, National Electrical Code, shall be construed to mean the Electrical Code of the City of El Paso.

#### **18.50.010 - Short title.**

This chapter may be cited as the "Property Maintenance Code."

#### **18.50.020 - Adoption.**

The book entitled "International Property Maintenance Code," 2009 Edition, an authenticated copy of which is on file in the city clerk's office, is adopted as the Property Maintenance Code of the city, and is referenced herein as if fully set forth in this chapter, along with the amendments set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso.

#### **18.50.030 - Section 202 General Definitions, amended.**

International Property Maintenance Code, 2009 Edition, Section 202 General Definitions is hereby amended to add the following definitions to read as follows:

**BOARD.** The Building and Standards Commission for the City of El Paso.

**OFFICIAL.** The building official or any duly authorized representative or designee of the city manager.

**OVERLAY ZONING DISTRICT.** A zoning district established by ordinance to prescribe special regulations to be applied to a site, together with the regulations pertaining to the underlying or base zoning district.

**STREET FRONTAGE.** The façade of a structure facing a public street or parking area, including main public access to the structure. Some structures have a primary and a secondary façade. In the case of a structure that occupies a corner lot, the structure is considered to have two street frontages.

**URBAN NUISANCE.** A premises or structure that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety and welfare.

**VACANT.** The term "vacant" shall have the meaning as defined in Chapter 18.40 of this title.

**18.50.040 - Section 301.1 Scope, amended.**

International Property Maintenance Code, 2009 Edition, Section 301.1 Scope is hereby amended to read as follows:

**301.1 Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property and shall apply to both vacant and occupied structures and premises.

**18.50.050 - Section 302.2 Grading and drainage, amended.**

International Property Maintenance Code, 2009 Edition, Section 302.2 Grading and Drainage, is hereby amended to read as follows:

**302.2 Grading and drainage.** All premises shall be graded and/or maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**Exception:** Approved retention areas and reservoirs.

**18.50.060 - Section 302.4 Weeds, amended.**

International Property Maintenance Code, 2009 Edition, Section 302.4 Weeds, is hereby amended to read as follows:

**302.4 Weeds, Trash, Rubbish and Debris.** All premises and exterior property shall be maintained free from weeds, trash, rubbish and debris in accordance with Chapter 9.04 of the City Code.

**18.50.070 - Section 304.3 Premises identification, amended.**

International Property Maintenance Code, 2009 Edition, Section 304.3 Premises Identification, is hereby amended to read as follows:

**304.3 Premises Identified.** Premises shall be identified in accordance with the requirements of Chapters 18.08 or 18.10 of the City Code.

**18.50.080 - Section 304.14 Insect screens, amended.**

International Property Maintenance Code, 2009 Edition, Section 304.14 Insect screens, is hereby amended to read as follows:

**304.14 Insect Screens.** Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

**Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

**18.50.090 - Section 310 Additional requirements for vacant premises, added.**

**Section 310 Additional requirements for vacant premises.**

**310.1 Required Vacant Premises Inspection**

**General:**

All designated vacant premises shall be inspected in accordance with the provisions of City Code Chapter 18.40 and any other applicable provisions.

**310.2 Street facade windows and doors.** All street frontage windows and doors having cracked, broken or missing glass or glazing material shall be repaired and replaced with glass and glazing material.

**Exceptions:**

The required glazing of street frontage windows and doors may be substituted with artistic panels under the following conditions:

1. The artistic panels and their installation must comply with the boarding standards represented in the International Property Maintenance Code A or the Vacant Premises Code, if applicable.
2. Artistic panels proposed as an alternate to the glazing requirements on a structure within an overlay district shall be subject to approval by the overlay district administrator.
3. Building owners desiring to install artistic panels on a structure in a historic district must first apply for and receive a certificate of appropriateness prior to installation.
4. Windows on all occupied floors shall be kept in sound condition, good repair and weather tight. All glazing materials shall be maintained free from cracks and holes. All windows and doors shall be maintained and secured to prevent unauthorized entry.

**310.3 Fire Safety and Security.** Structures that have been identified as vacant premises shall comply with the following additional requirement:

1. Existing fire suppression systems shall be maintained and be in working order in conformance with the currently adopted International Fire Code.

**310.4 Interior fire safety and security requirements.** Interior fire safety and security requirements shall be in compliance with the City of El Paso Building Code and the Fire Code.

**310.5 Historic Buildings.** Any restoration, rehabilitation, maintenance or demolition of a historic building and any building with a historic zoning overlay is subject to the requirements of this chapter and Chapter 20.20 of this Code, and whichever is the more restrictive shall govern.

**310.6 Subsurfaces.** Subsurface spaces and basements including those extending into and under the sidewalks shall be maintained and sealed against water and rodent intrusion.

**310.7 Exterior walls.** Walls and wall surfaces shall be maintained, with methods and materials that will prevent deterioration of the wall and its elements.

**310.8 Roofs and drainage.** All skylights or roof penetrations that could function as access ways shall be maintained and secured against unauthorized entry. Roof structures and structural elements shall be maintained for public safety purposes.

**18.50.100 - Section 501.1 Scope, amended.**

International Property Maintenance Code, 2009 Edition, Section 501.1 Scope, is hereby amended to read as follows:

**501.1 Scope.** The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided for both vacant and occupied structures and premises.

**18.50.110 - Section 503.4 Floor surface, amended.**

International Property Maintenance Code, 2009 Edition, Section 503.4 Floor surface, is hereby amended to read as follows:

**503.4 Floor surface.** In other than owner occupied dwelling units, every toilet room floor shall be constructed of a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

**18.50.120 - Section 601.1 Scope, amended.**

International Property Maintenance Code, 2009 Edition, Section 601.1 Scope, is hereby amended to read as follows:

**601.1 Scope.** The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided for both vacant and occupied structures and premises.

**18.50.130 - Section 605.2 Receptacles, amended.**

International Property Maintenance Code, 2009 Edition, Section 605.2 Receptacles, is hereby amended to read as follows:

**605.2 Receptacles.** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle with ground fault circuit interrupter protection. Every countertop outlet within five feet of the flood rim of the kitchen sink shall be a ground fault circuit interrupter receptacle.

**18.50.140 - Section 605.3 Luminaires, amended.**

International Property Maintenance Code, 2009 Edition, Section 605.3 Luminaires, is hereby amended to read as follows:

**605.3 Lighting Fixtures.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room, furnace room, attached garage, and detached garage with electric power shall be provided with at least one wall switch controlled ceiling or wall type light fixture.

**18.50.150 - Section 701.1 Scope, amended.**

International Property Maintenance Code, 2009 Edition, Section 701.1 Scope, is hereby amended to read as follows:

**701.1 Scope.** The more restrictive of the provisions of this chapter and Chapter 9.52 shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided, for both vacant and occupied structures and premises.

**18.50.160 - Appendix A, Boarding Standard, adopted.**

International Property Maintenance Code, 2009 Edition, Appendix A, Boarding Standard, is hereby adopted in its entirety.

**18.50.170 - Appendix A, Boarding Standard, Section A101.1 General, amended.**

International Property Maintenance Code, 2009 Edition, Appendix A, Boarding Standard, Section A101.1 General, is hereby amended to read as follows:

**A101.1 General.** Except as otherwise required by this chapter, all windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

Section 2. The provisions of this Chapter shall be effective within 90 days from the adoption of this ordinance by City Council.

Section 3. That except as expressly hereby amended Title 18 (Building and Construction), shall remain in full force and effect.

PASSED AND APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF EL PASO

\_\_\_\_\_  
Oscar Leaser  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Josette Flores  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Larry Nichols, Director  
Planning & Inspections Department

APPROVED AS TO CONTENT:

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Samuel Peña, Fire Chief  
El Paso Fire Department