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Chapter 18.40 Vacant Premises

Executive Summary [09.24.2015]

In 2014, a task force comprised of city staff (Fire Department and Planning & Inspections) conducted a risk assessment of vacant buildings and determined that 11% of vacant buildings were in compliance with the registration requirements of the El Paso City Code, Chapter 18.40 Vacant Buildings (Ord. No. 17968, § 1, 3-5-2013). Several building owners interviewed expressed the following concerns:

- The code is difficult to interpret and apply;
- The code does not clearly and simply distinguish between vacant and occupied buildings, especially where there is a mix of both;
- The code does not enumerate simple, finite code/registration requirements for vacant buildings;
- The code does not illustrate appropriate safeguarding standards for vacant premises.

Since 2012, more than 60 vacant building fires have occurred city-wide. The estimated aggregate value of involved properties exceeds \$5 Million:

- Approximately 20% of vacant building fires occurred in commercial buildings city-wide;
- Approximately 80% of vacant building fires occurred in residential structures city-wide;
- Approximately 40% of vacant building fires occurred in or proximate to downtown.

The proposed Vacant Premises Ordinance (VPO) serves to amend Chapter 18.40 Vacant Buildings in accordance with the Goals and Strategies of the City of El Paso – 2015 Strategic Plan. The VPO promotes building safety by requiring the safeguarding of vacant premises to reduce nuisances, reduce the potential for dangerous fires and ultimately focuses on improving the overall health and safety and economic viability of our community by:

- Establishing a practical code compliance program to identify/secure vacant premises;
- Establishing the responsibilities of owners of vacant premises by providing means of accountability for ensuring that vacant premises remain compliant with the city code;
- Encouraging vacant building rehabilitation and/or demolition if necessary and thereby, minimizing deleterious effects to the community.

Significant changes to Chapter 18.40 Vacant Buildings include:

- Rescinding the registration requirement;
- Rescinding the fire sprinkler system and building placarding requirement;
- Expanding safeguarding requirements in accordance with 9.52 Fire Prevention Code and 18.50 Property Maintenance Code;
- Adding an incentive-based annual permit program applicable to commercial vacant premises city-wide.

The VPO provides for code compliance consultations and periodic inspections of commercial buildings with vacant premises. The permit fee recovers cost of services and will be assessed for each building floor subject to safeguarding standards. The annual permit may also be automatically renewed after the initial year (flat rate fee) when safeguard requirements are properly maintained. Offenses committing under this chapter are subject to penalty fines and enforcement remedies in accordance with city ordinances and state law including administrative or civil action.

The City of El Paso encourages working partnerships with community stakeholders in the development and implementation of public safety programs that also support business-friendly initiatives. The ordinance was introduced to City Council on August 25, 2015 and will be presented to City Council for public hearing in October, 2015.

Samuel Peña, Fire Chief

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