

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

AGENDA DATE: May 7, 2024

PUBLIC HEARING DATE: May 21, 2024

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 5 (Business License and Permit Regulations), Chapter 5.03 (Amplified Sound Permit), Section 5.03.010 (Compliance Required) to remove the Downtown Management District exemption and Section 5.03.020 (Definitions) to amend the definition of residential property of the El Paso City Code; the penalty as provided in 5.03.130 of the El Paso City Code.

BACKGROUND / DISCUSSION:

On April 23, 2024, City Council directed the City Attorney to amend El Paso City Code Chapter 5.03 (Amplified Sound Permit) to remove the Downtown Management District exemption from Chapter 5.03 of the City Code.

PRIOR COUNCIL ACTION:

See Background/Discussion

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES ___ NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 5 (BUSINESS LICENSE AND PERMIT REGULATIONS), CHAPTER 5.03 (AMPLIFIED SOUND PERMIT), SECTION 5.03.010 (COMPLIANCE REQUIRED) TO REMOVE THE DOWNTOWN MANAGEMENT DISTRICT EXEMPTION AND SECTION 5.03.020 (DEFINITIONS) TO AMEND THE DEFINITION OF RESIDENTIAL PROPERTY OF THE EL PASO CITY CODE; THE PENALTY AS PROVIDED IN 5.03.130 OF THE EL PASO CITY CODE.

WHEREAS, City Code Title 5 (Business License and Permit Regulations) contains various sections regarding permits for various topics;

WHEREAS, on February 26, 2019, City Council enacted Ordinance 018907 establishing a Sound Amplification Permit;

WHEREAS, on April 23, 2024, City Council directed proposed amendments to Chapter 5.03 of the City Code to remove the Downtown Management District exemption from Chapter 5.03 of the City Code; and

WHEREAS, City Council now desires to amend Title 5 of the City Code in order to improve the Sound Amplification Permit function and process.

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

SECTION 1. That Title 5 (Business License and Permit Regulations), Chapter 5.03 (Amplified Sound Permit), Section 5.03.010 (Compliance required), is hereby amended to read as follows:

5.03.010 Compliance required.

- A. An establishment regulated by this chapter must be in possession of a permit allowed by this chapter when emitting sound at any outdoor area at the premises covered by said permit.
- B. All persons subject to regulation by this Chapter 5.03 shall also comply with all applicable state law including Texas Penal Code Chapter 42.01.

SECTION 2. That Title 5 (Business License and Permit Regulations), Chapter 5.03 (Amplified Sound Permit), Section 5.03.020 (Definitions), subsection H, is hereby amended to read as follows:

5.03.020 Definitions.

The following words shall have the following meanings:

- H. "Residential property" means a parcel of real property which is developed and used in part or in whole for human habitation, including transient uses such as hotels and motels.

SECTION 3. Except as herein amended, Title 5 of the El Paso City Code shall remain in full force and effect.

ADOPTED this ____ day of _____, 2024.

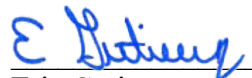
CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning and Inspections Department

REDLINES

5.03.010 - Compliance required.

A .An establishment regulated by this chapter must be in possession of a permit allowed by this chapter when emitting sound at any outdoor area at the premises covered by said permit.

~~B. This chapter shall not apply to establishments north of Paisano Drive that are within the designated boundaries of the Downtown Management District, as created by resolution dated September 3, 1996, as amended. A copy of the boundaries of the Downtown Management District, with said amendments is attached hereto as Exhibit "A" and incorporated herein by reference.~~

~~C~~B. All persons subject to regulation by this Chapter 5.03 shall also comply with all applicable state law including Texas Penal Code Chapter 42.01.

5.03.020 - Definitions.

The following words shall have the following meanings:

H. "Residential property" means a parcel of real property which is developed and used in part or in whole for human habitation, ~~other than~~ including transient uses such as hotels and motels.