

**ORDINANCE NO.**  
**AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION),  
CHAPTER 18.08 (BUILDING CODE), ADOPTING THE ~~2015~~2021 INTERNATIONAL  
BUILDING CODE, AND ADOPTING APPROPRIATE LOCAL AMENDMENTS, THE  
PENALTY BEING AS PROVIDED IN 18.02.111 OF THE EL PASO CITY CODE**

WHEREAS, the 2021 Edition of the International Building Codes has been published and adoption of the 2021 International Building Codes are now proposed; and

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

WHEREAS, the City Council has deemed the proposed local amendments appropriate for the City of El Paso;

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

SECTION 1. That Title 18 (Building and Construction), Chapter 18.08 (Building Code)

**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 m<sup>2</sup>).~~
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. Fences not over 7 feet (2134 mm) high.~~
- ~~3.2. Oil derricks.~~
- 4.3. 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.
- 5.4. 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.
- 6.5. 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.
- 7.6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- 8.7. Temporary motion picture, television and theater stage sets and scenery.
- 9.8. 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.
- ~~10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.~~
- 11.9. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- 12.10. 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.
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 1 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, ~~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 knock box shall be installed to provide secure access to the appropriate public safety official to the cut-off switch. The knock 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 two signs for less than a ~~50 feet~~ 50-foot length.
5. ~~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, ~~2009~~2021 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. ~~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:

**3401.2 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.

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**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, ~~2009~~2019 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~~, ~~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.

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### **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.](#)