

**CITY OF EL PASO, TEXAS
AGENDA SUMMARY FORM**



DEPARTMENT / COUNCIL OFFICE:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

AGENDA ITEM:

ISSUE STATEMENT:

BACKGROUND:

COUNCIL OPTIONS:

COMMITTEE REVIEW AND/OR RECOMMENDATION:

COMMUNITY AND STAKEHOLDER OUTREACH (if applicable, as an attachment) – please include:

RELATED CITY POLICIES:

PRIOR COUNCIL ACTION:

LEGAL REVIEW:

Legal counsel reviewed as a part of Council packet

Legal counsel reviewed in advance of packet as an individual item

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

ATTACHMENTS:

FOR MORE INFORMATION:

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

Philip Tiwe

SIGNATURE:

(If Agenda Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE AMENDING EL PASO CITY CODE TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE), SECTION 18.02.107 (INSPECTIONS), SUBSECTION 18.02.107.15 (THIRD PARTY SERVICE PROVIDERS), TO ADD PROVISIONS FOR THIRD PARTY FIRE PLAN REVIEW AND INSPECTION SERVICES. THE PENALTY IS AS PROVIDED FOR IN SECTION 18.02.115 AND SECTION 9.52.030.17 OF THE EL PASO CITY CODE.

WHEREAS, Title 18 (Building and Construction) of the El Paso City Code was adopted to provide for the administration and enforcement of the technical building codes adopted by the City; and,

WHEREAS, Texas House Bill 14 (2023) allows applicants to hire their own third-party agents to perform plan review and inspections if a city fails to issue an approval, conditional approval, or disapproval within fifteen days after the date required by the Texas Local Government Code; and

WHEREAS, the City Council adopted the option for qualified third-party service providers to conduct plan review and inspections to expedite service delivery for commercial or residential development; and,

WHEREAS, this amendment will include provisions for third party service providers for fire plan review and fire inspection services; and,

WHEREAS, the City has adopted the 2021 International Fire Code under Chapter 9.52 Fire Prevention Code; and

WHEREAS, in the event of any conflict regarding the authority for third-party inspections between Chapter 9.52 (Fire Prevention Code) and Subsection 18.02.107.15 (Third Party Service Providers), Subsection 18.02.107.15, Third Party Service Providers shall prevail; and

WHEREAS, the City Council after a public hearing has determined this amendment is in the best interest of the public and will promote the public health, safety, and welfare of the City.

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

SECTION 1. That El Paso City Code Title 18 (Building and Construction) , Chapter 18.02 (City Building and Construction Administrative Code), Section 18.02.107 (Inspections), Subsection 18.02.107.15 (Third Party Service Providers), Sub-Subsection (Purpose and Authority) is hereby amended as follows:

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. In the event of conflict regarding authority for third party plan review and third party inspections, between Subsection 18.02.107.15 (Third Party Service Providers) and Chapter 9.52 (Fire Prevention Code), Subsection 18.02.107.15 shall prevail.

SECTION 2. That Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.107 (Inspections), Subsection 18.02.107.17 (Third Party Service Providers), Sub-Subsection 18.02.107.15.2 (Procedures for third party service providers) be deleted in its entirety and replaced as follows:

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 and Fire Codes published by the International Code Council (ICC) to include all local amendments. 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. For all Fire Protection Systems, the third-party provider shall also meet all applicable National Fire Protection Association (NFPA) standards and required certifications. 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 or Fire Code.

SECTION 3. That Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.107 (Inspections), Subsection 18.02.107.17 (Third Party Service Providers), Sub-Subsection 18.02.107.15.3 (Qualification Requirements) be amended to add the following:

18.02.107.15.3 Qualification requirements.

- e. Fire plan review
 - 1) Fire Plans Examiner
 - 2) NFPA Certified Fire Plans Examiner.

- 3) NFPA Certified Water-Based Systems Professional
 - 4) NFPA Certified Fire Alarm ITM Specialist for Facility Managers
 - 5) Fire Plans Examiner Certification by the Texas Commission of Fire Protection
- f. Fire inspections
- 1) Fire Inspector I and II.
 - 2) NFPA Certified Fire Inspector I and II.
 - 3) NFPA Certified Water-Based Fire Protection System Inspection, Testing, and Maintenance.
 - 4) Basic Texas Fire Inspector Certification by the Texas Commission on Fire Protection

SECTION 4. That Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.107 (Inspections), Subsection 18.02.107.17 (Third Party Service Providers), Sub-Subsection 18.02.107.15.4 (Scope of services) be deleted in its entirety and replaced as follows:

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.

Contractors desiring or required by the fire code official to use third party service providers for fire plan review and fire inspection services must utilize both services and cannot use one service independently.

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

SECTION 5. That Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.107 (Inspections), Subsection 18.02.107.17 (Third Party Service Providers), Sub-Subsection 18.02.107.15.5 (Third party service provider audits) be deleted in its entirety and replaced as follows:

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, commercial developments, and fire protection systems were adequately and accurately performed. Third party service providers will be notified in writing of all audit findings with deficiencies.

SECTION 6. That Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.107 (Inspections), Subsection 18.02.107.17 (Third Party Service Providers), Sub-Subsection 18.02.107.15.6 (Third party service provider audit process) be deleted in its entirety and replaced as follows:

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 or fire code 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 or fire code 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 or fire code official's decision to the Appeals Officer, pursuant to Chapter 2.30 of the City Code.

SECTION 7. Except as herein amended Title 18 (Building and Construction) of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____, 2026.

THE CITY OF EL PASO

Renard U. Johnson, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

Russel T. Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department