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

AGENDA DATE: June 20, 2023
PUBLIC HEARING DATE: July 5, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Tony De La Cruz, (915) 212-1589

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.1 Provide business friendly permitting and inspection process
3.2 Set one standard for infrastructure across the city

SUBJECT:
An Ordinance Amending Title 18 (Building and Construction), Chapter 18.02 (Administrative Code), Chapter 18.08 (Building Code), Chapter 18.10 (Residential Code), Chapter 18.12 (Mechanical Code), Chapter 18.16 (Electrical Code), Chapter 18.20 (Plumbing Code), Chapter 18.24 (Gas Code), Chapter 18.28 (Existing Building Code), Chapter 18.30 (Pool and Spa Code), Chapter 18.50 (Property Maintenance Code), Chapter 18.60 (Flood Damage Prevention Code), Chapter 18.70 (Energy Conservation Code), adopting the 2021 International Building Code, and adopting appropriate local amendments, the penalty being as provided in 18.02.115 of the El Paso City Code.

BACKGROUND / DISCUSSION:
This item is amending El Paso City Code Title 18 (Building and Construction) by adopting the 2021 International Building Code with appropriate local amendments. Since 2000, the City of El Paso has adopted the latest building codes every six years, which is a best practice. The adoption of updated building codes will maintain El Paso's building safety standing among the largest Texas cities. Multiple meetings and outreach efforts were conducted with the building community to address concerns and comments.

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? _X_ YES ___NO

PRIMARY DEPARTMENT: Planning & Inspections, Building Permits Division
SECONDARY DEPARTMENT: N/A

**********************REQUIRED AUTHORIZATION**********************

DEPARTMENT HEAD: Philip Etiwe

Revised 04/09/2021

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02 (ADMINISTRATIVE CODE), CHAPTER 18.08 (BUILDING CODE), CHAPTER 18.10 (RESIDENTIAL CODE), CHAPTER 18.12 (MECHANICAL CODE), CHAPTER 18.16 (ELECTRICAL CODE), CHAPTER 18.20 (PLUMBING CODE), CHAPTER 18.24 (GAS CODE), CHAPTER 18.28 (EXISTING BUILDING CODE), CHAPTER 18.30 (POOL AND SPA CODE), CHAPTER 18.50 (PROPERTY MAINTENANCE CODE), CHAPTER 18.60 (FLOOD DAMAGE PREVENTION CODE), CHAPTER 18.70 (ENERGY CONSERVATION CODE), ADOPTING THE 2021 INTERNATIONAL BUILDING CODE, AND ADOPTING APPROPRIATE LOCAL AMENDMENTS, THE PENALTY BEING AS PROVIDED IN 18.02.115 OF THE EL PASO CITY CODE.

WHEREAS, the Building Official for the City Of El Paso has reviewed and favorably recommend the adoption of the 2021 International Building Codes; together with the appropriate local amendments for the City Of El Paso; and

WHEREAS, the City Council has deemed the propose 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[1]

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.
Chapter 18.10, Residential Building Code.
Chapter 18.12, Mechanical Code.
Chapter 18.16, Electrical Code.
Chapter 18.18, Outdoor Lighting Code.
Chapter 18.20, Plumbing Code.
Chapter 18.21, Private Sewage Disposal Code.
Chapter 18.24, Gas Code.
Chapter 18.28, Existing Building Code.
Chapter 18.30, Swimming Pool & Spa Code.
Chapter 18.40, Vacant Building Code.
Chapter 18.44, Grading.
Chapter 18.46, Landscape Code.
Chapter 18.47, Irrigation Code.
Chapter 18.50, Property Maintenance Code.
Chapter 18.60, Flood Damage Prevention.
Chapter 18.70, Energy Conservation Code.
Chapter 18.80, Alternative Energy Conservation Code – Deleted in its entirety.

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.

18.02.101.3 - Interpretation.

Where, in any specific case, different sections of this Code, or of the technical codes, or other codes mentioned herein, specify different materials, methods of construction or other requirements, the most restrictive shall govern.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Where there are any conflicting provisions between this Code and the International Building Code and/or International Residential Code, 2021 Edition, Chapter 1, Scope and Administration, this Code shall prevail.

All references as may be used in state or other applicable law, and in the ordinances and technical codes of the city, to the plumbing official, mechanical official, gas official, code official, or the authority having jurisdiction, shall mean the building official.

All references within the technical codes to the building department or the department of building safety shall mean the building permits and inspections division or the code compliance division of departments of the city as provided by ordinance, as applicable, or as designated by the city manager. All references in this chapter to the department, when relating to the duties of the department, shall mean the building permits and inspections division or the code compliance division, as applicable, or as designated by the city manager.

18.02.101.4 - Referenced standards.

Standards referenced in the technical codes shall be considered an integral part of the codes without separate adoption. If specific portions of a standard are denoted by Code text, only those portions of the standard shall be enforced. Where Code provisions conflict with a standard, the

Code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be constructed as mandatory.

18.02.101.5 - Code remedial.

This Code is declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.

18.02.101.6 - Quality control.

Quality control of materials and workmanship is not within the purview of this Code except as it relates to the purposes stated herein or the requirements of the technical codes.

18.02.101.7 - Permitting and inspection.

The inspection or permitting of any building, structure, system or plan by any jurisdiction, under the requirements of this Code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. No jurisdiction nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

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. Expedited plan review The expedited 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. Permittee: The governmental entity, utility company, contractor, person or business entity that has received a permit pursuant to this chapter.
8. 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.
9. Shell I structure: A shell I structure shall consist of foundation, exterior walls, roofing along with underground MEP systems only.
10. 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.

18.02.103 - POWERS AND DUTIES OF THE BUILDING OFFICIAL

18.02.103.1 - Building official.

The building official shall be designated by the city manager and shall obtain valid building official certification from the International Code Council or other recognized certification program as required by the approved job specifications for the position.

18.02.103.2 - Administration and enforcement.

The building official shall be responsible for enforcing the provisions of this Code and of the technical codes and is authorized to render interpretations of those codes that are consistent with their spirit and purpose. The building official is further authorized to designate employees of the building permits and inspections division and code compliance division to perform these duties.

18.02.103.3 - Deputy building officials.

The building official may designate city employees to be known as deputy building officials under either the building permits and inspections division or the code compliance division for purposes of carrying out authority and delegation with respect to all matters under this Code and the technical codes.

Employees designated to be known as deputy building officials shall have a valid building official certification from the International Code Council or other recognized certification program at the time of appointment and shall have the powers as delegated by the building official. Final authority for interpretation of the codes enumerated in Section 18.02.101.2 shall rest with the building official.

To the extent that provisions in the technical codes regarding the designation or appointment of deputy building officials may be contrary to the provision in this section, this section shall control.

18.02.103.4 - Chief inspector qualifications.

Chief Inspectors in the building permits and inspection division and the code compliance division shall obtain valid building official certification from the International Code Council or other recognized certification program as required by the approved job specifications for the position.

18.02.103.5 - Inspector qualifications.

Inspectors in the building permits and inspections division and the code compliance division shall obtain valid inspector certification from the International Code Council or other recognized certification program as required by the approved job specifications for the position.

18.02.103.6 - Right of entry.

Whenever necessary to make an inspection to enforce any of the provisions of this Code and of the technical codes, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this Code or the technical codes; provided, that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

18.02.103.7 - Inspection warrant.

When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this Code or the technical codes.

18.02.103.8 - Tests.

The building official may require tests or test reports as proof of compliance with any provision of this Code or of the technical codes. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

18.02.104 - CONTRACTORS AND LICENSING

18.02.104.1 - Contractors' responsibilities.

It shall be the duty of every contractor who shall make contracts for the construction, installation or repair of buildings, structures, or fire protection, electrical, gas, mechanical or

plumbing systems, for which a permit is required, to conform to the requirements of this Code and the technical codes and with all other federal and state regulations.

18.02.104.2 - Contractor registration.

Persons, firms, partnerships or corporations doing business as contractors shall file an annual registration application with the department to be eligible to apply for and obtain permits. The established registration fee shall accompany such application. Pursuant to the State Occupations Codes, plumbing, electrical and mechanical contractors shall be exempt from the registration fee .

Plumbing, electrical and mechanical contractors shall provide copies of the bond and general liability insurance policies, to include exemptions and/or restrictions associated with such policies.

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.

18.02.104.4 - Disclosures.

The registration application shall include disclosure of the following information:

Whether the principal owner or operator has filed an assumed name certificate with El Paso County. If so, a copy of such shall be attached.

Whether there are any restrictions and/or exceptions imposed on the company’s bond or general liability coverage.

18.02.104.5 - Acknowledgements.

The registration application shall be signed by the principal owner or operator of the company and shall include a statement acknowledging the following:

1. That the company and the persons involved understand that they have a duty to comply with this Code and the technical codes.

2. That to be eligible to obtain permits from the city, they must annually file the registration application required by this section.
3. That all statements made in the registration application and submittal attachments are true and correct.

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 fifty 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:

1. 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.

2. 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 18.02.104.7 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 cancelation 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.

18.02.104.11 - Identification of vehicles.

Every person engaging in business for which a license is required under Section 18.02.108.4 shall mark all vehicles used in the conduct of such business, with the name under which such business is conducted and the license number. The same name and number shall be used for all vehicles of such person or entity. The markings shall be as follows:

1. Permanent signs only (not magnetic or removable).
2. Letters and numbers at least two inches high.
3. A color of sufficient contrast to the vehicle color so as to be plainly legible.
4. Marked on both sides of vehicle.

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.

Exception:

1. The County of El Paso, the State of Texas, and the United States Government and other governmental entities that are, as a matter of law, are exempt from having to obtain a permit, provided, that only such construction as is owned, operated and maintained by such governmental agencies.

18.02.105.3 - Master permits.

For all new construction, a master permit must be obtained/issued prior to the issuance of any separate subcontractor permits for any electrical, mechanical, plumbing, fire and/or irrigation permits.

18.02.105.4 - Separate subcontractor permits.

Separate subcontractor permits are required for building, gas, plumbing, mechanical, electrical, irrigation, and fire protection work.

18.02.105.5 - 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; fences may be permitted under the same permit as the principal building or structure provided such 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.

18.02.105.6 - Information required.

Each application for a permit, with the required established fee, shall be filed with the building official on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the building official.

18.02.105.7 - Drawings and specifications.

Drawings, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs, and other data as required by the building official, shall be submitted in a digital form compatible with the city's system, with each application for permit. Paper submittals of full plan sets for new construction shall be assessed the established fee for conversion of paper documents to digital format. The construction documents shall be prepared, signed and sealed by a registered design professional where required by state law and this Code. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. At any time prior to issuance of a master building permit, all construction documents submitted to the department may be expedited to reduce the review time. Such requests must be submitted in writing to the building official.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Code.

18.02.105.8 - 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.

18.02.105.9 - Design professional.

The architect or engineer who prepares construction documents shall have full responsibility for complying with Texas Occupations Code, Chapter 1001 (Engineers) or Chapter 1051 (Architects), as applicable, and shall affix his official seal to said drawings, specifications and accompanying data for the following:

1. For new construction, additions, expansions or for changes in occupancy or use of:

   A. All Group A, B, E, F, H, I, and M occupancies;

   B. Buildings and structures three stories or more high;

   C. All buildings and structures, five thousand square feet or more in area, excluding group R-3 occupancies.

2. For tenant improvements, alterations, repair, or rehabilitation, including changes of occupancy, of:

   A. All Group A, E, F, H, and I, occupancies where the affected area exceeds one thousand square feet or the proposed work involves or affects structural elements, fire-resistive elements or fire exits;

   B. All Group B, and M occupancies where the affected area exceeds three thousand square feet meeting the requirements for a single exit and not exceeding more than 29 occupants, or the proposed work involves or affects structural elements, fire-resistive elements or fire exits;

   C. All other buildings and structures three stories or more high.

For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so

registered.

Every application for a permit to do electrical work on residential premises over five thousand square feet in living area shall be accompanied by drawings and electrical load calculations. Such drawings and electrical load calculations shall be signed by a master electrician, unless they bear the signature and seal of an electrical engineer.

18.02.105.10 - Application submission.

Plumbing, electrical, mechanical and special building (including roofing) permit applications which are not required to be accompanied by plans shall be submitted and paid for in the department.

18.02.105.11 - Examination of documents/plan review.

The building official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the technical codes and all other pertinent laws or ordinances.

18.02.105.12 - Issuing permits.

The building official shall act upon an application for a permit without unreasonable or unnecessary delay. If the building official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, and all required established fees have been paid, he shall issue a permit to the applicant.

18.02.105.13 - "One call" system notification.

When a permit is requested by an applicant under this Code, and excavation or digging is involved, the building official shall require that a "one call" service be contacted by the permit applicant. The applicant shall be responsible for making the "one call" and no duty is expressed or implied on the part of the city to verify that such "one call" has been made by the applicant. However, the building official shall require confirmation, in a manner which he believes to be appropriate, that such a "one call" has been made by the applicant. A permit shall be denied for failure to contact a "one call" service or provide confirmation that such "one call" service has been contacted by the applicant when the building official requires that a "one call" service be contacted.

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

A. Application for permit for the construction, alteration or repair of buildings or structures shall be subject to the requirements of all applicable ordinances, laws and regulations, including but not limited to, the requirements for acceptance of subdivision improvements, as well as drainage approval where a subdivision plat is not required. Applications involving more than one acre of land shall require stormwater pollution prevention (SWPP) permit. Applications for properties located in the floodplain shall also be subject to FEMA regulations. The city manager or designee shall promptly approve, disapprove or conditionally approve the

application as to its compliance with all applicable ordinances, laws and regulations; and no permit shall be issued until the application is so approved.

B. A permit shall not be issued for any work which would involve a violation of the zoning ordinance or any other law or ordinance, and any permit so issued shall be void.

C. The approval, disapproval or conditional approval of a permit required by this Code shall be based on the orders, regulations, ordinances or other duly adopted requirements in effect at the time the application for the permit is filed. When a series of permits is required for the development of a project, the applicant, by providing verification of the orders, regulations, ordinances or other duly adopted requirements in effect at the time the original application was filed for the first permit in that series, shall be entitled to develop that project based on those orders, regulations, ordinances or other duly adopted requirements.

D. No permit shall be issued until all required and/or applicable impact fees have been paid and any permit so issued shall be void.

18.02.105.15 - Prerequisite to issuance of permits.

A. Unconditional permits. An unconditional master building permit shall be issued for a lot within a subdivision, or a lot within an approved phase of a subdivision when the subdivision plat required by Title 19 (Subdivisions) of this Code has been recorded and the subdivision improvements required by the subdivision plat or accompanying subdivision improvement plans, have been constructed, completed, and if the improvements are public improvements, accepted for maintenance by the city.

B. Conditional permits. If the subdivision improvements required under Title 19 (Subdivisions), have not been constructed, completed, and if the improvements are public improvements, accepted by the city for maintenance, then the building official may issue conditional master building permits for lots within the subdivision or lots within an approved phase of the subdivision provided the following requirements are complied with:

1. The developer provides financial security in accordance with Section 19.08.040 of the City Code for completion of the subdivision improvements; and
2. Fully charged fire hydrants are installed within the subdivision or the approved phase of the subdivision; and
3. Drivable surface, acceptable to the fire code official and the building official in accordance with applicable ordinances, has been constructed within the subdivision or the approved phase of the subdivision.

18.02.105.16 - Authorization to proceed with construction.

The building official may issue to a contractor duly registered with the department an authorization to proceed with construction without a master building permit subject to the following conditions:

1. Application for the master building permit has been submitted to the building official, and
2. All required drawings for all aspects of the work have been submitted to the building official for review; and,

3. After, the first review cycle and no conflicts or violations with Title 19 and 20 of the City Code are determined; and,
4. Either the owner or lessee of the building or structure, as applicant, has in the form and manner required by the building official, provided a statement that the applicant understands and agrees that the project is proceeding at the applicant's sole risk and that all requirements of this Code necessary to obtain the master building permit have been accomplished.

The work commenced under an authorization to proceed with construction shall not progress beyond the first required inspection for any type of permit sought until the permit is issued. No inspection shall be granted until the permit is issued, unless authorized by the building official.

18.02.105.17 - Affidavits.

The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and if accompanied by drawings showing the structural design, a statement that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. When, under this section, the building official relies upon such affidavit, the architect or engineer shall agree, as provided in the affidavit required in this section, to accept full responsibility for the compliance of the design documents with all provisions of the technical codes and other pertinent laws or ordinances.

18.02.105.18 - Permit issued on basis of an affidavit.

Whenever a permit is issued in reliance upon an affidavit submitted under Section 18.02.105.17, or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations be responsible for conformity with the permit, and upon completion make and file with the building official written affidavit that the work has been done in conformity with the reviewed plans and with the provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead another architect or engineer licensed by the State of Texas.

18.02.105.19 - 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.

18.02.105.20 - Conditions of permits.

A permit issued shall be construed as authority to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of this Code or the technical codes.

18.02.105.20.1 - Construction work hours.

A permit issued shall be construed as authority to proceed with the work from Monday through Saturday from 6:00 a.m. to 10:00 p.m. (the "established construction hours"). No work, including but not limited to new construction, repair, remodeling or grading of any kind shall be conducted outside the established construction hours or on legal holidays or Sundays unless the property owner or his authorized agent has paid the established fee and obtained an after-hours construction/grading permit.

18.02.105.20.2 - After hours construction/grading permit.

An application for after hours construction permit shall be granted by the permit official upon a showing of urgent necessity, or upon a showing that the public interest will be served by issuance of the permit, or upon a showing that the public peace and quiet will not be reasonably disturbed, provided the following requirements are met:

A. The application shall provide a written rationale detailing the reason for the request.

B. The application shall be filed seven days prior to the start date for after hours construction.

C. The permit holder shall agree to provide a completed notification form as provided by the Permit Official to persons occupying property within three hundred feet of the construction site.

D. Notification shall also be posted on the construction site and shall indicate a contact name and phone number of the property owner or his authorized agent.

E. The permit official shall have the authority to revoke the permit if reasonable accommodations are not made to minimize neighborhood or resident disruption.

18.02.105.20.3 - Emergency condition.

Certain events or circumstances may occur or arise that require a property owner or his authorized agent to take immediate action outside the established construction hours to address imminent public safety concerns, or to protect the integrity of a construction site. Under such or similar exigencies, the property owner or his authorized agent may use commercially reasonable efforts to immediately address the emergency or protect the construction site and shall notify the permit official, pay the established fee and obtain an after hours construction permit as soon as reasonably practicable thereafter.

(Ord. No. 18004, § 1, 4-30-2013)

18.02.105.20.4 - Duration of permit.

An approved after hours construction/grading permit shall be valid for the duration of time specified on the application, not to exceed one year. A permit holder may request one permit renewal upon payment of the established fee.

18.02.105.21 - 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.

18.02.105.22 - Placement of permit.

The permit holder, prior to starting construction and until the final inspection of the work, shall post the permit, in a conspicuous place at the address where the permit work is authorized. In addition, the permit holder shall post a sign indicating the street address and suite number, if any, of sufficient size to be readable from the construction site access entry.

18.02.105.23 - 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 issuance 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.

    d. Residential roofing, window replacement, water heater replacement and a/c conversion permits shall expire within one month from the issuance date of the permit. No extensions or completion permit shall be issued for these permit types.

    e. Residential fence and swimming pool permits shall expire within six months from the issuance date of the permit. No extensions or completion permits shall be issued for these permit types.

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 obtained for an expired master building or associated permit(s) within one year of the date of expiration of the original master building or associated permit(s) 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 as prescribe by the adopted FY Schedule C in effect on the date of permit application. An expired subcontractor permit may only be renewed in conjunction with the renewal of an expired master building permit.

18.02.105.24 - Refusal to issue permit.

If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, or the required established fees have not been paid, the building official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

18.02.105.25 - Denial/Revocation of permits.

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

A. Denial

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 permit official shall have the authority to deny permits if a contractor has five or more expired permits at any given time.

B. Revocation

1. 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.

18.02.105.26 - Ineligibility period.

A contractor whose permit privileges have been revoked by the building official as described in Section 18.02.105.25 shall be ineligible to obtain permits for a period of time as follows:

1. If a contractor has had one permit revoked in any twelve-month period, such contractor shall be ineligible to obtain a permit for a period of three months; provided, however, that in the event that the contractor cures the cause for revocation of the permit which was involved in the dispute, such contractor shall immediately become eligible to obtain permits.
2. If a contractor has had two permits revoked in any twelve-month period, such contractor shall be ineligible to obtain a permit for a period of six months.
3. If a contractor has had three permits revoked in any twelve-month period, such contractor shall be ineligible to obtain permits for a period of one year.
4. If a contractor has five or more expired permit, such contractor shall be ineligible to obtain new permits until such time as the number of expired permits is less than five.

Upon finding that a contractor is ineligible to obtain permits, the building official shall provide written notice of such finding to the contractor or to their principal place of business.

Exception:

Permits may be issued to a contractor whose permit privileges have been revoked, for completing work on expired permits

18.02.105.27 - Appeals to the construction board of appeals.

Any contractor that is declared by the building official to be ineligible to obtain permits pursuant to this section shall have the right to appeal to the construction board of appeals pursuant to the provisions of Chapter 2.30.

18.02.105.28 - Cancelation/Termination of Permit.

1. A permit may be canceled by the permit holder at any time prior to the commencement of any work.

2. Subsequent to performance of any work, a permit may be canceled or terminated by the general contractor, permit holder or property owner with the concurrence of all parties involved.

3. Absent any concurrence from the parties involved, the permit shall remain on hold until its expiration period or good cause is shown to the building official that allows the permit to be cancelled.

18.02.105.29 - Miscellaneous permit provisions.

18.02.105.29.1 - 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.
6. Insurance requirements for new single family dwellings shall be as per section 18.02.104.10.

18.02.105.29.2 - Homeowner permits.

With the exception of homestead permits as defined in Section 18.02.105.29.1. No permit shall be issued to the owner of any building, structure or occupancy, except R-3 occupancies.

18.02.105.29.3 - 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.

18.02.105.29.4 - 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.

18.02.105.29.4.1 - 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 were 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. Such application for permanent placement shall comply with all applicable 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.
4. Prior to permit issuance an affidavit shall be provided by an authorized representative of the school district acknowledging the duration of permit.

18.02.105.29.5 - Temporary gas permit.

A special permit is required when an owner or contractor intends to use fuel gas for temporarily heating a structure or part of a structure before certification of all plumbing or mechanical work. Such permit is required whether the intended use is for all or part of the system of piping, devices and appliances making up the permanent heating system for the structure, or by the use of a temporary system, or by the use of parts of either or both systems.

Such owner or contractor shall make application to the building official on forms provided by the department and shall set out the proposed use of the system, its design and period of use desired.

If the building official finds that such request is reasonable as to design and length of time requested under the conditions existing in the particular case, and that safe conditions of operation of such system can be maintained then the building official shall issue the permit.

18.02.106 - PERMIT FEES

18.02.106.1 - General.

The fees described in this section as well as the fees described in the Fire Prevention Code are applicable to all plumbing, mechanical, electrical, irrigation, and fire contractors.

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

18.02.106.2 - Prescribed fees.

Fees are established and required in conjunction with all permits and services provided under this title, including this Code and the technical codes, except as may be specifically excepted or provided otherwise. A permit, although issued, shall not be valid until all established fees have been paid for each of the various types of permits and services listed therein. An amendment to a permit shall not be valid until the additional established fee, if any, due to an

increase in the estimated cost of the building, structure, electrical, plumbing, and mechanical or gas systems, has been paid.

Exceptions:

1. The City of El Paso, the County of El Paso, the El Paso Housing Authority, the State of Texas, other governmental entities that are, as a matter of law, exempt from having to pay permit fees, utility companies and other entities whose permit fees have been waived by franchise agreement or resolution of the city council, and the United States Government are exempted from the payment of the permit fees required in this chapter; provided, that only such construction as is owned, operated and maintained by such governmental agencies shall be exempted from payment of such permit fees. Also, provided that the city council may authorize the building official to waive the permit fees required in this chapter when the project for which the permit is issued is a city project. For the purpose of this subsection, a "city project" shall be a project that the city council finds to be for the benefit of the general public, and that is to be either constructed on property owned by the city or with funds provided in whole or part by the city.

18.02.106.3 - Accounting.

The city shall keep an accurate accounting of all permit fees and other moneys collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof, in accordance with the established records retention schedule.

18.02.106.4 - Schedule of permit fees.

On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, the established fee for each permit shall be paid at the time application is filed.

18.02.106.5 - Building permit valuations (excluding new residential and residential additions.

If, in the opinion of the building official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, permit shall be denied, unless the applicant provides a certified professional appraisal to meet the approval of the building official. The certified appraisal shall include total cost, such as required earthwork within the building area, electrical, gas, mechanical, plumbing, including materials, labor and equipment, and all other permanent equipment.

18.02.106.6 - Valuation for commercial master permits.

Permit valuation for the master permit for new commercial buildings and structures construction work shall be based on the International Code Council rates for building type and occupancy in effect on the date of the permit application. Subsequent to the completion of work, a certified professional appraisal may be submitted to the building official for a re-valuation.

18.02.106.6.1 - Permit fee for new residential or residential addition permits.

Permit fees for the master permit for new residential or residential additions buildings and

structures construction work shall be based on the square footage cost prescribed by the FY Schedule C in effect on the date of the permit application. Permit fees for new residential buildings may be adjusted per council action.

18.02.106.7 - Valuation for shell only permits.

Permit valuation for new commercial shell only buildings and structures construction work shall be based eighty 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.

18.02.106.7.1 - 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.

18.02.106.8 - 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.

18.02.106.9 - 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.

18.02.106.9.1 - 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.

18.02.106.10 - Fee refunds.

A portion of the fee paid for building, electrical, plumbing, or mechanical permits may be returned to the permit applicant; provided, that no work authorized under the permit has been started, and the permit and associated records are returned for cancellation within six months after the date of issuance. In each case, thirty percent of the established permit fee shall be retained by the department for plan review, in addition to any costs expended by the department for the issuance and maintenance of records, inspections to verify that no work was started, and costs of processing and preparing the refund.

18.02.106.11 - Submission, plan review and additional review fees.

Each application for master or separate subcontractor permit shall be subject to a permit fee. The total permit fee includes fees for plan review and required inspections and may also include an established fee for plan submission. All fees shall be collected at the time of permit issuance.

The established plan submission fee shall only be assessed if the plans for a particular project require more than three reviews. Any assessed plan submission fee shall be collected at the time of permit issuance.

Plans that amend or revise the following, subsequent to the issuance of a permit, shall require an additional plan review and the applicant shall be assessed the established fee for the additional plan review. The established fee shall be equal to the sum of the plan submission fees for each additional review cycle that require review due to:

a. Modifications to the electrical, plumbing or mechanical systems which require revised drawings or calculations;

b. Modifications to the fire, smoke, carbon monoxide alarms or suppression systems which require revised drawings or calculations;

c. Modifications to the fire separations, accessibility requirements or ingress/egress which require revised drawings or calculations;

d. Modification to the structural systems which require revised drawings or calculations; or

e. Modifications which expand the occupancy or type of use for the structure which require revised drawings or calculations.

If no permit under the plan is secured within one hundred eighty days after the date of permit application, then the application shall be considered expired and a plan review fee in the amount of thirty percent of the established permit fee and any applicable submission fee is due and payable. The submission fee and plan review fee is nonrefundable and may not be applied to any future building permits.

If plans are approved and a permit is secured within one hundred eighty days after the date of permit application, the permit fee and any applicable plan submission fee are due and payable at the time of permit issuance.

If at any time subsequent to permit issuance, there is no activity in excess of one hundred eighty days, such application shall be declared expired. Upon expiration, any plans, and all other documents associated with the application for permit shall be destroyed.

The building official shall collect any outstanding fees on the subject property prior to the issuance of any permits.

18.02.106.12 - Plan review options available to the applicant.

The following optional preliminary plan review processes are available to all applicants. To take advantage of one of the optional plan reviews mentioned below an applicant shall pay the fee established by city council in the annual budget resolution for the requested preliminary plan review prior to application for a master building permit.

1. Expedited review 1: The fee as prescribed in the annual budget resolution, shall apply to all construction/building permits with a valuation equal to or greater than three hundred thousand dollars, excluding one and two family dwellings.

2. Expedited review 2: The fee as prescribed in the annual budget resolution, shall apply to all construction/building permits with a valuation less than three hundred thousand dollars, including one and two family dwellings regardless of valuation.

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

A person obtaining a permit shall pay the established fee.

18.02.106.14 - Mechanical permit fees.

For all mechanical construction work requiring a mechanical permit, the established fee for each mechanical permit shall be paid at the time the permit is issued.

18.02.106.15 - Electrical permit fees.

For all electrical construction work requiring an electrical permit, the established fee for each electrical permit shall be paid at the time the permit is issued.

18.02.106.16 - Plumbing permit fees.

For all plumbing construction work requiring a plumbing permit, the established fee for each plumbing permit shall be paid at the time the permit is issued.

18.02.106.17 - Gas permit fees.

For all gas construction work requiring a gas permit, the established fee for each gas permit shall be paid at the time the permit is issued.

18.02.106.18 - 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 [18.02.106.17] 18.02.109.6.

18.02.106.19 - Irrigation permit fees.

For all irrigation work requiring a permit, the established fee for each irrigation permit shall be paid at the time the permit is issued.

18.02.106.20 - Moving of buildings or structures.

A person obtaining a permit for the moving of buildings or structures shall pay the established fee.

18.02.106.21 - Demolition of building or structure.

A person obtaining a permit for the demolition of any building or structure or of any portion of a building or structure shall pay the established fee.

18.02.106.22 - Temporary structures.

A person obtaining a permit for temporary structures (construction sheds, seat canopies, tents, etc.), shall pay the established fee as applicable:

A. For tents to be used for assembly or display or storage.

B. For amusement devices (rides) available to the public, at any one location.

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

A. Each application for permit shall pay an additional established fee for use of any sidewalk, street, alley, public right-of-way, or any space the occupancy of which prevents the use of one or more parking meters.

B. Such fee shall not apply to permits issued pursuant to Chapter 13.08 (Excavations) or Chapter 18.44 (Grading).

C. If the use of the space is not discontinued at the expiration of the time for which payment has been made, the permit may be extended from time to time upon payment of further fees computed as if the extension were an original issuance. If the use of the parking meter space is discontinued before expiration of the time covered by the advance payment, and notice thereof given the building official so that he may ascertain whether such use is actually discontinued, the holder of the permit shall be entitled to a refund of the unearned portion of the payment meter space, but not to a refund of any other fees paid under this section.

D. The permits and fees herein required for use of streets, sidewalks, alleys and parking meter space shall not be required when such use is necessary for the purpose of paving, surfacing, repairing, widening or other improvement of streets, sidewalks or alleys, done by or under contract with the city. The contractor and the person in charge of such work shall, however, as far as possible consistent with the nature of work, stack or arrange all material and equipment in such manner as not to create a hazard to persons using the streets, sidewalks or alleys, and upon completion or abandonment of the work shall clear the occupied areas.

18.02.106.24 - Fees for fire protection systems and appliances.

On all construction work requiring a permit for the installation of fire protection systems and appliances, the established fee for each permit shall be paid at the time the permit is issued.

18.02.106.25 - Fees for temporary or partial certificate of occupancies.

On the original application and for each extension thereof, the established fees for temporary or partial certificate of occupancies shall be paid at the time of each application or request for extension.

18.02.106.26 – Investigation Inspection fees.

An investigation permit fee in the established amount shall be charged for any special investigation inspection, which is not a part of a regular permit program to include a pre-inspection, or any special investigation prior or subsequent to commencement of work.

18.02.106.27 - Re-inspection fees.

A re-inspection fee in the established amount shall be additionally charged for any re-inspection required because the work failed to comply with this Code, the technical codes, the Fire Prevention Code, or because the work was not ready for the inspection as requested.

18.02.106.28 - Starting work without a permit—Commercial.

Any person who commences any work on a commercial building, structure, electrical gas,

mechanical or plumbing system before obtaining the necessary permits or written authorization from the building official shall be required to obtain a permit at three hundred percent of the established permit fee. The payment of such permit fee shall not relieve such person from concurrent or later prosecution for violation of this Code or the technical codes.

18.02.106.29 - Contractor starting work without a permit—Residential.

Any contractor who commences any work on a residential building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or written authorization from the building official shall be required to obtain a permit at three hundred percent of the established permit fee. The payment of such permit fee shall not relieve such person from concurrent or later prosecution for violation of this Code or the technical codes.

18.02.106.30 - Homeowner starting work without a permit—Residential.

Any homeowner who commences any work on his own residential building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or written authorization from the building official shall be required to obtain a permit at two hundred percent of the established permit fee. The payment of such permit fee shall not relieve such person from concurrent or later prosecution for violation of this Code or the technical codes.

18.02.107 - INSPECTIONS

18.02.107.1 - Inspections.

The building official, upon notification from the permit holder or his agent shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical codes.

18.02.107.2 - Existing building inspections.

Before issuing a permit the building official may examine or cause to be examined any building, electrical, gas, mechanical or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install or change the occupancy. He shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the technical codes.

18.02.107.3 - Retaining walls.

1. Foundation inspection: To be made after trenches are excavated, forms erected, and reinforcing steel is in place.
2. In-progress inspection: Walls retaining over four feet of earth shall also be subject to an in-progress inspection as well as material testing, to be performed when the wall is approximately twenty-five percent to fifty percent complete. Walls retaining less than four feet of earth do not require in-progress inspections.
3. Final inspection: To be made after the retaining wall is completed.

18.02.107.4 - Reroofing.

Final inspection: To be made after the reroofing or recovering work has been completed.

18.02.107.5 - Signs.

1. Foundation inspection: To be made after piers are drilled or after trenches are excavated and forms erected.
2. Electrical sign inspections: To be made after the wiring and equipment is installed. This inspection shall be made at the place of business of the electrical permit holder or of the sign permit holder, except that the building official may approve on-site inspection.
3. Final inspection: To be made after the sign installation is completed and ready for use.
4. Sign inspections. Sign foundations, piers and trenches shall be inspected for freestanding signs greater than eight feet in height or two hundred square feet in facial area.

18.02.107.6 - Irrigation and Landscaping systems.

1. Irrigation system inspection. Piping, wiring, controllers and backflow prevention devices required under Chapter 18.47 Irrigation systems shall be inspected prior to final occupancy.
2. Landscape inspection. Trees, plant materials, hard surface materials, etc. required under Chapter 18.46 Landscape shall be inspected prior to final occupancy.

18.02.107.7 - Plaster fire protection.

In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the building official. Plaster shall not be applied until the release from the building official has been received.

18.02.107.8 - Reinforcing steel and structural frames.

Reinforcing steel or structural frame work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official.

18.02.107.9 - Inspection of annexed installations.

When an area is annexed to the city, the existing buildings therein may be inspected as set forth in Section 18.02.107.2.

18.02.107.10 - Non-business hour inspections and inspections by appointment.

Non-business hour inspections and inspections by appointment. Inspections may be made upon payment of the established fee. Inspections requested for weekends, city-observed holidays, or other times outside regular business hours of the department shall be subject to prior approval of the building official. A minimum of two hours shall be charged for non-business hour inspection requests and inspections by appointment, which shall be paid before the inspection will be scheduled.

18.02.107.11 - Requirements for prefabricated buildings.

Building, plumbing, mechanical, fuel gas and electrical installations, structural systems,

piping and wiring in prefabricated buildings or buildings which are moved into the city limits shall be made to conform to the requirements of this Code and the technical codes for new work; provided, however, that this provision shall not apply to any structure which complies with the standards and requirements of the Texas Department of Licensing and Regulations for Manufactured Housing or Industrial Housing and Buildings.

18.02.107.12 - Manufacturers and fabricators.

When deemed necessary by the building official, he shall make, or cause to be made; an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

18.02.107.13 – Reserved 18.02.107.14 - Special Inspection and Test program.

Special inspection is the monitoring of materials, installation, fabrication, erection and placement of components and connections that require special expertise that are critical to the integrity of the building structure. Special inspections are required to ensure compliance with the approved construction documents (plans) and standards referenced in the applicable codes. Special inspectors and special inspection agencies shall have the proper certifications to conduct the special inspections detailed in the currently adopted International Building Code edition.

18.02.107.14.1 – Special Inspections and Tests Requirements.

Special inspections by certified special inspectors shall be required for the following:

1) Inspection of fabricators — Where fabrication of structural load bearing members and assemblies is being performed.
2) Steel construction — Steel elements of buildings and structures requiring special inspection as required in the currently adopted International Building Code edition.
3) Concrete construction — Verification for concrete construction as identified in the currently adopted International Building Code edition.
4) Masonry construction — Verification for masonry construction as required in the currently adopted International Building Code edition.
5) Wood construction — Fabrication of wood structural elements and assemblies both prefabricated and field assembled as required in the currently adopted International Building Code edition.
6) Soils — Existing conditions and verification of site preparation prior to placement of prepared fill as required in the currently adopted International Building Code edition.
7) Deep driven, cast-in-place and helical pile foundations — Inspection and installation and testing of pile foundations as required in the currently adopted International Building Code edition.
8) Pier foundations — Inspection, installation and testing of pier foundations as required in the currently adopted International Building Code edition.
9) Vertical masonry foundation elements — Inspection and verification as required in the currently adopted International Building Code edition.

10) Sprayed fire resistance materials — Inspection of fire resistive materials applied to structural elements as required in the currently adopted International Building Code edition.

11) Mastic and intumescent fire-resistant coatings — Inspections of mastic and intumescent materials as required in the currently adopted International Building Code edition.

12) Exterior insulation and finish systems (EIFS) — as identified in Section 1704.14 of the 2009 edition IBC.

13) Special cases — Inspections needed in the opinion of the building official because of use of alternate materials, unusual design or use of materials as required in the currently adopted International Building Code edition

14) Smoke control — Inspections involving testing of ductwork prior to concealment as as required in the currently adopted International Building Code edition .

18.02.107.14.2 - 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.

18.02.107.15 - Third party service providers.

18.02.107.15.1 - Purpose and authority.

Third party service providers may conduct plan review and inspection services for the building industry to expedite service delivery for commercial or residential development, which may be provided by different entities or individuals and must be all inclusive as identified in Section 18.02.107.15.3. This section establishes the licensing 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.

18.02.107.15.2 - Procedures for third party service providers.

The City of El Paso operates under the currently adopted edition of the International Building Codes published by the International Code Council (ICC). Third party service providers shall be licensed by the city solely on the basis of their qualification and current certification of inspectors and plans examiners by the International Code Council. Licenses shall be required for residential and commercial services. Services provided by third parties shall include all types of plan review and inspections for residential or commercial projects as licensed by the city. City licenses shall be renewed on an annual basis. Special inspections shall be provided in accordance and compliance with the currently adopted edition of the International Building Code.

18.02.107.15.3 - 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 inspections (except special inspections) as required under the provisions of this Code. Third party service providers must submit the following:

1. Third party service provider's history identifying previous experience in conducting residential or commercial plan review and inspection services.
2. Proof of International Code Council certification for each individual who will be performing plan review and/or inspections services as specified below:
    a. Residential plan review.
        1) Residential plans examiner; and
        2) Residential energy inspector/plans examiner; and
        3) Accessibility inspector/plans examiner or TAS certification; and
    b. Residential inspection.
        1) Residential combination inspector; or individual.
        2) Building/residential inspector.
        3) Plumbing inspector.
        4) Electrical inspector.
        5) Mechanical inspector.
        6) Current State of Texas plumbing inspector license.
    c. Commercial plan review.
        1) Building plans examiner.
        2) Electrical plans examiner.
        3) Mechanical plans examiner.
        4) Plumbing plans examiner.
        5) Commercial energy plans examiner or commercial energy inspector/plans examiner with ASHRAE 90.
        6) Accessibility inspector/plans examiner or Texas registered accessibility specialist (TAS).
    d. Commercial inspections.
        1) Commercial building inspector.
        2) Commercial electrical inspector.
        3) Commercial mechanical inspector.
        4) Commercial plumbing inspector.
        5) Fuel gas inspector.
        6) Med gas endorsement.

7) Commercial energy inspector or commercial energy inspector/plans examiner with ASHRAE 90.

8) Accessibility inspector/plans examiner or Texas registered accessibility specialist.

9) Current State of Texas plumbing inspector license.

3. Staff resumes including the identification, education, certification, and continuing education completed for each staff member who will be performing third party services.

4. Evidence of commercial liability, property damage liability, vehicle liability and errors and omissions insurance coverage with minimum combined bodily injury (including death), property damage, vehicle, and errors and omissions, limits of not less than one million dollars for each occurrence, and two million dollars annual aggregate. In addition, third party service providers must provide evidence of a bond as required by Section 18.02.04.7 of the El Paso City Code.

5. Any other information in support of the third party service provider's application.

6. Third party plumbing inspection services shall comply with Texas Occupations Code, Title 18, Chapter 1301, and the Texas State Board of Plumbing Examiners Rules, as applicable and as may be amended. Pursuant to State Plumbing Code Section 1301.255(e), plumbing inspections must be paid directly by the city.

18.02.107.15.4 - Scope of services.

Licensed third party service providers shall be required to provide complete site plan review, plan review, and inspection services for residential and commercial projects as determined by the city. These services must include zoning, grading, and site development review, 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 issuance, the city established fees as set forth in Schedule C, as well as any plumbing inspection fees applicable.

Licenses will be renewed every three years using the same criteria identified in Section 18.02.107.15 and available information from previous audits.

18.02.107.15.5 - 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 by the city to assure that inspections of residential and commercial developments were adequately and accurately performed. Third party service providers will be notified in writing of all audit findings with deficiencies.

18.02.107.15.6 - Third party service provider audit process.

The city is authorized to conduct periodic unannounced audits of all services provided under this section. Site as well as plan review and inspection services may be audited. 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 (failure to comply with code requirements), and for each written notice of deficient audit thereafter, the third party service provider shall:
    a. Inform the respective builder/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 and/or project delays.
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 process improvements, internal correction procedures, methods, and/or training, and/or staff reassignments 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 license for third party services terminated and be deemed non-qualified for a two-year period, in reference to subsequent request for qualification solicitations or license renewal or reinstatement.
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.
5. A third party service provider suspended pursuant to this section may appeal the building official's decision to the construction board of appeals, pursuant to Chapter 2.30 and Chapter 18.380 of the City Code.

18.02.107.15.7 - Third party service provider license fees.

Applicants shall pay at the time of application or renewal a fee as set forth in Schedule C as adopted by the El Paso City Council.

18.02.108 - DEMOLITION

18.02.108.1 - 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 fire assessment from the Fire Marshal's office;

   b. A structural engineer's assessment of imminent hazard approved by the Building Official;

   c. Court order; or

   d. 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.

      Exception: Historic landmark Commission approval is not required for a designated structure when ordered by the Building and Standards Commission, or declaration of imminent hazard by the Fire Marshal or Building official.

2. Standard demolition. The applicant shall provide a demolition plan

3. Complete and interior demolition. The applicant shall provide:

   a. Scaled survey or site of property clearly labeling limits of proposed demolition.

   b. Scaled floor plan of structure clearly labeling area(s) of existing structure.

   c. Proposed demolition and/or removal and replacement of materials.

   d. Hazardous Material/Asbestos remediation report.

   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 18.02.108.1E. shall be followed.

   Exception: Historic landmark Commission approval is not required for a designated structure when ordered by the Building and Standards Commission, or declaration of imminent hazard by the Fire Marshal or Building official.

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. 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:

   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.

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

18.02.111 - CERTIFICATES OF OCCUPANCY

18.02.111.1 - 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.

18.02.111.2 - 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.

18.02.111.3 - 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 18.02.105.15A. 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.

18.02.111.4 - 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 18.02.105.15B. of this Code provided the applicant has paid the established fee and the following requirements are complied with:

1. The structures comply with the requirements of the building and zoning codes; and
2. 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
3. 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.

18.02.111.5 - 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:

1. Inspections required prior to issuance of a commercial TCO:

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

2. 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.

18.02.111.6 - Reserved

18.02.111.6.1 - 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.

18.02.111.6.2 - Reserved

18.02.111.7 - Certificate of completion.

After the building official inspects the work completed under permit for a building, structure, electrical, fire protection, plumbing, mechanical, fuel gas, or similar system or structure that cannot be occupied, and finds no violations of the provisions of this Code or the technical codes, the building official is authorized to issue a certificate of completion. Such certificate of completion certifies that the work performed under the permit has been satisfactorily completed. The certificate of completion does not authorize the occupancy of any incomplete shell, building or structure.

18.02.111.8 - 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.

18.02.111.9 - 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.

18.02.111.10 - 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.

18.02.111.11 - 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.

18.02.111.12 - 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 18.02.111.11 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.

18.02.111.13 - 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.

18.02.112 - CONSTRUCTION SITE WASTE MANAGEMENT REQUIREMENTS

18.02.112.1 - 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.

18.02.115 - 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 Title 18 (Building and Construction), Chapter 18.08 (Building Code) is hereby amended as follows:

Chapter 18.08-BUILDING CODE

18.08.010 Short title.

This chapter may be cited as the "Building Code."

18.08.020 Adoption.

The book entitled "International Building Code," 2021 Edition, a copy of which authenticated by the city clerk is on file in the city clerk's office, is adopted as the building code of the city, as fully as if copied at length in this chapter, but with the changes set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso. Exception: As an alternative, existing buildings undergoing repair, alterations, additions or change of occupancy shall be permitted to comply with the El Paso Existing Building Code Chapter 18.28.

18.08.030 Section 105.2 Work exempt from permit,

International Building Code, 2021 Edition, Section 105.2, Work exempt from permit, Building: is hereby amended to read as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. Masonry landscape walls and fences not over forty-two inches high, completely within the subject property and meeting zoning requirements. Where there is a difference in elevation between abutting properties or property lines, the height measurement shall be taken from the high side of the wall, exclusive of retaining walls.

    a. Chain link or wrought iron fences not over six feet high, completely within the subject property and meeting zoning requirements.

2. Oil derricks.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
4. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2: 1.
5. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Temporary motion picture, television and theater stage sets and scenery.
8. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24

inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and are installed entirely above ground.

2. Swings and other playground equipment accessory to detached one- and two-family dwellings.
3. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
4. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

1. **Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.
2. **Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. **Temporary testing systems: A** *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of I horsepower (0.75 kW) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided that such repairs do not involve

or require the replacement or rearrangement of valves, pipes or fixtures.

18.08.035 Section 107.2.5.2 Finish Floor Elevation.

Finish floor elevations shall be set at one foot above the 100 year (1% annual chance) flood elevation for residential and multi-family structures

18.08.040 Section 202 Definitions, Shell, amended.

International Building Code, 2021 Edition, Section 202 Definitions, is hereby amended to read as follows:

Shell: A shell building shall meet the requirements that consist of all exterior walls, foundation, site work, landscaping and zoning, parking requirements, property line firewalls and roof structure. Multi-story shell building shall include elevator floor assemblies, mezzanines (when used), stairwells and elevators. Any mechanical, plumbing or electrical scope of work will be limited to "rough-in" designs for future use. Utilities service connections will be stub outs into the building's service entrance for connection at time of the time of tenant improvements. Shell building shall not be occupied upon completion. However, they must meet all minimum requirements for public works, zoning, land development, sanitation and water, before a certificate of completion is issued. No certificate of occupancy will be issued until landscaping, civil work or building construction is completed.

18.08.050 Section 310.1 Residential Group R, R-3, amended.

International Building Code, 2021 Edition, Section 310.1 Residential Group R, R-3 is hereby amended to read as follows:

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I, including child care facilities which accommodate six or more children of any age who stay less than 24 hours per day and are permitted under the Zoning Ordinance or personal home care facilities permitted under the Zoning Ordinance.

18.08.055 Section 1109.2.1 Family or assisted-use toilet and bathing rooms.

In assembly and mercantile occupancies, an accessible family or assisted-use toilet room shall be provided. In buildings of mixed occupancy, only those water closets required for the assembly or mercantile occupancy shall provide assisted-use toilet. In recreational facilities where separate-sex bathing rooms are provided, an accessible family or assisted-use bathing room shall be provided. Fixtures located within family or assisted-use toilet and bathing rooms shall be included in determining the number of fixtures provided in an occupancy.

Exception: Where each separate-sex bathing room has only one shower or bathtub fixture, a family or assisted-use bathing room is not required.

1109.2.1.1 Standard. Family or assisted-use toilet and bathing rooms shall comply with Sections 1109.2.1.2 through 1109.2.1.7.

1109.2.1.2 Family or assisted-use toilet rooms. Family or assisted-use toilet rooms shall include only one water closet one lavatory and one diaper changing station. A family or assisted-use bathing room in accordance with Section 1109.2.1.3 shall be considered a family

or assisted-use toilet room. Every new establishment or use shall be required to provide a baby diaper changing station in accordance with the requirements of this section. Each establishment or use shall be required to provide at each floor level containing bathrooms, at least one diaper changing station that is accessible to women, and one that is accessible to men, or a single station accessible to both. Each establishment shall provide signage indicating the location of the baby diaper changing station. Any shopping center, mall or other facility encompassing multiple establishments and having a central directory shall indicate on the directory the location of all stations. A baby diaper changing station shall mean a safe, sanitary and convenient baby diaper changing station, deck, table or similar amenity which is installed or placed in a separate, designated location in an establishment or use subject to the provisions of this section.

Exception: A urinal is permitted to be provided in addition to the water closet in a family or assisted use toilet room.

1109.2.1.3 Family or assisted-use bathing rooms. Family or assisted-use bathing rooms shall include only one shower or bathtub fixture. Family or assisted-use bathing rooms shall also include one water closet and one lavatory. Where storage facilities are provided for separate-sex bathing rooms, accessible storage facilities shall be provided for family or assisted-use bathing rooms.

18.08.060 Section 311.4 Required separation for Group S tenants, added.

International Building Code, 2021 Edition, Section 311.4 Required separation for Group S tenants, is hereby added to read as follows:

311.4 Required Separation for Group S Tenants. Tenants of a Group S occupancy shall be separated from other tenants by 1-hour fire partitions and horizontal assemblies or a Code required fire barrier. Non-fire rated partitions may be used to separate Group S tenants provided no area between partitions rated at 1-hour or more exceeds 3,000 sq. ft. or a sprinkler system is installed

18.08.070 Section 424.312.2 Fences, added.

International Building Code, 2021 Edition, Section 312.2 Fences, is hereby added to read as follows:

312.2 Fences.

312.2.1 Electrified Fences General. To the extent that the construction of an electrified fence does not conflict with the requirements specified herein, such fence shall be constructed or installed in conformance with the specifications set forth in IEC Standard 60335-2-76.

312.2.2 Definition. Electrified Fence—Any fence, barrier or enclosure partially or totally enclosing a building, field or yard, carrying any electrical pulse or charge through any part, section or element thereof.

312.2.3 Restricted Use.

1. The installation of an electrified fence is restricted to the following uses and zoning districts:

    a. For control of domestic farm animals in areas zoned and actually utilized for

farming or ranching activities; or for other areas where large domestic animals such as horses or cattle are legally maintained.

b. For the permitted uses of outdoor storage, motor vehicle storage, major utility and recycling facilities, general warehouse, contractor yard and manufacturing within the regional commercial district "C-4".

c. For installation in industrial and manufacturing districts designated as "Q", "P-1", "M-1" "M-2" and "M-3" as defined by Title 20 of the El Paso City Code.

2. Only battery-powered units are acceptable. Units must be approved by a Nationally Recognized Testing Laboratory (NRTL) with final installation acceptable to the Building Official.

3. The installation of an electric fence is prohibited,

a. Within 25 feet of any outdoor area used for the handling of hazardous materials pursuant to the Fire Code, or

b. Within five feet of any public right-of-way.

312.2.4 Permit Required. The installation of an electric fence requires an approved permit with the permit official. It shall be unlawful for any person to install, maintain or operate an electrified fence in violation of the provisions of this section.

1. Applications must include the following:
   a. Site plan indicating the location of the electrified fence and perimeter fence.
   b. Schematics and load calculations indicating and/or displaying the,
      i. Location of the power source,
      ii. Materials used for the fence construction,
      iii. Location of the regulating and monitoring equipment, and
      iv. Location of emergency access, knox box and cut-off switch.
2. A permit shall be obtained and renewed every two years with a notarized statement attached to the renewal application from an authorized representative of the fence or barrier equipment manufacturer indicating the installation is operating in conformance with the original design and complies with acceptable safety standards.

312.2.5 Registration Required. Prior to the installation or use of an electrified fence and upon permit issuance, the permit holder must register the electrified fence with the fire code official to identify the location of said fence and required cut-off switch and knox box in the event that deactivation is required by an authorized public safety official.

312.2.6 Standards.

312.2.6.1 Standards—Electrification. Electric fences or barriers must be designed and certified by an authorized representative of a fence or barrier equipment manufacturer. Upon installation, said representative shall certify the installation meets the following design and safety requirements:

1. AC current shall not be used to energize any electric fence.

2. The energizer for electric fences shall be driven by a commercial storage battery not to exceed 12 volts capacity charged by a solar panel. A commercial trickle charger may augment power source.
3. The electric charge produced by the fence upon contact shall meet the energy output requirements of section 22.108 of the IEC.
4. All ground system cables shall be properly insulated.
5. The controller ground system shall not be connected to any plumbing systems in or out of use and shall be at least 50 feet from other utility and buried water pipes.
6. The fence controller ground wire shall not touch any buildings on site.
7. Fence controller and its ground system shall be at least 50 ft. away from radio and buried telephone wires.
8. An electric fence shall be installed at a minimum clearance from power or telephones lines in accordance with Table BB.1 of the IEC.
9. A lightning diverter (commonly referred to as a lightning arrestor) shall be installed between the fence and the fence controller.
10. A cut-off switch shall be installed capable of disconnecting the fence from the controller in case of emergencies, electrical storms, etc.
11. A knox box shall be installed to provide secure access to the appropriate public safety official to the cut-off switch. The knox box shall be illuminated to a minimum one foot candle.
12. Each energizer shall be connected to its own ground system and must not be connected to any other ground system(s).
13. Two or more energizers shall not be connected to the same fence unless the use of multiple energizers does not increase the overall charge transmitted on the fence and adequate access is provided to the cut-off switch to each energizer.
14. All cabling/wire and connectors shall be of the same material (steel, copper, etc.).
15. All wires shall be separated at minimum clearance in accordance with section 29.101 of the IEC.
16. Barbed or razor wire shall not be used in conjunction with any electric fence system.

312.2.6.2 Standards-Height. Electrified fences shall be a minimum of six (6) feet in height and shall not exceed a maximum of ten (10) feet in height.

312.2.6.3 Standards—Warning Signs. All electric fences shall have warning signs of reflective material and shall be in accordance with the following requirements:

1. Shall be a minimum of 4 inches by 8 inches in accordance with annex BB of the IEC.
2. All lettering shall be a minimum of one (1) inch high.
3. Shall consist of a yellow background with black inscriptions and kept in good condition to ensure continued visibility.
4. Shall be placed at a maximum of 30 feet distance along the fence with a minimum of

two signs for less than a 50-foot length.

5. Signs shall bear the words "Live Wires" or "Electric Fence" in indelible letters in English and Spanish.

312.2.7 Required Barrier(s).

1. No electrified fence shall be installed or used unless it is completely surrounded by a perimeter fence that is not less than six (6) feet in height and no more than eight feet in height in accordance with the provisions of section 20.16.030 of the El Paso City Code.
2. The distance between the electrified fence and required perimeter fence shall be a minimum of four inches at its closest point.
3. The perimeter fence between an electrified fence and an adjacent residential zone shall be a masonry fence.
4. If the masonry fence between an electrified fence and an adjacent residential zone is more than three feet from the electrified fence, there shall be a second perimeter fence installed between the electrified fence and the adjacent residential zone that is no more than three feet from the electrified fence.
5. If a code compliant perimeter fence does not exist, a separate permit shall be obtained for the construction of the perimeter fence that shall be constructed prior to the electrified fence installation pursuant to Title 20 of the El Paso City Code.
6. The area between the perimeter wall or fence and the electrified fence shall be kept clear of shrubbery, weeds, trash and debris.

312.2.8 Hours of activation. An electrified fence shall only be energized during the hours when the general public does not have legal access to the protected property.

312.2.9 Fees. The established fee for a permit to install an electrified fence shall be paid by the applicant at the time of filing an application and upon the renewal of the permit.

312.2.10 Barbed Wire, Farm/Ranch.

1. Barbed wire fences installed in conventional multi-strand configuration may be used for the same purpose, the same area, and under the same conditions outlined in Section 312.2.11
2. Wire shall be securely fastened to durable wooden or metal posts, spaced not to exceed fifteen (15) feet center-to-center, and designed to withstand all loads reasonably expected to be imposed upon them.
3. Gates in such fences shall have solid frames, be conventionally hinged, and shall not swing over public property.
4. The use of barbed wire in conjunction with an electric fence is prohibited.

312.2.11 Barbed Wire Other Than Farm/Ranch.

1. Barbed wire may be used as a topping on walls and fences in areas zoned for commercial and manufacturing uses provided such wire is properly attached and secured to risers or outriggers especially designed for this purpose. Such barbed wire

installation shall be placed not less than seven (7) feet above finished grade at any point along the fence, and shall not at any point extend beyond the property line, over the public way, or adjoining property.

2. The use of barbed wire for dwellings or apartments in residential and apartment zones is prohibited.
3. The use of barbed wire in conjunction with an electric fence is prohibited.
4. The use, design and minimum height of barbed wire fence topping shall be determined by the building official for each such installation. Such determination shall be based on the need for barbed wire protection, considering the probable risk or theft or trespass, the character of the neighborhood, and other pertinent factors; the possible hazards to persons; and reasonable consideration of appearance.

312.2.12 Use of Broken Glass. The use of broken glass and similar materials designed to do bodily harm, as a topping for fences and walls is prohibited.

18.08.080 Section 501.2 Address identification, amended.

International Building Code, 2021 Edition, Section 501.2 Address identification is hereby amended to read as follows:

501.2 Premises Identification.

501.2.1 Definitions. For the purposes of administering the numbering of buildings, the following definitions shall apply:

"Building numbering," means those numbers and/or letters as may be needed to identify building(s) at a municipal street address.

"Municipal street address" means the building numbering used in conjunction with the street name and assigned by the Planning Division for the City of El Paso for the purpose of identifying individual properties.

"Prominently displayed" means that which is conspicuously located, readily noticeable, and easily readable from the street during normal daytime atmospheric conditions by the driver of an emergency response vehicle.

"Shopping Mall or Strip Mall" means a building or buildings located on the same lot, containing one (1) or more units, which are utilized by the occupants for business purposes.

501.2.2 Municipal Street Address Identification Required. Building numbering shall be prominently displayed on all buildings for which a municipal street address has been assigned in accordance with the requirements of this Section.

501.2.3 Building Numbering Character Height. Building numbering shall be displayed in characters having a minimum height conforming to the following table:

Distance Building Numbering is Setback from the Street Curb	Minimum Height
Less than 100 ft.	8"
Equal to or greater than 100 ft. but less than 150 ft.	10"
Equal to or greater than 150 ft. but less than 200 ft.	12"

Equal, to or greater than 200 ft.	See 501.2.3.1

501.2.3.1 Where the distance of the building numbering located on the nearest building wall is equal to or greater than 200 ft. from the street curb, building numbering shall be located on a permanent sign that is not more than 50 ft. from the street curb and is in accordance with Chapter 20.66. If no other such permanent sign exists, a permanent sign shall be provided so that the building numbering shall be located not more than 50 ft. from the street curb. Such permanent sign shall be in accordance with Chapter 20.66 of the City Code and numbering shall be sized in accordance with 501.2.3.

501.2.3.2 Building Numbering Characters. The characters used for building numbering shall be oriented so that they read from left to right horizontally, are not wrapped around corners. The characters shall be a simple, block lettering style without serifs and shall not be slanted or italicized. The characters shall be designed and mounted to avoid shadows that diminish the readability.

501.2.3.3 Color. The color contrast between the building numbering characters and the background against which they are viewed shall be sharply contrasted and sufficiently distinct to ensure legibility/readability. The contrasting background color shall extend a minimum of 4" above, below, and on both sides of the building numbering without interference from any other building element, blending of color, or border. These contrasting colors shall be very dark on very light or the reverse and shall be subject to the approval of the Fire Code Official.

501.2.3.4 Visibility and Readability. Building numbering shall be installed and maintained so that it is clearly visible and easily readable from the street and not obscured by any obstructions such as, but not limited to, landscaping, signage, vehicles, off-street parking, other buildings or building elements.

501.2.3.5 Building Numbering Location.

1. When the primary public entry to the building fronts on the addressed street, building numbering shall be located within the upper one-fourth of the building, not to exceed 20 feet above the ground, on the building wall facing the addressed street.
2. On buildings where the public entry does not front the addressed street, building numbering shall be located near the primary public entry and contain the name of the addressed street. In addition, building numbering shall be located within the upper one-fourth of the building, not to exceed 20 feet above the ground, on the building wall facing the addressed street in compliance with all requirements of this Chapter.
3. On buildings that have a canopy or other building element fronting the addressed street, numbering shall be located on the canopy or other building element. Such numbering shall be located on the surface facing the addressed street and located equal distance from the top and bottom of the facade. If the canopy or other building element is closer than 50 feet to the addressed street, such numbering shall also be located on the sides of the canopy.
4. If another permanent structure or sign exists; the building numbering shall be

centered on the face of the permanent structure or sign. Building numbering provided on a permanent sign shall not be included in the calculation of the allowable sign area.

5. On buildings, canopies and other permanent structures or signs where numbering is to be located, and the building, canopy or other permanent structure fronts the street at an angle, such numbering shall be located on the all sides facing the addressed street.
6. On buildings with frontage of 150 feet or more, building numbering shall be located within the upper one-fourth of the building, not to exceed 20 feet above the ground, on the opposing ends of the building wall fronting on the addressed street in accordance with the requirements of this Chapter.
7. In the event that the location of building numbering complying with this subparagraph does not result in compliance with Section 501.2.2, the location shall be as directed by the Fire Code Official.

501.2.3.6 Multiple Individual Occupancies. When a building contains multiple individual occupancies, which have the same municipal street address, each occupancy shall be identified by additional numbers and/or letters, a minimum of six (6) inches high located in close proximity to its primary public entry if the primary entry is from the outside of the building. This requirement shall be in addition to the building numbering of the municipal street address located on the building wall or other structure as required in this Chapter.

501.2.3.7 Multiple Buildings at a Municipal Street Address. When there is more than one (1) building at a municipal street address, the building nearest to the addressed street shall display the numbering and/or lettering of the first and last building separated by a hyphen. Each remaining building shall be further identified by displaying distinguishing numbers and/or letters on at least one (1) wall located near the primary public entry for that building. Such numbering shall be subject to the approval of the Fire Code Official.

501.2.3.8 Buildings with Multiple Street Addresses. When there is more than one (1) municipal street address assigned to buildings located on the same lot, each building shall comply with the building numbering requirements. The building nearest the addressed street shall display the building numbering of the first and last municipal street address separated by a hyphen.

501.2.3.9 Additional Building Numbering. The owner of a property may provide additional building numbering beyond the building numbering required by this Section. Such additional building numbering, when located on a surface facing a street other than the addressed street, shall also contain the name of the addressed street in addition to the addressed numbering. Additional building numbering shall not be subject to the other requirements of this Section.

501.2.4 Appeal. The owner of a property may appeal the determination of the location or color for building numbering by the Fire Code Official to the Construction Board of Appeals in accordance with Chapter 2.30 of the City Code.

501.2.5 Administration and Enforcement. The requirements of this Section shall be administered as part of the building permit and inspection process. The certificate of occupancy shall not be issued unless the building numbering has complied with this Section.

501.2.6 Existing Buildings. All existing buildings and buildings for which the permit application was received prior to January 1, 2006, except residential buildings containing not more than four (4) dwelling units, that were in full compliance with the pre-existing ordinance (Ord. 15963 A (part), 2004), shall comply with this Section within one (1) year of the enactment of this ordinance. All other building that have not been in compliance with the pre-existing ordinance (Ord. 15963 A (part), 2004), shall comply with this Section immediately upon enactment. The pre-existing ordinance (Ord. 15963 A (part), 2004) shall remain in full force an effect until the expiration of one (1) year from the enactment of this ordinance.

501.2.7 Enforcement. The Fire Code Official and the Building Official are authorized to issue a notice to correct and a citation to the owner, manager, operator or person who otherwise controls the use of any property on which the building numbering has not been provided as required by this Section. The Fire Code Official or the Building Official may issue one notice to correct. The owner, manager, operator or person who otherwise controls the use of any property must comply with the requirements of a notice to correct within thirty (30) days of the date a notice was issued.

Section 501.2.8 Violation.

A. It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this chapter to fail to comply with all of its provisions.

B. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and shall be punished as provided in Sections 114 through 116 of the International Building Code, 2021 Edition.

18.08.090—18.08.110 Reserved.

18.08.120 Section 1101.2 Design, amended.

International Building Code, 2021 Edition, Section 1101.2 Design, is hereby amended to read as follows:

1101.2 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this Code, the Texas Accessibility Standards ("TAS") of the Architectural Barriers Act (Chapter 469, Government Code) and the American National Standard of the International Code Council (ICC/ANSI A117.1 2009 Edition).

A. All buildings and structures and their associated sites and facilities including employee work areas shall be made accessible as required by this chapter.

B. The design and construction of accessible building elements shall be in accordance with this chapter and Sections 4.1 through 4.35 of the TAS or its successor and the requirements of this Chapter.

C. TAS, a copy of which, authenticated by the signature of the Mayor and City Clerk, and made a public record by resolution of the City Council, is on file in the City Clerk's Office and except as modified in this Chapter, is hereby adopted and shall be considered an integral part of the Building Code.

Exceptions:

1. Group R3—One- and Two-Family Dwellings. One- and two-family dwellings regulated by the El Paso Residential Code, Chapter 18.10, and their accessory buildings shall be exempt from the requirements of this Section.
2. Group R2 Occupancies. Group R2 Occupancies having not more than four units on a site are exempt from the requirements of this Section.
3. Group R1 occupancies. Group R1 Occupancies that are actually occupied as a residence by the proprietor and that have ten or fewer rooms on a site for rent or hire are exempt from the requirements of this Section.
4. Storage Mezzanines. Mezzanines used solely for storage shall be exempt from the requirements of this Section provided the area of the inaccessible level is less than 2000 square feet.
5. Uninhabitable Spaces. Uninhabitable spaces shall be exempt from the requirements of this Section. For the purposes of this Section, uninhabitable spaces shall mean those spaces accessed only by ladders, catwalks, crawl spaces, very narrow passageways, or non-passenger elevators, and frequented only by service personnel for maintenance purposes.
6. Religious Ritual Places. Places used primarily for religious rituals within either a building or facility of a religious organization such as baptisteries, chancels and/or altars, confessionals and similar places are exempt from the requirements of this Section.

18.08.130 Section 1101.3 Maintenance of Facilities, added.

International Building Code, 2021 Edition, Section 1101.3, Maintenance of Facilities is hereby added to read as follows:

1101.3 Maintenance of Facilities. Any building, facility, dwelling unit, or site that is constructed or altered to be accessible or adaptable under this Section shall be maintained accessible/adaptable during its occupancy.

18.08.140 Section 1101.4 Variances, added.

International Building Code, 2021 Edition, Section 1101.4, Variances, is hereby added to read as follows:

1101.4 Variances. Any exemptions from or modifications of the requirements of the TAS obtained for any project through a variance granted by the Texas Department of Licensing and Regulation (TDLR) shall be deemed a variance under this chapter and approval by the Construction Board of Appeals as described in City Code Chapter 2.30 shall not be required. The building official may issue a conditional building permit, pending final determination from TDLR, provided the applicant submits proof that a variance application for the requested exemption or modification has been submitted to TDLR.

18.08.150 Section 1107.6.1.1.1 Type A units, amended.

International Building Code, 2021 Edition, Section 1107.6.1.1.1 Type A units, is hereby amended to read as follows:

1107.6.2.1.1 Type A units. In Group R-2 occupancies containing more than four (4) dwelling units or sleeping units, at least three (3) percent but not less than one of the units shall be a Type A unit. All units on a site shall be considered to determine the total number of units and the required number of Type A units. Type A units shall be dispersed among the various classes of units. All type A units shall be provided with a roll-in shower and a permanent mounted folding shower seat meeting the specifications and requirements for roll-in showers and mounted folding shower seats in ACC/ANSI 1171.1 — 2003, Section 608.

Exceptions:

1. The number of Type A Units is permitted to be reduced in accordance with Section 1107.7.
2. Existing structures on a site shall not contribute to the total number of units on a site.

18.08.160 Reserved.

18.08.170 Section 1204.1 Equipment and systems, amended.

International Building Code, 2021 Edition, Section 1204.1 Equipment and systems, is hereby amended to read as follows:

1204.1 Equipment and systems. Interior spaces intended for human occupancy shall be provided with active or passive space-heating and cooling systems capable of maintaining an indoor temperature between 68 F (20 C) and 90 F at a point 3 feet above the floor in all habitable spaces. The installation of portable space heaters shall not be used to achieve compliance with this section.

Exception: Interior spaces where the primary purpose is not associated with human comfort.

18.08.180 Section 1804.8 Excavation Greater Than 5 Feet, added.

International Building Code, 2021 Edition, Section 1804.7 Excavation Greater Than 5 Feet, is hereby added to read as follows:

1804.8 Excavation Greater Than 5 Feet. Excavations which will exceed five (5) feet in depth shall provide trench safety systems that meet Occupational Safety and Health Administration (O.S.H.A.) standards. Supporting systems shall be designed by a qualified professional and meet accepted engineering requirements. The building official may require that such supporting system designs be made part of the project drawings and specifications.

18.08.190 Section 2114 Rock Masonry Retaining Walls, Yard Walls and Fences, added.

International Building Code, 2021 Edition, Section 2114 Rock Masonry Retaining Walls, Yard Walls and Fences, is hereby added to read as follows:

Section 2114 Rock Masonry Retaining Walls, Yard Walls and Fences.
2114.1 General.

1. All retaining rock masonry walls, rock yard walls and rock fences shall be so designed as to withstand any normal and special loading which may be expected for the intended use of the structure and no subsequent change of use shall be permitted

without provisions for the additional loading imposed by such new uses. For the purpose of this section, fences are further defined as free-standing structures supporting no vertical weight other than the weight of the materials used in the construction of the fence and resisting no externally applied horizontal loadings other than wind or earthquake forces. Freestanding masonry sign pylons shall be classified as fences.

2. Rock masonry walls used in whole or in part for earth retention, in excess of 24 inches in height, shall be provided with adequate footings of reinforced concrete. Rock walls and fences, which due to inadequate or improper design or deterioration, show indications of becoming unstable or unsafe shall, be considered unsafe. Unsafe walls and fences shall be abated by repair and rehabilitation or by demolition.
3. If a wall is proposed to be built, constructed, or repaired on a common property line, written approval of adjoining property owners must be submitted with the application for a building permit. If the City is the adjoining property owner, written approval of the Zoning Administrator must be requested and submitted with the permit application.

2114.2 Retaining Walls. Permanent excavations with a grade separation exceeding twenty-four (24) inches on a vertical line, as opposed to embankments along the natural angle of repose of the soil material, that are retained with masonry shall have the masonry designed and constructed within the provisions of this chapter. Both residential and non-residential construction shall comply with this section.

2114.2.1 Design and Stability.

1. Walls used to retain more than four (4) feet of earth shall be designed by a registered professional engineer.
2. Walls shall be analyzed as gravity type structures. Native rubble masonry construction spanning between buttresses may be considered as having a flexural tensile/compressive strength of fifteen (15) PSI and an axial compressive strength not to exceed sixty (60) PSI. The effective width (thickness) dimensions for structural strength and stability shall be reduced by six (6) inches unless the wall is constructed utilizing a cast-in-place concrete core to ensure solid construction.
3. Foundation concrete shall be effectively bonded to the supported native stone rubble masonry in order to enable the system to perform as an integral composite unit. Bonding may be accomplished by the use of stones twelve (12) inches or larger in dimension placed in the plastic concrete of the foundation to obtain a minimum of six (6) inch embedment with a six (6) inch projection to bond with the native stone rubble masonry constructed above.
4. Externally applied loadings acting on retaining structures shall be those computed from design conditions but shall be no less than required under Chapter 16 of this Code. Parking areas limited to automobiles and other light vehicles shall require a minimum fifty (50) PSF uniform surcharge loading. A minimum of two hundred fifty (250) PSF uniform surcharge loading or AASHTO Lane Loading (whichever is greater) shall be required for parking areas subject to heavy vehicles.

2114.2.2 Materials.

1. Concrete, reinforcing steel and native stone, shall conform to the requirements of Chapters 19 and 21 of this Code. Structural concrete for foundations shall have a minimum twenty-eight (28) day compressive strength of two thousand five hundred (2500) PSI. Concrete for core fill of gravity retaining walls shall have a minimum twenty-eight (28) day compressive strength of two thousand (2000) PSI.
2. Mortar shall have a minimum twenty-eight (28) day compressive strength, of one thousand eight hundred (1,800) PSI when averaged over three (3) two (2) inch cubes of three (3) three (3) by six (6) inch cylinders in accordance with ASTM C109 or ASTM C780 and shall not contain more than fifteen (15) pounds of ASTM C207, Type S hydrated lime per cubic foot of mortar when mixed by volume. The building official may require submission of test reports confirming compliance with these requirements.

2114.2.3 Construction.

1. Foundations shall bear on native undisturbed soil capable of sustaining the load imparted upon it. Subject to the approval of the building official.
2. Foundation may be built upon mechanically compacted soil (native soils with increased densification or engineered fill materials) upon submittal of evidence that the proposed loadings will be adequately supported.
3. Adequate provisions shall be made to eliminate hydrostatic pressure buildup through the use of a free-draining backfill material over an underground water collection system that will drain through the wall and above the foundation in order to ensure stability of the foundation supporting soil. Random pattern weep holes shall not be considered as sufficient to accomplish required drainage. Retaining structures retaining less than four (4) feet of earth are not required to provide the above drainage system.
4. Foundations must bear a minimum of two (2) feet below finish grade level or one (1) foot into native undisturbed materials satisfactory for bearing (on the low side of the retaining structures) whichever provides the lowest elevation.

2114.2.4 Drawings and Specifications. All structures governed under this section shall be required to submit drawings in accordance with Chapter 18.02 Administrative Code. Such drawings shall include the following:

1. Theoretical calculated soil pressures at the toe and heel of the wall foundation.
2. Factor of safety against horizontal sliding and overturning (tipping) equal to or greater than 1.5.
3. Uniform surcharge loading and soil unit weight used in analysis and design (PCF).
4. Line or strip loadings (PLF) and locations with respect to wall.
5. Assumed unit weight of native stone rubble masonry construction (PCF).
6. Wall thickness and height dimensions with relative positioning for yard wall extensions, retained heights, base widths and foundations.
7. Locations of construction (through-wall) joints, changes in foundation bearing

elevations, positioning, extent and construction of underground drainage against the retaining structure.

2114.3 Yard Walls and Fences. Yard walls and fences of masonry materials shall be considered as non-bearing walls and shall be supported either horizontally or vertically by intersecting fences, pilasters, monolithic columns, integral, with the fence construction of sufficient strength and stability to provide the required structural support. The minimum thickness shall be sufficient to resist all normal vertical and horizontal loads applied to the fence.

2114.3.1 Masonry walls over six (6) feet in height shall be designed as a structural wall by a licensed professional engineer and provided with adequate footings. The design will be reviewed by the building official.

2114.3.2 Design and Stability.

1. The unsupported height to thickness (KH/t) or length to thickness (KL/t) shall not exceed 40, where, K=2.0 for cantilevered conditions, and 1.0 for both ends being supported:
    a. H = Height of fence above foundation
    b. L = Horizontal distance between stiffening elements
    c. t = Thickness of fence
2. In native stone rubble masonry walls with "no mortar" finishes, three (3) inches shall be deducted from the thickness of the fence for each face where this finish is used, when computing the minimum thickness for KH/t, KL/t and structural stability requirements.
3. Lateral support (stiffening elements) shall be provided by intersecting fences, pilasters, monolithic columns integral with the fence construction or other vertical members of sufficient strength and stability to provide the required structural support.
4. Masonry fences, including native stone rubble, shall have each wythe through-bonded with native stone rubble masonry having through-bond stones at a maximum spacing of three (3) feet vertically and three (3) feet horizontally.
5. Adequate strength, and stability to resist overturning, and other stresses for externally applied horizontal loads, shall be provided to the satisfaction of the building official and shall conform to accepted engineering design principles. Wind loading and shape factors shall be as set forth in Chapter 12 of this Code.

2114.3.3 Materials.

1. All materials shall be in accordance with Chapter 21.
2. Masonry fences, including native stone rubble, shall be laid in Type M, S, or N mortar.
3. Masonry fences, including native stone rubble, shall be provided with a reinforced concrete foundation in accordance with the approved subdivision design standards of the City.

18.08.200 Section 3107.1 General, amended.

International Building Code, 2021 Edition, Section 3107 Signs, is hereby amended to read as

follows:

3107.1 General. Signs shall comply with the Zoning Ordinance and shall be designed, constructed and maintained in accordance with this Code.

18.08.210 Section 3201.1 Scope, amended.

International Building Code, 2021 Edition, Section 3201.1 Scope, is hereby amended to read as follows:

3201.1 Scope. The use of public property or any portion thereof, shall be in accordance with the City Charter, Section 3.18 and the provisions of this Chapter.

18.08.220 Section 3305.2 Temporary Facilities, added.

International Building Code, 2021 Edition, Section 3305.2 Temporary Facilities, is hereby added to read as follows:

3305.2 Temporary Facilities. Adequate sanitary facilities for the convenience of all workmen shall be provided according to Table 3305.1. Required facilities shall be located not more than one hundred (100) feet from the construction site, and shall not be within sixty (60) feet of any occupied structure, unless the occupant of such structure consents, or unless it is impracticable to locate the facilities the required minimum distance from the structure. Existing facilities owned by others may be used provided permission for their use is obtained and only if such facilities comply with the requirements or this section.

3305.3 Facilities shall be kept in a clean and sanitary condition throughout the duration of the work. The temporary workman's toilet shall be enclosed, screened, and weatherproofed and shall be connected to a sewer. Upon removal of the temporary facilities, the sewer connections shall be removed and the sewer capped. In lieu of connecting to a sewer, the temporary facility may be a portable, enclosed, chemically treated, tank-tight unit.

Table 3305.1 Number of Employees Minimum Number of Toilet Facilities

If Serviced Once Per Week*	
1—10	1
11—20	2
21—30	3
31—40	4
Over 40	1 additional facility for each 10 additional employees
If serviced more than once per week*	
1—15	1
16—35	2
36—55	3
56—75	4
76—95	5

Over 95	1 additional facility for each 20 additional employees

*"Servicing" refers to the emptying of waste and the cleaning of the toilet facility. A camp equipped with flush toilets shall meet the standard for "minimum number of toilet facilities if serviced more than once per week".

18.08.221 Section 3401.1 Compliance, amended.

International Building Code, 2021 Edition, Section 3401.1 Compliance, is hereby amended to read as follows:

3401.1 Compliance. Alterations or repairs to existing buildings and structures shall comply with the provisions for alterations or repairs in the International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Private Sewage Disposal Code, International Residential Code and NFPA 70. Any alterations or repairs to existing structures made solely in order to improve accessibility shall comply with the provisions for alterations or repairs in this Code, provided however, that nothing in this Code shall require the entire existing structure to be brought into current code compliance. Any exterior site modifications that are required by this Code as a result of the alterations or repairs may be deferred for a period of up to 5 years provided however, that such are not required by Federal or State law.

18.08.222 Section 3401.2 General, amended.

International Building Code, 2021 Edition, Section 3401.2 General, is hereby amended to read as follows:

33401.2 General. Additions to existing buildings or structures shall comply with the requirements of this code for new construction. Any addition to existing structures made solely to improve accessibility shall comply with the provisions for new construction in this Code, provided however, that nothing in this Code shall require the remaining existing structure to be brought into current code compliance. Any exterior site modifications that are required as a result of such addition may be deferred for a period of up to 5 years.

18.08.230 Appendix C, Group U-Agricultural Buildings, adopted.

International Building Code, 2021 Edition, Appendix C, Group U-Agricultural Buildings, is hereby adopted in its entirety.

18.08.240 Appendix D, Fire Districts, adopted and amended. Added

International Building Code, 2021 Edition, Appendix D, Fire Districts, is hereby adopted and Sections D101.1.1.1 is hereby added to read as follows: The Fire District shall include such territory as defined herein.

D101.1.1.1 Fire District No. 1. Fire District No. 1 shall include the following portion of the City of El Paso, which is more particularly described by metes and bounds, as follows:

Beginning at the intersection of the east line of Santa Fe Street with the south line of Missouri Street; Thence northeasterly along the south line of Missouri Street to the west line of Campbell Street; Thence southeasterly and southerly along the west line of Campbell Street to the north line of Overland Street; Thence westerly along the north line of Overland Street to the west line of El Paso Street; Thence southerly along the west line of El Paso Street to the north line of Overland Street; Thence westerly along the north line of Overland Street to the east line of Santa Fe Street; Thence northerly and northwesterly along the east line of Santa Fe Street to the point of beginning at the south line of Missouri Street.

18.08.250 Appendix E, Supplementary Accessibility Requirements, adopted.

International Building Code, 2021 Edition, Appendix E, Supplementary Accessibility Requirements, is hereby adopted in its entirety.

18.08.252 Appendix F, Rodent proofing, adopted.

International Building Code, 2021 Edition, Appendix F, Rodent Proofing, is hereby adopted in its entirety.

18.08.254 Appendix G, Flood Resistant Construction, adopted.

International Building Code, 2021 Edition, Appendix G, Flood Resistant Construction, is hereby adopted in its entirety.

18.08.260 Appendix I, Patio Covers, adopted.

International Building Code, 2021 Edition, Appendix I, Patio Covers, is hereby adopted in its entirety.

18.08.262 Appendix J, Grading, adopted.

International Building Code, 2021 Edition, Appendix J, Grading, is hereby adopted in its entirety.

18.08.270 Appendix K, Administrative Provisions, adopted.

International Building Code, 2021 Edition, Appendix K, Administrative Provisions, is hereby adopted in its entirety.

18.08.280 Appendices.

International Building Code, 2021 Edition, Appendices.

The appendices unless specifically adopted or referenced are retained as administrative guidance aids.

18.08.290 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

18.08.300 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 3. That Title 18 (Building and Construction), Chapter 18.10 (Residential Code) is hereby amended as follows:

Chapter 18.10 - RESIDENTIAL CODE

18.10.010 Short title.

This chapter may be cited as the "Residential Code."

18.10.020 Adoption.

The book entitled "International Residential Code, For One- and Two-Family Dwellings" 2021 Edition, a copy of which authenticated by the City Clerk is on file in the City Clerk's Office, is adopted as the Residential Code of the City, as fully as if copied at length in this chapter, but with the amendments set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso.

18.10.030 Section R101.2 Scope.

International Residential Code, 2021 Edition, R101.2 Scope, is hereby adopted in its entirety.

18.10.040 - Section R105.2 Work exempt from permit

Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction.* Permits shall not be required for the following construction work:

Building:

1. One-story detached accessory storage building, canopy or structure, located in the rear yard, 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.
2. Masonry landscape walls and fences not over forty-two inches high, completely within the subject property and meeting zoning requirements. Where there is a difference in elevation between abutting properties or property lines, the height measurement shall be taken from the high side of the wall, exclusive of retaining walls.
    a. Chain link or wrought iron fences not over six feet high, completely within the subject property and 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 or above ground containing a

body of water less than twenty-four inches in depth and less than five thousand gallons of water.

7. Replacement of less than twenty-five percent of existing roof covering on residential structures only.
8. Swings and other playground equipment.

Mechanical:

1. Portable heating appliances.
2. Portable ventilation equipment.
3. Portable cooling units.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the technical codes.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative coolers.
7. 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:

1. Wiring devices or equipment installed by telephone, telegraph or other public service corporations used solely for the transmission of two-way communication.
2. 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.
3. 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.
4. 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. A homeowner, on property that is their primary residence; or
    b. A master, journeyman or maintenance electrician licensed in accordance with Section 18.02.104.6.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the

removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

18.10.050 Section R301.2 Climatic and geographic design criteria, amended.

International Residential Code, 2021 Edition, Section R301.2 Climatic and Geographic Design Criteria is hereby amended by completing Table 301.2(1), Climatic and Geographic Design Criteria, to read as follows:

Table R301.2(1)

Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design				Seismic Design Category[f]	Subject To Damage From			Ice Barrier Underlayment Required[h]	Flood Hazards[g]	Air Freezing Index[i]	Mean Annual Temp[j]
	Speed[d] (mph)	Topographic effects[k]	Special wind region[l]	Wind-borne debris zone[m]		Weathering[a]	Frost line depth[b]	Termite[c]				
5 PSF	105	No	No	No	C	Negligible	6"	Moderate to Heavy	No	Municipal Code Sec. 18.60	1500	75° F

Manual J Design Criteria

Elevation	Altitude Correction Factor	Coincident wet bulb	Indoor winter design dry-bulb temperature	Indoor winter design dry-bulb temperature	Outdoor winter design dry-bulb temperature	Heating temperature difference
3918	0.87	64°	72°	72°	25°	47°
Latitude	Daily Range	Indoor summer design relative humidity	Summer Design Grains	Indoor summer design dry-bulb temperature	Outdoor summer design dry-bulb temperature	Cooling temperature difference
31°	High (more than 25°F)	75° (50% R.H.)	-26	75°	98°	23°

18.10.050.1 Section R302.1 Exterior walls, amended.

International Residential Code, 2021 Edition, Section R302.1, Exterior walls, is hereby amended to add the following exceptions to read as follows:

6. Zero lot line properties where all of the following apply:
   a. A minimum of 10 feet is provided between structures; and
   b. Glazing is limited to a height of not less than 14 feet from grade level; and
   c. Glazing is not more than 10% of the wall; and
   d. Openings are prohibited; and
   e. Where eaves are present they shall not extend more than 12 inches from the wall (including any required gutters) and eaves shall be fire rated.
7. Where all structures are provided with sprinkler systems.

18.10.060 Section R303.10 Required heating, amended.

International Residential Code, 2021 Edition, Section R303.8, Required heating, is hereby amended to read as follows:

R303.10 Required heating and cooling. Interior spaces intended for human occupancy shall be provided with active or passive space-heating and cooling systems capable of maintaining an indoor temperature between 68 F (20 C) and 90 F at a point 3 feet above the floor and 2 feet from exterior walls in all habitable spaces. The installation of portable space heaters shall not be used to achieve compliance with this section.

18.10.070 Reserved.

18.10.080 Section R313 Automatic Fire Sprinkler Systems, deleted.

International Residential Code, 2021 Edition, Section R313, Automatic Fire Sprinkler Systems, is hereby deleted in its entirety.

18.10.090 Section R319 Site Address, amended.

International Residential Code, 2021 Edition, Section R319, Site Address, is hereby amended to read as follows:

SECTION R319 SITE ADDRESS

R319.1 Building Numbering.
R319.1.1 Definitions.
For the purpose of administering the numbering of buildings, the following definitions shall apply:

1. "Building Numbering" means those numbers and/or letters as may be needed to identify building(s) at a municipal street address.

2. "Municipal Street Address" means the building numbering used in conjunction with the street name and assigned by the Planning Division of the City of El Paso for the purposes of identifying individual properties.
3. "Prominently Displayed" means that which is uniformly located, readily noticeable, and easily readable from the street during normal daytime atmospheric conditions by a person having normal vision.

R319.1.2 Municipal Street Address Identification. Building numbering shall be displayed on all buildings for which a municipal street address has been assigned. In order to provide for the prominent display and uniform location of municipal street addresses, residential building numbering shall comply with the following:

1. Building numbering shall be displayed in characters having a minimum height of four (4) inches.
2. For properties fronting on a street with curbs, building numbering shall be mounted or painted on the face of the curb in close proximity to the entry driveway. In the case of a corner property fronting on two streets with the driveway located on the street that is not the street name of the municipal street address, the building numbering shall be mounted or painted in a prominent location on the face of the curb fronting on the addressed Street.
3. For other properties, building numbering shall be located on the building wall fronting the addressed street or on another permanent structure that fronts on the addressed street and is closer to the street than the building wall.
4. It is recommended, but not required, that building numbering for residential buildings meet the requirements of building numbering for other buildings described in Chapter 18.08.

R319.1.3 Administration and Enforcement. The requirements of this Section shall be administered as part of the building permit and inspection process. The building official shall refuse the issuance of a final inspection and certificate of occupancy unless the building numbering has been provided as required by this Section.

R319.1.4 Alternate Building Numbering Location. The building official shall be authorized to approve alternate location(s) for building numbering required under this Section when the owner of the property satisfactorily demonstrate that the alternate location(s) provide(s) an equivalent degree of visibility and readability.

18.10.100 Section R320 Accessibility, deleted.

International Residential Code, 2021 Edition, Section R320, Accessibility, is hereby is deleted in its entirety.

18.10.110 Section R506.1 General, amended.

International Residential Code, 2021 Edition, Section R506.1, General, is hereby amended to read as follows:

R506.1 General. Concrete slab-on-ground floors shall be a minimum of 3.5 inches (89 mm) (for expansive soils, see Section R403.1.8). The specified compressive strength of concrete shall be as set forth in Section R402.2.

Slabs shall be constructed with control joints having a depth of at least one-fourth the slab thickness, and joints shall be spaced at intervals not more than 30 feet in each direction and slabs not rectangular in shape shall have control joints across the slab at points of offset, if offset exceeds 10 feet.

Exception: Control joints are not required or may exceed 30-foot intervals where welded wire fabric or equivalent is provided in accordance with Table 506. The welded fabric or equivalent material shall be placed at mid-depth of the slab or 2 inches from the top surface for slabs more than 4 inches in thickness.

Table 506							
Maximum Dimension of Slab or Distance Between Control Joints (Feet) Slab Thickness (Inches)						WWF Wire Spacing (Inches)	WWF Wire Size Designation
3.5	4.0	4.5	5.0	5.5	6.0		
42	36	32	29	26	24	6×6	W1.4 × W1.4
59	52	42	42	38	35	6×6	W2.0 × W2.0
86	75	60	60	55	50	6×6	W2.9 × W2.9

Values in table are based on reinforcement with yield strength of 65,000 psi.

18.10.120 Section R802.10.2 Design, amended.

International Residential Code, 2021 Edition, Section R802.10.2 Design, is hereby amended to add the following sentence at the end of the section, to read as follows:

R802.10.2 Design. The truss design drawings shall be prepared, signed, and sealed by a registered professional engineer, licensed in Texas.

18.10.130 Reserved.

18.10.140 Section M1201.2 Application, amended.

International Residential Code, 2021 Edition, Section M1201.2 Application, is hereby amended to read as follows:

M1201.2 Application. In addition to the general administrative requirements of Chapter 18.02, Building and Construction Administrative Code, the provisions of this Chapter shall also apply to the requirements of Chapters 13 through 24.

18.10.150 Section M1413 Evaporative Cooling Equipment, amended.

International Residential Code, 2021 Edition, Section M1413, Evaporative Cooling Equipment, is hereby amended to read as follows:

M1413 Evaporative Cooling.

M1413.1 General. Every evaporative cooler installed in, on or adjacent to any building as a part of a cooling or air conditioning system shall comply with these provisions.

M1413.2 Location.

M1413.2.1 No evaporative cooler shall be installed so as to obstruct any required means of egress nor reduce passage of required light and air.

M1413.2.2 Evaporative cooler installations that extend beyond the exterior line of a structure shall comply with Building Code and Zoning Regulations as to allowable projection and overhead clearance. Evaporative cooler structures which project more than eighteen inches (18") into a traveled right-of-way shall maintain a minimum clearance of fourteen feet (14') above grade.

M1413.3 Materials of Construction. M1413.3.1 All evaporative cooler blowers and cabinets, including pan, corner posts, top and pad frames, shall be constructed of non-combustible materials or approved plastics as defined below. Evaporative pads and interior water circulatory systems need not be of non-combustible materials.

M1413.3.2 Approved Plastics. Approved plastic or reinforced plastic materials shall be those which are classified 94-5V in accordance with Underwriters Laboratory Test 94-5V "Vertical Burning Test for Classifying Materials".

M1413.3.3 Evidence of Compliance. Evidence of compliance with the requirements of Section M1413.3.1 to 1413.3.2 shall accompany all equipment installed within the City of El Paso.

M1413.4. Electrical Connections. Electrical components and installations shall conform to the El Paso Electrical Code. The blower motor and water recirculation pump shall be internally protected to shut-off automatically in the event of an electrical overload or excessive temperature. The maximum shut-off temperature shall be: (1) blower motor, 105°C; and (2) pump, 135°C.

M1413.5 Plumbing Connections. Water connections and materials shall conform to the El Paso Plumbing Code.

M1413.6 Structural Supports. Evaporative cooler fastenings, including mounts, platforms and frames, shall be of non-combustible material and shall be of sufficient size and strength to meet the requirements of the International Building Code.

M1413.7 Water Supply.

M1413.7.1 Bleeder Lines Prohibited. New and replacement evaporative coolers shall not be provided or installed with bleeder lines.

M1413.7.2 Automatic water draining System Required. An automatic water draining system shall be provided for all evaporative coolers for which the cooler manufacturer requires the use of a bleeder line. The automatic water draining system shall operate on a periodic basis of not less than a 4-hour interval between operation times and shall be capable of fully draining the water from the cooler pan. The automatic draining system shall either discharge into the building drainage system through an indirect waste piping system complying with Section 802 of the Plumbing Code or shall be conducted to the exterior of

the building or structure, and shall be discharged so that the effluent is used for watering landscaping or other outdoor vegetation. In no event shall drainage from coolers be wasted into or upon the public way.

18.10.155 Section M1601.1 (9), added.

Flexible air ducts in residential installations are limited to 10 feet in length unless an engineered design is provided.

18.10.160 Section G2404.1.2 Manufactured homes, added.

International Residential Code, 2021 Edition, Section G2404.1.2, Manufactured Homes, is hereby added to read as follows:

G2404.1.2 Manufactured Homes. Appliance installations in manufactured housing meeting the requirements of the Texas Manufactured Housing Standards Act, or in industrialized housing or industrialized buildings meeting the requirements of the Texas Industrialized Housing and Building Act or bearing the Federal Compliance Plate (ANSI-A119.1), including the appliance connections and the fuel gas piping system, shall not be subject to the provisions of this Code except for the test provisions of Sections G2417.4.1 and G2417.4.2.

18.10.170 Section G2412.2 (401.2) Liquefied petroleum gas storage, amended.

International Residential Code, 2021 Edition, Section G2412.2, Liquefied petroleum gas storage, is hereby amended to read as follows:

G2412.2 Liquefied Petroleum Gas.

G2412.2.1 Liquefied Petroleum Gas Storage. The storage system for liquefied petroleum gas shall be designed and installed in accordance with the Fire Code.

G2412.2.2 Liquefied Petroleum Gas Service. Liquefied Petroleum Gas systems shall not be installed in Group R1, R2, R3 and R4 occupancies when a natural gas utility supply pipe is available within 300 feet of the buildings.

18.10.180 Section G2412.11 Meter location, added.

International Residential Code, 2021 Edition, Section G2412.11, Meter Location, is hereby added to read as follows:

G2412.11 Meter Location. A meter location, when required, shall be provided for the property or premises to be served. The location shall be such that the meter and connections are accessible in order that they may be read or changed. Space requirements, dimensions, and type of installation shall be acceptable to the gas company. Meter location will be determined by the utility company in conformance with their service franchise.

18.10.190 Section G2415.3.1 Prohibited locations, added.

International Residential Code, 2021 Edition, Section G2415.3, Piping in concealed locations, is hereby amended to read as follows:

G2415.3 Piping in Concealed Locations. Portions of a piping system installed in concealed locations shall not have unions, tubing fittings, bushings, compression couplings and swing joints made by combinations of fittings.

Exceptions:

1. Tubing joined by brazing.
2. Fittings listed for use in concealed locations.

18.10.200 Section G2417.4 (406.4) Test pressure measurement, amended.

International Residential Code, 2021 Edition, Section G2417.4 Test Pressure Measurement, is hereby amended to read as follows:

G2417.4 Test Pressure Measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than two (2) times the test pressure. Tests requiring a pressure of 10 psi or less shall utilize a testing gauge having increments of 0.20 psi or less. Tests requiring a pressure greater than 10 psi but less than or equal to 60 psi shall utilize a testing gauge having increments of 1 psi or less.

G2417.4.1 Test Pressure. Low pressure gas piping shall withstand a pressure of at least 10 psi or 16 inches of mercury. Higher pressure gas piping shall withstand a pressure of at least 60 psi on a clock gauge with a printed record chart. For the purposes of this section, "low pressure" shall mean pressure equal to or less than 0.5 psi.

G2417.4.2 Test duration. Test duration shall be not less than 15 minutes for low pressure gas piping and not less than 4 hours for higher pressure gas piping.

18.10.210 Section P2501.2 Application, amended.

International Residential Code, 2021 Edition, Section P2501.2 Application, is hereby amended to read as follows:

P2501.2 Application. In addition to the general administrative requirements of Chapter 18.02, Building and Construction Administrative Code of the El Paso City Code, the provisions of this Chapter shall also apply to the plumbing requirements of Chapters 25 through 32.

18.10.220 Section P2602.1 General, amended.

International Residential Code, 2021 Edition, Section P2602.1, General, is hereby amended to read as follows:

P2602.1 General. The water distribution and drainage system of any building or premises where plumbing fixtures are installed shall be connected to a public water supply and to a public sewer system.

Exception:

1. Bathtubs, showers, lavatories, clothes washers and laundry sinks shall not be required to discharge to the sanitary drainage system where such fixtures discharge to an approved gray water recycling system. Evaporative coolers automatic water draining systems may discharge to an approved gray water recycling system.
2. When a public sewer is not available within 300 feet of the building for use, an individual or private sewage disposal system may be utilized provided that such system is designed, installed and maintained in accordance with the requirements of Chapter 18.21 of the Municipal Code.

18.10.230 Section P2603.5.2 Protection of Water Service Entrance, added.

International Residential Code, 2021 Edition, Section P2903.1.1 Protection of Water Service Entrance, is hereby added to read as follows:

P2603.5.2 Protection of Water Service Entrance. Water service entrance and risers to all structures shall be on the heated side of a conditioned space.

18.10.240 Section P2603.5.3Plumbing within exterior walls, added.

International Residential Code, 2021 Edition, Section 2903.1.2 Plumbing within exterior walls, is hereby added to read as follows:

P2603.5.3 Plumbing within exterior walls. Placement of plumbing within exterior walls is prohibited unless the walls are at minimum, 2 by 6 walls and adequate provision is made to protect such pipes from freezing in accordance with Section 305.6 of the International Plumbing Code. Placement of water lines in ceiling areas is prohibited unless the water lines are placed on the warm side with a minimum of 10 inch insulation on the exterior/roof side of the structure.

Exceptions:

a. A service entrance may enter a non-conditioned space provided that the riser/service entrance is within an approved, heated valve protective enclosure also known as a "hot box", or

b. Cross linked polyethylene, also known as PEX, or approved equal, is used as the service entrance material, and

c. Any hose bibs installed shall be freeze proof.

18.10.250 Section P2709.2 Lining required, amended.

International Residential Code, 2021 Edition, Section P2709.2, Lining required, is hereby amended to read as follows:

P2709.2 Lining Required. All shower receptors shall be provided with an approved lining, except as noted herein. The adjoining walls and floors, enclosing field-constructed shower receptors shall be lined with copper or other approved materials listed in this Code, extending not less than three (3) inches beyond or around the rough jambs and not less than three (3) inches above finished thresholds. Recessed shower compartments need not be lined, provided the compartment is formed of concrete, is recessed a minimum of four (4) inches below the adjacent floor level, and the concrete is not less than three and one-half (3½) inches thick with

an ultimate compressive strength of not less than two thousand (2000) pounds per square inch.

18.10.260 Section P2709.2.3 Hot-mopping, deleted.

International Residential Code, 2021 Edition, Section P2709.2.3, Hot-Mopping, is hereby deleted in its entirety.

18.10.270 Reserved.

18.10.280 Reserved

18.10.280 Section P2903.3.3 Accessibility, added.

International Residential Code, 2021 Edition, Section P2903.3.3, Accessibility, is hereby added to read as follows:

2903.3.2 Accessibility. Installation shall be such as to make the regulator accessible without excavating or removing permanent structural or finished portions of the structure.

18.10.290 Section P2903.12 Under concrete slabs, added.

International Residential Code, 2021 Edition Section P2903.12, Under Concrete Slabs, is hereby added to read as follows:

P2903.12 Under Concrete Slabs. Inaccessible water distribution piping under slabs shall be copper water tube minimum Type L, brass, ductile iron pressure pipe, chlorinated polyvinyl chloride (CPVC) or crosslinked polyethylene (PEX) plastic pipe or tubing—all to be installed with approved fittings or bends. The minimum pressure rating for plastic pipe or tubing installed under slabs shall be 100 psi at 180°F.

18.10.300 Reserved

18.10.301 Section P3005.2.3 Building drain and building sewer junction, amended.

International Residential Code, 2021 Edition, Section P3005.2.3, Building Drain and Building Sewer Junction, is hereby amended to read as follows:

P3005.2.3 Building Drain and Building Sewer Junction. There shall be a cleanout within 10 feet of the junction of the building drain and the building sewer. The cleanout shall be outside the building and shall be brought up to the finished ground level. An approved two-way cleanout is allowed to be used at this location to serve as a required cleanout for both the building drain and building sewer.

18.10.310 Part VIII Electrical, deleted.

International Residential Code, 2021 Edition, Part VIII—Electrical, is hereby deleted in its entirety and the following shall substitute in its stead:

Chapter 18.16 Adopted. The provisions of Chapter 18.16, City of El Paso Electrical Code, shall regulate the installation of electrical systems, equipment and components, indoors and outdoors that are within the scope of this Code, including services, power distribution systems, fixtures, appliances, devices and appurtenances.

18.10.311 Appendix AA, Sizing and Capacities of Gas Piping.

International Residential Code, 2021 Edition Appendix AA, Sizing and Capacities of Gas Piping is hereby adopted in its entirety.

18.10.312 Appendix AB, Sizing of Venting Serving Appliances Equip with Draft Hoods, Category I Appliances, and Appliances listed for Use with Type B Vents.

International Residential Code, 2021 Edition Appendix AB, Sizing of venting Serving Appliances Equip with Draft Hoods, Category I Appliances, and Appliances for Use with Type B Hoods, is hereby adopted in its entirety.

18.10.313 Appendix AC, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.

International Residential Code, 2021 Edition Appendix AC, Exit terminals of Mechanical Draft and Direct-Vent Venting Systems, is hereby adopted in its entirety.

18.10.320 Appendix AE, Manufactured Housing Used as Dwellings, adopted.

International Residential Code, 2021 Edition, Appendix AE, Manufactured Housing Used as Dwellings is hereby adopted in its entirety.

18.10.321 Appendix AG, Piping Standards for Various Applications.

International Residential Code, 2021 Edition Appendix AG, Piping Standards for Various Applications, is hereby adopted in its entirety.

18.10.330 Section AE101.1 General, amended.

International Residential Code, 2021 Edition, Section AE101.1 General, is hereby amended to read as follows:

Section AE101 General. These provisions shall be applicable only to a manufactured home used as a single-dwelling unit and shall apply to the following:

1. Construction, alteration and repair of any foundation system which is necessary to provide for the installation of a manufactured home unit.
2. Construction, installation, addition, alteration, repair or maintenance of the building service equipment which is necessary for connecting manufactured homes to water, fuel or power supplies and sewage systems.
3. Alterations, additions or repairs to existing manufactured homes. The construction, alteration, moving, demolition, repair and use of accessory buildings and structures

and their building service equipment shall comply with the requirements of the Municipal Code.

These provisions shall not be applicable to the design and construction of manufactured homes nor shall they be deemed to authorize either modifications or additions to manufactured homes where otherwise prohibited.

18.10.340 Reserved.

18.10.350 Appendix AH, Patio Covers, adopted.

International Residential Code, 2021 Edition, Appendix AH, Patio Covers, is hereby adopted in its entirety.

18.10.360 Appendix AK, Sound Transmission, adopted.

International Residential Code, 2021 Edition, Appendix AK, Sound Transmission, is hereby adopted in its entirety.

18.10.361 Appendix AM, Home Day Care—R-3 Occupancy.

International Residential Code, 2021 Edition Appendix AM, Home Day Care—R-3 Occupancy, is hereby adopted in its entirety.

18.10.362 Appendix AN, Venting Methods.

International Residential Code, 2021 Edition Appendix AN, Venting methods, is hereby adopted in its entirety.

18.10.363 Appendix AP, Sizing of Water Piping Systems.

International Residential Code, 2021 Edition Appendix AP, Venting methods, is hereby adopted in its entirety.

18.10.364 Appendix AQ, Tiny Houses.

International Residential Code, 2021 Edition Appendix AQ, Tiny Houses, is hereby adopted in its entirety.

18.10.365 Appendix AR, Light Straw Construction.

International Residential Code, 2021 Edition Appendix R, Light Straw Construction, is hereby adopted in its entirety.

18.10.366 Appendix AS, Strawbale Construction.

International Residential Code, 2021 Edition Appendix AS, Strawbale Construction, is hereby adopted in its entirety.

18.10.367 Appendix U, Solar ready Provisions—Detached One & Two Family Dwellings, Multiple Single Family Dwellings (Townhouses)

International Residential Code, 2021 Edition Appendix U, Solar-Ready Provisions, Detached One and Two Family Dwellings, Multiple Family Dwellings (Townhouses), is hereby adopted in its entirety.

18.10.370 Reserved.

18.10.380 Appendices.

International Residential Code, 2021 Edition, Appendices unless specifically adopted or referenced are retained as administrative guidance aids.

18.10.390 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed as follows: Ordinance No. 014729 dated 12/12/2000, Ordinance No. 15967 dated 12-14-2004 and Ordinance No. 18510 dated 5-31-2016.

18.10.400 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 4. That Title 18 (Building and Construction), Chapter 18.12 (Mechanical Code) is hereby amended as follows:

Chapter 18.12 MECHANICAL CODE

18.12.010 Short title.

This chapter may be cited as the "Mechanical Code."

18.12.020 Adoption.

The book entitled "International Mechanical Code," 2021 Edition, a copy of which authenticated by the City Clerk is on file in the City Clerk's Office, is adopted as the Mechanical Code of the City, as fully as if copied at length in this chapter, but with the changes set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso.

18.12.025 Reserved

18.12.030 Section 309.1 Space-heating systems, amended.

International Mechanical Code, 2021 Edition, Section 309.1 Space-heating systems, is hereby amended to read as follows:

> **309.1 Space-heating and cooling systems.** Interior spaces intended for human occupancy shall be provided with active or passive space-heating and cooling systems capable of maintaining an indoor temperature between 68°F (20°C) and 90°F at a point 3 feet above the floor in all habitable spaces. The installation of portable space heaters shall not be used to achieve compliance with this section.
>
> **Exceptions:**
>
> 1. Interior spaces where the primary purpose is not associated with human comfort.
> 2. roup F, H, S and U occupancies

18.12.040 Section 507.2.6 Clearance for Type I hood, amended.

International Mechanical Code, 2021 Edition, Section 507.2.6 Clearances for Standard Type I and Type I labeled for zero clearance hoods is hereby amended to read as follows:

> **507.2.6 Clearances for Standard Type I and Type I labeled for zero clearance hoods.** All Type I hoods shall be installed with a clearance to combustibles of not less than 18 inches (457 mm).
>
> **Exception:** Clearance shall not be required from ⅝-inch or thicker Type X gypsum wallboard, ½-inch or thicker (12.7 mm) Type C gypsum wallboard or ½-inch (12.7 mm) or thicker cementitious wallboard attached to noncombustible structures provided that a smooth, cleanable, nonabsorbent and noncombustible material is installed between the hood and the gypsum or cementitious wallboard over an area extending not less than 18 inches (457 mm)

beside and above the hood and shall extend to the floor below the hood. There shall be no combustible structure below the hood or within 18-inches in any direction, below the hood. Reduced clearances shown on hood tags are not approved.

18.12.040.1 Section 508.1.1 Makeup air temperature, amended.

International Mechanical Code, 2021 Edition, Section 508.1.1 Makeup air temperature, is hereby amended to read as follows:

508.1.1 Makeup air temperature. The temperature difference between makeup air and the air in the conditioned space shall not exceed 10°F (6°C) for heating and 15° for cooling except where the added heating and cooling loads or the makeup air do not exceed the capacity of the HVAC system.

18.12.050 Section 510.4 Independent system, Exception 9, added.

International Mechanical Code, 2021 Edition, Section 510.4 Independent system, is hereby amended to add Exception 9 at the end of the section, to read as follows:

510.4 Independent system.
Exception:
9. Contaminated air shall not be recirculated. Air containing explosive or flammable vapors, fumes or dusts; flammable, highly toxic or toxic gases; or radioactive materials shall be considered to be contaminated.

18.12.060 Section 603.6.1.1 Duct length, amended.

International Mechanical Code, 2021 Edition, Section 603.6.1.1 Duct length, is hereby amended to read as follows:

603.6.1.1 Duct length. In commercial Installations Flexible air ducts and connectors shall be limited to ten (10) feet in maximum length.

603.6.1.2 Duct length. In residential Installations flexible duct, if engineered design, the length will be unlimited.

18.12.070 Section 908.6, Drainage, amended.

International Mechanical Code, 2021 Edition, Section 908.6, Drainage, is hereby amended to read as follows:

908.6 Drainage. Water from such units shall be discharged into an approved disposal system in accordance with the Plumbing Code. All water supply, waste water and connections shall comply with the requirements of the International Plumbing Code.

908.6.1 All new installations or replacements of water-cooled refrigeration systems 3 H.P. or greater, governed by this Code or the International Plumbing Code, shall be provided with an effective recirculation system.

908.6.2 If an automatic waste system is provided for draining or flushing the system, it shall conform with Chapter 8 of the International Plumbing Code, as amended, and shall be piped to an approved receptacle unless other disposition is authorized by the building official. In no

event shall drainage be wasted into or upon the public way.

18.12.080 Section 928, Evaporative cooling, amended.

International Mechanical Code, 2021 Edition, Section 928 Evaporative Cooling, is hereby amended to read as follows:

928.1 General. Every evaporative cooler installed system shall comply with these provisions.

928.2.1. No evaporative cooler shall be installed so as to obstruct any required means of egress nor reduce passage of required light and air.

928.2.2. Evaporative cooler installations which extend beyond the exterior line of a structure shall comply with Building Code and Zoning Regulations as to allowable projection and overhead clearance. Evaporative cooler structures which project more than eighteen inches (18") from a building shall maintain a minimum clearance of fourteen feet (14') above areas subject to vehicle traffic.

928.3 Materials of Construction.

928.3.1. All evaporative cooler blowers and cabinets, including pan, corner posts, top and pad frames, shall be constructed of non-combustible materials or approved plastics as defined below. Evaporative pads and interior water circulatory systems need not be of non-combustible materials.

928.3.2 Approved Plastics. Approved plastic or reinforced plastic materials shall be those which are classified as 94-5V in accordance with Underwriters Laboratory Test 94-5V "Vertical Burning Test for Classifying Materials".

928.3.3 Evidence of Compliance. Evidence of compliance with the requirements of Section 926.3.1 to 311.3.2 shall accompany all equipment installed within the City of El Paso.

928.4 Electrical Connections. Electrical components and installations shall conform to the El Paso Electrical Code. The blower motor and water recirculation pump shall be internally protected to shut-off automatically in the event of an electrical overload or excessive temperature. The maximum shut-off temperature shall be: (1) blower motor, 105°C; and (2) pump, 135°C.

928.5 Plumbing Connections. Water connections and materials shall conform to the El Paso Plumbing Code.

928.6 Structural Supports. Evaporative cooler fastenings, including mounts, platforms and frames, shall be of non-combustible material and shall be of sufficient size and strength to meet the requirements of the International Building Code.

928.7 Water Supply.

928.7.1 Bleeder Lines Prohibited. New and replacement evaporative coolers shall not be provided or installed with bleeder lines.

928.7.2 Automatic water draining System Required. An automatic water draining system shall be provided for all evaporative coolers for which the cooler manufacturer requires the use of a bleeder line. The automatic water draining system shall operate on a periodic basis of not less than a 4-hour interval between operation times and shall be capable of fully

draining the water from the cooler pan. The automatic draining system shall either discharge into the building drainage system through an indirect waste piping system complying with Section 802 of the International Plumbing Code, as amended, or shall be conducted to the exterior of the building or structure, and shall be discharged so that the effluent is used for watering landscaping or other outdoor vegetation. In no event shall drainage from coolers be wasted into or upon the public right-of-way.

18.12.090 Appendix A is adopted in its entirety.

International Mechanical Code, 2021 Edition, Appendix A, is adopted.

18.12.100 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed as follows: Ordinance No. 014732 dated 12-12-2000 and Ordinance No. 15965 dated 12-14-2004.

SECTION 5. That Title 18 (Building and Construction), Chapter 18.16 (Electrical Code) is hereby amended as follows:

Chapter 18.16 ELECTRICAL CODE

18.16.010 Short title.

This chapter may be cited as the "Electrical Code".

18.16.020 Adoption.

The book entitled "NFPA 70 National Electrical Code," 2020 Edition, a copy of which authenticated by the City Clerk is on file in the City Clerk's Office is adopted as the Electrical Code of the City, as fully as if copied at length in this chapter, but with the changes set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso.

18.16.030 Article 80 Evaporative Coolers, added.

NFPA 70 National Electrical Code, 2020 Edition, Article 80 Evaporative Coolers, is hereby added to read as follows:

80.1 Evaporative Coolers. Evaporative cooler shall have their controls mounted in a metal box. Conductors -to the equipment.

80.2 Controls and Operating Mechanisms. In areas required by the Building Code to be accessible to persons with disabilities, the highest operable part of controls, receptacles and other operable equipment shall be placed within at least of one of the reach ranges specified in this section. Electrical and communications receptacles on walls shall be mounted no less than 15 in (380 mm) above the floor to the bottom of the box.

80.3 Forward Reach. If the clear floor space allows only forward approach to an object, the highest operable part of controls, receptacles and other operable equipment shall be placed not more than 48 in (1220 mm) above finished floor to the top of the box.

80.4 Side Reach. If the clear floor space allows only parallel approach to an object, the highest operable part of controls, receptacles and other operable equipment shall be placed not more than 54 in (1370 mm) above finished floor to the top of the box.

18.16.040 Section 210.70 Lighting Outlets Required (A)(2)(b), amended.

NFPA 70 National Electrical Code, 2020 Edition, Section 210.70 Lighting Outlets Required, (A) Dwelling Units, (2) Additional Locations, (b) is hereby amended to read as follows:

210.70 Lighting Outlets Required, (A) Dwelling Units, (2) Additional Locations (b). For dwelling units, attached garages, and detached garages with electric power, at least one wall switch-controlled lighting outlet shall be installed to provide illumination on the exterior side of outdoor entrances or exits with grade level access. A vehicle door in a garage shall be considered as an outdoor entrance or exit.

18.16.050 Section 210.70 Lighting Outlets Required (A)(3), added.

NFPA 70 National Electrical Code, 2020 Edition, Section 210.70 Lighting Outlets Required, (A) Dwelling Units, (3) Storage or Equipment Spaces, is hereby amended by adding the following sentence at the end of the paragraph:

210.70 Lighting Outlets Required (A) Dwelling Units (3) Storage or Equipment Spaces. Add: An attic shall be considered storage area if it has either a decked area or permanent access ladder.

18.16.060 Section 210.71 Additional Outlets, added.

NFPA 70 National Electrical Code, 2020 Edition, Section 210.70C Additional Outlets, is hereby added to read as follows:

210.70C Additional Outlets. The following receptacle outlets shall be installed, in addition to those required by National Electrical Code, 2020 Edition, Sections 210-50 through 210-70:

(1) On wall areas over work benches, behind bars, serving counters, or other wall spaces where electrical signs or appliances may be used or installed, not less than one (1) receptacle outlet shall be installed for every six (6) feet or major fraction thereof (i.e., the second receptacle outlet shall be located a maximum of (nine) 9 feet from the beginning of the work bench, serving counter or wall space) from the edge measured horizontally along such wall parallel to the floor or ceiling.

(2) In lounges, taverns, bars or other establishments where electrical signs, appliances or similar devices may be placed on or attached to the ceiling, sufficient receptacle outlets shall be installed on the ceilings so that no point on such ceiling is more than twelve (12) feet from a receptacle outlet.

(3) In "mini-warehouse" units or similar storage occupancies designed to be leased or rented individually the following minimum requirements for lights and receptacles shall be provided:

Exterior lighting providing a minimum 2.0 foot-candle illumination at the ground level at the center of the entry door of each unit.

18.16.080 Reserved.

18.16.090 Section 230.28 Service Masts as Supports, amended.

NFPA 70 National Electrical Code, 2020 Edition, Section 230.28, Service Masts as Supports, is hereby amended to read as follows:

230.28. Service Masts as Supports.

(a) Where a service mast is used for the support of service-drop conductors, it shall be of rigid metal conduit or intermediate metal conduit supported and anchored to safely withstand the strain imposed by the service drop. All mast fittings shall be identified for use with service masts. Only power service-drop conductors shall be permitted to be attached to a service mast.

(b) All other service masts shall be of rigid metal conduit, intermediate metal conduit, or

electrical metallic tubing.

18.16.110 Section 230.70 General, (A)(1), amended.

NFPA 70 National Electrical Code, 2020 Edition, Section 230.70 General, (A) Location, (1) Readily Accessible Location, is hereby amended to read as follows:

230.70 General. (A) Location, (1) Readily Accessible Location.

(1) Readily Accessible Location.

(a) Services rated 800 amps or less. A load-break rated meter disconnect shall be installed on the exterior of the building or structure adjacent to and not more than five (5) feet from the meter. The service disconnecting means is allowed to meet this requirement if installed in compliance with this proximity requirement and the requirements of the NEC. If the service disconnecting means is located more than five feet from the meter, a separate and additional load-break rated meter disconnect that meets this proximity requirement is required on the supply (line) side of the service disconnecting means.

(b) Services rated over 800 amps. The service disconnecting means shall be located not more than five (5) feet, measured vertically and horizontally, from the point where the service conductors enter the building or structure.

18.16.120 Section 230.70.1 "Six Hand Movement", added.

NFPA 70 National Electrical Code, 2020 Edition, Section 230.70.1, "Six Hand Movement", is hereby added to read as follows:

230.70.1 "Six Hand Movement".

"Six Hand Movement" rule will apply to switches or circuit breakers used to disconnect feeders only. A "main" switch or circuit breaker will be required ahead of any branch circuit overcurrent protection.

18.16.230 Section 406.8 Receptacles in Damp or Wet Locations (G) Air Condition Equipment, added.

NFPA 70 National Electrical Code, 2020 Edition, Section 406.8 Receptacles in Damp or Wet Locations, is hereby amended to add paragraph (G) Air Condition Equipment, to read as follows:

406.8 Receptacles in Damp or Wet Locations.

(G) Air Condition Equipment.

Receptacles used solely for the maintenance of air condition equipment will not be required to have "In Use" type covers.

18.16.240 Section 410.36 Means of Support (B) Suspended Ceilings, amended.

NFPA 70 National Electrical Code, 2020 Edition, Section 410.36 Means of Support, (B) Suspended Ceilings, is hereby amended to delete the last sentence as follows:

410.36 Means of Support, (B) Suspended Ceilings, Luminaires installed in suspended ceilings shall be securely attached to building structure from above at appropriate levels.

18.16.250 Section 422.12 Central Heating Equipment, amended.

NFPA 70 National Electrical Code, 2020 Edition, Section 422.12 Central Heating Equipment, is hereby amended to read as follows:

422.12 Central Heating Equipment. Central heating equipment other than fixed electric space-heating equipment shall be supplied by an individual branch circuit.

Exception 1: Auxiliary equipment, such as pump, valve, humidifier, or electrostatic air cleaner directly associated with the heating equipment, shall be permitted to be connected to the same branch circuit.

Exception 2: Evaporative coolers may be supplied by the same individual branch circuit supplying the central heating equipment in residential occupancies only, provided the loads are non-coincidental.

18.16.260 Section 590.4 General (K) Temporary Service Poles, added.

NFPA 70 National Electrical Code, 2020 Edition, Section 590.4 General, is hereby amended to add paragraph (K) Temporary Service Poles, to read as follows:

590.4 General.

(K) Temporary Service Poles.

Temporary service poles shall be a minimum of four (4) inch by four (4) inch treated wood posts, or four (4) inch diameter round treated poles securely imbedded in the earth.

18.16.270 Section 600.10 Portable or Mobile Signs, deleted.

NFPA 70 National Electrical Code, 2020 Edition, Section 600.10 Portable or Mobile Signs, is hereby deleted in its entirety.

18.16.280 Section 600.43 Miscellaneous Provisions, added.

NFPA 70 National Electrical Code, 2020 Edition, Section 600.43 Miscellaneous Provisions, is hereby added to read as follows:

600.43 Miscellaneous Provisions.

(A) Sign circuits shall contain a copper grounding conductor deriving from the circuit's supply source; exterior locations shall terminate in a weatherproof box and cover. Taps in metallic raceways shall not be allowed as the grounding means.

(B) All sign installations shall maintain a clearance from adjacent power lines as follows:

Voltage—Line To Ground	H (ft.) Minimum Horizontal Clearance	V (ft.) Minimum Clearance Measured Either Diagonally or Vertically	V (ft.) Over or Under Catwalks Minimum Clearance Measured Either Diagonally or Vertically

Guy Wires and Neutrals	3	3	10.5
0—750 V Supply Cables Meeting Rule 230C2 and 230C3 NESC, 1997	3.5	3.5	11
0—750 V Open Conductors N.E.S.E. Rule 230C2 and 230C3	5.5	6	11.5
750V—22KV	7.5	8	13.5

Notes to table:

1. Signs should never hang over any adjacent power circuits.
2. Voltages are line to ground on a Y-Circuit with multi-ground neutral or between phases on an underground circuit.

18.16.290 Section 725.41 Class 1 Circuit Classifications and Power Source Requirements (C) Transformers for Class 2 and Class 3 low voltage Circuits, added.

NFPA 70 National Electrical Code, 2020 Edition, Section 725.41 Class 1 Circuit Classifications and Power Source Requirements, is hereby amended to add paragraph (C) Transformers for Class 2 and Class 3 low voltage Circuits, to read as follows:

725.41 Class 1 Circuit Classifications and Power Source Requirements.

(C) Transformers for Class 2 and Class 3 low voltage Circuits.

(1) Transformers for Class 2 and Class 3 low voltage circuits shall be accessible.

(2) Transformers for Class 2 and Class 3 low voltage circuits shall be installed in accordance with their listing.

18.16.300 Errata, adopted.

Errata to the 2020 NEC Code issued by the National Fire Protection Association is hereby adopted and shall become part of this Code.

18.16.310 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed as follows: Ordinance No. 014308, 12-14-1999 and Ordinance No. 15900, 09-28-2004.

SECTION 6. That Title 18 (Building and Construction), Chapter 18.20 (Plumbing Code) is hereby amended as follows:

Chapter 18.20 – PLUMBING CODE

18.20.010 Short title.

This chapter may be cited as the "Plumbing Code."

18.20.020 Adoption.

The book entitled "International Plumbing Code," 2021 Edition, a copy of which authenticated by the city clerk is on file in the city clerk's office, is adopted as the Plumbing Code of the city, as fully as if copied at length in this chapter, but with the changes set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso.

18.20.020.1 Reserved.

18.20.030 Section 312.10.3 Backflow Inspection Records, added.

International Plumbing Code, 2021 Edition, Section 312.10.3 Backflow Inspection Records, is hereby added to read as follows:

> **312.10.3 Backflow Inspection Records.** Records of inspections, tests and maintenance of the backflow assemblies shall be kept and made available to the building official upon request and to the El Paso Water Utilities in accordance with the rules and regulations of the public service board. Records shall indicate the procedure performed (inspection, test or maintenance), the organization that performed the work, the results and the date. Records shall be maintained by the owner, tenant or responsible person.

18.20.040 Section 403.3 Required public toilet facilities, exception added.

International Plumbing Code, 2021 Edition, Section 403.3 Required public toilet facilities, is hereby amended to add the following exception at the end of the section:

> **Exception:** Small tenancies and areas located in stand-alone buildings or tenancies. Customers, patrons, visitors and employees need not be provided with public toilet facilities in small tenancies located in stand-alone buildings, structures or facilities when all of the following conditions are met:
>
> 1. The gross floor area of the tenancy does not exceed 200 square feet; and
>
> 2. The building, or structure is not used for the preparation, storage handling and sale of potentially hazardous food as defined in the Texas Food Establishment Rules of the Texas Department of State Health Services; and
>
> 3. Toilet facilities are provided elsewhere on the same site within 200 lineal feet of travel distance from the exempted tenancy; and
>
> 4. The site is provided with the minimum number of facilities required by International Plumbing Code, 2015 Edition, Section 403 and Table 403.1, and the owner or tenant in

control of the toilet facilities required in condition 3, shall furnish to the building official a written and notarized statement that customers, visitors, patrons and employees of the exempted tenancy will have access to and use of these facilities; and structures used for the preparation, storage, handling and sale of food shall be connected to a water supply and provided with utensil and hand washing facilities as required by Title 9.12 of the City Code.

18.20.050 Section 412.5 Floor drains in mechanical rooms and boiler rooms, added.

International Plumbing Code, 2021 Edition, Section 412.5 Floor drains in mechanical rooms and boiler rooms is hereby added to read as follows:

Mechanical equipment rooms, boiler rooms and all similar equipment rooms shall have an approved floor drain for disposing of accumulation of liquid wastes incident to cleaning or recharging such equipment. Such floor drains shall be equipped with an approved trap priming or trap seal device as required in IPC Section 1002.4.

18.20.060 Section 417.5.3 Shower receptor, added.

International Plumbing Code, 2021 Edition, Section 417.5.3 Shower Receptor, is hereby added to read as follows:

421.5.1.1Shower Receptor. Shower receptors shall have a finished curb, dam or threshold not less than one (1) inch below the sides and back of the receptor. The curb shall be not less than two (2) inches nor more than nine (9) inches in depth when measured from the top of the curb to the top of the drain. The finished floor shall slope uniformly toward the drain not less than one-fourth (¼) inch per foot nor more than one-half (½) inch, and floor drains shall be flanged to provide a watertight joint in the floor.

421.5.2Shower Linings. All shower receptors shall be provided with an approved lining, except as noted herein. The adjoining walls and floors, enclosing field-constructed shower receptors shall be lined with copper or other approved materials listed in this Code, extending not less than three (3) inches beyond or around the rough jambs and not less than three (3) inches above finished thresholds. Recessed shower compartments need not be lined, provided the compartment is formed of concrete, is recessed a minimum of four (4) inches below the adjacent floor level, and the concrete is not less than three and one-half (3½) inches thick with an ultimate compressive strength of not less than two thousand (2000) pounds per square inch.

421.3 Shower Waste Outlet An approved flanged drain shall be installed with shower sub-pans or linings. The flange shall be flush with the sub-base and be equipped with a clamping ring or other device to make a water-tight connection between the lining and the drain. The flange shall have weep holes to ensure constant drainage of water to sanitary drainage system. Shower receptacle waste outlets shall be not less than two (2) inches in diameter and shall have a removable strainer.

18.20.070 Section 604.8.3 Accessibility, added.

International Plumbing Code, 2021 Edition, Section 604.8.3 Accessibility, is hereby added to read as follows:

604.8.3 Accessibility. Installation shall be such as to make the regulator accessible without

excavating or removing permanent structural or finished portions of the structure.

18.20.080 Reserved.

18.20.090 Reserved.

18.20.100 Section 605.4 Water Distribution Pipe, amended.

International Plumbing Code, 2021 Edition, Section 605.4 Water distribution pipe, is hereby amended to read as follows:

605.4 Water distribution pipe. Water distribution pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.4 Copper or copper alloy tubing used in inaccessible water distribution piping under slabs shall be minimum Type L. Any material subject to corrosion shall be protected when used in corrosive soils. All hot water distribution pipe and tubing shall have a minimum pressure rating of 100 psi at 180°F.

18.20.110 Section 608.16.5, Connections to lawn irrigation systems, amended.

International Plumbing Code, 2021 Edition, Section 608.16.5, Connections to lawn irrigation systems, is hereby amended to read as follows:

608.16.5 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a pressure-type vacuum breaker or a reduced pressure principle backflow-preventer. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow-preventer.

18.20.120 Section 701.2 Sewer required, amended.

International Plumbing Code, 2021 Edition, Section 701.2, Sewer required, is hereby amended to read as follows:

701.2 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer.

Exception: When a public sewer is not available within 300 feet of the property, an individual or private sewage disposal system may be utilized provided that such system is designed, installed and maintained in accordance with the requirements of Chapter 18.21 of the City Code.

18.20.130 Reserved.

18.20.140 Reserved.

18.20.150 Reserved.

18.20.160 Section 708.1.3 Building drain and building sewer junction, amended.

International Plumbing Code, 2021 Edition, Section 708.1.3, Building drain and building sewer junction, is hereby amended to read as follows:

708.1.3 Building drain and building sewer junction. There shall be a cleanout near the junction of the building drain and the building sewer. The cleanout shall be outside the building and shall be brought up to the finished ground level within ten (10) feet of the structure. An approved two-way cleanout is allowed as an alternative at this location to serve as a required cleanout for both the building drain and building sewer.

18.20.170 Section 802.1.9 Condensate and Evaporative Cooler Waste, added.

International Plumbing Code, 2021 Edition, Section 802.1.9 Condensate and Evaporative Cooler Waste, is hereby added to read as follows:

802.1.9 Condensate and Evaporative Cooler Waste. Waste from evaporative cooler's automatic water draining systems and condensate from air conditioner units, shall discharge into the building drainage system through an indirect waste line or discharged so that the effluent is used for watering landscaping or other vegetation.

Section 903.1.1 amended.

903.1.1 Roof extension. Open vent pipes that extend through a roof shall be terminated not less than 12 inches above the roof.

18.20.180 Section 1003.3.1.1 No water-jacketed grease trap, added.

International Plumbing Code, 2021 Edition, Section 1003.3.1.1 No water-jacketed grease trap, is hereby added to read as follows:

1003.3.1.1 No water-jacketed grease trap. No water-jacketed grease trap or grease interceptor shall be approved or installed.

18.20.190 Table 1003.3.5.1 Capacity of Grease Interceptors, amended.

International Plumbing Code, 2021 Edition, Table 1003.3.5.1 Capacity of Grease Interceptors, is hereby amended to read as follows:

Table 1003.3.5.1 **Capacity of Grease Traps**	
Total Flow-Through Rating (gpm)	Grease-Retention Capacity (pounds)
20 or less	40
25	50
35	70
50	100

18.20.200 Section 1003.5 Sand interceptors in commercial establishments, amended.

International Plumbing Code, 2021 Edition, Section 1003.5 Sand interceptors in commercial establishments, is hereby amended to read as follows:

1003.5 Sand Interceptors in Commercial Establishments. Sand and similar interceptors or

traps for heavy solids shall have a water seal of not less than six (6) inches. Traps shall have a minimum of two compartments. Each compartment shall be a minimum of 30 inches by 30 inches with a minimum depth of three (3) feet, covered with a removable grating that will allow the free entrance of waste. Trap walls and bottom shall be of concrete made watertight.

Exception: Sand traps are not required in commercial facilities containing less than 4 washing machines.

1003.5.1. Waste Line shall be a minimum of four (4) inches for uses other than residential swimming pools in which case the waste line may be three (3) inches. Outlet pipe shall leave the trap at a point not less than six (6) inches nor more than twelve (12) inches above the bottom and must rise vertically outside to the top of the trap where a properly sized cleanout shall be provided and formed by an inverted wye (y) so installed that the point of intersection of the wye (y) branches shall form the seal. Such seal shall be no less than twelve (12) inches in depth.

1003.5.2. Sand Traps installed within thirty (30) feet from a 3 or 4 inch stack shall have a (2) inch vent; sand traps installed over thirty (30) feet from a 3 or 4 inch stack shall have a three (3) inch vent.

18.20.220 Appendix B is adopted in its entirety.

18.20.222 Appendix C is adopted in its entirety.

18.20.224 Appendix D is adopted in its entirety.

18.20.226 Appendix E is adopted in its entirety.

18.20.230 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

18.20.240 Section 603.1.1 Protection of Water Service Entrance, added.

International Plumbing Code, 2021 Edition, Section 603.1.1 Protection of Water Service Entrance is hereby added to read as follows:

603.1.1 Protection of Water Service Entrance. Water service entrance and risers to all structures shall be on the heated side of a conditioned space.

18.20.250 Section 603.1.2 Plumbing within exterior walls, added.

International Plumbing Code, 2021 Edition, Section 603.1.2 Plumbing within exterior walls is hereby added to read as follows:

603.1.2 Plumbing within exterior walls. Placement of plumbing within exterior walls is prohibited unless the walls are at minimum, 2 by 6 walls and adequate provision is made to protect such pipes from freezing in accordance with Section 305.6 of the International Plumbing Code. Placement of water lines in ceiling areas is prohibited unless the water lines

are placed on the warm side with a minimum of 10 inch insulation on the exterior/roof side of the structure.

Exceptions:

a. A service entrance may enter a non-conditioned space provided that the riser/service entrance is within an approved, heated valve protective enclosure also known as a "hot box", or

b. Cross linked polyethylene, also known as PEX, or approved equal, is used as the service entrance material, and

c. Any hose bibs installed shall be freeze proof.

18.20.260 Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provision of this chapter are hereby repealed.

SECTION 7. That Title 18 (Building and Construction), Chapter 18.24 (Gas Code) is hereby amended as follows:

Chapter 18.24 – GAS CODE

18.24.010 Short title.

This chapter may be cited as the "Gas Code."

18.24.020 Adoption.

The book entitled "International Fuel Gas Code," 2021 Edition, a copy of which authenticated by the city clerk is on file in the city clerk's office, is adopted as the Gas Code of the city, as fully as if copied at length in this chapter, but with the changes set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso.

18.24.030 Reserved

18.24.040 Section 311 Accessible and acceptable location, added.

International Fuel Gas Code, 2021 Edition, Section 311 Accessible and Acceptable Location, is hereby added to read as follows:

> **311 Accessible and Acceptable Location.** A meter location, when required, shall be provided for the building or premises to be served. The location shall be such that the meter and connections are accessible in order that they may be read or changed. Space requirements, dimensions, and type of installation shall be acceptable to the gas company. Meter location will be determined by the utility company in conformance with their service franchise.

18.24.050 Section 401.2 Liquefied petroleum gas storage, amended.

International Fuel Gas Code, 2021 Edition, Section 401.2, Liquefied petroleum gas storage, is hereby amended to read as follows:

> **401.2 Liquefied petroleum gas.** The storage system for liquefied petroleum gas shall be designed, installed and an operational permit obtained, in accordance with the Fire Code.
>
> **Exception:** Liquefied petroleum gas system shall not be installed in Group R1, R2, R3 and R4 occupancies when a natural gas utility supply pipe is available within 1,000 feet of the buildings.

18.24.060 Reserved.

18.24.070 Section 406.4 Test pressure measurement, amended.

International Fuel Gas Code, 2021 Edition, Section 406.4 Test pressure measurement, is hereby amended to read as follows:

> **406.4 Test pressure measurement.** Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a

pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater that two (2) times the test pressure. Tests requiring a pressure of 10 psi or less shall utilize a testing gauge having increments of 0.20 psi or less. Tests requiring a pressure greater than 10 psi but less than or equal to 100 psi shall utilize a testing gauge having increments of 1 psi or less. Tests requiring a pressure of greater than 60 psi shall utilize a testing gauge having increments of 2 psi or less.

18.24.080 Section 406.4.1. Test pressure, Low Pressure Gas Piping, added.

International Fuel Gas Code, 2021 Edition, Section 406.4.1 Test pressure, Low Pressure Gas Piping is hereby added to read as follows:

406.4.1.1 Test pressure. Low pressure gas piping shall withstand a pressure of at least 10 psi or 16 inches of mercury. Higher pressure gas piping shall withstand a pressure of at least 60 psi on a clock gauge with a printed record chart. For the purposes of this section, "low pressure" shall mean pressure equal to or less than 0.5 psi.

18.24.090 Section 406.4.2 Test duration, amended.

International Fuel Gas Code, 2021 Edition, Section 406.4.2 Test duration, is hereby amended to read as follows:

406.4.2 Test duration. Test duration shall be not less than 15 minutes for low pressure gas piping and not less than 4 hours for higher pressure gas piping.

18.24.100 Section 406.4.3 Manufactured homes, added.

International Fuel Gas Code, 2021 Edition, Section 406.4.3 Manufactured homes, is hereby added to read as follows:

406.4.3. Manufactured Homes. Appliance installations in manufactured housing meeting the requirements of the Texas Manufactured Housing Standards Act, or in industrialized housing or industrialized buildings meeting the requirements of the Texas Industrialized Housing and Building Act or bearing the Federal Compliance Plate (ANSI-A119.1), including the appliance connections and the fuel gas piping system, shall not be subject to the provisions of this Code except for the-test provisions of International Fuel Gas Code, Section 406.

18.24.110 Section 417 Over 1-psi gas piping, added.

International Fuel Gas Code, 2021 Edition, Section 417 Over 1-psi gas piping, is hereby added to read as follows:

Section 417

OVER 1-PSI GAS PIPING

417.1 Scope and Responsibility. Under this section appear additional fundamental requirements for the installation of consumer gas piping system using over 1-psi gas pressure. Responsibility for observing these requirements shall rest with the installing agency.

417.2 Requirements. The requirements of the Gas Code are applicable to over 1-psi gas piping installations except as such requirements are modified in this chapter. Over 1-psi gas piping systems designed in accordance with this chapter and other requirements of this Code are intended for use where the building service regulator has been set to deliver gas at over 1-psi.

417.3 Over 1-PSI Piping System. Systems designed for over 1-psi gas pressure downstream of the meter shall adhere to all requirements of this Code, of the Gas Utility, and as follows:

1. Drawings and calculations, including site plan and gas piping diagrams shall be submitted to the Gas Utility for approval.

2. The gas pressure shall be regulated to ounces before entering any building or structure, unless otherwise approved by the Gas Utility.

3. All underground lines and above-ground lines within six (6) inches of the ground shall be of wrapped steel. Joints in underground lines and above-ground lines within six (6) inches of the ground shall be welded. Approved plastic pipe may be installed underground, outside buildings, without wrapping.

4. All above-ground lines installed more than six (6) inches above the ground inside buildings shall be of wrapped or bare steel and shall use only welded pipe joints.

5. Gas lines, located outside buildings, and more than 6 inches above ground and operating at up to 5-psi pressure may be installed with approved threaded joints.

18.24.112 Appendix A – Sizing and Capacities of Gas Piping, is adopted in its entirety.

18.24.114 Appendix B – Sizing of venting systems serving appliances equipped with draft hoods, Category I appliance and appliance listed for use with Type B vents, is adopted in its entirety.

18.24.116 Appendix C – Exit terminals of mechanical draft and direct-vent venting systems, is adopted in its entirety.

18.24.118 Appendix D – Recommend procedure for safety inspection of an existing appliance installation, is adopted in its entirety.

18.24.120 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

SECTION 8. That Title 18 (Building and Construction), Chapter 18.28 (Existing Building Code) is hereby amended as follows:

Chapter 18.28 – EXISTING BUILDING CODE

18.28.010 Short title.

This chapter may be cited as the "Existing Building Code."

18.20.020 Adoption.

The book entitled "International Existing Building Code" 2021 Edition, a copy of which authenticated by the city clerk is on file in the city clerk's office, is adopted as the Existing Building Code of the city, as fully as if copied at length in this chapter. but with the changes set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso.

18.28.030 Reserved

18.28.040 Reserved

18.28.050 Reserved

18.28.060 Reserved

18.28.070 Reserved

18.28.080 Reserved

18.28.090 Reserved

18.28.100 Reserved

18.28.110 Reserved

18.28.120 Reserved

18.28.130 Section 1012 Energy, added.

International Existing Building Code, 2021 Edition, Section 1012 Energy, is hereby amended to add an exception to read as follows:

> **1012 Energy.** Buildings forty years or older undergoing a change in occupancy that would result in an increase in demand for either fossil fuel or electrical energy do not need to comply with the International Energy Conservation Code.

18.28.140 Section 612 Compliance with the Vacant Premises/Building Code, added.

International Existing Building Code, 2021 Edition, Section 902.3 612 Compliance with the Vacant Premises/Building Code, is hereby added to read as follows:

902.3.612 Compliance with the Vacant Premises/Building Code. Where the character or use of an existing building or part of an existing building is identified as a vacant building/area in accordance with 18.40 of the El Paso City Code, commonly referred to as the Vacant Premises/Building Code, the building shall then comply with all of the applicable requirements of the Vacant Building Code.

18.28.150 Section 701.1 Scope, amended.

International Existing Building Code, 2021 Edition, Section 701 Scope, is hereby amended to add the following:

701.1 Scope. Level 1 alterations as described in Section 602, shall comply and include, the removal and replacement or the covering of existing materials, elements, equipment, or fixtures using new materials, elements, equipment, or fixtures that serve the same purpose, as well as alterations described in Level 2 where change of use does not affect occupant load. Level I alterations shall comply with the requirements of Chapter 7. Level 1 alterations to historic buildings shall comply with this chapter, except as modified in Chapter 12.

18.28.160 Reserved

18.28.170 Section 803.4.3 Fire sprinkler system supplemental installation requirements, added.

International Existing Building Code, 2021 Edition, Section 803.4.3 Fire sprinkler system supplemental installation requirements, is hereby added to read as follows:

803.4.3 Fire sprinkler system supplemental installation requirements. Where the work area in a building is required to be provided with automatic sprinkler protection in accordance with the International Building Code, an approved water supply riser pipe and stub out shall be installed as a component of the automatic sprinkler system to allow for future distribution and interconnection of an automatic sprinkler system to other work areas above and below the present work area.

Exception: If the Fire Code official determines that it is technically infeasible to design and install an automatic sprinkler system, work areas shall be protected throughout all occupiable spaces by an automatic fire detection system that activates the occupant notification system in accordance with the International Building Code.

18.28.180 Section 804.2.6 Fire wall alternative, added.

International Existing Building Code, 2021 Edition, Section 804.2.6 Fire wall alternative, is hereby added to read as follows:

804.2.6 Fire wall alternative. In other than Groups H, F-1 and S-1, fire barriers and horizontal assemblies constructed in accordance with the International Building Code shall be permitted to be used in lieu of fire walls to subdivide the building into separate buildings for the purpose of complying with the area limitations required for the new occupancy where

all of the following conditions are met:

1. The buildings are protected throughout with an automatic sprinkler system in accordance with the International Fire Code.

2. The maximum allowable area between fire barriers, horizontal assemblies, or any combination thereof shall not exceed the maximum allowable area determined in accordance with Chapter 5 of the International Building Code without an increase allowed for an automatic sprinkler system in accordance with Section 506 of the International Building Code.

3. The fire-resistance rating of the fire barriers and horizontal assemblies shall not be less than that specified for fire walls in Table 706.4 of the International Building Code.

Exception: Where horizontal assemblies are used to limit the maximum allowable area, the required fire resistance rating of the horizontal assemblies shall be permitted to be reduced by 1 hour provided the height and number of stories increases allowed for an automatic sprinkler system by Section 504.2 of the International Building Code are not used for the buildings.

18.28.190 Section 806.4.2 Kitchens, amended.

International Existing Building Code, 2021 Edition, Section 806.4.2 Kitchens, is hereby amended to read as follows:

806.4.2Kitchens. Kitchens shall have a minimum of three separate and remote duplex receptacle outlets.

18.28.200 Section Reserved.

18.28.220 Appendix A, Guidelines for the Seismic Retrofit of Existing Buildings, adopted.

International Existing Building Code, 2021 Edition, Appendix A, Guidelines for the Seismic Retrofit of Existing Buildings, is hereby adopted in its entirety.

18.28.230 Appendix B Supplementary Accessibility Requirements for Existing Buildings and Facilities, adopted.

International Existing Building Code, 2021 Edition, Appendix B Supplementary Accessibility Requirements for Existing Buildings and Facilities, is hereby adopted in its entirety.

18.28.240 Appendix C Guidelines for the Wind Retrofit of Existing Buildings is hereby adopted.

International Existing Building Code, 2021 Edition, Appendix C Guidelines for the Wind Retrofit of Existing Buildings is hereby adopted in its entirety.

18.28.250 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

SECTION 9. That Title 18 (Building and Construction, Chapter 18.30 (Pool and Spa Code is hereby amended as follows:

Chapter 18.30 – POOL AND SPA CODE

18.30.010 Short title.

This chapter may be cited as the "Pool and Spa Code."

18.30.020 Adoption.

The book entitled "International Swimming Pool and Spa Code, 2021 Edition, a copy of which authenticated by the City Clerk is on file in the City Clerk's Office, is adopted as the Pool & Spa Code of the City.

18.30.030 Chapter 1, Scope and Administration.

18.30.040 Chapter 2, Definitions.

18.30.050 Chapter 3, General Compliance.

International Swimming Pool and Spa Code, 2021 Edition, Section 306.10 Deck width, is hereby added to read as follows:

310.6 Deck width. Residential pools and spas shall be provided with a three-foot-wide, slip resistant, perimeter deck surrounding at least sixty-five percent of the swimming pool or spa

18.30.060 Chapter 4, Public Swimming Pools.

18.30.070 Chapter 5, Public Spas and Public Exercise Spas.

18.30.080 Chapter 6, Aquatic Recreation Facilities.

18.30.090 Chapter 7, On-ground Storable Residential Swimming Pools.

18.30.100 Chapter 8, Permanent In-Ground Residential Pools.

18.30.110 Chapter 9, Permanent Residential Spas and Permanent Residential Exercise Spas.

18.30.120 Chapter 10, Portable Residential Spas and Portable Residential Exercise Spas.

18.30.130 Chapter 11, Referenced Standards.

18.30.140 Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provision of this chapter are hereby repealed.

SECTION 10. That Title 18 (Building and Construction), Chapter 18.50 (Property Maintenance Code) is hereby amended as follows:

Chapter 18.50 – PROPERTY MAINTENANCE CODE

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," 2021 Edition, a copy of which authenticated by the city clerk is on file in the city clerk's office, is adopted as the Property Maintenance Code of the city, as fully as if copied at length in this chapter, but with the amendments set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso.

18.50.025 Section 102.7 Applicability.

102.7 Historic Buildings. Replaced:

The provisions of this code shall be mandatory for existing buildings or premises designated or determined to be of historic value by the Historic Preservation Office.

18.50.026 – Section 103 – Code Compliance Agency, amended

Section 103 – Code Compliance Agency, Replaced:
Section 103 – Division of Property Maintenance & Zoning with Planning & Inspections Department.

18.50.027-Section 111.2-Closing of vacant structures.

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up within reasonable time specified so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

18.50.028 – Section 111.2.1 – Authority to disconnect service utilities, amended.

International Property Maintenance Code, 2021 Edition, Section 111.2.1 Authority to disconnect service utilities, is hereby amended to read as follows:

111.2.1 Authority to disconnect service utilities. Authority to disconnect service utilities shall be identified in accordance with the requirements of Chapter 18.02.111.10 of the City Code.

18.50.030 Section 202 General Definitions, amended.

International Property Maintenance Code, 2021 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.
HISTORIC BUILDING.
Item 4. A building, object, site or structure that is forty-five years or older and is determined by the Historic Landmark Commission to be of historical, cultural, architectural or archaeological importance, and where demolition or destruction would constitute a loss to the quality and character of El Paso.

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

OVERLAY ZONING DISTRICT. A district established by ordinance to prescribe special regulations to be applied to a site in combination with the underlying or base district.

REASONABLE TIME. The term “reasonable time” shall have a meaning of 14 calendar days

STREET FRONTAGE. The length of the elevation or façade of a structure facing a public street or parking area, including main and any secondary public access to the structure. Structures on corner lots will be 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.

STREET FACADE. The elevation of the structure facing or abutting a public street including the main public access or entry to the structure.

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

VACANT PREMISES. A structure having vacant or unoccupied floors, suites, and/or tenant spaces

18.50.040 Section 301.1 Scope, amended.

International Property Maintenance Code, 2021 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, 2021 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.

18.50.055 – Section 302.3 – Sidewalks and Driveways, amended.

International Property Maintenance Code, 2021 Edition, Section 302.3 Sidewalks and Driveways, is hereby amended to read as follows:

302.3 Sidewalks and Driveways shall be in accordance with the requirements of Chapter 13.04.050 & 13.12.220 of the City Code for maintenance of sidewalks and driveways

18.50.060 Section 302.4 Weeds, amended.

International Property Maintenance Code, 2021 Edition, Section 302.4 Weeds, is hereby amended to read as follows:

302.4 Weeds, Trash, Rubbish and other Matter. All premises and exterior property shall be maintained free from weeds or plant growth in accordance with Chapter 9.04 of the City Code.

18.50.065 - Section 302.8 Motor vehicles, amended.

International Property Maintenance Code, 2021 Edition, Section 302.8 Motor vehicles, is hereby amended to read as follows:

302.8 Motor Vehicles shall be in accordance with the requirements of Chapter 9.08 of the City Code**.**

18.50.070 Section 304.3 Premises identification, amended.

International Property Maintenance Code, 2021 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 Chapter 18.08 or 18.10 of the City Code.

18.50.80 Section 304.14 Insect screens, amended.

International Property Maintenance Code, 2021 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.

18.50.81 - Section 308.1 Accumulation of rubbish or garbage, amended.

International Property Maintenance Code, 2021 Edition, Section 308.1 Accumulation of rubbish or garbage, is hereby amended to read as follows:

308.1 Accumulation of rubbish or garbage shall be in accordance with the requirements of Chapter 9.04 of the City Code.

18.50.82 - Section 308.2 Disposal of rubbish, amended.

International Property Maintenance Code, 2021 Edition, Section 308.2 Disposal of rubbish, is hereby amended to read as follows:

308.2 Disposal of rubbish shall be in accordance with the requirements of Chapter 9.04 of the City Code

18.50.83 - Section 308.2.1 Rubbish storage facilities, amended.

International Property Maintenance Code, 2021 Edition, Section 308.2.1 Rubbish storage facilities, is hereby amended to read as follows:

308.2.1 Rubbish storage facilities shall be in accordance with the requirements of Chapter 9.04 of the City Code.

18.50.84 - Section 308.2.2 Refrigerators, amended.

International Property Maintenance Code, 2021 Edition, Section 308.2.2 Refrigerators, is hereby amended to read as follows:

308.2.2 Refrigerators shall be in accordance with the requirements of Chapter 10.24.030 of the City Code.

18.50.85 - Section 308.3 Disposal of garbage, amended.

International Property Maintenance Code, 2021 Edition, Section 308.3 Disposal of garbage, is hereby amended to read as follows:

308.3 Disposal of garbage shall be in accordance with the requirements of Chapter 9.04 of the City Code.

18.50.86 - Section 308.3.1 Garbage facilities, amended.

International Property Maintenance Code, 2021 Edition, Section 308.3.1 Garbage facilities, is hereby amended to read as follows:

308.3.1 Garbage facilities shall be in accordance with the requirements of Chapter 9.04 of the City Code

18.50.87 - Section 308.3.2 Containers, amended.

International Property Maintenance Code, 2021 Edition, Section 308.3.2 Containers, is hereby amended to read as follows:

308.3.2 Containers shall be in accordance with the requirements of Chapter 9.04 of the City Code.

18.50.090 Section 310 Additional requirements for vacant structures/premises, added.

International Property Maintenance Code, 2021 Edition, Section 310 Additional requirements for vacant structures/premises, is hereby added to read as follows:

Section 310 Additional requirements for vacant structures/premises.

310.1 Street façade/frontage windows and doors. On the street façade/frontage, the exterior surface of any window shall not be covered by any substance or adhesive material sprayed, painted or otherwise applied to the windows. All street façade/frontage windows and doors having cracked, broken or missing glass or glazing material shall be repaired and replaced with glass and glazing material in a manner compatible with the original design of the structure.

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 are limited to the first floor, or must present an aesthetically unified façade/frontage design and must comply with the boarding standards represented in the International Property Maintenance Code Appendix A.

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. Artistic panels shall not be applied to windows or doors on occupied floors. All windows and doors shall be maintained and secured to prevent unauthorized entry.

310.3 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 being the more restrictive shall govern.

18.50.100 Section 501.1 Scope, amended.

International Property Maintenance Code, 2021 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.

18.50.120 Section 601.1 Scope, amended.

International Property Maintenance Code, 2021 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.

18.50.121 - Section 602.2 Residential occupancies, amended.

International Property Maintenance Code, 2021 Edition, Section 602.2 Residential occupancies, is hereby amended to read as follows:

> 602.2 Residential occupancies shall be identified in accordance with the requirements of Chapter 18.10.060-Section R303.9 Required heating of the City Code.

18.50.122 - Section 602.3 Heat Supply, amended.

International Property Maintenance Code, 2021 Edition, Section 602.3 Heat Supply, is hereby amended to read as follows:

> 602.3 Heat Supply shall be in accordance with the requirements of Chapter 18.10.060 and 18.08.170 of the City Code.

18.50.123 - Section 602.4 Occupiable work spaces, amended.

International Property Maintenance Code, 2021 Edition, Section 602.4 Occupiable work spaces, is hereby amended to read as follows:

> 602.4 Occupiable work spaces shall be in accordance with the requirements of Chapter 18.08.170 of the City Code.

18.50.124 - Section 602.5 Room temperature measurement, amended.

International Property Maintenance Code, 2021 Edition, Section 602.5 Room temperature measurement, is hereby amended to read as follows:

> 602.5 Room temperature measurement shall be identified in accordance with the requirements of Chapter 18.10.060 and 18.08.170 of the City Code

18.50.130 Section 605.2 Receptacles, added.

International Property Maintenance Code, 2021 Edition, Section 605.2 Receptacles, is hereby amended to read as follows:

605.2 Receptacles. Added.

Every new 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, 2021 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. Pool and spa luminaires over 15 volt shall have ground fault circuit interrupter protection.

18.50.150 Section 701.1 Scope, amended.

International Property Maintenance Code, 2021 Edition, Section 701.1 Scope, is hereby amended to read as follows:

701.1 Scope. The provisions of this chapter 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, 2021 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, 2021 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.

18.50.180 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

SECTION 11. That Title 18 (Building and Construction), Chapter 18.60 (Flood Damage Prevention) is hereby amended as follows:

Chapter 18.60 – FLOOD DAMAGE PREVENTION CODE

Chapter 18.60 FLOOD DAMAGE PREVENTION*

Article I. Statutory Authorization—Findings of Fact—Purpose—Methods

18.60.010 Statutory authorization.

The Legislature of the State of Texas has, in the Flood Control and Insurance Act (Article 16.311, V.T.C.A., Water Code), delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council of the city does adopt this chapter.

18.60.020 Findings of fact.

A. The flood hazard areas of El Paso are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

18.60.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

E. Help provide information regarding flood-prone areas to the public.

18.60.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter uses the following methods:

A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

D. Control filling, grading, dredging and other development which may increase flood damage;

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Article II. Definitions

18.60.050 Generally.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

18.60.060 Flood control definitions.

As used in this chapter:

"Alluvial fan flooding" means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition and unpredictable flow paths.

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provisions of this chapter or a request for a variance in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Appurtenant structure" means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

"Area of future conditions flood hazard" means the land area that would be inundated by the one-percent-annual chance (100 year) flood based on future conditions hydrology.

"Area of shallow flooding" means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A,

AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

"Base flood" means the flood having a one-percent chance of being equaled or exceeded in any given year.

"Base flood elevation (BFE)" means the computed elevation to which floodwater is anticipated to rise during the base flood. Base flood elevations (BFEs) are shown on flood insurance rate maps (FIRMs) and on flood profile.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Critical feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised aboveground level by foundation walls, shear walls, posts, piers, pilings or columns.

"Existing construction" means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

"Existing manufacture home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the

Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" see "Flood elevation study" as the definition.

"Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of flooding).

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and for which improvements have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodway (regulatory floodway)" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Floodway" see "Regulatory floodway."

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Habitable floor" means any floor usable for the following purposes which include working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor."

"Highest adjacent grade" means the highest, natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the national register of historic places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the national register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
    a. By an approved state program as determined by the Secretary of the Interior, or
    b. Directly by the Secretary of the Interior in states without approved programs.

"Levee" means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

"Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of floodplain management regulation adopted by community and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision or which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

"Recreational vehicle" means a vehicle which is (i) built on a single chassis; (ii) four hundred square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special flood hazard area" see "Area of special flood hazard."

"Start of construction," (for other than new construction or substantial improvements under the Coastal Barrier Resources Act [Pub. L. 97-348]), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, additional placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of building.

"Structure" means, for floodplain management purposes, a walled and roofed building including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance

Program regulations.)

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Article III. General Provisions

18.60.070 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city.

18.60.080 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report, entitled "The Flood Insurance Study for the City of El Paso," (FIS), with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) utilizing the most current effective documents and any revisions thereto, are adopted by reference and declared to be a part of this chapter.

18.60.090 Establishment of development permit.

Development permits shall be used to ensure conformance with the provisions of this chapter.

18.60.100 Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

18.60.110 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

18.60.120 Interpretation.

In the interpretation and application of this chapter, all provisions shall be (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

18.60.130 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory

purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Article IV. Administration

18.60.140 Designation of the floodplain administrator.

The city manager shall designate a Texas licensed professional engineer as the floodplain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program regulations) pertaining to floodplain management.

18.60.150 Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

A. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter;

B. Review permit applications to determine whether proposed building sites will be reasonably safe from flooding;

C. Review, approve or deny all applications for development permits required by adoption of this chapter;

D. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334) from which prior approval is required;

E. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretation;

F. Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Texas Department of Water Resources, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

G. Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained;

H. When base flood elevation data has not been provided in accordance with Section 18.60.080, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of this chapter;

I. When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community;

J. Maintain surveillance over the operational and maintenance condition of the flood control system to ensure its safe and effective functioning; notify the street director of any required maintenance and/or repair work;

K. Conduct an annual inspection of the flood control system and provide a written inspection report, including an assessment of the operational condition, safety, effectiveness and maintenance condition of the system, and a line item list of required special maintenance or repairs, to the city manager or his designee and the director of the department of transportation, or to such other person, agency, department or entity as may be appropriate pursuant to other ordinances adopted by the city;

L. Review the annual schedule of maintenance for flood control facilities prepared by the street director and forward the annual schedule to the city manager or designee, or to such other person, agency, department or entity as may be appropriate pursuant to other ordinances adopted by the city, with appropriate recommendations regarding any changes to frequency or nature of maintenance work proposed and/or requirements for special maintenance or repair;

M. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones Al-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by Section 65.12.

18.60.160 Duties and responsibilities of the city manager or designee.

The city manager or his designee shall, to the extent that the following duties and responsibilities have not been delegated or assumed by another person, agency, department or entity pursuant to other ordinances adopted by the city:

A. Exercise overall management control of the construction, operation and maintenance of the flood control system;

B. Review, revise and approve the annual schedule of maintenance of the flood control system submitted by the street director;

C. Allocate resources as required to assure the timely execution of the annual maintenance schedule and the safe and effective operation of the flood control system.

18.60.170 Duties and responsibilities of the director of the department of transportation.

The director of the department of transportation shall, to the extent that the following duties and responsibilities have not been delegated or assumed by another person, agency, department or

entity pursuant to other ordinances adopted by the city:

A. Be the custodian of the flood control system, including all dams, detention all retention basins, outlet works, channels, pumping stations and all other public drainage conveyance structures;

B. Maintain and repair the system to ensure its safety and operational capability;

C. Maintain full-time surveillance of the operational readiness of the system. Immediately notify the city manager or his designee and the floodplain administrator of any system component that is in a state of reduced operational readiness;

D. Direct the operation of the system during storms and flooding to maximize the effectiveness of the system in reducing damage to public and private property and danger to public safety;

E. Participate in the annual inspection of the flood control system conducted by the floodplain administrator;

F. Prepare and submit to the floodplain administrator an annual schedule of maintenance and repair to the flood control system;

G. Carry out the annual schedule of maintenance repair as approved by the city manager or his designee.

18.60.180 Development permit procedures.

A. Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;

2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;

3. A certificate from a Texas licensed professional engineer that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 18.60.200(B) of this chapter;

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

5. Maintain a record of all such information in accordance with Section 18.60.150(A) of this chapter.

B. Approval or denial of a building or grading permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development as determined by the planning official;
5. The safety of access to all buildings in the time of flood;
6. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
7. The justification of the proximity of the facility to the abutting floodway, where applicable;
8. The availability of alternate locations, not subject to flooding or erosion damage, for the proposed use;
9. The relationship of the proposed use to the comprehensive plan for that area.

C. Variance Procedures.

1. The construction board of appeals shall hear and render judgment on requests for variances from the requirements of this chapter.
2. The construction board of appeals shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.
3. Any person or persons aggrieved by the decision of the construction board of appeals may appeal such decision in the courts of competent jurisdiction.
4. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection B of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this chapter, the construction board of appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's

continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

10. Prerequisites for granting variances:

    a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

    b. Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with the El Paso City Code.

    c. Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in subsections (C)(1) through (9) of this section are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

D. Development permit review fees for any Federal Emergency Management Agency (FEMA) applications shall be as established by city council in the annual budget resolution.

Article V. Provisions for Flood Hazard Reduction

18.60.190 General standards.

In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

A. All new construction or substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrostatic pressure and hydrostatic loads, including the effects of buoyancy;

B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

D. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, and be elevated a minimum of 1

foot above the BFE;

E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

F. New and replacement sanitary, sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and

G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

18.60.200 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (a) Section 18.60.080, (b) Section 18.60.150(H), or (c) Section 18.60.210(B) of this chapter, the following provisions are required:

A. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) be elevated a minimum of 1 foot above the BFE. A Texas registered professional engineer, architect, or land surveyor shall submit a Federal Emergency Management Agency National Flood Insurance Program Elevation Certificate to the floodplain administrator that the standard of this subsection as proposed in Section 18.60.180(A)(1) of this chapter is satisfied.

B. Nonresidential Construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have either the lowest floor (including basement) be elevated a minimum of 1 foot above the base flood elevation or, together with appurtenant utility and sanitary facilities, be designed so that at least 1 foot above the BFE the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability, of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A Texas registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification, which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the floodplain administrator.

C. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Texas registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

2. The bottom of all openings shall be no higher than one foot above grade.

3. Openings may be equipped with screens, louvers, valves or other coverings or

devices provided that they permit the automatic entry and exit of floodwaters.

D. Manufactured Homes.

1. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

2. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of 1 foot above the BFE and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

3. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of this section be elevated so that either:

a. The lowest floor of the manufactured home is elevated a minimum of 1 foot above the base flood elevation; and

b. The manufactured home chassis is supported by reinforced piers or other foundation elements adequately anchored to foundation system to resist flotation, collapse, and lateral movement.

E. Recreational Vehicles. Require that recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM either (i) be on the site for fewer than one hundred eighty consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Section 18.60.180(A), and the elevation and anchoring requirements for "manufactured homes" in subsection A of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

18.60.210 Standards for proposed subdivision.

A. All subdivision proposals, including manufactured home parks and subdivisions, shall be consistent with Sections 18.60.020, 18.60.030 and 18.60.040 of this chapter.

B. All proposals for the development of subdivisions, including manufactured home parks and subdivisions, shall meet building and grading permit requirements of Sections 18.60.090 and

18.60.180 and the provisions of this chapter.

C. Base flood elevation data shall be generated for subdivision proposals and other proposed developments, including manufactured home parks and subdivisions which are greater than fifty lots or five acres, whichever is lesser, if not otherwise provided pursuant to Section 18.60.080 or Section 18.60.150(H) of this chapter.

D. All subdivision proposals, including manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals, including manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

18.60.220 Standards for areas of shallow flooding (AO/AH zones).

Located within the areas of special flood hazard established in Section 18.60.080 are areas designated as shallow flooding. These areas have special flood hazard associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable, and where velocity flow may be evident such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

A. All new construction and substantial improvements of residential structures shall:

1. Have the lowest floor (including basement, machinery, and equipment servicing the building) elevated above the highest adjacent grade (HAG) to at least 1 foot above the depth number specified in feet on the community's FIRM, or at least 3 feet if no depth number is provided.

B. All new construction and substantial improvements of nonresidential structures shall:

1. Have the lowest floor (including basement, machinery, and equipment servicing the building) elevated above the highest adjacent grade (HAG) to at least 1 foot above the depth number specified in feet on the community's FIRM, or at least 3 feet if no depth number is provided; or

2. Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the base flood elevation in an AH zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

C. A Texas registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in Section 18.60.180(A)(3) of this chapter, are satisfied.

D. Within Zone AH or AO, adequate drainage paths shall be required around structures on slopes, to guide floodwaters around and away from proposed structures.

18.60.230 Floodways.

Located within areas of special flood hazard established in Section 18.60.080 of this chapter, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters

which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

A. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.

C. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulation, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.

18.60.240 Violation.

A. It is unlawful for any person to violate any provision of this chapter.

B. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and shall be punished as provided in Sections 1.08.010 through 1.08.030 of this Code.

SECTION 12. That Title 18 (Building and Construction), Chapter 18.70 (Energy Conservation Code) is hereby amended as follows:

Chapter 18.70 – ENERGY CONSERVATION CODE

18.70.010 Short title.

This chapter may be cited as the "Energy Conservation Code."

18.70.020 Adoption.

The book entitled "International Energy Conservation Code," 2021 Edition, a copy of which authenticated by the city clerk is on file in the city clerk's office, is adopted as the Existing Building Code of the city, in its entirety as fully as if copied in length in this chapter.

18.70.030 Reserved

18.70.040 Reserved

18.70.050 Reserved

18.70.060 Section C402.6 Air Barrier Requirement, Added

C402.6 Air barrier requirement. Insulation (including but not limited to loose fill, spray applied cellular fiber insulation as well as other blanket and batts insulation) installed in assemblies more than 60 degrees from the horizontal must be in substantial contact with an air barrier on all sides.

Exception: Air impermeable insulation. Air impermeable insulation is defined as:

A material having an air permeance equal to or less than 0.02 L/s-m2 at 75 Pa pressure differential tested according to ASTM E2178 or E283.

18.70.070 Reserved

18.70.080 Reserved

18.70.090 Appendix CA Board of Appeals, Adopted.
18.70.0100 Appendix CB Solar Ready Zone, Adopted.
18.70.0110 Appendix CC Zero Energy Commercial Building, Adopted.
18.70.0120 Reserved
18.70.130 Reserved

18.70.140 Reserved

18.70.150 Section R402.4.1.4 Air Leakage Required Certifications, Added.

R402.4.1.4 Required Certifications. Air leakage testing shall be performed by a third party certified to perform air infiltration testing by a national or state organization approved by the *code official*. The third party shall not be employed by nor have a financial interest in the entity that constructs the building. Accepted certifications include RESNET Home Energy Rater and Home Field Inspector, Building Performance Institute Infiltration and Duct Leakage professional or Building Analyst certification, and others as approved by the city.

R402.4.1.5 Third Party Registration. Approved third party performing air infiltration testing shall be registered with the city.

18.70.160 Section R403.3.8 - Duct leakage Required Certifications, Added

R403.3.8 Required Certifications. Duct leakage testing shall be performed by an *approved* third party certified to perform duct leakage testing by a national or state organization approved by the code official. The approved third party shall not be employed by nor have a financial interest in the entity that constructs the building. Accepted certifications include RESNET Home Energy Rater and Home Field Inspector, Building Performance Institute Infiltration and Duct Leakage professional or Building Analyst certification and others as approved by the code official.

R403.3.9 Third Party Registration. *Approved* third party performing duct leakage testing shall be registered with the city.

18.70.170 Reserved

18.70.180 Appendix RA Board of Appeals, Adopted.

18.70.190 Appendix RB Solar Ready Provisions – Detached One- and Two-Family Dwellings and Townhouses, Adopted.

18.70.200 Appendix RC Zero Energy Residential Buildings, Adopted.

18.70.210 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

SECTION 13. That except as herein amended, Title 18 (Building and Construction) of the El Paso City Code shall remain in full force and effect.

(Signatures Begin of Following Page)

ADOPTED This ____ day of _____, 2023.

CITY OF EL PASO:

ATTEST:

Oscar Leeser, Mayor

Laura Prine, City Clerk

APPROVED AS TO FORM:

Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip Etiwe, Director
Planning and Inspections Department

REDLINES

Chapter 18.02 - BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE[1]

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.

El Paso City Code Chapter 18.80, Alternative Energy Conservation Code – Deleted in its entirety.

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.

18.02.101.3 - Interpretation.

Where, in any specific case, different sections of this Code, or of the technical codes, or other codes mentioned herein, specify different materials, methods of construction or other requirements, the most restrictive shall govern.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Where there are any conflicting provisions between this Code and the International Building Code and/or International Residential Code, ~~[2015] 2009~~ 2021 Edition, Chapter 1, Scope and Administration, this Code shall prevail.

All references as may be used in state or other applicable law, and in the ordinances and technical codes of the city, to the plumbing official, mechanical official, gas official, code official, or the authority having jurisdiction, shall mean the building official.

All references within the technical codes to the building department or the department of building safety shall mean the building permits and inspections division or the code compliance division of departments of the city as provided by ordinance, as applicable, or as designated by the city manager. All references in this chapter to the department, when relating to the duties of the department, shall mean the building permits and inspections division or the code compliance division, as applicable, or as designated by the city manager.

18.02.101.4 - Referenced standards.

Standards referenced in the technical codes shall be considered an integral part of the codes without separate adoption. If specific portions of a standard are denoted by Code text, only those portions of the standard shall be enforced. Where Code provisions conflict with a standard, the Code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be constructed as mandatory.

18.02.101.5 - Code remedial.

This Code is declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.

18.02.101.6 - Quality control.

Quality control of materials and workmanship is not within the purview of this Code except as it relates to the purposes stated herein or the requirements of the technical codes.

18.02.101.7 - Permitting and inspection.

The inspection or permitting of any building, structure, system or plan by any jurisdiction, under the requirements of this Code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. No jurisdiction nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal

condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

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. ~~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. ~~2.~~ Building O~~o~~fficial: 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. ~~3.~~ Expedited ~~Customized~~ plan review ~~(CPR):~~ The ~~customized~~ expedited 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. ~~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. ~~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. ~~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.~~

7. ~~8.~~ Permittee: The governmental entity, utility company, contractor, person or business entity that has received a permit pursuant to this chapter.
8. ~~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.
9. ~~10.~~ Shell I structure: A shell I structure shall consist of foundation, exterior walls, roofing along with underground MEP systems only.

10. ~~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.

18.02.103 - POWERS AND DUTIES OF THE BUILDING OFFICIAL

18.02.103.1 - Building official.

The building official shall be designated by the city manager and shall obtain valid building official certification from the International Code Council or other recognized certification program as required by the approved job specifications for the position.

18.02.103.2 - Administration and enforcement.

The building official shall be responsible for enforcing the provisions of this Code and of the technical codes and is authorized to render interpretations of those codes that are consistent with their spirit and purpose. The building official is further authorized to designate employees of the building permits and inspections division and code compliance division to perform these duties.

18.02.103.3 - Deputy building officials.

The building official may designate city employees to be known as deputy building officials under either the building permits and inspections division or the code compliance division for purposes of carrying out authority and delegation with respect to all matters under this Code and the technical codes.

Employees designated to be known as deputy building officials shall have a valid building official certification from the International Code Council or other recognized certification program at the time of appointment and shall have the powers as delegated by the building official. Final authority for interpretation of the codes enumerated in Section 18.02.101.2 shall rest with the building official.

To the extent that provisions in the technical codes regarding the designation or appointment of deputy building officials may be contrary to the provision in this section, this section shall control.

18.02.103.4 - Chief inspector qualifications.

Chief ~~I~~inspectors in the building permits and inspection division and the code compliance division shall obtain valid building official certification from the International Code Council or other recognized certification program as required by the approved job specifications for the position.

18.02.103.5 - Inspector qualifications.

Inspectors in the building permits and inspections division and the code compliance division shall obtain valid inspector certification from the International Code Council or other recognized certification program as required by the approved job specifications for the position.

18.02.103.6 - Right of entry.

Whenever necessary to make an inspection to enforce any of the provisions of this Code and of the technical codes, or whenever the ~~b~~Building ~~o~~Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this Code or the technical codes; provided, that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

18.02.103.7 - Inspection warrant.

When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this Code or the technical codes.

18.02.103.8 - Tests.

The building official may require tests or test reports as proof of compliance with any provision of this Code or of the technical codes. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

18.02.104 - CONTRACTORS AND LICENSING

18.02.104.1 - Contractors' responsibilities.

It shall be the duty of every contractor who shall make contracts for the construction, installation or repair of buildings, structures, or fire protection, electrical, gas, mechanical or plumbing systems, for which a permit is required, to conform to the requirements of this Code and the technical codes and with all other federal and state regulations.

18.02.104.2 - Contractor registration.

Persons, firms, partnerships or corporations doing business as contractors shall file an annual registration application with the department to be eligible to apply for and obtain permits. The established registration fee shall accompany such application. Pursuant to the State Occupations Codes, plumbing, electrical and mechanical contractors shall be exempt from the registration fee.

Plumbing, electrical and mechanical contractors shall provide copies of the bond and general liability insurance policies, to include exemptions and/or restrictions associated with such policies.

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. ~~1.~~ Company or business name, as well as all company names used for the last five years.
2. ~~2.~~ Company or business address and phone number, as well as all previous business addresses for last five years.
3. ~~3.~~ Number of years the company has been in operation.
4. ~~4.~~ Principal owner of company.
5. ~~5.~~ Name of company operator or manager.
6. ~~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. ~~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.

18.02.104.4 - Disclosures.

The registration application shall include disclosure of the following information:

Whether the principal owner or operator has filed an assumed name certificate with El Paso County. If so, a copy of such shall be attached.

Whether there are any restrictions and/or exceptions imposed on the company's bond or general liability coverage.

18.02.104.5 - Acknowledgements.

The registration application shall be signed by the principal owner or operator of the company and shall include a statement acknowledging the following:

1. ~~1.~~ That the company and the persons involved understand that they have a duty to comply with this Code and the technical codes.
2. ~~2.~~ That to be eligible to obtain permits from the city, they must annually file the registration application required by this section.
3. ~~3.~~ That all statements made in the registration application and submittal attachments are true and correct.

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. ~~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. ~~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~~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. ~~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~~full-time employee who is a master plumber.
4. ~~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. ~~5.~~ Irrigation systems shall be performed under the control, supervision, direction and responsibility of a master plumber or licensed irrigator.

Fire Protection.

6. ~~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. ~~7.~~ An individual or organization may not engage in the business of planning, certifying, leasing, selling, installing, servicing, monitoring, or maintaining:
    a. ~~a.~~ Any fire alarm, or fire detection devices, or systems;
    b. ~~b.~~ Portable fire extinguishers;
    c. ~~c.~~ Fixed fire extinguisher systems;
    d. ~~d.~~ Fire protection sprinkler systems, and
    e. ~~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. ~~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~~fifty 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:

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

    ~~However~~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.
2. ~~2.~~ The following type of work shall not require a bond:
    a. ~~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. ~~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. ~~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. ~~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. ~~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. ~~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 18.02.104.7 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. ~~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. ~~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 cancelation 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. ~~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. ~~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.

18.02.104.11 - Identification of vehicles.

Every person engaging in business for which a license is required under Section 18.02.108.4 shall mark all vehicles used in the conduct of such business, with the name under which such business is conducted and the license number. The same name and number shall be used for all vehicles of such person or entity. The markings shall be as follows:

1. ~~1.~~ Permanent signs only (not magnetic or removable).
2. ~~2.~~ Letters and numbers at least two inches high.
3. ~~3.~~ A color of sufficient contrast to the vehicle color so as to be plainly legible.
4. ~~4.~~ Marked on both sides of vehicle.

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.

Exception:

1. The County of El Paso, the State of Texas, and the United States Government and other governmental entities that are, as a matter of law, are exempt from having to obtain a permit, provided, that only such construction as is owned, operated and maintained by such governmental agencies.

18.02.105.3 - Master permits.

For all new construction, a master permit must be obtained/issued prior to the issuance of any separate subcontractor permits for any electrical, mechanical, plumbing, fire and/or irrigation permits.

18.02.105.4 - Separate subcontractor permits.

Separate subcontractor permits are required for building, gas, plumbing, mechanical, electrical, irrigation, and fire protection work.

18.02.105.5 - 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. ~~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. ~~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. ~~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.

18.02.105.6 - Information required.

Each application for a permit, with the required established fee, shall be filed with the building official on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the building official.

18.02.105.7 - Drawings and specifications.

Drawings, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs, and other data as required by the building official, shall be submitted in a digital form compatible with the city's system, with each application for permit. Paper submittals of full plan sets for new construction shall be assessed the established fee for conversion of paper documents to digital format. The construction documents shall be prepared, signed and sealed by a registered design professional where required by state law and this Code. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. At any time prior to issuance of a master building permit, all construction documents submitted to the department may be expedited to reduce the review time. Such requests must be submitted in writing to the building official.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Code.

18.02.105.8 - Additional data.

A. ~~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. ~~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. ~~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.

18.02.105.9 - Design professional.

The architect or engineer who prepares construction documents shall have full responsibility for complying with Texas Occupations Code, Chapter 1001 (Engineers) or Chapter 1051 (Architects), as applicable, and shall affix his official seal to said drawings, specifications and accompanying data for the following:

1. For new construction, additions, expansions or for changes in occupancy or use of:

   A. All Group A, B, E, F, H, I, and M occupancies;

   B. Buildings and structures three stories or more high;

   C. All buildings and structures, five thousand square feet or more in area, excluding group R-3 occupancies.

2. For tenant improvements, alterations, repair, or rehabilitation, including changes of occupancy, of:

   A. All Group A, ~~B,~~ E, F, H, and I, ~~and M~~ occupancies where the affected area exceeds one thousand square feet or the proposed work involves or affects structural elements, fire-resistive elements or fire exits;

   B. All Group B, and M occupancies where the affected area exceeds three thousand square feet meeting the requirements for a single exit and not exceeding more than 29 occupants, or the proposed work involves or affects structural elements, fire-resistive elements or fire exits;

   ~~B~~C. All other buildings and structures three stories or more high.

For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.

Every application for a permit to do electrical work on residential premises over ~~two~~ five thousand ~~five hundred~~ square feet in living area ~~and all nonresidential premises~~ shall be

accompanied by drawings and electrical load calculations. Such drawings and electrical load calculations shall be signed by a master electrician, unless they bear the signature and seal of an electrical engineer.

18.02.105.10 - Application submission.

Plumbing, electrical, mechanical and special building (including roofing) permit applications which are not required to be accompanied by plans shall be submitted and paid for in the department.

18.02.105.11 - Examination of documents/plan review.

The building official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the technical codes and all other pertinent laws or ordinances.

18.02.105.12 - Issuing permits.

The building official shall act upon an application for a permit without unreasonable or unnecessary delay. If the building official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, and all required established fees have been paid, he shall issue a permit to the applicant.

18.02.105.13 - "One call" system notification.

When a permit is requested by an applicant under this Code, and excavation or digging is involved, the building official shall require that a "one call" service be contacted by the permit applicant. The applicant shall be responsible for making the "one call" and no duty is expressed or implied on the part of the city to verify that such "one call" has been made by the applicant. However, the building official shall require confirmation, in a manner which he believes to be appropriate, that such a "one call" has been made by the applicant. A permit shall be denied for failure to contact a "one call" service or provide confirmation that such "one call" service has been contacted by the applicant when the building official requires that a "one call" service be contacted.

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

A. Application for permit for the construction, alteration or repair of buildings or structures shall be subject to the requirements of all applicable ordinances, laws and regulations, including but not limited to, the requirements for acceptance of subdivision improvements, as well as drainage approval where a subdivision plat is not required. Applications involving more than one acre of land shall require stormwater pollution prevention (SWPP) permit. Applications for properties located in the floodplain shall also be subject to FEMA regulations. The city manager or designee shall promptly approve, disapprove or conditionally approve the application as to its compliance with all applicable ordinances, laws and regulations; and no permit shall be issued until the application is so approved.

B. A permit shall not be issued for any work which would involve a violation of the zoning ordinance or any other law or ordinance, and any permit so issued shall be void.

C. The approval, disapproval or conditional approval of a permit required by this Code shall be based on the orders, regulations, ordinances or other duly adopted requirements in effect at the time the application for the permit is filed. When a series of permits is required for the development of a project, the applicant, by providing verification of the orders, regulations, ordinances or other duly adopted requirements in effect at the time the original application was filed for the first permit in that series, shall be entitled to develop that project based on those orders, regulations, ordinances or other duly adopted requirements.

D. No permit shall be issued until all required and/or applicable impact fees have been paid and any permit so issued shall be void.

18.02.105.15 - Prerequisite to issuance of permits.

A. Unconditional permits. An unconditional master building permit shall be issued for a lot within a subdivision, or a lot within an approved phase of a subdivision when the subdivision plat required by Title 19 (Subdivisions) of this Code has been recorded and the subdivision improvements required by the subdivision plat or accompanying subdivision improvement plans, have been constructed, completed, and if the improvements are public improvements, accepted for maintenance by the city.

B. Conditional permits. If the subdivision improvements required under Title 19 (Subdivisions), have not been constructed, completed, and if the improvements are public improvements, accepted by the city for maintenance, then the building official may issue conditional master building permits for lots within the subdivision or lots within an approved phase of the subdivision provided the following requirements are complied with:

1. The developer provides financial security in accordance with Section 19.08.040 of the City Code for completion of the subdivision improvements; and
2. Fully charged fire hydrants are installed within the subdivision or the approved phase of the subdivision; and
3. Drivable surface, acceptable to the fire code official and the building official in accordance with applicable ordinances, has been constructed within the subdivision or the approved phase of the subdivision.

18.02.105.16 - Authorization to proceed with construction.

The building official may issue to a contractor duly registered with the department an authorization to proceed with construction without a master building permit subject to the following conditions:

1. Application for the master building permit has been submitted to the building official, and
2. All required drawings for all aspects of the work have been submitted to the building official for review; and,
3. After, the first review cycle and no conflicts or violations with Title 19 and 20 of the City Code are determined; and,

34. Either the owner or lessee of the building or structure, as applicant, has in the form and manner required by the building official, provided a statement that the applicant understands and agrees that the project is proceeding at the applicant's sole risk and that all requirements of this Code necessary to obtain the master building permit have been accomplished.

The work commenced under an authorization to proceed with construction shall not progress beyond the first required inspection for any type of permit sought until the permit is issued. No inspection shall be granted until the permit is issued, unless authorized by the building official.

18.02.105.17 - Affidavits.

The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and if accompanied by drawings showing the structural design, a statement that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. When, under this section, the building official relies upon such affidavit, the architect or engineer shall agree, as provided in the affidavit required in this section, to accept full responsibility for the compliance of the design documents with all provisions of the technical codes and other pertinent laws or ordinances.

18.02.105.18 - Permit issued on basis of an affidavit.

Whenever a permit is issued in reliance upon an affidavit submitted under Section 18.02.105.17, or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations be responsible for conformity with the permit, and upon completion make and file with the building official written affidavit that the work has been done in conformity with the reviewed plans and with the provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead another architect or engineer licensed by the State of Texas.

18.02.105.19 - 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.

18.02.105.20 - Conditions of permits.

A permit issued shall be construed as authority to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of this Code or the technical codes.

18.02.105.20.1 - Construction work hours.

A permit issued shall be construed as authority to proceed with the work from Monday through Saturday from 6:00 a.m. to 10:00 p.m. (the "established construction hours"). No work, including but not limited to new construction, repair, remodeling or grading of any kind shall be conducted outside the established construction hours or on legal holidays or Sundays unless the property owner or his authorized agent has paid the established fee and obtained an ~~after hours~~after-hours construction/grading permit.

18.02.105.20.2 - After hours construction/grading permit.

An application for after hours construction permit shall be granted by the permit official upon a showing of urgent necessity, or upon a showing that the public interest will be served by issuance of the permit, or upon a showing that the public peace and quiet will not be ~~un~~reasonably disturbed, provided the following requirements are met:

A. The application shall provide a written rationale detailing the reason for the request.

B. The application shall be filed seven days prior to the start date for after hours construction.

C. The permit holder shall agree to provide a completed notification form as provided by the Permit Official to persons occupying property within three hundred feet of the construction site.

D. Notification shall also be posted on the construction site and shall indicate a contact name and phone number of the property owner or his authorized agent.

E. The permit official shall have the authority to revoke the permit if reasonable accommodations are not made to minimize neighborhood or resident disruption.

18.02.105.20.3 - Emergency condition.

Certain events or circumstances may occur or arise that require a property owner or his authorized agent to take immediate action outside the established construction hours to address imminent public safety concerns, or to protect the integrity of a construction site. Under such or similar exigencies, the property owner or his authorized agent may use commercially reasonable efforts to immediately address the emergency or protect the construction site and shall notify the permit official, pay the established fee and obtain an after hours construction permit as soon as reasonably practicable thereafter.

(Ord. No. 18004, § 1, 4-30-2013)

18.02.105.20.4 - Duration of permit.

An approved after hours construction/grading permit shall be valid for the duration of time specified on the application, not to exceed one year. A permit holder may request one permit renewal upon payment of the established fee.

18.02.105.21 - 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.

18.02.105.22 - Placement of permit.

The permit holder, prior to starting construction and until the final inspection of the work, shall post the permit, in a conspicuous place at the address where the permit work is authorized. In addition, the permit holder shall post a sign indicating the street address and suite number, if any, of sufficient size to be readable from the construction site access entry.

18.02.105.23 - Duration of permits.

1. Every permit issued shall automatically expire and become null and void under any of the following circumstances:

   ~~a. The~~a. The work authorized by such permit is not commenced within six months from the ~~issue~~issuance 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 ~~approved~~ inspection for any period of six months.

   d. Residential ~~R~~roofing, window replacement, water heater replacement and a/c conversion permits shall expire within ~~30 days~~ one month from the issuance date of the ~~permit.~~ permit. No extensions or completion permit shall be issued for these permit types.

   e. Residential fence and swimming pool permits shall expire within six months from the issuance date of the permit. No extensions or completion permits shall be issued for these permit types.

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 obtained for an expired master building or associated permit(s) within one year of the date of expiration of the original master building or associated permit(s)

~~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 as prescribe by the adopted FY Schedule C in effect on the date~~r~~ of permit application. ~~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~~.

18.02.105.24 - Refusal to issue permit.

If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, or the required established fees have not been paid, the building official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

18.02.105.25 - Denial/Revocation of permits.

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

A. Denial

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 permit official shall have the authority to deny permits if a contractor has five or more expired permits at any given time.

B. Revocation

41. 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.

~~5. The contractor has ten or more expired permits at any given time.~~

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.

18.02.105.26 - Ineligibility period.

A contractor whose permit privileges have been revoked by the building official as described in Section 18.02.105.25.4 shall be ineligible to obtain permits for a period of time as follows:

1. If a contractor has had one permit revoked in any twelve-month period, such contractor shall be ineligible to obtain a permit for a period of three months; provided, however, that in the event that the contractor cures the cause for revocation of the permit which was involved in the dispute, such contractor shall immediately become eligible to obtain permits.
2. If a contractor has had two permits revoked in any twelve-month period, such contractor shall be ineligible to obtain a permit for a period of six months.
3. If a contractor has had three permits revoked in any twelve-month period, such contractor shall be ineligible to obtain permits for a period of one year.
4. If a contractor has five or more expired permit, such contractor shall be ineligible to obtain new permits until such time as the number of expired permits is less than five.

Upon finding that a contractor is ineligible to obtain permits, the building official shall provide written notice of such finding to the contractor or to their principal place of business.

Exception:

Permits may be issued to a contractor whose permit privileges have been revoked, for completing work on expired permits

18.02.105.27 - Appeals to the construction board of appeals.

Any contractor that is declared by the building official to be ineligible to obtain permits pursuant to this section shall have the right to appeal to the construction board of appeals pursuant to the provisions of Chapter 2.30.

18.02.105.28 - Cancelation/Termination of Permit.

1. A permit may be canceled by the permit holder ~~applicant~~ at any time prior to the commencement of any work.

2. Subsequent to performance of any work, a permit may be canceled or terminated by the general contractor, permit holder ~~applicant~~ or property owner with the concurrence of ~~both~~all parties involved~~applicant and property owner~~.

3. A~~A~~bsent any concurrence from the parties involved, the permit shall remain on hold until its expiration period or good cause is shown to the building official that allows the permit to be cancelled.

18.02.105.29 - Miscellaneous permit provisions.

18.02.105.29.1 - 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.
6. Insurance requirements for new single family dwellings shall be as per section 18.02.104.10.

18.02.105.29.2 - Home~~O~~owner permits.

With the exception of homestead permits as defined in Section 18.02.105.29.1. No permit shall be issued to the owner of any building, structure or occupancy, except R-3 occupancies.

18.02.105.29.3 - 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 ~~M~~mobile ~~H~~home constructed prior to 1976 is not allowed within the City of El Paso unless any such ~~M~~mobile ~~H~~home is in compliance with Section 3 above.

18.02.105.29.4 - 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.

18.02.105.29.4.1 - 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 were 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. Such application for permanent placement shall comply with all applicable 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.

4. Prior to permit issuance an affidavit shall be provided by an authorized representative of the school district acknowledging the duration of permit.

18.02.105.29.5 - Temporary gas permit.

A special permit is required when an owner or contractor intends to use fuel gas for temporarily heating a structure or part of a structure before certification of all plumbing or mechanical work. Such permit is required whether the intended use is for all or part of the system of piping, devices and appliances making up the permanent heating system for the structure, or by the use of a temporary system, or by the use of parts of either or both systems.

Such owner or contractor shall make application to the building official on forms provided by the department and shall set out the proposed use of the system, its design and period of use desired.

If the building official finds that such request is reasonable as to design and length of time requested under the conditions existing in the particular case, and that safe conditions of operation of such system can be maintained then the building official shall issue the permit.

18.02.106 - PERMIT FEES

18.02.106.1 - General.

The fees described in this section as well as the fees described in the Fire Prevention Code are applicable to all plumbing, mechanical, electrical, irrigation, and fire contractors.

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

18.02.106.2 - Prescribed fees.

Fees are established and required in conjunction with all permits and services provided under this title, including this Code and the technical codes, except as may be specifically excepted or provided otherwise. A permit, although issued, shall not be valid until all established fees have been paid for each of the various types of permits and services listed therein. An amendment to a permit shall not be valid until the additional established fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, and mechanical or gas systems, has been paid.

Exceptions:

1. The City of El Paso, the County of El Paso, the El Paso Housing Authority, the State of Texas, other governmental entities that are, as a matter of law, exempt from having to pay permit fees, utility companies and other entities whose permit fees have been waived by franchise agreement or resolution of the city council, and the United States Government are exempted from the payment of the permit fees required in this chapter; provided, that only such construction as is owned, operated and maintained by such governmental agencies shall be exempted from payment of such permit fees. Also, provided that the city council may authorize the building official to waive the permit fees required in this chapter when the project for which the permit is issued is a city project. For the purpose of this subsection, a "city project" shall be a project that the city council finds to be for the benefit of the general public, and that is to be either constructed on property owned by the city or with funds provided in whole or part by the city.

18.02.106.3 - Accounting.

The city shall keep an accurate accounting of all permit fees and other moneys collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof, in accordance with the established records retention schedule.

18.02.106.4 - Schedule of permit fees.

On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, the established fee for each permit shall be paid at the time application is filed.

18.02.106.5 - Building permit valuations (excluding new residential and residential additions).

If, in the opinion of the building official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, permit shall be denied, unless the applicant provides a certified professional appraisal ~~can show detailed estimates~~ to meet the approval of the building official. The certified appraisal ~~Permit valuations~~ shall include total cost, such as required earthwork within the building area, electrical, gas, mechanical, plumbing, including materials, labor and equipment, and all other permanent equipment.

18.02.106.6 - Valuation for commercial master permits.

Permit valuation for the master permit for new commercial buildings and structures construction work shall be based on the International Code Council rates for building type and occupancy in effect on the date of the permit application. Subsequent to the completion of work, a ~~final accounting of all costs or a~~ certified professional appraisal may be submitted to the building official for a re-valuation.

18.02.106.6.1 - Permit fee for new residential or residential addition permits.

Permit fees for the master permit for new residential or residential additions buildings and structures construction work shall be based on the square footage cost prescribed by the FY

Schedule C in effect on the date of the permit application. Permit fees for new residential buildings may be adjusted per council action.

18.02.106.7 - Valuation for shell only permits.

Permit valuation for new commercial shell only buildings and structures construction work shall be based eighty 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.

18.02.106.7.1 - 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.

18.02.106.8 - 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.

18.02.106.9 - 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.

18.02.106.9.1 - 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.

18.02.106.10 - Fee refunds.

A portion of the fee paid for building, electrical, plumbing, or mechanical permits may be returned to the permit applicant; provided, that no work authorized under the permit has been started, and the permit and associated records are returned for cancellation within six months after the date of issuance. In each case, thirty percent of the established permit fee shall be retained by the department for plan review, in addition to any costs expended by the department for the issuance and maintenance of records, inspections to verify that no work was started, and costs of processing and preparing the refund.

18.02.106.11 - Submission, plan review and additional review fees.

Each application for master or separate subcontractor permit shall be subject to a permit fee. The total permit fee includes fees for plan review and required inspections and may also include an established fee for plan submission. All fees shall be collected at the time of permit issuance.

The established plan submission fee shall only be assessed if the plans for a particular project require more than three reviews. Any assessed plan submission fee shall be collected at the time of permit issuance.

Plans that amend or revise the following, subsequent to the issuance of a permit, shall require an additional plan review and the applicant shall be assessed the established fee for the additional plan review. The established fee shall be equal to the sum of the plan submission fees for each ~~of the disciplines that require~~ additional review cycle that require review due to:

a. Modifications to the electrical, plumbing or mechanical systems which require revised drawings or calculations;

b. Modifications to the fire, smoke, carbon monoxide alarms or suppression systems which require revised drawings or calculations;

c. Modifications to the fire separations, accessibility requirements or ingress/egress which require revised drawings or calculations;

d. Modification to the structural systems which require revised drawings or calculations; or

e. Modifications which expand the occupancy or type of use for the structure which require revised drawings or calculations.

If no permit under the plan is secured within one hundred eighty days after the date of permit application, then the application shall be considered expired and a plan review fee in the amount of thirty percent of the established permit fee and any applicable submission fee is due and payable. The submission fee and plan review fee is nonrefundable and may not be applied to any future building permits.

If plans are approved and a permit is secured within one hundred eighty days after the date of permit application, the permit fee and any applicable plan submission fee are due and payable at the time of permit issuance.

If at any time subsequent to permit issuance, there is no activity in excess of one hundred eighty days, such application shall be declared expired. ~~Written notice shall be sent to the applicant stating that the application for permit has been declared expired. If the applicant does not respond within thirty days of the written notice, the option for permit extension shall expire,~~Upon expiration, ~~and~~ any plans, and all other documents associated with the application for permit shall be destroyed.

The building official shall collect any outstanding fees on the subject property prior to the issuance of any permits.

18.02.106.12 - Plan review options available to the applicant.

The following optional preliminary plan review processes are available to all applicants. To take advantage of one of the optional plan reviews mentioned below an applicant shall pay the fee established by city council in the annual budget resolution for the requested preliminary plan review prior to application for a master building permit.

1. Expedited review 1: The fee as prescribed in the annual budget resolution, shall apply to all construction/building permits with a valuation equal to or greater than three hundred thousand dollars, excluding one and two family dwellings.
2. Expedited review 2: The fee as prescribed in the annual budget resolution, shall apply to all construction/building permits with a valuation less than three hundred thousand dollars, including one and two family dwellings regardless of valuation.

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

A person obtaining a permit shall pay the established fee.

18.02.106.14 - Mechanical permit fees.

For all mechanical construction work requiring a mechanical permit, the established fee for each mechanical permit shall be paid at the time the permit is issued.

18.02.106.15 - Electrical permit fees.

For all electrical construction work requiring an electrical permit, the established fee for each electrical permit shall be paid at the time the permit is issued.

18.02.106.16 - Plumbing permit fees.

For all plumbing construction work requiring a plumbing permit, the established fee for each plumbing permit shall be paid at the time the permit is issued.

18.02.106.17 - Gas permit fees.

For all gas construction work requiring a gas permit, the established fee for each gas permit shall be paid at the time the permit is issued.

18.02.106.18 - 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 [18.02.106.17] 18.02.109.6.

18.02.106.19 - Irrigation permit fees.

For all irrigation work requiring a permit, the established fee for each irrigation permit shall be paid at the time the permit is issued.

18.02.106.20 - Moving of buildings or structures.

A person obtaining a permit for the moving of buildings or structures shall pay the established fee.

18.02.106.21 - Demolition of building or structure.

A person obtaining a permit for the demolition of any building or structure or of any portion of a building or structure shall pay the established fee.

18.02.106.22 - Temporary structures.

A person obtaining a permit for temporary structures (construction sheds, seat canopies, tents, etc.), shall pay the established fee as applicable:

A. For tents to be used for assembly or display or storage.

B. For amusement devices (rides) available to the public, at any one location.

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

A. Each application for permit shall pay an additional established fee for use of any sidewalk, street, alley, public right-of-way, or any space the occupancy of which prevents the use of one or more parking meters.

B. Such fee shall not apply to permits issued pursuant to Chapter 13.08 (Excavations) or Chapter 18.44 (Grading).

C. If the use of the space is not discontinued at the expiration of the time for which payment has been made, the permit may be extended from time to time upon payment of further fees computed as if the extension were an original issuance. If the use of the parking meter space is discontinued before expiration of the time covered by the advance payment, and notice thereof given the building official so that he may ascertain whether such use is actually discontinued, the holder of the permit shall be entitled to a refund of the unearned portion of the payment meter space, but not to a refund of any other fees paid under this section.

D. The permits and fees herein required for use of streets, sidewalks, alleys and parking meter space shall not be required when such use is necessary for the purpose of paving, surfacing, repairing, widening or other improvement of streets, sidewalks or alleys, done by or under contract with the city. The contractor and the person in charge of such work shall, however, as far as possible consistent with the nature of work, stack or arrange all material and equipment in such manner as not to create a hazard to persons using the streets, sidewalks or alleys, and upon completion or abandonment of the work shall clear the occupied areas.

18.02.106.24 - Fees for fire protection systems and appliances.

On all construction work requiring a permit for the installation of fire protection systems and appliances, the established fee for each permit shall be paid at the time the permit is issued.

18.02.106.25 - Fees for temporary or partial certificate of occupancies.

On the original application and for each extension thereof, the established fees for temporary or partial certificate of occupancies shall be paid at the time of each application or request for extension.

18.02.106.26 ~~–~~ Investigation ~~and In-Progress Inspection~~ Inspection fees.

An ~~additional~~ investigation permit ~~and/or in progress~~ fee in the established amount shall be ~~additionally~~ charged for any special investigation ~~or in progress inspection which~~inspection, which is not a part of a regular permit program to include a pre-inspection, or any special investigation prior or subsequent to commencement of work.

18.02.106.27 - Re-inspection fees.

A re-inspection fee in the established amount shall be additionally charged for any re-inspection required because the work failed to comply with this Code, the technical codes, the Fire Prevention Code, or because the work was not ready for the inspection as requested.

18.02.106.28 - Starting work without a permit—Commercial.

Any person who commences any work on a commercial building, structure, electrical gas, mechanical or plumbing system before obtaining the necessary permits or written authorization from the building official shall be required to obtain a permit at three hundred percent of the established permit fee. The payment of such permit fee shall not relieve such person from concurrent or later prosecution for violation of this Code or the technical codes.

18.02.106.29 - Contractor starting work without a permit—Residential.

Any contractor who commences any work on a residential building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or written authorization from the building official shall be required to obtain a permit at three hundred percent of the established permit fee. The payment of such permit fee shall not relieve such person from concurrent or later prosecution for violation of this Code or the technical codes.

18.02.106.30 - Homeowner starting work without a permit—Residential.

Any homeowner who commences any work on his own residential building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or written authorization from the building official shall be required to obtain a permit at two hundred percent of the established permit fee. The payment of such permit fee shall not relieve such person from concurrent or later prosecution for violation of this Code or the technical codes.

18.02.107 - INSPECTIONS

18.02.107.1 - Inspections.

The building official, upon notification from the permit holder or his agent shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical codes.

18.02.107.2 - Existing building inspections.

Before issuing a permit the building official may examine or cause to be examined any building, electrical, gas, mechanical or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install or change the occupancy.

He shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the technical codes.

18.02.107.3 - Retaining walls.

1. Foundation inspection: To be made after trenches are excavated, forms erected, and reinforcing steel is in place.
2. In-progress inspection: Walls retaining over four feet of earth shall also be subject to an in-progress inspection as well as material testing, to be performed when the wall is approximately twenty-five percent to fifty percent complete. Walls retaining less than four feet of earth do not require in-progress inspections.
3. Final inspection: To be made after the retaining wall is completed.

18.02.107.4 - Reroofing.

Final inspection: To be made after the reroofing or recovering work has been completed.

18.02.107.5 - Signs.

1. Foundation inspection: To be made after piers are drilled or after trenches are excavated and forms erected.
2. Electrical sign inspections: To be made after the wiring and equipment is installed. This inspection shall be made at the place of business of the electrical permit holder or of the sign permit holder, except that the building official may approve on-site inspection.
3. Final inspection: To be made after the sign installation is completed and ready for use.
4. Sign inspections. Sign foundations, piers and trenches shall be inspected for freestanding signs greater than eight feet in height or two hundred square feet in facial area.

18.02.107.6 - Irrigation and Landscaping systems.

1. Irrigation system inspection. Piping, wiring, controllers and backflow prevention devices required under Chapter 18.47 Irrigation systems shall be inspected prior to final occupancy.
2. Landscape inspection. Trees, plant materials, hard surface materials, etc. required under Chapter 18.46 Landscape shall be inspected prior to final occupancy.

18.02.107.7 - Plaster fire protection.

In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the building official. Plaster shall not be applied until the release from the building official has been received.

18.02.107.8 - Reinforcing steel and structural frames.

Reinforcing steel or structural frame work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official.

18.02.107.9 - Inspection of annexed installations.

When an area is annexed to the city, the existing buildings therein may be inspected as set forth in Section 18.02.107.2.

18.02.107.10 - Non-business hour inspections and ~~re-~~inspections by appointment.

Non-business hour inspections and inspections by appointment. Inspections may be made upon payment of the established fee. Inspections requested for weekends, city-observed holidays, or other times outside regular business hours of the department shall be subject to prior approval of the building official. A minimum of two hours shall be charged for non-business hour inspection requests and inspections by appointment, which shall be paid before the inspection will be scheduled.

18.02.107.11 - Requirements for prefabricated buildings.

Building, plumbing, mechanical, fuel gas and electrical installations, structural systems, piping and wiring in prefabricated buildings or buildings which are moved into the city limits shall be made to conform to the requirements of this Code and the technical codes for new work; provided, however, that this provision shall not apply to any structure which complies with the standards and requirements of the Texas Department of Licensing and Regulations for Manufactured Housing or Industrial Housing and Buildings.

18.02.107.12 - Manufacturers and fabricators.

When deemed necessary by the building official, he shall make, or cause to be made; an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

18.02.107.13 ~~–~~ Reserved ~~Commercial roof safety inspections.~~

~~Commercial buildings using wood or metal roof deck, where the distance from the underside of the roof deck is greater than ten feet above the floor immediately below and where the insulation is suspended beneath the deck shall be inspected for deterioration of the roof assembly on a regular basis.~~

~~The inspection shall be conducted by a professional engineer every three years after the issuance of the certificate of occupancy or the date of the adoption of this ordinance [March 6, 2012]. When a new roof is installed the inspection shall be conducted every three years from the date of the final inspection.~~

~~After the inspection, the inspector shall supply a certificate of inspection, in a form approved by the City of El Paso Building Official, containing the date of inspection, the name of the inspector and the results of the inspection. This certificate shall be displayed in a conspicuous place with any other certificates, licenses and permits required to be posted.~~

18.02.107.14 - Special ~~i~~Inspection and Test program.

Special inspection is the monitoring of materials, installation, fabrication, erection and placement of components and connections that require special expertise that are critical to the integrity of the building structure. Special inspections ~~is~~are required to ensure compliance with the approved construction documents (plans) and standards referenced in the applicable codes. Special inspectors and special inspection agencies shall have the proper certifications to conduct

the special inspections detailed ~~in Chapters 17, 18, and 19 of~~ in the currently adopted ~~International~~ International Building Code~~, 2009~~ edition.

18.02.107.14.1 ~~–~~ ~~Types~~ Special Inspections and Tests ~~of special inspection~~Requirements.

Special inspections by certified special inspectors shall be required for the following:

1) Inspection of fabricators — Where fabrication of structural load bearing members and assemblies is being performed.

2) Steel construction — Steel elements of buildings and structures requiring special inspection as required ~~identified in~~ in the currently adopted International Building Code edition.~~Section 1704.3, Table 1704.3 of the 2009 edition of the International Building Code (IBC).~~

3) Concrete construction — Verification for concrete construction as identified in~~–~~ the currently adopted International Building Code edition~~Section 1704.4, Table 1704.4 of the 2009 edition IBC~~.

4) Masonry construction — Verification for masonry construction as required ~~identified~~ in the currently adopted International Building Code edition.

~~Section 1704.5 and 1704.11, Tables 1704.5.1 and 1704.5.3 of the 2009 edition IBC.~~

5) Wood construction — Fabrication of wood structural elements and assemblies both prefabricated and field assembled as required ~~identified~~ in the currently adopted International Building Code edition~~Section 1704.6 of the 2009 edition IBC~~.

6) Soils — Existing conditions and verification of site preparation prior to placement of prepared fill as required ~~identified~~ in the currently adopted International Building Code edition~~Sections 1802.8 and 1704.10 of the 2009 edition IBC~~.

7) Deep driven, cast-in-place and helical pile foundations — Inspection and installation and testing of pile foundations as required~~identified~~ in the currently adopted International Building Code edition.

~~Section 1704.8, Table 1704.8 of the 2009 edition IBC.~~

8) Pier foundations — Inspection, installation and testing of pier foundations as required ~~identified~~ in the currently adopted International Building Code edition.

~~Section 1704.9, Table 1704.9 of the 2009 edition IBC.~~

9) Vertical masonry foundation elements — Inspection and verification as ~~identified~~ required in the currently adopted International Building Code edition.

~~Section 1704.5 of the 2009 edition of IBC.~~

10) Sprayed fire resistance materials — Inspection of fire resistive materials applied to structural elements as required in the currently adopted International Building Code edition.

~~identified in Section 1704.12 of the 2009 edition IBC.~~

11) Mastic and intumescent fire-resistant coatings — Inspections of mastic and intumescent materials as required in the currently adopted International Building Code edition.

~~identified in Section 1704.13 of the 2009 edition IBC.~~

12) Exterior insulation and finish systems (EIFS) — as identified in Section 1704.14 of the 2009 edition IBC.

13) Special cases — Inspections needed in the opinion of the building official because of use of alternate materials, unusual design or use of materials as~~-~~ required in the currently adopted International Building Code edition ~~identified in Section 1704.15 of the 2009 edition IBC.~~

14) Smoke control — Inspections involving testing of ductwork prior to concealment as as required in the currently adopted International Building Code edition ~~identified in Section 1704.16 of the 2009 edition IBC.~~.

18.02.107.14.2 - 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.

18.02.107.15 - Third party service providers.

18.02.107.15.1 - Purpose and authority.

Third party service providers may conduct plan review and inspection services for the building industry to expedite service delivery for commercial or residential development, which may be provided by different entities or individuals and must be all inclusive as identified in Section 18.02.107.15.3. This section establishes the licensing 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.

18.02.107.15.2 - Procedures for third party service providers.

The City of El Paso operates under the ~~2015~~ currently adopted ~~E~~edition of the International Building Codes published by the International Code Council (ICC). Third party service providers shall be licensed by the city solely on the basis of their qualification and current certification of inspectors and plans examiners by the International Code Council. Licenses shall be required for residential and commercial services. Services provided by third parties shall include all types of plan review and inspections for residential or commercial projects as licensed by the city. City licenses shall be renewed on an annual basis. Special inspections shall be provided in accordance and compliance with ~~Chapter 17 of~~ the ~~2015~~currently adopted ~~E~~edition of the International Building Code.

18.02.107.15.3 - 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 inspections (except special inspections) as required under the provisions of this Code. Third party service providers must submit the following:

1. Third party service provider's history identifying previous experience in conducting residential or commercial plan review and inspection services.
2. Proof of International Code Council certification for each individual who will be performing plan review and/or inspections services as specified below:
    a. Residential plan review.
        1) Residential plans examiner; and
        2) Residential energy inspector/plans examiner; and
        3) Accessibility inspector/plans examiner or TAS certification; and
    b. Residential inspection.
        1) Residential combination inspector; or individual.
        2) Building/residential inspector.
        3) Plumbing inspector.
        4) Electrical inspector.
        5) Mechanical inspector.
        6) Current State of Texas plumbing inspector license.
    c. Commercial plan review.
        1) Building plans examiner.
        2) Electrical plans examiner.
        3) Mechanical plans examiner.
        4) Plumbing plans examiner.
        5) Commercial energy plans examiner or commercial energy inspector/plans examiner with ASHRAE 90.
        6) Accessibility inspector/plans examiner or Texas registered accessibility specialist (TAS).
    d. Commercial inspections.
        1) Commercial building inspector.
        2) Commercial electrical inspector.
        3) Commercial mechanical inspector.
        4) Commercial plumbing inspector.
        5) Fuel gas inspector.

6) Med gas endorsement.

7) Commercial energy inspector or commercial energy inspector/plans examiner with ASHRAE 90.

8) Accessibility inspector/plans examiner or Texas registered accessibility specialist.

9) Current State of Texas plumbing inspector license.

3. Staff resumes including the identification, education, certification, and continuing education completed for each staff member who will be performing third party services.

4. Evidence of commercial liability, property damage liability, vehicle liability and errors and omissions insurance coverage with minimum combined bodily injury (including death), property damage, vehicle, and errors and omissions, limits of not less than one million dollars for each occurrence, and two million dollars annual aggregate. In addition, third party service providers must provide evidence of a bond as required by Section 18.02.04.7 of the El Paso City Code.

5. Any other information in support of the third party service provider's application.

6. Third party plumbing inspection services shall comply with Texas Occupations Code, Title 18, Chapter 1301, and the Texas State Board of Plumbing Examiners Rules, as applicable and as may be amended. Pursuant to State Plumbing Code Section 1301.255(e), plumbing inspections must be paid directly by the city.

18.02.107.15.4 - Scope of services.

Licensed third party service providers shall be required to provide complete site plan review, plan review, and inspection services for residential and commercial projects as determined by the city. These services must include zoning, grading, and site development review, 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 issuance, the city established fees as set forth in Schedule C, as well as any plumbing inspection fees applicable.

Licenses will be renewed every three years using the same criteria identified in Section 18.02.107.15 and available information from previous audits.

18.02.107.15.5 - 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 by the city to assure that inspections of residential and commercial developments were adequately and accurately performed. Third party service providers will be notified in writing of all audit findings with deficiencies.

18.02.107.15.6 - Third party service provider audit process.

The city is authorized to conduct periodic unannounced audits of all services provided under this section. Site as well as plan review and inspection services may be audited. 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 (failure to comply with code requirements), and for each written notice of deficient audit thereafter, the third party service provider shall:
    a. Inform the respective builder/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 and/or project delays.
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 process improvements, internal correction procedures, methods, and/or training, and/or staff reassignments 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 license for third party services terminated and be deemed non-qualified for a two-year period, in reference to subsequent request for qualification solicitations or license renewal or reinstatement.
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.
5. A third party service provider suspended pursuant to this section may appeal the building official's decision to the construction board of appeals, pursuant to Chapter 2.30 and Chapter 18.380 of the City Code.

18.02.107.15.7 - Third party service provider license fees.

Applicants shall pay at the time of application or renewal a fee as set forth in Schedule C as adopted by the El Paso City Council.

18.02.108 - DEMOLITION~~[2]~~

18.02.108.1 - 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~~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~~ninety-day period; provided that the request for extension is made in writing prior to the expiration of the current permit, ~~Such~~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;~~

~~b.~~ A fire assessment from the Fire Marshal's office;

~~e~~b. A structural engineer's assessment of imminent hazard approved by the Building Official;

c~~d~~. Court order; or

d~~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.

Exception: Historic landmark Commission approval is not required for a designated structure when ordered by the Building and Standards Commission, or declaration of imminent hazard by the Fire Marshal or Building official.

2. Standard demolition. The applicant shall provide a demolition plan

3. Complete and interior demolition. The applicant shall provide:

a. ~~s~~Scaled survey or site of property clearly labeling limits of proposed demolition.

~~a.~~

~~4. Interior demolition of commercial properties. The applicant shall provide:~~

b. ~~a.~~ Scaled floor plan of structure clearly labeling area(s) of existing structure.

~~a.~~

c. ~~b.~~ Proposed demolition and/or removal and replacement of materials.

~~b.~~

d. ~~e.~~ Hazardous Material/Asbestos remediation report.

e. Proof of utility disconnections.

f. Proof of ownership, title deed and/or warranty deed or notarized letter from property owner authorizing demolition.

~~e.~~

~~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 18.02.108.1E. shall be followed.

Exception: Historic landmark Commission approval is not required for a designated structure when ordered by the Building and Standards Commission, or declaration of imminent hazard by the Fire Marshal or Building official.

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:

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.

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

18.02.111 - CERTIFICATES OF OCCUPANCY

18.02.111.1 - 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.

18.02.111.2 - 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.

18.02.111.3 - 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 18.02.105.15A. 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.

18.02.111.4 - 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 18.02.105.15B. of this Code provided the applicant has paid the established fee and the following requirements are complied with:

1. The structures comply with the requirements of the building and zoning codes; and
2. 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
3. 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.

18.02.111.5 - 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:

1. Inspections required prior to issuance of a commercial TCO:

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

2. 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.

18.02.111.6 - Reserved~~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.~~

18.02.111.6.1 - 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.

18.02.111.6.2 - ~~**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 [Chapter] Section 18.02 and no hazards are posed by the remainder of the structure.**~~ Reserved

18.02.111.7 - Certificate of completion.

After the building official inspects the work completed under permit for a building, structure, electrical, fire protection, plumbing, mechanical, fuel gas, or similar system or structure that cannot be occupied, and finds no violations of the provisions of this Code or the technical codes, the building official is authorized to issue a certificate of completion. Such certificate of completion certifies that the work performed under the permit has been satisfactorily completed. The certificate of completion does not authorize the occupancy of any incomplete shell, building or structure.

18.02.111.8 - 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.

18.02.111.9 - 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.

18.02.111.10 - 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.

18.02.111.11 - 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.

18.02.111.12 - 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 18.02.111.11 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.

18.02.111.13 - 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.

18.02.112 - CONSTRUCTION SITE WASTE MANAGEMENT REQUIREMENTS

18.02.112.1 - 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.

18.02.115 - 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.

Chapter 18.08-BUILDING CODE

18.08.010 Short title.

This chapter may be cited as the "Building Code."

18.08.020 Adoption.

The book entitled "International Building Code," ~~2015~~ 2021 Edition, a copy of which authenticated by the city clerk is on file in the city clerk's office, is adopted as the building code of the city, as fully as if copied at length in this chapter, but with the changes set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso. Exception: As an alternative, existing buildings undergoing repair, alterations, additions or change of occupancy shall be permitted to comply with the El Paso Existing Building Code Chapter 18.28.

18.08.030 Section 105.2 Work exempt from permit,

International Building Code, ~~2015 Edition~~2021 Edition, Section 105.2, Work exempt from permit, Building: is hereby amended to read as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

~~1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 120 square feet (11 m2).~~

1. Masonry landscape walls and fences not over forty-two inches high, completely within the subject property and meeting zoning requirements. Where there is a difference in elevation between abutting properties or property lines, the height measurement shall be taken from the high side of the wall, exclusive of retaining walls.

    a. Chain link or wrought iron fences not over six feet high, completely within the subject property and meeting zoning requirements.

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~~1. Fences not over 7 feet (2134 mm) high.~~

2. Oil derricks.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
4. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2: 1.
5. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Temporary motion picture, television and theater stage sets and scenery.
8. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and are installed entirely above ground.

~~9. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.~~

~~10.~~9. Swings and other playground equipment accessory to detached one- and two-family dwellings.

~~11.~~10. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

11. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

1. **Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.
2. **Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

~~1.~~3. **Temporary testing systems: A** *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

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Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of I horsepower (0.75 kW) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

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18.08.035 Section 107.2.5.2 Finish Floor Elevation.

Finish floor elevations shall be set at one foot above the 100 year (1% annual chance) flood elevation for residential and multi-family structures

18.08.040 Section 202 Definitions, Shell, amended.

International Building Code, ~~2015 Edition~~2021 Edition, Section 202 Definitions, is hereby amended to read as follows:

Shell: A shell building shall meet the requirements that consist of all exterior walls, foundation, site work, landscaping and zoning, parking requirements, property line firewalls and roof structure. Multi-story shell building shall include elevator floor assemblies, mezzanines (when used), stairwells and elevators. Any mechanical, plumbing or electrical scope of work will be limited to "rough-in" designs for future use. Utilities service connections will be stub outs into the building's service entrance for connection at time of the time of tenant improvements. Shell building shall not be occupied upon completion. However, they must meet all minimum requirements for public works, zoning, land development, sanitation and water, before a certificate of completion is issued. No certificate of occupancy will be issued until landscaping, civil work or building construction is completed.

18.08.050 Section 310.1 Residential Group R, R-3, amended.

International Building Code, ~~2009~~ 2021 Edition, Section 310.1 Residential Group R, R-3 is hereby amended to read as follows:

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I, including child care facilities which accommodate six or more children of any age who stay less than 24 hours per day and are permitted under the Zoning Ordinance or personal home care facilities permitted under the Zoning Ordinance.

18.08.055 Section 1109.2.1 Family or assisted-use toilet and bathing rooms.

In assembly and mercantile occupancies, an accessible family or assisted-use toilet room shall be provided. In buildings of mixed occupancy, only those water closets required for the assembly or mercantile occupancy shall provide assisted-use toilet. In recreational facilities where separate-sex bathing rooms are provided, an accessible family or assisted-use bathing room shall be provided. Fixtures located within family or assisted-use toilet and bathing rooms shall be included in determining the number of fixtures provided in an occupancy.

Exception: Where each separate-sex bathing room has only one shower or bathtub fixture, a family or assisted-use bathing room is not required.

1109.2.1.1 Standard. Family or assisted-use toilet and bathing rooms shall comply with Sections 1109.2.1.2 through 1109.2.1.7.

1109.2.1.2 Family or assisted-use toilet rooms. Family or assisted-use toilet rooms shall include only one water closet one lavatory and one diaper changing station. A family or assisted-use bathing room in accordance with Section 1109.2.1.3 shall be considered a family or assisted-use toilet room. Every new establishment or use shall be required to provide a baby diaper changing station in accordance with the requirements of this section. Each establishment or use shall be required to provide at each floor level containing bathrooms, at least one diaper changing station that is accessible to women, and one that is accessible to men, or a single station accessible to both. Each establishment shall provide signage indicating the location of the baby diaper changing station. Any shopping center, mall or other facility encompassing multiple establishments and having a central directory shall indicate on the directory the location of all stations. A baby diaper changing station shall mean a safe, sanitary and convenient baby diaper changing station, deck, table or similar amenity which is installed or placed in a separate, designated location in an establishment or use subject to the provisions of this section.

Exception: A urinal is permitted to be provided in addition to the water closet in a family or assisted use toilet room.

1109.2.1.3 Family or assisted-use bathing rooms. Family or assisted-use bathing rooms shall include only one shower or bathtub fixture. Family or assisted-use bathing rooms shall also include one water closet and one lavatory. Where storage facilities are provided for separate-sex bathing rooms, accessible storage facilities shall be provided for family or assisted-use bathing rooms.

18.08.060 Section 311.4 Required separation for Group S tenants, added.

International Building Code, ~~2015 Edition~~2021 Edition, Section 311.4 Required separation for Group S tenants, is hereby added to read as follows:

311.4 Required Separation for Group S Tenants. Tenants of a Group S occupancy shall be separated from other tenants by 1-hour fire partitions and horizontal assemblies or a Code required fire barrier. Non-fire rated partitions may be used to separate Group S tenants provided no area between partitions rated at 1-hour or more exceeds 3,000 sq. ft. or a sprinkler system is installed

18.08.070 Section 424.312.2 Fences, added.

International Building Code, ~~2015 Edition~~2021 Edition, Section 312.2 Fences, is hereby added to read as follows:

312.2 Fences.

312.2.1 Electrified Fences General. To the extent that the construction of an electrified fence does not conflict with the requirements specified herein, such fence shall be constructed or installed in conformance with the specifications set forth in IEC Standard 60335-2-76.

312.2.2 Definition. Electrified Fence—Any fence, barrier or enclosure partially or totally enclosing a building, field or yard, carrying any electrical pulse or charge through any part, section or element thereof.

312.2.3 Restricted Use.

1. ~~1.~~ The installation of an electrified fence is restricted to the following uses and zoning districts:
   a. ~~a.~~ For control of domestic farm animals in areas zoned and actually utilized for farming or ranching activities; or for other areas where large domestic animals such as horses or cattle are legally maintained.
   b. ~~b.~~ For the permitted uses of outdoor storage, motor vehicle storage, major utility and recycling facilities, general warehouse, contractor yard and manufacturing within the regional commercial district "C-4".
   c. ~~c.~~ For installation in industrial and manufacturing districts designated as "Q", "P-1", "M-1" "M-2" and "M-3" as defined by Title 20 of the El Paso City Code.
2. ~~2.~~ Only battery-powered units are acceptable. Units must be approved by a Nationally Recognized Testing Laboratory (NRTL) with final installation acceptable to the Building Official.
3. The installation of an electric fence is prohibited,

   a. Within 25 feet of any outdoor area used for the handling of hazardous materials pursuant to the Fire Code, or

   b. Within five feet of any public right-of-way.

312.2.4 Permit Required. The installation of an electric fence requires an approved permit with the permit official. It shall be unlawful for any person to install, maintain or operate an electrified fence in violation of the provisions of this section.

1. Applications must include the following:
    a. Site plan indicating the location of the electrified fence and perimeter fence.
    b. Schematics and load calculations indicating and/or displaying the,
        i. Location of the power source,
        ii. Materials used for the fence construction,
        iii. Location of the regulating and monitoring equipment, and
        iv. Location of emergency access, knox box and cut-off switch.
2. A permit shall be obtained and renewed every two years with a notarized statement attached to the renewal application from an authorized representative of the fence or barrier equipment manufacturer indicating the installation is operating in conformance with the original design and complies with acceptable safety standards.

312.2.5 Registration Required. Prior to the installation or use of an electrified fence and upon permit issuance, the permit holder must register the electrified fence with the fire code official to identify the location of said fence and required cut-off switch and knox box in the event that deactivation is required by an authorized public safety official.

312.2.6 Standards.

312.2.6.1 Standards—Electrification. Electric fences or barriers must be designed and certified by an authorized representative of a fence or barrier equipment manufacturer. Upon installation, said representative shall certify the installation meets the following design and safety requirements:

1. ~~1.~~ AC current shall not be used to energize any electric fence.
2. ~~2.~~ The energizer for electric fences shall be driven by a commercial storage battery not to exceed 12 volts capacity charged by a solar panel. A commercial trickle charger may augment power source.
3. ~~3.~~ The electric charge produced by the fence upon contact shall meet the energy output requirements of section 22.108 of the IEC.
4. ~~4.~~ All ground system cables shall be properly insulated.
5. ~~5.~~ The controller ground system shall not be connected to any plumbing systems in or out of use and shall be at least 50 feet from other utility and buried water pipes.
6. ~~6.~~ The fence controller ground wire shall not touch any buildings on site.
7. ~~7.~~ Fence controller and its ground system shall be at least 50 ft. away from radio and buried telephone wires.
8. ~~8.~~ An electric fence shall be installed at a minimum clearance from power or telephones lines in accordance with Table BB.1 of the IEC.
9. ~~9.~~ A lightning diverter (commonly referred to as a lightning arrestor) shall be installed between the fence and the fence controller.
10. ~~10.~~ A cut-off switch shall be installed capable of disconnecting the fence from the controller in case of emergencies, electrical storms, etc.

11. ~~11.~~ A knox box shall be installed to provide secure access to the appropriate public safety official to the cut-off switch. The knox box shall be illuminated to a minimum one foot candle.
12. ~~12.~~ Each energizer shall be connected to its own ground system and must not be connected to any other ground system(s).
13. ~~13.~~ Two or more energizers shall not be connected to the same fence unless the use of multiple energizers does not increase the overall charge transmitted on the fence and adequate access is provided to the cut-off switch to each energizer.
14. ~~14.~~ All cabling/wire and connectors shall be of the same material (steel, copper, etc.).
15. ~~15.~~ All wires shall be separated at minimum clearance in accordance with section 29.101 of the IEC.
16. ~~16.~~ Barbed or razor wire shall not be used in conjunction with any electric fence system.

312.2.6.2 Standards-Height. Electrified fences shall be a minimum of six (6) feet in height and shall not exceed a maximum of ten (10) feet in height.

312.2.6.3 Standards—Warning Signs. All electric fences shall have warning signs of reflective material and shall be in accordance with the following requirements:

1. ~~1.~~ Shall be a minimum of 4 inches by 8 inches in accordance with annex BB of the IEC.
2. ~~2.~~ All lettering shall be a minimum of one (1) inch high.
3. ~~3.~~ Shall consist of a yellow background with black inscriptions and kept in good condition to ensure continued visibility.
4. ~~4.~~ Shall be placed at a maximum of 30 feet distance along the fence with a minimum of t wo signs for less than a ~~50 foot~~50-foot length.
5. ~~–~~Signs shall bear the words "Live Wires" or "Electric Fence" in indelible letters in English and Spanish.

312.2.7 Required Barrier(s).

1. ~~1.~~ No electrified fence shall be installed or used unless it is completely surrounded by a perimeter fence that is not less than six (6) feet in height and no more than eight feet in height in accordance with the provisions of section 20.16.030 of the El Paso City Code.
2. ~~2.~~ The distance between the electrified fence and required perimeter fence shall be a minimum of four inches at its closest point.
3. ~~3.~~ The perimeter fence between an electrified fence and an adjacent residential zone shall be a masonry fence.
4. ~~4.~~ If the masonry fence between an electrified fence and an adjacent residential zone is more than three feet from the electrified fence, there shall be a second

perimeter fence installed between the electrified fence and the adjacent residential zone that is no more than three feet from the electrified fence.

5. ~~5.~~ If a code compliant perimeter fence does not exist, a separate permit shall be obtained for the construction of the perimeter fence that shall be constructed prior to the electrified fence installation pursuant to Title 20 of the El Paso City Code.
6. ~~6.~~ The area between the perimeter wall or fence and the electrified fence shall be kept clear of shrubbery, weeds, trash and debris.

312.2.8 Hours of activation. An electrified fence shall only be energized during the hours when the general public does not have legal access to the protected property.

312.2.9 Fees. The established fee for a permit to install an electrified fence shall be paid by the applicant at the time of filing an application and upon the renewal of the permit.

312.2.10 Barbed Wire, Farm/Ranch.

1. ~~1.~~ Barbed wire fences installed in conventional multi-strand configuration may be used for the same purpose, the same area, and under the same conditions outlined in Section 312.2.11
2. ~~2.~~ Wire shall be securely fastened to durable wooden or metal posts, spaced not to exceed fifteen (15) feet center-to-center, and designed to withstand all loads reasonably expected to be imposed upon them.
3. ~~3.~~ Gates in such fences shall have solid frames, be conventionally hinged, and shall not swing over public property.
4. ~~4.~~ The use of barbed wire in conjunction with an electric fence is prohibited.

312.2.11 Barbed Wire Other Than Farm/Ranch.

1. ~~1.~~ Barbed wire may be used as a topping on walls and fences in areas zoned for commercial and manufacturing uses provided such wire is properly attached and secured to risers or outriggers especially designed for this purpose. Such barbed wire installation shall be placed not less than seven (7) feet above finished grade at any point along the fence, and shall not at any point extend beyond the property line, over the public way, or adjoining property.
2. ~~2.~~ The use of barbed wire for dwellings or apartments in residential and apartment zones is prohibited.
3. ~~3.~~ The use of barbed wire in conjunction with an electric fence is prohibited.
4. ~~4.~~ The use, design and minimum height of barbed wire fence topping shall be determined by the building official for each such installation. Such determination shall be based on the need for barbed wire protection, considering the probable risk or theft or trespass, the character of the neighborhood, and other pertinent factors; the possible hazards to persons; and reasonable consideration of appearance.

312.2.12 Use of Broken Glass. The use of broken glass and similar materials designed to do bodily harm, as a topping for fences and walls is prohibited.

18.08.080 Section 501.2 Address identification, amended.

International Building Code, ~~2015 Edition~~2021 Edition, Section 501.2 Address identification is hereby amended to read as follows:

501.2 Premises Identification.

501.2.1 Definitions. For the purposes of administering the numbering of buildings, the following definitions shall apply:

"Building numbering," means those numbers and/or letters as may be needed to identify building(s) at a municipal street address.

"Municipal street address" means the building numbering used in conjunction with the street name and assigned by the Planning Division for the City of El Paso for the purpose of identifying individual properties.

"Prominently displayed" means that which is conspicuously located, readily noticeable, and easily readable from the street during normal daytime atmospheric conditions by the driver of an emergency response vehicle.

"Shopping Mall or Strip Mall" means a building or buildings located on the same lot, containing one (1) or more units, which are utilized by the occupants for business purposes.

501.2.2 Municipal Street Address Identification Required. Building numbering shall be prominently displayed on all buildings for which a municipal street address has been assigned in accordance with the requirements of this Section.

501.2.3 Building Numbering Character Height. Building numbering shall be displayed in characters having a minimum height conforming to the following table:

Distance Building Numbering is Setback from the Street Curb	Minimum Height
Less than 100 ft.	8"
Equal to or greater than 100 ft. but less than 150 ft.	10"
Equal to or greater than 150 ft. but less than 200 ft.	12"
Equal, to or greater than 200 ft.	See 501.2.3.1

501.2.3.1 Where the distance of the building numbering located on the nearest building wall is equal to or greater than 200 ft. from the street curb, building numbering shall be located on a permanent sign that is not more than 50 ft. from the street curb and is in accordance with Chapter 20.66. If no other such permanent sign exists, a permanent sign shall be provided so that the building numbering shall be located not more than 50 ft. from the street curb. Such permanent sign shall be in accordance with Chapter 20.66 of the City Code and numbering shall be sized in accordance with 501.2.3.

501.2.3.2 Building Numbering Characters. The characters used for building numbering shall be oriented so that they read from left to right horizontally, are not wrapped around corners. The characters shall be a simple, block lettering style without serifs and shall not be

slanted or italicized. The characters shall be designed and mounted to avoid shadows that diminish the readability.

501.2.3.3 Color. The color contrast between the building numbering characters and the background against which they are viewed shall be sharply contrasted and sufficiently distinct to ensure legibility/readability. The contrasting background color shall extend a minimum of 4" above, below, and on both sides of the building numbering without interference from any other building element, blending of color, or border. These contrasting colors shall be very dark on very light or the reverse and shall be subject to the approval of the Fire Code Official.

501.2.3.4 Visibility and Readability. Building numbering shall be installed and maintained so that it is clearly visible and easily readable from the street and not obscured by any obstructions such as, but not limited to, landscaping, signage, vehicles, off-street parking, other buildings or building elements.

501.2.3.5 Building Numbering Location.

1. ~~1.~~ When the primary public entry to the building fronts on the addressed street, building numbering shall be located within the upper one-fourth of the building, not to exceed 20 feet above the ground, on the building wall facing the addressed street.
2. ~~2.~~ On buildings where the public entry does not front the addressed street, building numbering shall be located near the primary public entry and contain the name of the addressed street. In addition, building numbering shall be located within the upper one-fourth of the building, not to exceed 20 feet above the ground, on the building wall facing the addressed street in compliance with all requirements of this Chapter.
3. ~~3.~~ On buildings that have a canopy or other building element fronting the addressed street, numbering shall be located on the canopy or other building element. Such numbering shall be located on the surface facing the addressed street and located equal distance from the top and bottom of the facade. If the canopy or other building element is closer than 50 feet to the addressed street, such numbering shall also be located on the sides of the canopy.
4. ~~4.~~ If another permanent structure or sign exists; the building numbering shall be centered on the face of the permanent structure or sign. Building numbering provided on a permanent sign shall not be included in the calculation of the allowable sign area.
5. ~~5.~~ On buildings, canopies and other permanent structures or signs where numbering is to be located, and the building, canopy or other permanent structure fronts the street at an angle, such numbering shall be located on the all sides facing the addressed street.
6. ~~6.~~ On buildings with frontage of 150 feet or more, building numbering shall be located within the upper one-fourth of the building, not to exceed 20 feet above the ground, on the opposing ends of the building wall fronting on the addressed street in accordance with the requirements of this Chapter.

7. In the event that the location of building numbering complying with this subparagraph does not result in compliance with Section 501.2.2, the location shall be as directed by the Fire Code Official.

501.2.3.6 Multiple Individual Occupancies. When a building contains multiple individual occupancies, which have the same municipal street address, each occupancy shall be identified by additional numbers and/or letters, a minimum of six (6) inches high located in close proximity to its primary public entry if the primary entry is from the outside of the building. This requirement shall be in addition to the building numbering of the municipal street address located on the building wall or other structure as required in this Chapter.

501.2.3.7 Multiple Buildings at a Municipal Street Address. When there is more than one (1) building at a municipal street address, the building nearest to the addressed street shall display the numbering and/or lettering of the first and last building separated by a hyphen. Each remaining building shall be further identified by displaying distinguishing numbers and/or letters on at least one (1) wall located near the primary public entry for that building. Such numbering shall be subject to the approval of the Fire Code Official.

501.2.3.8 Buildings with Multiple Street Addresses. When there is more than one (1) municipal street address assigned to buildings located on the same lot, each building shall comply with the building numbering requirements. The building nearest the addressed street shall display the building numbering of the first and last municipal street address separated by a hyphen.

501.2.3.9 Additional Building Numbering. The owner of a property may provide additional building numbering beyond the building numbering required by this Section. Such additional building numbering, when located on a surface facing a street other than the addressed street, shall also contain the name of the addressed street in addition to the addressed numbering. Additional building numbering shall not be subject to the other requirements of this Section.

501.2.4 Appeal. The owner of a property may appeal the determination of the location or color for building numbering by the Fire Code Official to the Construction Board of Appeals in accordance with Chapter 2.30 of the City Code.

501.2.5 Administration and Enforcement. The requirements of this Section shall be administered as part of the building permit and inspection process. The certificate of occupancy shall not be issued unless the building numbering has complied with this Section.

501.2.6 Existing Buildings. All existing buildings and buildings for which the permit application was received prior to January 1, 2006, except residential buildings containing not more than four (4) dwelling units, that were in full compliance with the pre-existing ordinance (Ord. 15963 A (part), 2004), shall comply with this Section within one (1) year of the enactment of this ordinance. All other building that have not been in compliance with the pre-existing ordinance (Ord. 15963 A (part), 2004), shall comply with this Section immediately upon enactment. The pre-existing ordinance (Ord. 15963 A (part), 2004) shall remain in full force an effect until the expiration of one (1) year from the enactment of this ordinance.

501.2.7 Enforcement. The Fire Code Official and the Building Official are authorized to issue a notice to correct and a citation to the owner, manager, operator or person who otherwise controls the use of any property on which the building numbering has not been provided as required by this Section. The Fire Code Official or the Building Official may issue one notice to correct. The owner, manager, operator or person who otherwise controls the use of any property must comply with the requirements of a notice to correct within thirty (30) days of the date a notice was issued.

Section 501.2.8 Violation.

A. ~~A.~~ It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this chapter to fail to comply with all of its provisions.

B. ~~B.~~ Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and shall be punished as provided in Sections 114 through 116 of the International Building Code, 20~~09~~21 Edition.

18.08.090—18.08.110 Reserved.

18.08.120 Section 1101.2 Design, amended.

International Building Code, ~~2015 Edition~~2021 Edition, Section 1101.2 Design, is hereby amended to read as follows:

1101.2 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this Code, the Texas Accessibility Standards ("TAS") of the Architectural Barriers Act (Chapter 469, Government Code) and the American National Standard of the International Code Council (ICC/ANSI A117.1 2009 Edition).

A. ~~A.~~ All buildings and structures and their associated sites and facilities including employee work areas shall be made accessible as required by this chapter.

B. ~~B.~~ The design and construction of accessible building elements shall be in accordance with this chapter and Sections 4.1 through 4.35 of the TAS or its successor and the requirements of this Chapter.

C. ~~C.~~ TAS, a copy of which, authenticated by the signature of the Mayor and City Clerk, and made a public record by resolution of the City Council, is on file in the City Clerk's Office and except as modified in this Chapter, is hereby adopted and shall be considered an integral part of the Building Code.

Exceptions:

1. ~~1.~~ Group R3—~~One and Two Family~~One- and Two-Family Dwellings. ~~One and two family~~One- and two-family dwellings regulated by the El Paso Residential Code, Chapter 18.10, and their accessory buildings shall be exempt from the requirements of this Section.
2. ~~2.~~ Group R2 Occupancies. Group R2 Occupancies having not more than four units on a site are exempt from the requirements of this Section.

3. ~~3.~~ Group R1 occupancies. Group R1 Occupancies that are actually occupied as a residence by the proprietor and that have ten or fewer rooms on a site for rent or hire are exempt from the requirements of this Section.
4. ~~4.~~ Storage Mezzanines. Mezzanines used solely for storage shall be exempt from the requirements of this Section provided the area of the inaccessible level is less than 2000 square feet.
5. ~~5.~~ Uninhabitable Spaces. Uninhabitable spaces shall be exempt from the requirements of this Section. For the purposes of this Section, uninhabitable spaces shall mean those spaces accessed only by ladders, catwalks, crawl spaces, very narrow passageways, or non-passenger elevators, and frequented only by service personnel for maintenance purposes.
6. ~~6.~~ Religious Ritual Places. Places used primarily for religious rituals within either a building or facility of a religious organization such as baptisteries, chancels and/or altars, confessionals and similar places are exempt from the requirements of this Section.

18.08.130 Section 1101.3 Maintenance of Facilities, added.

International Building Code, ~~2015 Edition~~2021 Edition, Section 1101.3, Maintenance of Facilities is hereby added to read as follows:

1101.3 Maintenance of Facilities. Any building, facility, dwelling unit, or site that is constructed or altered to be accessible or adaptable under this Section shall be maintained accessible/adaptable during its occupancy.

18.08.140 Section 1101.4 Variances, added.

International Building Code, ~~2015 Edition~~2021 Edition, Section 1101.4, Variances, is hereby added to read as follows:

1101.4 Variances. Any exemptions from or modifications of the requirements of the TAS obtained for any project through a variance granted by the Texas Department of Licensing and Regulation (TDLR) shall be deemed a variance under this chapter and approval by the Construction Board of Appeals as described in City Code Chapter 2.30 shall not be required. The building official may issue a conditional building permit, pending final determination from TDLR, provided the applicant submits proof that a variance application for the requested exemption or modification has been submitted to TDLR.

18.08.150 Section 1107.6.1.1.1 Type A units, amended.

International Building Code, ~~2015 Edition~~2021 Edition, Section 1107.6.1.1.1 Type A units, is hereby amended to read as follows:

1107.6.2.1.1 Type A units. In Group R-2 occupancies containing more than four (4) dwelling units or sleeping units, at least three (3) percent but not less than one of the units shall be a Type A unit. All units on a site shall be considered to determine the total number of units and the required number of Type A units. Type A units shall be dispersed among the various classes of units. All type A units shall be provided with a roll-in shower and a

permanent mounted folding shower seat meeting the specifications and requirements for roll-in showers and mounted folding shower seats in ACC/ANSI 1171.1 — 2003, Section 608.

Exceptions:

1. ~~1.~~ The number of Type A Units is permitted to be reduced in accordance with Section 1107.7.
2. ~~2.~~ Existing structures on a site shall not contribute to the total number of units on a site.

18.08.160 Reserved.

18.08.170 Section 1204.1 Equipment and systems, amended.

International Building Code, ~~2015 Edition~~2021 Edition, Section 1204.1 Equipment and systems, is hereby amended to read as follows:

1204.1 Equipment and systems. Interior spaces intended for human occupancy shall be provided with active or passive space-heating and cooling systems capable of maintaining an indoor temperature between 68 F (20 C) and 90 F at a point 3 feet above the floor in all habitable spaces. The installation of portable space heaters shall not be used to achieve compliance with this section.

Exception: Interior spaces where the primary purpose is not associated with human comfort.

18.08.180 Section 1804.8 Excavation Greater Than 5 Feet, added.

International Building Code, ~~2009 2015 Edition~~2021 Edition, Section 1804.7 Excavation Greater Than 5 Feet, is hereby added to read as follows:

1804.8 Excavation Greater Than 5 Feet. Excavations which will exceed five (5) feet in depth shall provide trench safety systems that meet Occupational Safety and Health Administration (O.S.H.A.) standards. Supporting systems shall be designed by a qualified professional and meet accepted engineering requirements. The building official may require that such supporting system designs be made part of the project drawings and specifications.

18.08.190 Section 2114 Rock Masonry Retaining Walls, Yard Walls and Fences, added.

International Building Code, ~~2015 Edition~~2021 Edition, Section 2114 Rock Masonry Retaining Walls, Yard Walls and Fences, is hereby added to read as follows:

Section 2114 Rock Masonry Retaining Walls, Yard Walls and Fences.

2114.1 General.

1. ~~1.~~ All retaining rock masonry walls, rock yard walls and rock fences shall be so designed as to withstand any normal and special loading which may be expected for the intended use of the structure and no subsequent change of use shall be permitted without provisions for the additional loading imposed by such new uses. For the

purpose of this section, fences are further defined as free-standing structures supporting no vertical weight other than the weight of the materials used in the construction of the fence and resisting no externally applied horizontal loadings other than wind or earthquake forces. Freestanding masonry sign pylons shall be classified as fences.

2. ~~2.~~ Rock masonry walls used in whole or in part for earth retention, in excess of 24 inches in height, shall be provided with adequate footings of reinforced concrete. Rock walls and fences, which due to inadequate or improper design or deterioration, show indications of becoming unstable or unsafe shall, be considered unsafe. Unsafe walls and fences shall be abated by repair and rehabilitation or by demolition.
3. ~~3.~~ If a wall is proposed to be built, constructed, or repaired on a common property line, written approval of adjoining property owners must be submitted with the application for a building permit. If the City is the adjoining property owner, written approval of the Zoning Administrator must be requested and submitted with the permit application.

2114.2 Retaining Walls. Permanent excavations with a grade separation exceeding twenty-four (24) inches on a vertical line, as opposed to embankments along the natural angle of repose of the soil material, that are retained with masonry shall have the masonry designed and constructed within the provisions of this chapter. Both residential and non-residential construction shall comply with this section.

2114.2.1 Design and Stability.

1. ~~1.~~ Walls used to retain more than four (4) feet of earth shall be designed by a registered professional engineer.
2. ~~2.~~ Walls shall be analyzed as gravity type structures. Native rubble masonry construction spanning between buttresses may be considered as having a flexural tensile/compressive strength of fifteen (15) PSI and an axial compressive strength not to exceed sixty (60) PSI. The effective width (thickness) dimensions for structural strength and stability shall be reduced by six (6) inches unless the wall is constructed utilizing a cast-in-place concrete core to ensure solid construction.
3. ~~3.~~ Foundation concrete shall be effectively bonded to the supported native stone rubble masonry in order to enable the system to perform as an integral composite unit. Bonding may be accomplished by the use of stones twelve (12) inches or larger in dimension placed in the plastic concrete of the foundation to obtain a minimum of six (6) inch embedment with a six (6) inch projection to bond with the native stone rubble masonry constructed above.
4. ~~4.~~ Externally applied loadings acting on retaining structures shall be those computed from design conditions but shall be no less than required under Chapter 16 of this Code. Parking areas limited to automobiles and other light vehicles shall require a minimum fifty (50) PSF uniform surcharge loading. A minimum of two hundred fifty (250) PSF uniform surcharge loading or AASHTO Lane Loading (whichever is greater) shall be required for parking areas subject to heavy vehicles.

2114.2.2 Materials.

1. ~~1.~~ Concrete, reinforcing steel and native stone, shall conform to the requirements of Chapters 19 and 21 of this Code. Structural concrete for foundations shall have a minimum twenty-eight (28) day compressive strength of two thousand five hundred (2500) PSI. Concrete for core fill of gravity retaining walls shall have a minimum twenty-eight (28) day compressive strength of two thousand (2000) PSI.
2. ~~2.~~ Mortar shall have a minimum twenty-eight (28) day compressive strength, of one thousand eight hundred (1,800) PSI when averaged over three (3) two (2) inch cubes of three (3) three (3) by six (6) inch cylinders in accordance with ASTM C109 or ASTM C780 and shall not contain more than fifteen (15) pounds of ASTM C207, Type S hydrated lime per cubic foot of mortar when mixed by volume. The building official may require submission of test reports confirming compliance with these requirements.

2114.2.3 Construction.

1. ~~1.~~ Foundations shall bear on native undisturbed soil capable of sustaining the load imparted upon it. Subject to the approval of the building official.
2. ~~2.~~ Foundation may be built upon mechanically compacted soil (native soils with increased densification or engineered fill materials) upon submittal of evidence that the proposed loadings will be adequately supported.
3. ~~3.~~ Adequate provisions shall be made to eliminate hydrostatic pressure buildup through the use of a free-draining backfill material over an underground water collection system that will drain through the wall and above the foundation in order to ensure stability of the foundation supporting soil. Random pattern weep holes shall not be considered as sufficient to accomplish required drainage. Retaining structures retaining less than four (4) feet of earth are not required to provide the above drainage system.
4. Foundations must bear a minimum of two (2) feet below finish grade level or one (1) foot into native undisturbed materials satisfactory for bearing (on the low side of the retaining structures) whichever provides the lowest elevation.

2114.2.4 Drawings and Specifications. All structures governed under this section shall be required to submit drawings in accordance with Chapter 18.02 Administrative Code. Such drawings shall include the following:

1. ~~1.~~ Theoretical calculated soil pressures at the toe and heel of the wall foundation.
2. ~~2.~~ Factor of safety against horizontal sliding and overturning (tipping) equal to or greater than 1.5.
3. ~~3.~~ Uniform surcharge loading and soil unit weight used in analysis and design (PCF).
4. ~~4.~~ Line or strip loadings (PLF) and locations with respect to wall.
5. Assumed unit weight of native stone rubble masonry construction (PCF).
6. ~~6.~~ Wall thickness and height dimensions with relative positioning for yard wall extensions, retained heights, base widths and foundations.

7. ~~7.~~ Locations of construction (through-wall) joints, changes in foundation bearing elevations, positioning, extent and construction of underground drainage against the retaining structure.

2114.3 Yard Walls and Fences. Yard walls and fences of masonry materials shall be considered as non-bearing walls and shall be supported either horizontally or vertically by intersecting fences, pilasters, monolithic columns, integral, with the fence construction of sufficient strength and stability to provide the required structural support. The minimum thickness shall be sufficient to resist all normal vertical and horizontal loads applied to the fence.

2114.3.1 Masonry walls over six (6) feet in height shall be designed as a structural wall by a licensed professional engineer and provided with adequate footings. The design will be reviewed by the building official.

2114.3.2 Design and Stability.

1. ~~1.~~ The unsupported height to thickness (KH/t) or length to thickness (KL/t) shall not exceed 40, where, K=2.0 for cantilevered conditions, and 1.0 for both ends being supported:
    a. H = Height of fence above foundation
    b. L = Horizontal distance between stiffening elements
    c. t = Thickness of fence
2. ~~2.~~ In native stone rubble masonry walls with "no mortar" finishes, three (3) inches shall be deducted from the thickness of the fence for each face where this finish is used, when computing the minimum thickness for KH/t, KL/t and structural stability requirements.
3. ~~3.~~ Lateral support (stiffening elements) shall be provided by intersecting fences, pilasters, monolithic columns integral with the fence construction or other vertical members of sufficient strength and stability to provide the required structural support.
4. ~~4.~~ Masonry fences, including native stone rubble, shall have each wythe through-bonded with native stone rubble masonry having through-bond stones at a maximum spacing of three (3) feet vertically and three (3) feet horizontally.
5. ~~5.~~ Adequate strength, and stability to resist overturning, and other stresses for externally applied horizontal loads, shall be provided to the satisfaction of the building official and shall conform to accepted engineering design principles. Wind loading and shape factors shall be as set forth in Chapter 12 of this Code.

2114.3.3 Materials.

1. ~~1.~~ All materials shall be in accordance with Chapter 21.
2. ~~2.~~ Masonry fences, including native stone rubble, shall be laid in Type M, S, or N mortar.
3. ~~3.~~ Masonry fences, including native stone rubble, shall be provided with a reinforced concrete foundation in accordance with the approved subdivision design standards of the City.

18.08.200 Section 3107.1 General, amended.

International Building Code, ~~2015 Edition~~2021 Edition, Section 3107 Signs, is hereby amended to read as follows:

3107.1 General. Signs shall comply with the Zoning Ordinance and shall be designed, constructed and maintained in accordance with this Code.

18.08.210 Section 3201.1 Scope, amended.

International Building Code, ~~2015 Edition~~2021 Edition, Section 3201.1 Scope, is hereby amended to read as follows:

3201.1 Scope. The use of public property or any portion thereof, shall be in accordance with the City Charter, Section 3.18 and the provisions of this Chapter.

18.08.220 Section 3305.2 Temporary Facilities, added.

International Building Code, ~~2015 Edition~~2021 Edition, Section 3305.2 Temporary Facilities, is hereby added to read as follows:

3305.2 Temporary Facilities. Adequate sanitary facilities for the convenience of all workmen shall be provided according to Table 3305.1. Required facilities shall be located not more than one hundred (100) feet from the construction site, and shall not be within sixty (60) feet of any occupied structure, unless the occupant of such structure consents, or unless it is impracticable to locate the facilities the required minimum distance from the structure. Existing facilities owned by others may be used provided permission for their use is obtained and only if such facilities comply with the requirements or this section.

3305.3 Facilities shall be kept in a clean and sanitary condition throughout the duration of the work. The temporary workman's toilet shall be enclosed, screened, and weatherproofed and shall be connected to a sewer. Upon removal of the temporary facilities, the sewer connections shall be removed and the sewer capped. In lieu of connecting to a sewer, the temporary facility may be a portable, enclosed, chemically treated, tank-tight unit.

Table 3305.1 Number of Employees
Minimum Number of Toilet Facilities

If Serviced Once Per Week*	
1—10	1
11—20	2
21—30	3
31—40	4
Over 40	1 additional facility for each 10 additional employees
If serviced more than once per week*	
1—15	1

16—35	2
36—55	3
56—75	4
76—95	5
Over 95	1 additional facility for each 20 additional employees

*"Servicing" refers to the emptying of waste and the cleaning of the toilet facility. A camp equipped with flush toilets shall meet the standard for "minimum number of toilet facilities if serviced more than once per week".

18.08.221 Section 3401.1 Compliance, amended.

International Building Code, ~~2015 Edition~~2021 Edition, Section 3401.1 Compliance, is hereby amended to read as follows:

3401.1 Compliance. Alterations or repairs to existing buildings and structures shall comply with the provisions for alterations or repairs in the International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Private Sewage Disposal Code, International Residential Code and NFPA 70. Any alterations or repairs to existing structures made solely in order to improve accessibility shall comply with the provisions for alterations or repairs in this Code, provided however, that nothing in this Code shall require the entire existing structure to be brought into current code compliance. Any exterior site modifications that are required by this Code as a result of the alterations or repairs may be deferred for a period of up to 5 years provided however, that such are not required by Federal or State law.

18.08.222 Section 3401.2 General, amended.

International Building Code, ~~2015 Edition~~2021 Edition, Section 3401.2 General, is hereby amended to read as follows:

33401.2 General. Additions to existing buildings or structures shall comply with the requirements of this code for new construction. Any addition to existing structures made solely to improve accessibility shall comply with the provisions for new construction in this Code, provided however, that nothing in this Code shall require the remaining existing structure to be brought into current code compliance. Any exterior site modifications that are required as a result of such addition may be deferred for a period of up to 5 years.

18.08.230 Appendix C, Group U-Agricultural Buildings, adopted.

International Building Code, ~~2015 Edition~~2021 Edition, Appendix C, Group U-Agricultural Buildings, is hereby adopted in its entirety.

18.08.240 Appendix D, Fire Districts, adopted and amended. Added

International Building Code, ~~2015 Edition~~2021 Edition, Appendix D, Fire Districts, is hereby adopted and Sections D101.1.1.1 is hereby added to read as follows: The Fire District shall include such territory as defined herein.

D101.1.1.1 Fire District No. 1. Fire District No. 1 shall include the following portion of the City of El Paso, which is more particularly described by metes and bounds, as follows:

Beginning at the intersection of the east line of Santa Fe Street with the south line of Missouri Street; Thence northeasterly along the south line of Missouri Street to the west line of Campbell Street; Thence southeasterly and southerly along the west line of Campbell Street to the north line of Overland Street; Thence westerly along the north line of Overland Street to the west line of El Paso Street; Thence southerly along the west line of El Paso Street to the north line of Overland Street; Thence westerly along the north line of Overland Street to the east line of Santa Fe Street; Thence northerly and northwesterly along the east line of Santa Fe Street to the point of beginning at the south line of Missouri Street.

18.08.250 Appendix E, Supplementary Accessibility Requirements, adopted.

International Building Code, 20~~0~~219 Edition, Appendix E~~F~~, Supplementary Accessibility Requirements, is hereby adopted in its entirety.

18.08.252 Appendix F, Rodent proofing, adopted.

International Building Code, ~~2015 Edition~~2021 Edition, Appendix F, ~~Supplementary Accessibility Requirements~~Rodent Proofing, is hereby adopted in its entirety.

18.08.254 Appendix G, Flood Resistant Construction, adopted.

International Building Code, ~~2015 Edition~~2021 Edition, Appendix ~~F~~G, ~~Supplementary Accessibility Requirements~~Flood Resistant Construction, is hereby adopted in its entirety.

18.08.260 Appendix I, Patio Covers, adopted.

International Building Code, ~~2009 2015 Edition~~2021 Edition, Appendix I, Patio Covers, is hereby adopted in its entirety.

18.08.262 Appendix J, Grading, adopted.

International Building Code, ~~2015 Edition~~2021 Edition, Appendix J~~I~~, ~~Patio Covers~~Grading, is hereby adopted in its entirety.

18.08.270 Appendix K, Administrative Provisions, adopted.

International Building Code, ~~2015 Edition~~2021 Edition, Appendix K, Administrative Provisions, is hereby adopted in its entirety.

18.08.280 Appendices.

International Building Code, ~~2015 Edition~~2021 Edition, Appendices.

The appendices unless specifically adopted or referenced are retained as administrative guidance aids.

18.08.290 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

18.08.300 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 18.08 (Building Code) of the El Paso City Code shall remain in full force and effect.

Chapter 18.10 - RESIDENTIAL CODE

18.10.010 Short title.

This chapter may be cited as the "Residential Code."

18.10.020 Adoption.

The book entitled "International Residential Code, For One- and Two-Family Dwellings" ~~2015 Edition~~2021 Edition, a copy of which authenticated by the City Clerk is on file in the City Clerk's Office, is adopted as the Residential Code of the City, as fully as if copied at length in this chapter, but with the amendments set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso.

18.10.030 Section R101.2 Scope.

International Residential Code, ~~2015 Edition~~2021 Edition, R101.2 Scope, is hereby adopted in its entirety.

18.10.040 - Section R105.2 Work exempt from permit

Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction.* Permits shall not be required for the following construction work:

Building~~:~~

1. One-story detached accessory storage building, canopy or structure, located in the rear yard, 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.
2. Masonry landscape walls and fences not over ~~not over~~ forty-two inches ~~in~~ h~~e~~igh~~t or less~~, completely within the subject property and meeting zoning ~~requirements.~~requirements. Where there is a difference in elevation between abutting properties or property lines, the height measurement shall be taken from the high side of the wall, exclusive of retaining walls.
    a. Chain link or wrought iron fences not over six ~~six seven~~ feet ~~or less in~~ h~~e~~igh~~t~~, completely within the subject property and ~~-~~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 or above ground containing a body of water less than twenty-four inches in depth and less than five thousand gallons of water.
7. Replacement of less than twenty-five percent of existing roof covering on residential structures only.
8. Swings and other playground equipment.

Mechanical~~:~~

1. Portable heating appliances.
2. Portable ventilation equipment.
3. Portable cooling units.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the technical codes.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative coolers.

7. 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:~~.~~

1. Wiring devices or equipment installed by telephone, telegraph or other public service corporations used solely for the transmission of two-way communication.
2. 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.
3. 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.
4. 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. A homeowner, on property that is their primary residence; or
    b. 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.~~

~~Plumbing:~~Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.~~1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.~~

~~1.~~2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

18.10.050 Section R301.2 Climatic and geographic design criteria, amended.

International Residential Code, ~~2015 Edition~~2021 Edition, Section R301.2 Climatic and Geographic Design Criteria is hereby amended by completing Table 301.2(1), Climatic and Geographic Design Criteria, to read as follows:

Table R301.2(1)

Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design				Seismic Design Category[f]	Subject To Damage From			Ice Barrier Underlayment Required[h]	Flood Hazards[g]	Air Freezing Index[i]	Mean Annual Temp[j]
	Speed[d] (mph)	Topographic effects[k]	Special wind region[l]	Wind-borne debris zone[m]		Weathering[a]	Frost line depth[b]	Termite[c]				
5 PSF	105	No	No	No	C	Negligible	6"	Moderate to Heavy	No	Municipal Code Sec. 18.60	1500	75° F

Manual J Design Criteria

Elevation	Altitude Correction Factor	Coincident wet bulb	Indoor winter design dry-bulb temperature	Indoor winter design dry-bulb temperature	Outdoor winter design dry-bulb temperature	Heating temperature difference
3918	0.87	64°	72°	72°	25°	47°
Latitude	**Daily Range**	**Indoor summer design relative humidity**	**Summer Design Grains**	**Indoor summer design dry-bulb temperature**	**Outdoor summer design dry-bulb temperature**	**Cooling temperature difference**
31°	High (more than 25°F)	75° (50% R.H.)	-26	75°	98°	23°

18.10.050.1 Section R302.1 Exterior walls, amended.

International Residential Code, ~~2015 Edition~~2021 Edition, Section R302.1, Exterior walls, is hereby amended to add the following exceptions to read as follows:

6. Zero lot line properties where all of the following apply:
   a. A minimum of 10 feet is provided between structures; and
   b. Glazing is limited to a height of not less than 14 feet from grade level; and
   c. Glazing is not more than 10% of the wall; and
   d. Openings are prohibited; and
   e. Where eaves are present they shall not extend more than 12 inches from the wall (including any required gutters) and eaves shall be fire rated.
7. Where all structures are provided with sprinkler systems.

18.10.060 Section R303.~~9~~ 10 Required heating, amended.

International Residential Code, ~~2015 Edition~~2021 Edition, Section R303.8, Required heating, is hereby amended to read as follows:

R303.~~8~~10 Required heating and cooling. Interior spaces intended for human occupancy shall be provided with active or passive space-heating and cooling systems capable of maintaining an indoor temperature between 68 F (20 C) and 90 F at a point 3 feet above the floor and 2 feet from exterior walls in all habitable spaces. The installation of portable space heaters shall not be used to achieve compliance with this section.

18.10.070 Reserved.

18.10.080 Section R313 Automatic Fire Sprinkler Systems, deleted.

International Residential Code, ~~2015 Edition~~2021 Edition, Section R313, Automatic Fire Sprinkler Systems, is hereby deleted in its entirety.

18.10.090 Section R319 Site Address, amended.

International Residential Code, ~~2015 Edition~~2021 Edition, Section R319, Site Address, is hereby amended to read as follows:

SECTION R319
SITE ADDRESS

R319.1 Building Numbering.

R319.1.1 Definitions.

For the purpose of administering the numbering of buildings, the following definitions shall apply:

1. "Building Numbering" means those numbers and/or letters as may be needed to identify building(s) at a municipal street address.
2. "Municipal Street Address" means the building numbering used in conjunction with the street name and assigned by the Planning Division of the City of El Paso for the purposes of identifying individual properties.
3. "Prominently Displayed" means that which is uniformly located, readily noticeable, and easily readable from the street during normal daytime atmospheric conditions by a person having normal vision.

R319.1.2 Municipal Street Address Identification. Building numbering shall be displayed on all buildings for which a municipal street address has been assigned. In order to provide for the prominent display and uniform location of municipal street addresses, residential building numbering shall comply with the following:

1. Building numbering shall be displayed in characters having a minimum height of four (4) inches.
2. For properties fronting on a street with curbs, building numbering shall be mounted or painted on the face of the curb in close proximity to the entry driveway. In the case of a corner property fronting on two streets with the driveway located on the street that is not the street name of the municipal street address, the building numbering shall be mounted or painted in a prominent location on the face of the curb fronting on the addressed Street.
3. For other properties, building numbering shall be located on the building wall fronting the addressed street or on another permanent structure that fronts on the addressed street and is closer to the street than the building wall.
4. It is recommended, but not required, that building numbering for residential buildings meet the requirements of building numbering for other buildings described in Chapter 18.08.

R319.1.3 Administration and Enforcement. The requirements of this Section shall be administered as part of the building permit and inspection process. The building official shall refuse the issuance of a final inspection and certificate of occupancy unless the building numbering has been provided as required by this Section.

R319.1.4 Alternate Building Numbering Location. The building official shall be authorized to approve alternate location(s) for building numbering required under this Section when the owner of the property satisfactorily demonstrate that the alternate location(s) provide(s) an equivalent degree of visibility and readability.

18.10.100 Section R320 Accessibility, deleted.

International Residential Code, ~~2015 Edition~~2021 Edition, Section R320, Accessibility, is hereby is deleted in its entirety.

18.10.110 Section R506.1 General, amended.

International Residential Code, ~~2015 Edition~~2021 Edition, Section R506.1, General, is hereby amended to read as follows:

R506.1 General. Concrete slab-on-ground floors shall be a minimum of 3.5 inches (89 mm) (for expansive soils, see Section R403.1.8). The specified compressive strength of concrete shall be as set forth in Section R402.2.

Slabs shall be constructed with control joints having a depth of at least one-fourth the slab thickness, and joints shall be spaced at intervals not more than 30 feet in each direction and slabs not rectangular in shape shall have control joints across the slab at points of offset, if offset exceeds 10 feet.

Exception: Control joints are not required or may exceed 30-foot intervals where welded wire fabric or equivalent is provided in accordance with Table 506. The welded fabric or equivalent material shall be placed at mid-depth of the slab or 2 inches from the top surface for slabs more than 4 inches in thickness.

Table 506							
Maximum Dimension of Slab or Distance Between Control Joints (Feet) Slab Thickness (Inches)						WWF Wire Spacing (Inches)	WWF Wire Size Designation
3.5	4.0	4.5	5.0	5.5	6.0		
42	36	32	29	26	24	6×6	W1.4 × W1.4
59	52	42	42	38	35	6×6	W2.0 × W2.0
86	75	60	60	55	50	6×6	W2.9 × W2.9

Values in table are based on reinforcement with yield strength of 65,000 psi.

18.10.120 Section R802.10.2 Design, amended.

International Residential Code, ~~2015 Edition~~2021 Edition, Section R802.10.2 Design, is hereby amended to add the following sentence at the end of the section, to read as follows:

R802.10.2 Design. The truss design drawings shall be prepared, signed, and sealed by a registered professional engineer, licensed in Texas.

18.10.130 Reserved.

18.10.140 Section M1201.2 Application, amended.

International Residential Code, ~~2015 Edition~~2021 Edition, Section M1201.2 Application, is hereby amended to read as follows:

M1201.2 Application. In addition to the general administrative requirements of Chapter 18.02, Building and Construction Administrative Code, the provisions of this Chapter shall also apply to the requirements of Chapters 13 through 24.

18.10.150 Section M1413 Evaporative Cooling Equipment, amended.

International Residential Code, ~~2015 Edition~~2021 Edition, Section M1413, Evaporative Cooling Equipment, is hereby amended to read as follows:

M1413 Evaporative Cooling.

M1413.1 General. Every evaporative cooler installed in, on or adjacent to any building as a part of a cooling or air conditioning system shall comply with these provisions.

M1413.2 Location.

M1413.2.1 No evaporative cooler shall be installed so as to obstruct any required means of egress nor reduce passage of required light and air.

M1413.2.2 Evaporative cooler installations that extend beyond the exterior line of a structure shall comply with Building Code and Zoning Regulations as to allowable projection and overhead clearance. Evaporative cooler structures which project more than eighteen inches (18") into a traveled right-of-way shall maintain a minimum clearance of fourteen feet (14') above grade.

M1413.3 Materials of Construction. M1413.3.1 All evaporative cooler blowers and cabinets, including pan, corner posts, top and pad frames, shall be constructed of non-combustible materials or approved plastics as defined below. Evaporative pads and interior water circulatory systems need not be of non-combustible materials.

M1413.3.2 Approved Plastics. Approved plastic or reinforced plastic materials shall be those which are classified 94-5V in accordance with Underwriters Laboratory Test 94-5V "Vertical Burning Test for Classifying Materials".

M1413.3.3 Evidence of Compliance. Evidence of compliance with the requirements of Section M1413.3.1 to 1413.3.2 shall accompany all equipment installed within the City of El Paso.

M1413.4. Electrical Connections. Electrical components and installations shall conform to the El Paso Electrical Code. The blower motor and water recirculation pump shall be internally protected to shut-off automatically in the event of an electrical overload or excessive temperature. The maximum shut-off temperature shall be: (1) blower motor, 105°C; and (2) pump, 135°C.

M1413.5 Plumbing Connections. Water connections and materials shall conform to the El Paso Plumbing Code.

M1413.6 Structural Supports. Evaporative cooler fastenings, including mounts, platforms and frames, shall be of non-combustible material and shall be of sufficient size and strength to meet the requirements of the International Building Code.

M1413.7 Water Supply.

M1413.7.1 Bleeder Lines Prohibited. New and replacement evaporative coolers shall not be provided or installed with bleeder lines.

M1413.7.2 Automatic water draining System Required. An automatic water draining system shall be provided for all evaporative coolers for which the cooler manufacturer requires the use of a bleeder line. The automatic water draining system shall operate on a periodic basis of not less than a 4-hour interval between operation times and shall be capable of fully draining the water from the cooler pan. The automatic draining system shall either discharge into the building drainage system through an indirect waste piping system complying with Section 802 of the Plumbing Code or shall be conducted to the exterior of the building or structure, and shall be discharged so that the effluent is used for watering landscaping or other outdoor vegetation. In no event shall drainage from coolers be wasted into or upon the public way.

18.10.155 Section M1601.1 (~~8~~9), added.

Flexible air ducts in residential installations are limited to 10 feet in length unless an engineered design is provided.

18.10.160 Section G2404.1.2 Manufactured homes, added.

International Residential Code, ~~2015 Edition~~2021 Edition, Section G2404.1.2, Manufactured Homes, is hereby added to read as follows:

G2404.1.2 Manufactured Homes. Appliance installations in manufactured housing meeting the requirements of the Texas Manufactured Housing Standards Act, or in industrialized housing or industrialized buildings meeting the requirements of the Texas Industrialized Housing and Building Act or bearing the Federal Compliance Plate (ANSI-A119.1), including the appliance connections and the fuel gas piping system, shall not be subject to the provisions of this Code except for the test provisions of Sections G2417.4.1 and G2417.4.2.

18.10.170 Section G2412.2 (401.2) Liquefied petroleum gas storage, amended.

International Residential Code, ~~2015 Edition~~2021 Edition, Section G2412.2, Liquefied petroleum gas storage, is hereby amended to read as follows:

G2412.2 Liquefied Petroleum Gas.

G2412.2.1 Liquefied Petroleum Gas Storage. The storage system for liquefied petroleum gas shall be designed~~,~~ and ~~-~~installed ~~and an operational permit obtained~~ in accordance with the Fire Code.

G2412.2.2 Liquefied Petroleum Gas Service. Liquefied Petroleum Gas systems shall not be installed in Group R1, R2, R3 and R4 occupancies when a natural gas utility supply pipe is available within 300 feet of the buildings.

18.10.180 Section G2412.~~9~~ 11 Meter location, added.

International Residential Code, ~~2015 Edition~~2021 Edition, Section G2412.~~9~~11, Meter Location, is hereby added to read as follows:

G2412.~~9~~ 11 Meter Location. A meter location, when required, shall be provided for the property or premises to be served. The location shall be such that the meter and connections are accessible in order that they may be read or changed. Space requirements, dimensions, and type of installation shall be acceptable to the gas company. Meter location will be determined by the utility company in conformance with their service franchise.

18.10.190 Section G2415.3.1 Prohibited locations, added.

International Residential Code, ~~2009 2015 Edition~~2021 Edition, Section G2415.3, Piping in concealed locations, is hereby amended to read as follows:

G2415.3 Piping in Concealed Locations. Portions of a piping system installed in concealed locations shall not have unions, tubing fittings, bushings, compression couplings and swing joints made by combinations of fittings.

Exceptions:

1. Tubing joined by brazing.
2. Fittings listed for use in concealed locations.

18.10.200 Section G2417.4 (406.4) Test pressure measurement, amended.

International Residential Code, ~~2015 Edition~~2021 Edition, Section G2417.4 Test Pressure Measurement, is hereby amended to read as follows:

G2417.4 Test Pressure Measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than two (2) times the test pressure. Tests requiring a pressure of 10 psi or less shall utilize a testing gauge having increments of 0.20 psi or less. Tests requiring a pressure greater than 10 psi but less than or equal to 60 psi shall utilize a testing gauge having increments of 1 psi or less.

G2417.4.1 Test Pressure. Low pressure gas piping shall withstand a pressure of at least 10 psi or 16 inches of mercury. Higher pressure gas piping shall withstand a pressure of at least 60 psi on a clock gauge with a printed record chart. For the purposes of this section, "low pressure" shall mean pressure equal to or less than 0.5 psi.

G2417.4.2 Test duration. Test duration shall be not less than 15 minutes for low pressure gas piping and not less than 4 hours for higher pressure gas piping.

18.10.210 Section P2501.2 Application, amended.

International Residential Code, ~~2015 Edition~~2021 Edition, Section P2501.2 Application, is hereby amended to read as follows:

P2501.2 Application. In addition to the general administrative requirements of Chapter 18.02, Building and Construction Administrative Code of the El Paso City Code, the

provisions of this Chapter shall also apply to the plumbing requirements of Chapters 25 through 32.

18.10.220 Section P2602.1 General, amended.

International Residential Code, ~~2015 Edition~~2021 Edition, Section P2602.1, General, is hereby amended to read as follows:

P2602.1 General. The water distribution and drainage system of any building or premises where plumbing fixtures are installed shall be connected to a public water supply and to a public sewer system.

Exception:

1. Bathtubs, showers, lavatories, clothes washers and laundry sinks shall not be required to discharge to the sanitary drainage system where such fixtures discharge to an approved gray water recycling system. Evaporative coolers automatic water draining systems may discharge to an approved gray water recycling system.
2. When a public sewer is not available within 300 feet of the building for use, an individual or private sewage disposal system may be utilized provided that such system is designed, installed and maintained in accordance with the requirements of Chapter 18.21 of the Municipal Code.

18.10.230 Section P2603.5.2 Protection of Water Service Entrance, added.

International Residential Code, 2021 Edition, Section P2903.1.1 Protection of Water Service Entrance, is hereby added to read as follows:

P2603.5.2 Protection of Water Service Entrance. Water service entrance and risers to all structures shall be on the heated side of a conditioned space.

18.10.240 Section P2603.5.3Plumbing within exterior walls, added.

International Residential Code, 2021 Edition, Section 2903.1.2 Plumbing within exterior walls, is hereby added to read as follows:

P2603.5.3 Plumbing within exterior walls. Placement of plumbing within exterior walls is prohibited unless the walls are at minimum, 2 by 6 walls and adequate provision is made to protect such pipes from freezing in accordance with Section 305.6 of the International Plumbing Code. Placement of water lines in ceiling areas is prohibited unless the water lines are placed on the warm side with a minimum of 10 inch insulation on the exterior/roof side of the structure.

Exceptions:

a. A service entrance may enter a non-conditioned space provided that the riser/service entrance is within an approved, heated valve protective enclosure also known as a "hot box", or

b. Cross linked polyethylene, also known as PEX, or approved equal, is used as the service entrance material, and

c. Any hose bibs installed shall be freeze proof.

18.10.2503~~0~~ Section P2709.2 Lining required, amended.

International Residential Code, ~~2015 Edition~~2021 Edition, Section P2~~6~~709.2, Lining required, is hereby amended to read as follows:

P2709.2 Lining Required. All shower receptors shall be provided with an approved lining, except as noted herein. The adjoining walls and floors, enclosing field-constructed shower receptors shall be lined with copper or other approved materials listed in this Code, extending not less than three (3) inches beyond or around the rough jambs and not less than three (3) inches above finished thresholds. Recessed shower compartments need not be lined, provided the compartment is formed of concrete, is recessed a minimum of four (4) inches below the adjacent floor level, and the concrete is not less than three and one-half (3½) inches thick with an ultimate compressive strength of not less than two thousand (2000) pounds per square inch.

18.10.2604~~0~~ Section P2709.2.3 Hot-mopping, deleted.

International Residential Code, ~~2015 Edition~~2021 Edition, Section P2709.2.3, Hot-Mopping, is hereby deleted in its entirety.

18.10.2705~~0~~ Reserved.

18.10.2806~~0~~ Reserved

~~**18.10.265 Section P2903.1.1 Protection of Water Service Entrance, added.**~~

~~International Residential Code, 2015 Edition2021 Edition, Section P2903.1.1 Protection of Water Service Entrance, is hereby added to read as follows:~~

~~**P2903.1.1 Protection of Water Service Entrance.** Water service entrance and risers to all structures shall be on the heated side of a conditioned space.~~

~~(Ord. No. 18510 , § 1, 5-31-2016)~~

~~**18.10.266 Section 2903.1.2 Plumbing within exterior walls, added.**~~

~~International Residential Code, 2015 Edition2021 Edition, Section 2903.1.2 Plumbing within exterior walls, is hereby added to read as follows:~~

~~**2903.1.2 Plumbing within exterior walls.** Placement of plumbing within exterior walls is prohibited unless the walls are at minimum, 2 by 6 walls and adequate provision is made to protect such pipes from freezing in accordance with Section 305.6 of the International Plumbing Code. Placement of water lines in ceiling areas is prohibited unless the water lines are placed on the warm side with a minimum of 10 inch insulation on the exterior/roof side of the structure.~~

~~**Exceptions:**~~

~~a. A service entrance may enter a non-conditioned space provided that the riser/service entrance is within an approved, heated valve protective enclosure also known as a "hot box", or~~

~~b. Cross linked polyethylene, also known as PEX, or approved equal, is used as the service entrance material, and~~

~~c. Any hose bibs installed shall be freeze proof.~~

~~(Ord. No. 18510 , § 1, 5-31-2016)~~

18.10.2~~80~~70 Section P2903.3.~~2~~3 Accessibility, added.

International Residential Code, ~~2015 Edition~~2021 Edition, Section P2903.3.~~2~~3, Accessibility, is hereby added to read as follows:

2903.3.2 Accessibility. Installation shall be such as to make the regulator accessible without excavating or removing permanent structural or finished portions of the structure.

18.10.2~~80~~90 Section P2903.12 Under concrete slabs, added.

International Residential Code, ~~2015 Edition~~2021 Edition Section P~~2905.19~~2903.12, Under Concrete Slabs, is hereby added to read as follows:

P~~2905.19~~2903.12 Under Concrete Slabs. Inaccessible water distribution piping under slabs shall be copper water tube minimum Type L, brass, ductile iron pressure pipe, chlorinated polyvinyl chloride (CPVC) or crosslinked polyethylene (PEX) plastic pipe or tubing—all to be installed with approved fittings or bends. The minimum pressure rating for plastic pipe or tubing installed under slabs shall be 100 psi at 180°F.

18.10.~~290~~300 Reserved

18.10.30~~1~~0 Section P30~~0~~5.2.3 Building drain and building sewer junction, amended.

International Residential Code, ~~2015 Edition~~2021 Edition, Section P3005.2.~~7~~3, Building Drain and Building Sewer Junction, is hereby amended to read as follows:

P3005.2.~~7~~3 Building Drain and Building Sewer Junction. There shall be a cleanout within 10 feet of the junction of the building drain and the building sewer. The cleanout shall be outside the building and shall be brought up to the finished ground level. An approved two-way cleanout is allowed to be used at this location to serve as a required cleanout for both the building drain and building sewer.

18.10.310 Part VIII Electrical, deleted.

International Residential Code, ~~2015 Edition~~2021 Edition, Part VIII—Electrical, is hereby deleted in its entirety and the following shall substitute in its stead:

Chapter 18.16 Adopted. The provisions of Chapter 18.16, City of El Paso Electrical Code, shall regulate the installation of electrical systems, equipment and components, indoors and

outdoors that are within the scope of this Code, including services, power distribution systems, fixtures, appliances, devices and appurtenances.

18.10.311 Appendix AA, Sizing and Capacities of Gas Piping.

International Residential Code, ~~2015 Edition~~2021 Edition Appendix AA, Sizing and Capacities of Gas Piping is hereby adopted in its entirety.

18.10.312 Appendix AB, Sizing of Venting Serving Appliances Equip with Draft Hoods, Category I Appliances, and Appliances listed for Use with Type B Vents.

International Residential Code, ~~2015 Edition~~2021 Edition Appendix AB, Sizing of venting Serving Appliances Equip with Draft Hoods, Category I Appliances, and Appliances for Use with Type B Hoods, is hereby adopted in its entirety.

18.10.313 Appendix AC, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.

International Residential Code, ~~2015 Edition~~2021 Edition Appendix AC, Exit terminals of Mechanical Draft and Direct-Vent Venting Systems, is hereby adopted in its entirety.

18.10.320 Appendix AE, Manufactured Housing Used as Dwellings, adopted.

International Residential Code, ~~2009~~2021 Edition, Appendix AE, Manufactured Housing Used as Dwellings is hereby adopted in its entirety.

18.10.321 Appendix AG, Piping Standards for Various Applications.

International Residential Code, ~~2015 Edition~~2021 Edition Appendix AG, Piping Standards for Various Applications, is hereby adopted in its entirety.

18.10.330 Section AE101.1 General, amended.

International Residential Code, ~~2015 Edition~~2021 Edition, Section AE101.1 General, is hereby amended to read as follows:

Section AE101 General. These provisions shall be applicable only to a manufactured home used as a single-dwelling unit and shall apply to the following:

1. Construction, alteration and repair of any foundation system which is necessary to provide for the installation of a manufactured home unit.
2. Construction, installation, addition, alteration, repair or maintenance of the building service equipment which is necessary for connecting manufactured homes to water, fuel or power supplies and sewage systems.
3. Alterations, additions or repairs to existing manufactured homes. The construction, alteration, moving, demolition, repair and use of accessory buildings and structures and their building service equipment shall comply with the requirements of the Municipal Code.

These provisions shall not be applicable to the design and construction of manufactured homes nor shall they be deemed to authorize either modifications or additions to manufactured homes where otherwise prohibited.

18.10.340 Reserved.

18.10.350 Appendix AH, Patio Covers, adopted.

International Residential Code, ~~2009~~2021 Edition, Appendix AH, Patio Covers, is hereby adopted in its entirety.

18.10.360 Appendix AK, Sound Transmission, adopted.

International Residential Code, ~~2009~~2021 Edition, Appendix AK, Sound Transmission, is hereby adopted in its entirety.

18.10.361 Appendix AM, Home Day Care—R-3 Occupancy.

International Residential Code, ~~2015 Edition~~2021 Edition Appendix AM, Home Day Care—R-3 Occupancy, is hereby adopted in its entirety.

18.10.362 Appendix AN, Venting Methods.

International R~~r~~esidential Code, ~~2015 Edition~~2021 Edition Appendix AN, Venting methods, is hereby adopted in its entirety.

18.10.363 Appendix AP, Sizing of Water Piping Systems.

International Residential Code, ~~2015 Edition~~2021 Edition Appendix AP, Venting methods, is hereby adopted in its entirety.

18.10.364 Appendix AQ, Tiny Houses.

International Residential Code, ~~2015 Edition~~2021 Edition Appendix AQ, Tiny Houses, is hereby adopted in its entirety.

18.10.365 Appendix AR, Light Straw Construction.

International ~~r~~Residential Code, ~~2015 Edition~~2021 Edition Appendix R, Light Straw Construction, is hereby adopted in its entirety.

18.10.366 Appendix AS, Strawbale Construction.

International R~~r~~esidential Code, ~~2015 Edition~~2021 Edition Appendix AS, Strawbale Construction, is hereby adopted in its entirety.

18.10.367 Appendix U, Solar ready Provisions—Detached One & Two Family Dwellings, Multiple Single Family Dwellings (Townhouses)

International Residential Code, ~~2015 Edition~~2021 Edition Appendix U, Solar-Ready Provisions, Detached One and Two Family Dwellings, Multiple Family Dwellings (Townhouses), is hereby adopted in its entirety.

18.10.370 Reserved.

18.10.380 Appendices.

International Residential Code, ~~2015 Edition~~2021 Edition, Appendices unless specifically adopted or referenced are retained as administrative guidance aids.

18.10.390 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed as follows: Ordinance No. 014729 dated 12/12/2000, Ordinance No. 15967 dated 12-14-2004 and Ordinance No. 18510 dated 5-31-2016.

18.10.400 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 18.10 (Residential Code) of the El Paso City Code shall remain in full force and effect.

Chapter 18.12 MECHANICAL CODE

18.12.010 Short title.

This chapter may be cited as the "Mechanical Code."

18.12.020 Adoption.

The book entitled "International Mechanical Code," ~~2015~~ 2021 Edition, a copy of which authenticated by the City Clerk is on file in the City Clerk's Office, is adopted as the Mechanical

Code of the City, as fully as if copied at length in this chapter, but with the changes set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso.

18.12.025 Reserved~~Adopted as is~~

18.12.030 Section 309.1 Space-heating systems, amended.

International Mechanical Code, ~~2015~~ 2021 Edition, Section 309.1 Space-heating systems, is hereby amended to read as follows:

309.1 Space-heating and cooling systems. Interior spaces intended for human occupancy shall be provided with active or passive space-heating and cooling systems capable of maintaining an indoor temperature between 68°F (20°C) and 90°F at a point 3 feet above the floor in all habitable spaces. The installation of portable space heaters shall not be used to achieve compliance with this section.

Exceptions:

1. Interior spaces where the primary purpose is not associated with human comfort.
2. Group F, H, S and U occupancies

18.12.040 Section 507.2.6 Clearance for Type I hood, amended.

International Mechanical Code, ~~2015~~ 2021 Edition, Section 507.2.6 Clearances for Standard Type I and Type I labeled for zero clearance hoods is hereby amended to read as follows:

507.2.6 Clearances for Standard Type I and Type I labeled for zero clearance hoods. All Type I hoods shall be installed with a clearance to combustibles of not less than 18 inches (457 mm).

Exception: Clearance shall not be required from ⅝-inch or thicker Type X gypsum wallboard, ½-inch or thicker (12.7 mm) Type C gypsum wallboard or ½-inch (12.7 mm) or thicker cementitious wallboard attached to noncombustible structures provided that a smooth, cleanable, nonabsorbent and noncombustible material is installed between the hood and the gypsum or cementitious wallboard over an area extending not less than 18 inches (457 mm) beside and above the hood and shall extend to the floor below the hood. There shall be no combustible structure below the hood or within 18-inches in any direction, below the hood. Reduced clearances shown on hood tags are not approved.

18.12.040.1 Section 508.1.1 Makeup air temperature, amended.

International Mechanical Code, ~~2015~~ 2021 Edition, Section 508.1.1 Makeup air temperature, is hereby amended to read as follows:

508.1.1 Makeup air temperature. The temperature difference between makeup air and the air in the conditioned space shall not exceed 10°F (6°C) for heating and 15° for cooling except where the added heating and cooling loads or the makeup air do not exceed the capacity of the HVAC system.

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18.12.050 Section 510.4 Independent system, Exception ~~8~~9, added.

International Mechanical Code, ~~2015~~ 2021 Edition, Section 510.4 Independent system, is hereby amended to add Exception ~~8~~9 at the end of the section, to read as follows:

510.4 Independent system.

Exception:

9. Contaminated air shall not be recirculated. Air containing explosive or flammable vapors, fumes or dusts; flammable, highly toxic or toxic gases; or radioactive materials shall be considered to be contaminated.

18.12.060 Section 603.6.1.1 Duct length, amended.

International Mechanical Code, ~~2015~~ 2021 Edition, Section 603.6.1.1 Duct length, is hereby amended to read as follows:

603.6.1.1 Duct length. In commercial Installations Flexible air ducts and connectors shall be limited to ten (10) feet in maximum length.

603.6.1.2 Duct length. In residential Installations flexible duct, if engineered design, the length will be unlimited.

18.12.070 Section 908.6, Drainage, amended.

International Mechanical Code, ~~2015~~ 2021 Edition, Section 908.6, Drainage, is hereby amended to read as follows:

908.6 Drainage. Water from such units shall be discharged into an approved disposal system in accordance with the Plumbing Code. All water supply, waste water and connections shall comply with the requirements of the International Plumbing Code.

908.6.1 All new installations or replacements of water-cooled refrigeration systems 3 H.P. or greater, governed by this Code or the International Plumbing Code, shall be provided with an effective recirculation system.

908.6.2 If an automatic waste system is provided for draining or flushing the system, it shall conform with Chapter 8 of the International Plumbing Code, as amended, and shall be piped to an approved receptacle unless other disposition is authorized by the building official. In no event shall drainage be wasted into or upon the public way.

18.12.080 Section 928, Evaporative cooling, amended.

International Mechanical Code, ~~2015~~ 2021 Edition, Section 928 Evaporative Cooling, is hereby amended to read as follows:

928.1 General. Every evaporative cooler installed system shall comply with these provisions.

928.2.1. No evaporative cooler shall be installed so as to obstruct any required means of egress nor reduce passage of required light and air.

928.2.2. Evaporative cooler installations which extend beyond the exterior line of a structure shall comply with Building Code and Zoning Regulations as to allowable projection and overhead clearance. Evaporative cooler structures which project more than eighteen inches (18") from a building shall maintain a minimum clearance of fourteen feet (14') above areas subject to vehicle traffic.

928.3 Materials of Construction.

928.3.1. All evaporative cooler blowers and cabinets, including pan, corner posts, top and pad frames, shall be constructed of non-combustible materials or approved plastics as defined below. Evaporative pads and interior water circulatory systems need not be of non-combustible materials.

928.3.2 Approved Plastics. Approved plastic or reinforced plastic materials shall be those which are classified as 94-5V in accordance with Underwriters Laboratory Test 94-5V "Vertical Burning Test for Classifying Materials".

928.3.3 Evidence of Compliance. Evidence of compliance with the requirements of Section 926.3.1 to 311.3.2 shall accompany all equipment installed within the City of El Paso.

928.4 Electrical Connections. Electrical components and installations shall conform to the El Paso Electrical Code. The blower motor and water recirculation pump shall be internally protected to shut-off automatically in the event of an electrical overload or excessive temperature. The maximum shut-off temperature shall be: (1) blower motor, 105°C; and (2) pump, 135°C.

928.5 Plumbing Connections. Water connections and materials shall conform to the El Paso Plumbing Code.

928.6 Structural Supports. Evaporative cooler fastenings, including mounts, platforms and frames, shall be of non-combustible material and shall be of sufficient size and strength to meet the requirements of the International Building Code.

928.7 Water Supply.

928.7.1 Bleeder Lines Prohibited. New and replacement evaporative coolers shall not be provided or installed with bleeder lines.

928.7.2 Automatic water draining System Required. An automatic water draining system shall be provided for all evaporative coolers for which the cooler manufacturer requires the use of a bleeder line. The automatic water draining system shall operate on a periodic basis of not less than a 4-hour interval between operation times and shall be capable of fully draining the water from the cooler pan. The automatic draining system shall either discharge into the building drainage system through an indirect waste piping system complying with Section 802 of the International Plumbing Code, as amended, or shall be conducted to the exterior of the building or structure, and shall be discharged so that the effluent is used for

watering landscaping or other outdoor vegetation. In no event shall drainage from coolers be wasted into or upon the public right-of-way.

18.12.090 Appendix A is adopted in its entirety.

International Mechanical Code, ~~2015~~ 2021 Edition, Appendix A, is adopted.

18.12.100 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed as follows: Ordinance No. 014732 dated 12-12-2000 and Ordinance No. 15965 dated 12-14-2004.

SECTION 2. That except as herein amended, Title 18 (Building and Construction), Chapter 18.12 (Mechanical Code) of the El Paso City Code shall remain in full force and effect.

Chapter 18.16 ELECTRICAL CODE

18.16.010 Short title.

This chapter may be cited as the "Electrical Code".

18.16.020 Adoption.

The book entitled "NFPA 70 National Electrical Code," 2020 Edition, a copy of which authenticated by the City Clerk is on file in the City Clerk's Office is adopted as the Electrical Code of the City, as fully as if copied at length in this chapter, but with the changes set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso.

18.16.030 Article 80 Evaporative Coolers, added.

NFPA 70 National Electrical Code, 2020 Edition, Article 80 Evaporative Coolers, is hereby added to read as follows:

80.1 Evaporative Coolers. Evaporative cooler shall have their controls mounted in a metal box. Conductors -to the equipment.

80.2 Controls and Operating Mechanisms. In areas required by the Building Code to be accessible to persons with disabilities, the highest operable part of controls, receptacles and other operable equipment shall be placed within at least of one of the reach ranges specified in this section. Electrical and communications receptacles on walls shall be mounted no less than 15 in (380 mm) above the floor to the bottom of the box.

80.3 Forward Reach. If the clear floor space allows only forward approach to an object, the highest operable part of controls, receptacles and other operable equipment shall be placed not more than 48 in (1220 mm) above finished floor to the top of the box.

80.4 Side Reach. If the clear floor space allows only parallel approach to an object, the highest operable part of controls, receptacles and other operable equipment shall be placed not more than 54 in (1370 mm) above finished floor to the top of the box.

18.16.040 Section 210.70 Lighting Outlets Required (A)(2)(b), amended.

NFPA 70 National Electrical Code, 2020 Edition, Section 210.70 Lighting Outlets Required, (A) Dwelling Units, (2) Additional Locations, (b) is hereby amended to read as follows:

210.70 Lighting Outlets Required, (A) Dwelling Units, (2) Additional Locations (b). For dwelling units, attached garages, and detached garages with electric power, at least one wall switch-controlled lighting outlet shall be installed to provide illumination on the exterior side of outdoor entrances or exits with grade level access. A vehicle door in a garage shall be considered as an outdoor entrance or exit.

18.16.050 Section 210.70 Lighting Outlets Required (A)(3), added.

NFPA 70 National Electrical Code, 2020 Edition, Section 210.70 Lighting Outlets Required, (A) Dwelling Units, (3) Storage or Equipment Spaces, is hereby amended by adding the following sentence at the end of the paragraph:

210.70 Lighting Outlets Required (A) Dwelling Units (3) Storage or Equipment Spaces. Add: An attic shall be considered storage area if it has either a decked area or permanent access ladder.

18.16.060 Section 210.71 Additional Outlets, added.

NFPA 70 National Electrical Code, 2020 Edition, Section 210.70C Additional Outlets, is hereby added to read as follows:

210.70C Additional Outlets. The following receptacle outlets shall be installed, in addition to those required by National Electrical Code, 2020 Edition, Sections 210-50 through 210-70:

(1) On wall areas over work benches, behind bars, serving counters, or other wall spaces where electrical signs or appliances may be used or installed, not less than one (1) receptacle outlet shall be installed for every six (6) feet or major fraction thereof (i.e., the second receptacle outlet shall be located a maximum of (nine) 9 feet from the beginning of the work bench, serving counter or wall space) from the edge measured horizontally along such wall parallel to the floor or ceiling.

(2) In lounges, taverns, bars or other establishments where electrical signs, appliances or similar devices may be placed on or attached to the ceiling, sufficient receptacle outlets shall be installed on the ceilings so that no point on such ceiling is more than twelve (12) feet from a receptacle outlet.

(3) In "mini-warehouse" units or similar storage occupancies designed to be leased or rented individually the following minimum requirements for lights and receptacles shall be provided:

Exterior lighting providing a minimum 2.0 foot-candle illumination at the ground level at the center of the entry door of each unit.

~~**18.16.070 Section 215.13 Wiring Methods for Feeders 600 Volts or Less, added.**~~

~~NFPA 70 National Electrical Code, 2020 Edition, Section 215.13 Wiring Methods for Feeders 600 Volts or Less, is hereby added to read as follows:~~

~~**215.13 Wiring Methods for Feeders 600 Volts or Less.**~~

~~(a) All occupancies: Feeder conductors shall be installed in accordance with the applicable requirements of this Code covering the type of wiring method used and shall be limited to the following methods:~~

~~(1) Rigid metal conduit~~

~~(2) Intermediate metal conduit~~

~~(3) Electrical metallic tubing~~

~~(4) Busways~~

~~(5) Metal wireways~~

~~(6) Rigid non-metallic conduit~~

~~(7) Mineral insulated, metal sheathed cable~~

~~(8) Surface metal raceways~~

~~(9) Cellular metal raceways~~

~~(10) Cable bus~~

~~(11) Flexible metal conduit only where one of the other methods cannot be reasonably installed and only if equipped with the appropriate size equipment ground conductor~~

~~(12) Electrical non-metallic tubing~~

~~(13) Metal clad cable~~

~~(14) Armored cable~~

~~(b) All one-family, two-family or multi-family occupancies:~~

~~(1) All of the wiring methods listed in subparagraph (a) above~~

~~(2) Underground feeder and branch circuit cable~~

~~(3) Service entrance cable~~

~~(4) Non-metallic sheathed cable~~

18.16.080 Reserved.

18.16.090 Section 230.28 Service Masts as Supports, amended.

NFPA 70 National Electrical Code, 2020 Edition, Section 230.28, Service Masts as Supports, is hereby amended to read as follows:

230.28. Service Masts as Supports.

(a) Where a service mast is used for the support of service-drop conductors, it shall be of rigid metal conduit or intermediate metal conduit supported and anchored to safely withstand the strain imposed by the service drop. All mast fittings shall be identified for use with service masts. Only power service-drop conductors shall be permitted to be attached to a service mast.

(b) All other service masts shall be of rigid metal conduit, intermediate metal conduit, or electrical metallic tubing.

~~(c) Service masts shall not extend above the roof more than three (3) feet for dwelling occupancies, nor more than five (5) feet for other occupancies without the prior approval of the building official.~~

~~**18.16.100 Section 230.43 Wiring Methods for 1,000 Volts, Nominal, or Less, amended.**~~

~~NFPA 70 National Electrical Code, 2008 Edition, Section 230.43 Wiring Methods for 600 Volts, Nominal, or Less, is hereby amended to read as follows:~~

~~**230.43 Wiring Methods for 1000 Volts, Nominal, or Less.** Service entrance conductors shall be installed in accordance with the applicable requirements of this Code covering the wiring method used and shall be limited to the following wiring methods:~~

~~(a) Rigid metal conduit~~

~~(b) Intermediate metal conduit~~

~~(c) Electrical metallic tubing~~

~~(d) Busways~~

~~(e) Metal wireways~~

~~(f) Metal auxiliary gutters~~

~~(g) Non-metallic rigid conduit for laterals only~~

~~(h) Flexible metal conduit not over 6 feet (1.83 m) long or liquid tight flexible metal conduit not over 6 feet (1.83 m) long between raceways, or between raceway and service equipment, with equipment bonding jumper routed with the flexible metal conduit or the liquid tight flexible metal conduit according to the provisions of Section 250-102(a), (b), (c) and (e)~~

~~(i) Liquid tight flexible nonmetallic conduit.~~

~~(j) Mineral-insulated, metal-sheathed cable.~~

18.16.110 Section 230.70 General, (A)(1), amended.

NFPA 70 National Electrical Code, 2020 Edition, Section 230.70 General, (A) Location, (1) Readily Accessible Location, is hereby amended to read as follows:

230.70 General. (A) Location, (1) Readily Accessible Location.

(1) Readily Accessible Location.

(a) Services rated 800 amps or less. A load-break rated meter disconnect shall be installed on the exterior of the building or structure adjacent to and not more than five (5) feet from the meter. The service disconnecting means is allowed to meet this requirement if installed in compliance with this proximity requirement and the requirements of the NEC. If the service disconnecting means is located more than five feet from the meter, a separate and additional load-break rated meter disconnect that meets this proximity requirement is required on the supply (line) side of the service disconnecting means.

(b) Services rated over 800 amps. The service disconnecting means shall be located not more than five (5) feet, measured vertically and horizontally, from the point where the service conductors enter the building or structure.

18.16.120 Section 230.70.1 "Six Hand Movement", added.

NFPA 70 National Electrical Code, 2020 Edition, Section 230.70.1, "Six Hand Movement", is hereby added to read as follows:

230.70.1 "Six Hand Movement".

"Six Hand Movement" rule will apply to switches or circuit breakers used to disconnect feeders only. A "main" switch or circuit breaker will be required ahead of any branch circuit overcurrent protection.

~~**18.16.130 Section 250.8 Connection of Grounding and Bonding Equipment, paragraph (A)(6), deleted.**~~

~~NFPA 70 National Electrical Code, 2008 Edition, Section 250.8 Connection of Grounding and Bonding Equipment, paragraph (A)(6) is hereby deleted in its entirety.~~

~~**18.16.140 Section 250.8 Connection of Grounding and Bonding Equipment, (B) Methods Not Permitted, amended.**~~

~~NFPA 70 National Electrical Code, 2020 Edition, Section 250.8 Connection of Grounding and Bonding Equipment, (B) Methods Not Permitted, is hereby amended to read as follows:~~

~~**250.8 Connection of Grounding and Bonding Equipment,** (B) Methods Not Permitted. (1) Connection devices or fittings that depend solely on solder shall not be used. (2) Sheet metal screws shall not be used to connect grounding conductors or connection devices to enclosures.~~

~~**18.16.150 Section 310.2 Conductors, (B) Conductor Material, amended.**~~

~~NFPA 70 National Electrical Code, 2020 Edition, Section 310.2 Conductors, (B) Conductor Material, is hereby amended to read as follows:~~

~~**310.2 Conductors, (B) Conductor Material.** Conductors in this article shall be of aluminum, copper clad aluminum or copper unless otherwise specified.~~

~~Aluminum or copper-clad aluminum conductors shall not be smaller than No. 2 AWG, except a ground conductor which is part of an approved cable assembly shall be not smaller than No. 6 AWG. Aluminum or copper clad conductors shall be used in the connection of stationary or fastened in place equipment. Such branch circuits shall be installed using metal clad cable or other metal raceway. Such conductors shall also be permitted for the connection of accessory structures via overhead cable granted the ampacity of the structure does not exceed the ampacity of the conductor.~~

~~18.16.160 Section 334.10 Uses Permitted (1), (2), (3), (4), (5) amended.~~

~~NFPA 70 National Electrical Code, 2020 Edition, Section 334.10 Uses Permitted, items (1), (2), (3) and (4) are amended to read as follows:~~

~~334.10 Uses Permitted.~~ ~~Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following:~~

~~(1) One- and two-family dwellings.~~

~~(2) Multifamily dwellings.~~

~~18.16.165 Securing and Supporting Non-Metallic Sheath Cable, added.~~

~~NFPA 70 National Electrical Code, 2020 Edition, Section 334.30 Securing and Supporting non-metallic sheathed cable shall be supported and secured by insulated staples, cable ties, straps, hangers, or similar fittings designed and installed so as not to damage the cable, at intervals not exceeding 4.5 feet (1.4 mm) and within 12 inches (300 mm) of every outlet box, cabinet, or fitting. Flat cables shall not be stapled on edge. Sections of cable protected from physical damage by raceway shall not be required to be secured within the raceway~~.

18.16.170 Reserved.

~~18.16.180 Article 382 Nonmetallic Extensions, deleted.~~

~~NFPA 70 National Electrical Code, 2020 Edition, Article 382 Nonmetallic Extensions is hereby deleted in its entirety.~~

~~18.16.190 Article 394 Concealed Knob-and-Tube Wiring, deleted.~~

~~NFPA 70 National Electrical Code, 2020 Edition, Article 394, concealed Knob-and-Tube Wiring, is hereby deleted in its entirety.~~

~~18.16.200 Article 398 Open Wiring on Insulators, deleted.~~

~~NFPA 70 National Electrical Code, 2020 Edition, Article 398, Open Wiring on Insulators is hereby deleted in its entirety.~~

~~**18.16.210 Section 404.10 Mounting of Snap Switches, (A) Surface-Type, deleted.**~~

~~**NFPA 70 National Electrical Code, entirety.**~~

~~**18.16.220 Section 406.8 Receptacles in Damp or Wet Locations (F) Plastic Bubble Type, added.**~~

~~NFPA 70 National Electrical Code, 2020 Edition, Section 406.8 Receptacles in Damp or Wet Locations, is hereby amended to add paragraph (F) Plastic Bubble Type, to read as follows:~~

~~**406.8 Receptacles in Damp or Wet Locations.**~~

~~(F) "Plastic Bubble Type" in-use covers are not permitted.~~

18.16.230 Section 406.8 Receptacles in Damp or Wet Locations (G) Air Condition Equipment, added.

NFPA 70 National Electrical Code, 2020 Edition, Section 406.8 Receptacles in Damp or Wet Locations, is hereby amended to add paragraph (G) Air Condition Equipment, to read as follows:

406.8 Receptacles in Damp or Wet Locations.

(G) Air Condition Equipment.

Receptacles used solely for the maintenance of air condition equipment will not be required to have "In Use" type covers.

18.16.240 Section 410.36 Means of Support (B) Suspended Ceilings, amended.

NFPA 70 National Electrical Code, 2020 Edition, Section 410.36 Means of Support, (B) Suspended Ceilings, is hereby amended to delete the last sentence as follows:

410.36 Means of Support, (B) Suspended Ceilings, Luminaires installed in suspended ceilings shall be securely attached to building structure from above at appropriate levels.

18.16.250 Section 422.12 Central Heating Equipment, amended.

NFPA 70 National Electrical Code, 2020 Edition, Section 422.12 Central Heating Equipment, is hereby amended to read as follows:

422.12 Central Heating Equipment. Central heating equipment other than fixed electric space-heating equipment shall be supplied by an individual branch circuit.

Exception 1: Auxiliary equipment, such as pump, valve, humidifier, or electrostatic air cleaner directly associated with the heating equipment, shall be permitted to be connected to the same branch circuit.

Exception 2: Evaporative coolers may be supplied by the same individual branch circuit supplying the central heating equipment in residential occupancies only, provided the loads are non-coincidental.

18.16.260 Section 590.4 General (K) Temporary Service Poles, added.

NFPA 70 National Electrical Code, 2020 Edition, Section 590.4 General, is hereby amended to add paragraph (K) Temporary Service Poles, to read as follows:

590.4 General.

(K) Temporary Service Poles.

Temporary service poles shall be a minimum of four (4) inch by four (4) inch treated wood posts, or four (4) inch diameter round treated poles securely imbedded in the earth.

18.16.270 Section 600.10 Portable or Mobile Signs, deleted.

NFPA 70 National Electrical Code, 2020 Edition, Section 600.10 Portable or Mobile Signs, is hereby deleted in its entirety.

18.16.280 Section 600.43 Miscellaneous Provisions, added.

NFPA 70 National Electrical Code, 2020 Edition, Section 600.43 Miscellaneous Provisions, is hereby added to read as follows:

600.43 Miscellaneous Provisions.

(A) Sign circuits shall contain a copper grounding conductor deriving from the circuit's supply source; exterior locations shall terminate in a weatherproof box and cover. Taps in metallic raceways shall not be allowed as the grounding means.

(B) All sign installations shall maintain a clearance from adjacent power lines as follows:

Voltage—Line To Ground	H (ft.) Minimum Horizontal Clearance	V (ft.) Minimum Clearance Measured Either Diagonally or Vertically	V (ft.) Over or Under Catwalks Minimum Clearance Measured Either Diagonally or Vertically
Guy Wires and Neutrals	3	3	10.5
0—750 V Supply Cables Meeting Rule 230C2 and 230C3 NESC, 1997	3.5	3.5	11
0—750 V Open Conductors N.E.S.E. Rule 230C2 and 230C3	5.5	6	11.5
750V—22KV	7.5	8	13.5

Notes to table:

1. Signs should never hang over any adjacent power circuits.
2. Voltages are line to ground on a Y-Circuit with multi-ground neutral or between phases on an underground circuit.

18.16.290 Section 725.41 Class 1 Circuit Classifications and Power Source Requirements (C) Transformers for Class 2 and Class 3 low voltage Circuits, added.

NFPA 70 National Electrical Code, 2020 Edition, Section 725.41 Class 1 Circuit Classifications and Power Source Requirements, is hereby amended to add paragraph (C) Transformers for Class 2 and Class 3 low voltage Circuits, to read as follows:

725.41 Class 1 Circuit Classifications and Power Source Requirements.

(C) Transformers for Class 2 and Class 3 low voltage Circuits.

(1) Transformers for Class 2 and Class 3 low voltage circuits shall be accessible.

(2) Transformers for Class 2 and Class 3 low voltage circuits shall be installed in accordance with their listing.

18.16.300 Errata, adopted.

Errata to the 2020 NEC Code issued by the National Fire Protection Association is hereby adopted and shall become part of this Code.

18.16.310 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed as follows: Ordinance No. 014308, 12-14-1999 and Ordinance No. 15900, 09-28-2004.

SECTION 2. That except as herein amended, Title 18 (Building and Construction), Chapter 18.16 (Electrical Code) of the El Paso City Code shall remain in full force and effect.

Chapter 18.20 – PLUMBING CODE

18.20.010 Short title.

This chapter may be cited as the "Plumbing Code."

18.20.020 Adoption.

The book entitled "International Plumbing Code," 2021 Edition, a copy of which authenticated by the city clerk is on file in the city clerk's office, is adopted as the Plumbing Code of the city, as fully as if copied at length in this chapter, but with the changes set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso.

18.20.020.1 Reserved.

18.20.030 Section 312.10.3 Backflow Inspection Records, added.

International Plumbing Code, 2021 Edition, Section 312.10.3 Backflow Inspection Records, is hereby added to read as follows:

312.10.3 Backflow Inspection Records. Records of inspections, tests and maintenance of the backflow assemblies shall be kept and made available to the building official upon request and to the El Paso Water Utilities in accordance with the rules and regulations of the public service board. Records shall indicate the procedure performed (inspection, test or maintenance), the organization that performed the work, the results and the date. Records shall be maintained by the owner, tenant or responsible person.

18.20.040 Section 403.3 Required public toilet facilities, exception added.

International Plumbing Code, 2021 Edition, Section 403.3 Required public toilet facilities, is hereby amended to add the following exception at the end of the section:

Exception: Small tenancies and areas located in stand-alone buildings or tenancies. Customers, patrons, visitors and employees need not be provided with public toilet facilities in small tenancies located in stand-alone buildings, structures or facilities when all of the following conditions are met:

1. The gross floor area of the tenancy does not exceed 200 square feet; and

2. The building, or structure is not used for the preparation, storage handling and sale of potentially hazardous food as defined in the Texas Food Establishment Rules of the Texas Department of State Health Services; and

3. Toilet facilities are provided elsewhere on the same site within 200 lineal feet of travel distance from the exempted tenancy; and

4. The site is provided with the minimum number of facilities required by International Plumbing Code, 2015 Edition, Section 403 and Table 403.1, and the owner or tenant in control of the toilet facilities required in condition 3, shall furnish to the building official a written and notarized statement that customers, visitors, patrons and employees of the exempted tenancy will have access to and use of these facilities; and structures used for the preparation, storage, handling and sale of food shall be connected to a water supply and provided with utensil and hand washing facilities as required by Title 9.12 of the City Code.

18.20.050 Section 412.5 Floor drains in mechanical rooms and boiler rooms, added.

International Plumbing Code, 2021 Edition, Section 412.5 Floor drains in mechanical rooms and boiler rooms is hereby added to read as follows:

Mechanical equipment rooms, boiler rooms and all similar equipment rooms shall have an approved floor drain for disposing of accumulation of liquid wastes incident to cleaning or recharging such equipment. Such floor drains shall be equipped with an approved trap priming or trap seal device as required in IPC Section 1002.4.

18.20.060 Section 417.5.3 Shower receptor, added.

International Plumbing Code, 2021 Edition, Section 417.5.3 Shower Receptor, is hereby added to read as follows:

421.5.1.1Shower Receptor. Shower receptors shall have a finished curb, dam or threshold not less than one (1) inch below the sides and back of the receptor. The curb shall be not less than two (2) inches nor more than nine (9) inches in depth when measured from the top of the curb to the top of the drain. The finished floor shall slope uniformly toward the drain not less than one-fourth (¼) inch per foot nor more than one-half (½) inch, and floor drains shall be flanged to provide a watertight joint in the floor.

421.5.2Shower Linings. All shower receptors shall be provided with an approved lining, except as noted herein. The adjoining walls and floors, enclosing field-constructed shower receptors shall be lined with copper or other approved materials listed in this Code, extending not less than three (3) inches beyond or around the rough jambs and not less than three (3) inches above finished thresholds. Recessed shower compartments need not be lined, provided the compartment is formed of concrete, is recessed a minimum of four (4) inches below the adjacent floor level, and the concrete is not less than three and one-half (3½) inches thick with an ultimate compressive strength of not less than two thousand (2000) pounds per square inch.

421.3 Shower Waste Outlet An approved flanged drain shall be installed with shower sub-pans or linings. The flange shall be flush with the sub-base and be equipped with a clamping ring or other device to make a water-tight connection between the lining and the drain. The flange shall have weep holes to ensure constant drainage of water to sanitary drainage system. Shower receptacle waste outlets shall be not less than two (2) inches in diameter and shall have a removable strainer.

18.20.070 Section 604.8.3 Accessibility, added.

International Plumbing Code, 2021 Edition, Section 604.8.3 Accessibility, is hereby added to read as follows:

604.8.3 Accessibility. Installation shall be such as to make the regulator accessible without excavating or removing permanent structural or finished portions of the structure.

18.20.080 Reserved.

18.20.090 Reserved.

18.20.100 Section 605.4 Water Distribution Pipe, amended.

International Plumbing Code, 2021 Edition, Section 605.4 Water distribution pipe, is hereby amended to read as follows:

605.4 Water distribution pipe. Water distribution pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.4 Copper or copper alloy tubing used in

inaccessible water distribution piping under slabs shall be minimum Type L. Any material subject to corrosion shall be protected when used in corrosive soils. All hot water distribution pipe and tubing shall have a minimum pressure rating of 100 psi at 180°F.

18.20.110 Section 608.16.5, Connections to lawn irrigation systems, amended.

International Plumbing Code, 2021 Edition, Section 608.16.5, Connections to lawn irrigation systems, is hereby amended to read as follows:

608.16.5 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a pressure-type vacuum breaker or a reduced pressure principle backflow-preventer. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow-preventer.

18.20.120 Section 701.2 Sewer required, amended.

International Plumbing Code, 2021 Edition, Section 701.2, Sewer required, is hereby amended to read as follows:

701.2 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer.

Exception: When a public sewer is not available within 300 feet of the property, an individual or private sewage disposal system may be utilized provided that such system is designed, installed and maintained in accordance with the requirements of Chapter 18.21 of the City Code.

18.20.130 Reserved.

18.20.140 Reserved.

18.20.150 Reserved.

18.20.160 Section 708.1.3 Building drain and building sewer junction, amended.

International Plumbing Code, 2021 Edition, Section 708.1.3, Building drain and building sewer junction, is hereby amended to read as follows:

708.1.3 Building drain and building sewer junction. There shall be a cleanout near the junction of the building drain and the building sewer. The cleanout shall be outside the building and shall be brought up to the finished ground level within ten (10) feet of the structure. An approved two-way cleanout is allowed as an alternative at this location to serve as a required cleanout for both the building drain and building sewer.

18.20.170 Section 802.1.9 Condensate and Evaporative Cooler Waste, added.

International Plumbing Code, 2021 Edition, Section 802.1.9 Condensate and Evaporative Cooler Waste, is hereby added to read as follows:

802.1.9 Condensate and Evaporative Cooler Waste. Waste from evaporative cooler's automatic water draining systems and condensate from air conditioner units, shall discharge into the building drainage system through an indirect waste line or discharged so that the effluent is used for watering landscaping or other vegetation.

18.20.170.1 Section 903.1.1 amended.

903.1.1 Roof extension. Open vent pipes that extend through a roof shall be terminated not less than 12 inches above the roof.

18.20.180 Section 1003.3.1.1 No water-jacketed grease trap, added.

International Plumbing Code, 2021 Edition, Section 1003.3.1.1 No water-jacketed grease trap, is hereby added to read as follows:

1003.3.1.1 No water-jacketed grease trap. No water-jacketed grease trap or grease interceptor shall be approved or installed.

18.20.190 Table 1003.3.5.1 Capacity of Grease Interceptors, amended.

International Plumbing Code, 2021 Edition, Table 1003.3.5.1 Capacity of Grease Interceptors, is hereby amended to read as follows:

Table 1003.3.5.1
Capacity of Grease Traps

Total Flow-Through Rating (gpm)	Grease-Retention Capacity (pounds)
20 or less	40
25	50
35	70
50	100

18.20.200 Section 1003.5 Sand interceptors in commercial establishments, amended.

International Plumbing Code, 2021 Edition, Section 1003.5 Sand interceptors in commercial establishments, is hereby amended to read as follows:

1003.5 Sand Interceptors in Commercial Establishments. Sand and similar interceptors or traps for heavy solids shall have a water seal of not less than six (6) inches. Traps shall have a minimum of two compartments. Each compartment shall be a minimum of 30 inches by 30 inches with a minimum depth of three (3) feet, covered with a removable grating that will allow the free entrance of waste. Trap walls and bottom shall be of concrete made watertight.

Exception: Sand traps are not required in commercial facilities containing less than 4 washing machines.

1003.5.1. Waste Line shall be a minimum of four (4) inches for uses other than residential swimming pools in which case the waste line may be three (3) inches. Outlet pipe shall leave the trap at a point not less than six (6) inches nor more than twelve (12) inches above

the bottom and must rise vertically outside to the top of the trap where a properly sized cleanout shall be provided and formed by an inverted wye (y) so installed that the point of intersection of the wye (y) branches shall form the seal. Such seal shall be no less than twelve (12) inches in depth.

1003.5.2. Sand Traps installed within thirty (30) feet from a 3 or 4 inch stack shall have a (2) inch vent; sand traps installed over thirty (30) feet from a 3 or 4 inch stack shall have a three (3) inch vent.

18.20.220 Appendix B is adopted in its entirety.

18.20.222 Appendix C is adopted in its entirety.

18.20.224 Appendix D is adopted in its entirety.

18.20.226 Appendix E is adopted in its entirety.

18.20.230 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

18.20.240 Section 603.1.1 Protection of Water Service Entrance, added.

International Plumbing Code, 2021 Edition, Section 603.1.1 Protection of Water Service Entrance is hereby added to read as follows:

603.1.1 Protection of Water Service Entrance. Water service entrance and risers to all structures shall be on the heated side of a conditioned space.

18.20.250 Section 603.1.2 Plumbing within exterior walls, added.

International Plumbing Code, 2021 Edition, Section 603.1.2 Plumbing within exterior walls is hereby added to read as follows:

603.1.2 Plumbing within exterior walls. Placement of plumbing within exterior walls is prohibited unless the walls are at minimum, 2 by 6 walls and adequate provision is made to protect such pipes from freezing in accordance with Section 305.6 of the International Plumbing Code. Placement of water lines in ceiling areas is prohibited unless the water lines are placed on the warm side with a minimum of 10 inch insulation on the exterior/roof side of the structure.

Exceptions:

a. A service entrance may enter a non-conditioned space provided that the riser/service entrance is within an approved, heated valve protective enclosure also known as a "hot box", or

b. Cross linked polyethylene, also known as PEX, or approved equal, is used as the service entrance material, and

c. Any hose bibs installed shall be freeze proof.

18.20.260 Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provision of this chapter are hereby repealed.

SECTION 2. That except as herby amended, Title 18 (Building and Construction), Chapter 18.20 (Plumbing Code) of the El Paso City Code shall remain in full force and effect.

Chapter 18.24 – GAS CODE

18.24.010 Short title.

This chapter may be cited as the "Gas Code."

18.24.020 Adoption.

The book entitled "International Fuel Gas Code," 2021 Edition, a copy of which authenticated by the city clerk is on file in the city clerk's office, is adopted as the Gas Code of the city, as fully as if copied at length in this chapter, but with the changes set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso.

18.24.030 Reserved

18.24.040 Section 311 Accessible and acceptable location, added.

International Fuel Gas Code, 2021 Edition, Section 311 Accessible and Acceptable Location, is hereby added to read as follows:

311 Accessible and Acceptable Location. A meter location, when required, shall be provided for the building or premises to be served. The location shall be such that the meter and connections are accessible in order that they may be read or changed. Space requirements, dimensions, and type of installation shall be acceptable to the gas company. Meter location will be determined by the utility company in conformance with their service franchise.

18.24.050 Section 401.2 Liquefied petroleum gas storage, amended.

International Fuel Gas Code, 2021 Edition, Section 401.2, Liquefied petroleum gas storage, is hereby amended to read as follows:

401.2 Liquefied petroleum gas. The storage system for liquefied petroleum gas shall be designed, installed and an operational permit obtained, in accordance with the Fire Code.

Exception: Liquefied petroleum gas system shall not be installed in Group R1, R2, R3 and R4 occupancies when a natural gas utility supply pipe is available within 1,000 feet of the buildings.

18.24.060 Reserved.

18.24.070 Section 406.4 Test pressure measurement, amended.

International Fuel Gas Code, 2021 Edition, Section 406.4 Test pressure measurement, is hereby amended to read as follows:

406.4 Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater that two (2) times the test pressure. Tests requiring a pressure of 10 psi or less shall utilize a testing gauge having increments of 0.20 psi or less. Tests requiring a pressure greater than 10 psi but less than or equal to 100 psi shall utilize a testing gauge having increments of 1 psi or less. Tests requiring a pressure of greater than 60 psi shall utilize a testing gauge having increments of 2 psi or less.

18.24.080 Section 406.4.1. Test pressure, Low Pressure Gas Piping, added.

International Fuel Gas Code, 2021 Edition, Section 406.4.1 Test pressure, Low Pressure Gas Piping is hereby added to read as follows:

406.4.1.1 Test pressure. Low pressure gas piping shall withstand a pressure of at least 10 psi or 16 inches of mercury. Higher pressure gas piping shall withstand a pressure of at least 60 psi on a clock gauge with a printed record chart. For the purposes of this section, "low pressure" shall mean pressure equal to or less than 0.5 psi.

18.24.090 Section 406.4.2 Test duration, amended.

International Fuel Gas Code, 2021 Edition, Section 406.4.2 Test duration, is hereby amended to read as follows:

406.4.2 Test duration. Test duration shall be not less than 15 minutes for low pressure gas piping and not less than 4 hours for higher pressure gas piping.

18.24.100 Section 406.4.3 Manufactured homes, added.

International Fuel Gas Code, 2021 Edition, Section 406.4.3 Manufactured homes, is hereby added to read as follows:

406.4.3. Manufactured Homes. Appliance installations in manufactured housing meeting the requirements of the Texas Manufactured Housing Standards Act, or in industrialized housing or industrialized buildings meeting the requirements of the Texas Industrialized Housing and Building Act or bearing the Federal Compliance Plate (ANSI-A119.1), including the appliance connections and the fuel gas piping system, shall not be subject to

the provisions of this Code except for the-test provisions of International Fuel Gas Code, Section 406.

18.24.110 Section 417 Over 1-psi gas piping, added.

International Fuel Gas Code, 2021 Edition, Section 417 Over 1-psi gas piping, is hereby added to read as follows:

Section 417

OVER 1-PSI GAS PIPING

417.1 Scope and Responsibility. Under this section appear additional fundamental requirements for the installation of consumer gas piping system using over 1-psi gas pressure. Responsibility for observing these requirements shall rest with the installing agency.

417.2 Requirements. The requirements of the Gas Code are applicable to over 1-psi gas piping installations except as such requirements are modified in this chapter. Over 1-psi gas piping systems designed in accordance with this chapter and other requirements of this Code are intended for use where the building service regulator has been set to deliver gas at over 1-psi.

417.3 Over 1-PSI Piping System. Systems designed for over 1-psi gas pressure downstream of the meter shall adhere to all requirements of this Code, of the Gas Utility, and as follows:

1. Drawings and calculations, including site plan and gas piping diagrams shall be submitted to the Gas Utility for approval.

2. The gas pressure shall be regulated to ounces before entering any building or structure, unless otherwise approved by the Gas Utility.

3. All underground lines and above-ground lines within six (6) inches of the ground shall be of wrapped steel. Joints in underground lines and above-ground lines within six (6) inches of the ground shall be welded. Approved plastic pipe may be installed underground, outside buildings, without wrapping.

4. All above-ground lines installed more than six (6) inches above the ground inside buildings shall be of wrapped or bare steel and shall use only welded pipe joints.

5. Gas lines, located outside buildings, and more than 6 inches above ground and operating at up to 5-psi pressure may be installed with approved threaded joints.

18.24.112 Appendix A – Sizing and Capacities of Gas Piping, is adopted in its entirety.

18.24.114 Appendix B – Sizing of venting systems serving appliances equipped with draft hoods, Category I appliance and appliance listed for use with Type B vents, is adopted in its entirety.

18.24.116 Appendix C – Exit terminals of mechanical draft and direct-vent venting systems, is adopted in its entirety.

18.24.118 Appendix D – Recommend procedure for safety inspection of an existing appliance installation, is adopted in its entirety.

18.24.120 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

SECTION 2. That except as herby amended, Title 18 (Building and Construction), Chapter 18.24 (Gas Code) of the El Paso City Code shall remain in full force and effect

Chapter 18.28 – EXISTING BUILDING CODE

18.28.010 Short title.

This chapter may be cited as the "Existing Building Code."

18.20.020 Adoption.

The book entitled "International Existing Building Code" 2021 Edition, a copy of which authenticated by the city clerk is on file in the city clerk's office, is adopted as the Existing Building Code of the city, as fully as if copied at length in this chapter. but with the changes set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso.

18.28.030 Reserved

18.28.040 Reserved

18.28.050 Reserved

18.28.060 Reserved

18.28.070 Reserved

18.28.080 Reserved

18.28.090 Reserved

18.28.100 Reserved

18.28.110 Reserved

18.28.120 Reserved

18.28.130 Section 1012 Energy, added.

International Existing Building Code, 2021 Edition, Section 1012 Energy, is hereby amended to add an exception to read as follows:

> **1012 Energy.** Buildings forty years or older undergoing a change in occupancy that would result in an increase in demand for either fossil fuel or electrical energy do not need to comply with the International Energy Conservation Code.

18.28.140 Section 612 Compliance with the Vacant Premises/Building Code, added.

International Existing Building Code, 2021 Edition, Section 902.3 612 Compliance with the Vacant Premises/Building Code, is hereby added to read as follows:

> **902.3.612 Compliance with the Vacant Premises/Building Code.** Where the character or use of an existing building or part of an existing building is identified as a vacant building/area in accordance with 18.40 of the El Paso City Code, commonly referred to as the Vacant Premises/Building Code, the building shall then comply with all of the applicable requirements of the Vacant Building Code.

18.28.150 Section 701.1 Scope, amended.

International Existing Building Code, 2021 Edition, Section 701 Scope, is hereby amended to add the following:

> **701.1 Scope.** Level 1 alterations as described in Section 602, shall comply and include, the removal and replacement or the covering of existing materials, elements, equipment, or fixtures using new materials, elements, equipment, or fixtures that serve the same purpose, as well as alterations described in Level 2 where change of use does not affect occupant load. Level I alterations shall comply with the requirements of Chapter 7. Level 1 alterations to historic buildings shall comply with this chapter, except as modified in Chapter 12.

18.28.160 Reserved

18.28.170 Section 803.4.3 Fire sprinkler system supplemental installation requirements, added.

International Existing Building Code, 2021 Edition, Section 803.4.3 Fire sprinkler system supplemental installation requirements, is hereby added to read as follows:

> **803.4.3 Fire sprinkler system supplemental installation requirements.** Where the work area in a building is required to be provided with automatic sprinkler protection in

accordance with the International Building Code, an approved water supply riser pipe and stub out shall be installed as a component of the automatic sprinkler system to allow for future distribution and interconnection of an automatic sprinkler system to other work areas above and below the present work area.

Exception: If the Fire Code official determines that it is technically infeasible to design and install an automatic sprinkler system, work areas shall be protected throughout all occupiable spaces by an automatic fire detection system that activates the occupant notification system in accordance with the International Building Code.

18.28.180 Section 804.2.6 Fire wall alternative, added.

International Existing Building Code, 2021 Edition, Section 804.2.6 Fire wall alternative, is hereby added to read as follows:

804.2.6 Fire wall alternative. In other than Groups H, F-1 and S-1, fire barriers and horizontal assemblies constructed in accordance with the International Building Code shall be permitted to be used in lieu of fire walls to subdivide the building into separate buildings for the purpose of complying with the area limitations required for the new occupancy where all of the following conditions are met:

1. The buildings are protected throughout with an automatic sprinkler system in accordance with the International Fire Code.

2. The maximum allowable area between fire barriers, horizontal assemblies, or any combination thereof shall not exceed the maximum allowable area determined in accordance with Chapter 5 of the International Building Code without an increase allowed for an automatic sprinkler system in accordance with Section 506 of the International Building Code.

3. The fire-resistance rating of the fire barriers and horizontal assemblies shall not be less than that specified for fire walls in Table 706.4 of the International Building Code.

Exception: Where horizontal assemblies are used to limit the maximum allowable area, the required fire resistance rating of the horizontal assemblies shall be permitted to be reduced by 1 hour provided the height and number of stories increases allowed for an automatic sprinkler system by Section 504.2 of the International Building Code are not used for the buildings.

18.28.190 Section 806.4.2 Kitchens, amended.

International Existing Building Code, 2021 Edition, Section 806.4.2 Kitchens, is hereby amended to read as follows:

806.4.2Kitchens. Kitchens shall have a minimum of three separate and remote duplex receptacle outlets.

18.28.200 Section Reserved.

18.28.220 Appendix A, Guidelines for the Seismic Retrofit of Existing Buildings, adopted.

International Existing Building Code, 2021 Edition, Appendix A, Guidelines for the Seismic Retrofit of Existing Buildings, is hereby adopted in its entirety.

18.28.230 Appendix B Supplementary Accessibility Requirements for Existing Buildings and Facilities, adopted.

International Existing Building Code, 2021 Edition, Appendix B Supplementary Accessibility Requirements for Existing Buildings and Facilities, is hereby adopted in its entirety.

18.28.240 Appendix C Guidelines for the Wind Retrofit of Existing Buildings is hereby adopted.

International Existing Building Code, 2021 Edition, Appendix C Guidelines for the Wind Retrofit of Existing Buildings is hereby adopted in its entirety.

18.28.250 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

Chapter 18.30 – POOL AND SPA CODE

18.30.010 Short title.

This chapter may be cited as the "Pool and Spa Code."

18.30.020 Adoption.

The book entitled "International Swimming Pool and Spa Code, 2021 Edition, a copy of which authenticated by the City Clerk is on file in the City Clerk's Office, is adopted as the Pool & Spa Code of the City.

18.30.030 Chapter 1, Scope and Administration.

18.30.040 Chapter 2, Definitions.

18.30.050 Chapter 3, General Compliance.

International Swimming Pool and Spa Code, 2021 Edition, Section 306.10 Deck width, is hereby added to read as follows:

310.6 Deck width. Residential pools and spas shall be provided with a three-foot-wide, slip resistant, perimeter deck surrounding at least sixty-five percent of the swimming pool or spa

18.30.060 Chapter 4, Public Swimming Pools.

18.30.070 Chapter 5, Public Spas and Public Exercise Spas.

18.30.080 Chapter 6, Aquatic Recreation Facilities.

18.30.090 Chapter 7, On-ground Storable Residential Swimming Pools.

18.30.100 Chapter 8, Permanent In-Ground Residential Pools.

18.30.110 Chapter 9, Permanent Residential Spas and Permanent Residential Exercise Spas.

18.30.120 Chapter 10, Portable Residential Spas and Portable Residential Exercise Spas.

18.30.130 Chapter 11, Referenced Standards.

18.30.140 Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provision of this chapter are hereby repealed.

SECTION 2. That except as herby amended, Title 18 (Building and Construction), Chapter 18.30 (Pool and Spa Code) of the El Paso City Code shall remain in full force and effect.

Chapter 18.10 – PROPERTY MAINTENANCE CODE

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," 2021 Edition, a copy of which authenticated by the city clerk is on file in the city clerk's office, is adopted as the Property Maintenance Code of the city, as fully as if copied at length in this chapter, but with the amendments set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso.

18.50.025 Section 102.7 Applicability.

102.7 Historic Buildings. Replaced:

The provisions of this code shall be mandatory for existing buildings or premises designated or determined to be of historic value by the Historic Preservation Office.

18.50.026 – Section 103 – Code Compliance Agency, amended

Section 103 – Code Compliance Agency, Replaced: Section 103 – Division of Property Maintenance & Zoning with Planning & Inspections Department.

18.50.027-Section 111.2-Closing of vacant structures.

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up within reasonable time specified so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

18.50.028 – Section 111.2.1 – Authority to disconnect service utilities, amended.

International Property Maintenance Code, 2021 Edition, Section 111.2.1 Authority to disconnect service utilities, is hereby amended to read as follows:

111.2.1 Authority to disconnect service utilities. Authority to disconnect service utilities shall be identified in accordance with the requirements of Chapter 18.02.111.10 of the City Code**.**

18.50.030 Section 202 General Definitions, amended.

International Property Maintenance Code, 2021 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.

HISTORIC BUILDING.

Item 4. A building, object, site or structure that is forty-five years or older and is determined by the Historic Landmark Commission to be of historical, cultural, architectural or archaeological importance, and where demolition or destruction would constitute a loss to the quality and character of El Paso.

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

OVERLAY ZONING DISTRICT. A district established by ordinance to prescribe special regulations to be applied to a site in combination with the underlying or base district.

REASONABLE TIME. The term “reasonable time” shall have a meaning of 14 calendar days

STREET FRONTAGE. The length of the elevation or façade of a structure facing a public street or parking area, including main and any secondary public access to the structure. Structures on corner lots will be 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.

STREET FACADE. The elevation of the structure facing or abutting a public street including the main public access or entry to the structure.

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

VACANT PREMISES. A structure having vacant or unoccupied floors, suites, and/or tenant spaces

18.50.040 Section 301.1 Scope, amended.

International Property Maintenance Code, 2021 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, 2021 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.

18.50.055 – Section 302.3 – Sidewalks and Driveways, amended.

International Property Maintenance Code, 2021 Edition, Section 302.3 Sidewalks and Driveways, is hereby amended to read as follows:

302.3 Sidewalks and Driveways shall be in accordance with the requirements of Chapter 13.04.050 & 13.12.220 of the City Code for maintenance of sidewalks and driveways

18.50.060 Section 302.4 Weeds, amended.

International Property Maintenance Code, 2021 Edition, Section 302.4 Weeds, is hereby amended to read as follows:

302.4 Weeds, Trash, Rubbish and other Matter. All premises and exterior property shall be maintained free from weeds or plant growth in accordance with Chapter 9.04 of the City Code.

18.50.065 - Section 302.8 Motor vehicles, amended.

International Property Maintenance Code, 2021 Edition, Section 302.8 Motor vehicles, is hereby amended to read as follows:

302.8 Motor Vehicles shall be in accordance with the requirements of Chapter 9.08 of the City Code**.**

18.50.070 Section 304.3 Premises identification, amended.

International Property Maintenance Code, 2021 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 Chapter 18.08 or 18.10 of the City Code.

18.50.080 Section 304.14 Insect screens, amended.

International Property Maintenance Code, 2021 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.

18.50.081 - Section 308.1 Accumulation of rubbish or garbage, amended.

International Property Maintenance Code, 2021 Edition, Section 308.1 Accumulation of rubbish or garbage, is hereby amended to read as follows:

308.1 Accumulation of rubbish or garbage shall be in accordance with the requirements of Chapter 9.04 of the City Code.

18.50.082 - Section 308.2 Disposal of rubbish, amended.

International Property Maintenance Code, 2021 Edition, Section 308.2 Disposal of rubbish, is hereby amended to read as follows:

308.2 Disposal of rubbish shall be in accordance with the requirements of Chapter 9.04 of the City Code

18.50.083 - Section 308.2.1 Rubbish storage facilities, amended.

International Property Maintenance Code, 2021 Edition, Section 308.2.1 Rubbish storage facilities, is hereby amended to read as follows:

308.2.1 Rubbish storage facilities shall be in accordance with the requirements of Chapter 9.04 of the City Code.

18.50.084 - Section 308.2.2 Refrigerators, amended.

International Property Maintenance Code, 2021 Edition, Section 308.2.2 Refrigerators, is hereby amended to read as follows:

308.2.2 Refrigerators shall be in accordance with the requirements of Chapter 10.24.030 of the City Code.

18.50.085 - Section 308.3 Disposal of garbage, amended.

International Property Maintenance Code, 2021 Edition, Section 308.3 Disposal of garbage, is hereby amended to read as follows:

308.3 Disposal of garbage shall be in accordance with the requirements of Chapter 9.04 of the City Code.

18.50.086 - Section 308.3.1 Garbage facilities, amended.

International Property Maintenance Code, 2021 Edition, Section 308.3.1 Garbage facilities, is hereby amended to read as follows:

308.3.1 Garbage facilities shall be in accordance with the requirements of Chapter 9.04 of the City Code

18.50.087 - Section 308.3.2 Containers, amended.

International Property Maintenance Code, 2021 Edition, Section 308.3.2 Containers, is hereby amended to read as follows:

308.3.2 Containers shall be in accordance with the requirements of Chapter 9.04 of the City Code.

18.50.090 Section 310 Additional requirements for vacant structures/premises, added.

International Property Maintenance Code, 2021 Edition, Section 310 Additional requirements for vacant structures/premises, is hereby added to read as follows:

Section 310 Additional requirements for vacant structures/premises.

310.1 Street façade/frontage windows and doors. On the street façade/frontage, the exterior surface of any window shall not be covered by any substance or adhesive material sprayed, painted or otherwise applied to the windows. All street façade/frontage windows and doors having cracked, broken or missing glass or glazing material shall be repaired and replaced with glass and glazing material in a manner compatible with the original design of the structure.

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 are limited to the first floor, or must present an aesthetically unified façade/frontage design and must comply with the boarding standards represented in the International Property Maintenance Code Appendix A.

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. Artistic panels shall not be applied to windows or doors on occupied floors. All windows and doors shall be maintained and secured to prevent unauthorized entry.

310.3 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 being the more restrictive shall govern.

18.50.100 Section 501.1 Scope, amended.

International Property Maintenance Code, 2021 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.

18.50.120 Section 601.1 Scope, amended.

International Property Maintenance Code, 2021 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.

18.50.121 - Section 602.2 Residential occupancies, amended.

International Property Maintenance Code, 2021 Edition, Section 602.2 Residential occupancies, is hereby amended to read as follows:

602.2 Residential occupancies shall be identified in accordance with the requirements of Chapter 18.10.060-Section R303.9 Required heating of the City Code.

18.50.122 - Section 602.3 Heat Supply, amended.

International Property Maintenance Code, 2021 Edition, Section 602.3 Heat Supply, is hereby amended to read as follows:

602.3 Heat Supply shall be in accordance with the requirements of Chapter 18.10.060 and 18.08.170 of the City Code.

18.50.123 - Section 602.4 Occupiable work spaces, amended.

International Property Maintenance Code, 2021 Edition, Section 602.4 Occupiable work spaces, is hereby amended to read as follows:

602.4 Occupiable work spaces shall be in accordance with the requirements of Chapter 18.08.170 of the City Code.

18.50.124 - Section 602.5 Room temperature measurement, amended.

International Property Maintenance Code, 2021 Edition, Section 602.5 Room temperature measurement, is hereby amended to read as follows:

602.5 Room temperature measurement shall be identified in accordance with the requirements of Chapter 18.10.060 and 18.08.170 of the City Code

18.50.130 Section 605.2 Receptacles, added.

International Property Maintenance Code, 2021 Edition, Section 605.2 Receptacles, is hereby amended to read as follows:

605.2 Receptacles. Added.

Every new 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, 2021 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. Pool and spa luminaires over 15 volt shall have ground fault circuit interrupter protection.

18.50.150 Section 701.1 Scope, amended.

International Property Maintenance Code, 2021 Edition, Section 701.1 Scope, is hereby amended to read as follows:

701.1 Scope. The provisions of this chapter 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, 2021 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, 2021 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.

18.50.180 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

SECTION 2. That except as herein amended Title 18 (Building and Construction), Chapter 18.50 (Property Maintenance Code) of the El Paso City Code shall remain in full force and effect.

Chapter 18.60 – FLOOD DAMAGE PREVENTION CODE

Chapter 18.60 FLOOD DAMAGE PREVENTION*

Article I. Statutory Authorization—Findings of Fact—Purpose—Methods

18.60.010 Statutory authorization.

The Legislature of the State of Texas has, in the Flood Control and Insurance Act (Article 16.311, V.T.C.A., Water Code), delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council of the city does adopt this chapter.

18.60.020 Findings of fact.

A. The flood hazard areas of El Paso are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

18.60.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

E. Help provide information regarding flood-prone areas to the public.

18.60.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter uses the following methods:

A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

D. Control filling, grading, dredging and other development which may increase flood damage;

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Article II. Definitions

18.60.050 Generally.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

18.60.060 Flood control definitions.

As used in this chapter:

"Alluvial fan flooding" means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition and unpredictable flow paths.

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provisions of this chapter or a request for a variance in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Appurtenant structure" means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

"Area of future conditions flood hazard" means the land area that would be inundated by the one-percent-annual chance (100 year) flood based on future conditions hydrology.

"Area of shallow flooding" means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

"Base flood" means the flood having a one-percent chance of being equaled or exceeded in any given year.

"Base flood elevation (BFE)" means the computed elevation to which floodwater is anticipated to rise during the base flood. Base flood elevations (BFEs) are shown on flood insurance rate maps (FIRMs) and on flood profile.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Critical feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised aboveground level by foundation walls, shear walls, posts, piers, pilings or columns.

"Existing construction" means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

"Existing manufacture home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the

manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;

2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" see "Flood elevation study" as the definition.

"Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of flooding).

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and for which improvements have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodway (regulatory floodway)" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Floodway" see "Regulatory floodway."

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers,

and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Habitable floor" means any floor usable for the following purposes which include working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor."

"Highest adjacent grade" means the highest, natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the national register of historic places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the national register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
    a. By an approved state program as determined by the Secretary of the Interior, or
    b. Directly by the Secretary of the Interior in states without approved programs.

"Levee" means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

"Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of floodplain management regulation adopted by community and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision or which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

"Recreational vehicle" means a vehicle which is (i) built on a single chassis; (ii) four hundred square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special flood hazard area" see "Area of special flood hazard."

"Start of construction," (for other than new construction or substantial improvements under the Coastal Barrier Resources Act [Pub. L. 97-348]), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, additional placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of building.

"Structure" means, for floodplain management purposes, a walled and roofed building including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Article III. General Provisions

18.60.070 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city.

18.60.080 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report, entitled "The Flood Insurance Study for the City of El Paso," (FIS), with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) utilizing the most current effective documents and any revisions thereto, are adopted by reference and declared to be a part of this chapter.

18.60.090 Establishment of development permit.

Development permits shall be used to ensure conformance with the provisions of this chapter.

18.60.100 Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

18.60.110 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

18.60.120 Interpretation.

In the interpretation and application of this chapter, all provisions shall be (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

18.60.130 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Article IV. Administration

18.60.140 Designation of the floodplain administrator.

The city manager shall designate a Texas licensed professional engineer as the floodplain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program regulations) pertaining to floodplain management.

18.60.150 Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

A. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter;

B. Review permit applications to determine whether proposed building sites will be reasonably safe from flooding;

C. Review, approve or deny all applications for development permits required by adoption of this chapter;

D. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334) from which prior approval is required;

E. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretation;

F. Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Texas Department of Water Resources, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

G. Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained;

H. When base flood elevation data has not been provided in accordance with Section 18.60.080, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of this chapter;

I. When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community;

J. Maintain surveillance over the operational and maintenance condition of the flood control system to ensure its safe and effective functioning; notify the street director of any required maintenance and/or repair work;

K. Conduct an annual inspection of the flood control system and provide a written inspection report, including an assessment of the operational condition, safety, effectiveness and maintenance condition of the system, and a line item list of required special maintenance or repairs, to the city manager or his designee and the director of the department of transportation, or to such other person, agency, department or entity as may be appropriate pursuant to other ordinances adopted by the city;

L. Review the annual schedule of maintenance for flood control facilities prepared by the street director and forward the annual schedule to the city manager or designee, or to such other person, agency, department or entity as may be appropriate pursuant to other ordinances adopted by the city, with appropriate recommendations regarding any changes to frequency or nature of maintenance work proposed and/or requirements for special maintenance or repair;

M. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones Al-30, AE, AH, on the community's FIRM which increases the water surface

elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by Section 65.12.

18.60.160 Duties and responsibilities of the city manager or designee.

The city manager or his designee shall, to the extent that the following duties and responsibilities have not been delegated or assumed by another person, agency, department or entity pursuant to other ordinances adopted by the city:

A. Exercise overall management control of the construction, operation and maintenance of the flood control system;

B. Review, revise and approve the annual schedule of maintenance of the flood control system submitted by the street director;

C. Allocate resources as required to assure the timely execution of the annual maintenance schedule and the safe and effective operation of the flood control system.

18.60.170 Duties and responsibilities of the director of the department of transportation.

The director of the department of transportation shall, to the extent that the following duties and responsibilities have not been delegated or assumed by another person, agency, department or entity pursuant to other ordinances adopted by the city:

A. Be the custodian of the flood control system, including all dams, detention all retention basins, outlet works, channels, pumping stations and all other public drainage conveyance structures;

B. Maintain and repair the system to ensure its safety and operational capability;

C. Maintain full-time surveillance of the operational readiness of the system. Immediately notify the city manager or his designee and the floodplain administrator of any system component that is in a state of reduced operational readiness;

D. Direct the operation of the system during storms and flooding to maximize the effectiveness of the system in reducing damage to public and private property and danger to public safety;

E. Participate in the annual inspection of the flood control system conducted by the floodplain administrator;

F. Prepare and submit to the floodplain administrator an annual schedule of maintenance and repair to the flood control system;

G. Carry out the annual schedule of maintenance repair as approved by the city manager or his designee.

18.60.180 Development permit procedures.

A. Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of

manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
3. A certificate from a Texas licensed professional engineer that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 18.60.200(B) of this chapter;
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
5. Maintain a record of all such information in accordance with Section 18.60.150(A) of this chapter.

B. Approval or denial of a building or grading permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development as determined by the planning official;
5. The safety of access to all buildings in the time of flood;
6. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
7. The justification of the proximity of the facility to the abutting floodway, where applicable;
8. The availability of alternate locations, not subject to flooding or erosion damage, for the proposed use;
9. The relationship of the proposed use to the comprehensive plan for that area.

C. Variance Procedures.

1. The construction board of appeals shall hear and render judgment on requests for variances from the requirements of this chapter.
2. The construction board of appeals shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.
3. Any person or persons aggrieved by the decision of the construction board of appeals may appeal such decision in the courts of competent jurisdiction.

4. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection B of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this chapter, the construction board of appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
10. Prerequisites for granting variances:
    a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
    b. Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with the El Paso City Code.
    c. Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in subsections (C)(1) through (9) of this section are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

D. Development permit review fees for any Federal Emergency Management Agency (FEMA) applications shall be as established by city council in the annual budget resolution.

Article V. Provisions for Flood Hazard Reduction

18.60.190 General standards.

In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

A. All new construction or substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrostatic pressure and hydrostatic loads, including the effects of buoyancy;

B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

D. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, and be elevated a minimum of 1 foot above the BFE;

E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

F. New and replacement sanitary, sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and

G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

18.60.200 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (a) Section 18.60.080, (b) Section 18.60.150(H), or (c) Section 18.60.210(B) of this chapter, the following provisions are required:

A. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) be elevated a minimum of 1 foot above the BFE. A Texas registered professional engineer, architect, or land surveyor shall submit a Federal Emergency Management Agency National Flood Insurance Program Elevation Certificate to the floodplain administrator that the standard of this subsection as proposed in Section 18.60.180(A)(1) of this chapter is satisfied.

B. Nonresidential Construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have either the lowest floor (including basement) be elevated a minimum of 1 foot above the base flood elevation or, together with appurtenant utility and sanitary facilities, be designed so that at least 1 foot above the BFE the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability, of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A Texas registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification, which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the floodplain administrator.

C. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Texas registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Manufactured Homes.

1. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
2. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of 1 foot above the BFE and be securely anchored to an

adequately anchored foundation system to resist flotation, collapse, and lateral movement.

3. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of this section be elevated so that either:

    a. The lowest floor of the manufactured home is elevated a minimum of 1 foot above the base flood elevation; and
    b. The manufactured home chassis is supported by reinforced piers or other foundation elements adequately anchored to foundation system to resist flotation, collapse, and lateral movement.

E. Recreational Vehicles. Require that recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM either (i) be on the site for fewer than one hundred eighty consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Section 18.60.180(A), and the elevation and anchoring requirements for "manufactured homes" in subsection A of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

18.60.210 Standards for proposed subdivision.

A. All subdivision proposals, including manufactured home parks and subdivisions, shall be consistent with Sections 18.60.020, 18.60.030 and 18.60.040 of this chapter.

B. All proposals for the development of subdivisions, including manufactured home parks and subdivisions, shall meet building and grading permit requirements of Sections 18.60.090 and 18.60.180 and the provisions of this chapter.

C. Base flood elevation data shall be generated for subdivision proposals and other proposed developments, including manufactured home parks and subdivisions which are greater than fifty lots or five acres, whichever is lesser, if not otherwise provided pursuant to Section 18.60.080 or Section 18.60.150(H) of this chapter.

D. All subdivision proposals, including manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals, including manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

18.60.220 Standards for areas of shallow flooding (AO/AH zones).

Located within the areas of special flood hazard established in Section 18.60.080 are areas designated as shallow flooding. These areas have special flood hazard associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of

flooding is unpredictable, and where velocity flow may be evident such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

A. All new construction and substantial improvements of residential structures shall:

1. Have the lowest floor (including basement, machinery, and equipment servicing the building) elevated above the highest adjacent grade (HAG) to at least 1 foot above the depth number specified in feet on the community's FIRM, or at least 3 feet if no depth number is provided.

B. All new construction and substantial improvements of nonresidential structures shall:

1. Have the lowest floor (including basement, machinery, and equipment servicing the building) elevated above the highest adjacent grade (HAG) to at least 1 foot above the depth number specified in feet on the community's FIRM, or at least 3 feet if no depth number is provided; or
2. Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the base flood elevation in an AH zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

C. A Texas registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in Section 18.60.180(A)(3) of this chapter, are satisfied.

D. Within Zone AH or AO, adequate drainage paths shall be required around structures on slopes, to guide floodwaters around and away from proposed structures.

18.60.230 Floodways.

Located within areas of special flood hazard established in Section 18.60.080 of this chapter, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

A. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.

C. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulation, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.

18.60.240 Violation.

A. It is unlawful for any person to violate any provision of this chapter.

B. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and shall be punished as provided in Sections 1.08.010 through 1.08.030 of this Code.

Chapter 18.70 – ENERGY CONSERVATION CODE

18.70.010 Short title.

This chapter may be cited as the "Energy Conservation Code."

18.70.020 Adoption.

The book entitled "International Energy Conservation Code," 2021 Edition, a copy of which authenticated by the city clerk is on file in the city clerk's office, is adopted as the Existing Building Code of the city, in its entirety as fully as if copied in length in this chapter.

18.70.030 Reserved

18.70.040 Reserved

18.70.050 Reserved

18.70.060 Section C402.6 Air Barrier Requirement, Added

C402.6 Air barrier requirement. Insulation (including but not limited to loose fill, spray applied cellular fiber insulation as well as other blanket and batts insulation) installed in assemblies more than 60 degrees from the horizontal must be in substantial contact with an air barrier on all sides.

Exception: Air impermeable insulation. Air impermeable insulation is defined as:

A material having an air permeance equal to or less than 0.02 L/s-m2 at 75 Pa pressure differential tested according to ASTM E2178 or E283.

18.70.070 Reserved

18.70.080 Reserved

18.70.090 Appendix CA Board of Appeals, Adopted.

18.70.0100 Appendix CB Solar Ready Zone, Adopted.

18.70.0110 Appendix CC Zero Energy Commercial Building, Adopted.

18.70.0120 Reserved

18.70.130 Reserved

18.70.140 Reserved

18.70.150 Section R402.4.1.4 Air Leakage Required Certifications, Added.

R402.4.1.4 Required Certifications. Air leakage testing shall be performed by a third party certified to perform air infiltration testing by a national or state organization approved by the *code official*. The third party shall not be employed by nor have a financial interest in the entity that constructs the building. Accepted certifications include RESNET Home Energy Rater and Home Field Inspector, Building Performance Institute Infiltration and Duct Leakage professional or Building Analyst certification, and others as approved by the city.

R402.4.1.5 Third Party Registration. Approved third party performing air infiltration testing shall be registered with the city.

18.70.160 Section R403.3.8 - Duct leakage Required Certifications, Added

R403.3.8 Required Certifications. Duct leakage testing shall be performed by an *approved* third party certified to perform duct leakage testing by a national or state organization approved by the code official. The approved third party shall not be employed by nor have a financial interest in the entity that constructs the building. Accepted certifications include RESNET Home Energy Rater and Home Field Inspector, Building Performance Institute Infiltration and Duct Leakage professional or Building Analyst certification and others as approved by the code official.

R403.3.9 Third Party Registration. *Approved* third party performing duct leakage testing shall be registered with the city.

18.70.170 Reserved

18.70.180 Appendix RA Board of Appeals, Adopted.

18.70.190 Appendix RB Solar Ready Provisions – Detached One- and Two-Family Dwellings and Townhouses, Adopted.

18.70.200 Appendix RC Zero Energy Residential Buildings, Adopted.

18.70.210 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

SECTION 2. That except as herein amended, Title 18 (Building and Construction), Chapter 18.70 (Energy Conservation Code) of the El Paso City Code shall remain in full force and effect.