

**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*****

SIGNATURE:



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

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.40 (DEPARTMENT OF MUSEUM AND CULTURAL AFFAIRS) AMENDING SECTION 2.40.100 (ARTIST MARKET.)

WHEREAS, Section 2.40.100 of the El Paso City Code governs the operation of Artist Markets; and

WHEREAS, it is found that changes to Section 2.40.100 are necessary to enhance and grow Artist Markets in the City of El Paso;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso City Code Title 2 Chapter 2.40 Section 2.40.100 be amended as follows:

1. Amend as follows:

2.40.100 - Artist Market

A. Definitions.

As used in Section 2.40.100, the following terms shall have the following meanings:

1. "Artist Market" means the sale of locally made, home crafted or hand assembled are and crafts, which have been home crafted or hand assembled or produced by the seller or members of the seller's household, including leather goods; drawings, paintings and prints; photographs; woodwork; metalcraft; ceramics and pottery; weaving and yarn work macrame; needlework; beadwork; sculpture; jewelry; stitchery and sewing; clothing and accessories; glasswork; natural fiber crafts and basketry; live street music performers without amplification, more specifically defined in Artist Market Policies and Procedures (hereinafter "policies and procedures") authorized to be developed by the Museums and Cultural Affairs Department.

2. "Artist Market Manager" means the city manager or designee appointed to administer the city's policies and procedures relevant to the organization, administration and management of the artist market and events related thereto.

3. "Homemade or hand assembled" means an item that has two or more distinctive parts, combined and permanently attached by intent, labor, creativity and skill to produce a more attractive or valuable product, which were made by the Vendor.

4. "Region" means within the El Paso city limits.

5. "Vendor" means resident of the region who displays and sells homemade or hand assembled goods at the Artist Market and those who are members of the same household. A vendor shall not have a storefront or sell his or her artwork from a store, with the exception of vendor applicants who have a storefront the El Paso city limits. A vendor must be 18 years old or older.

B. Authorization.

The City Manager or a designee is hereby authorized to create an outdoor Artist Market permitting vendors to sell handmade or hand assembled merchandise. The Artist market will take place in the designated market area, as defined in the traffic control plan, at the designated time. The city manager or a designee is hereby authorized to establish artist market procedures (the "procedures") for its operation in compliance with this chapter.

C. Vendor Permit.

1. The Artist market manager shall issue a permit authorizing a person to be a vendor at the Artist market to qualifying vendors. Such permit shall contain the vendor's name and the type of handmade or hand assembled merchandise that is authorized for sale at the Artist market.

2. Vendor spaces at the Artist Market will be available at the discretion of the Artist Market Manager. The fee for weekly use of vendor spaces shall be in the amount set forth in the budget resolution of the city council or another resolution of the city council.

3. The city manager or a designee and is hereby authorized to approve, deny, revoke or suspend such permit. Grounds to deny, revoke or suspend a permit are as follows:

(a) a violation of this chapter; or

(b) a public offence or disturbance that causes disruption to the operation of the Artist Market.

4. Decision Review.

(a) Intent of Review - The applicant must submit a written request for review letter to the Artist market manager within seven (7) business days from the date of the denial, revocation or suspension. This correspondence must be addressed the Artist market manager, and must include specific information identifying the applicant, the type of handmade or hand assembled craft for which a vendor permit is being applied for, and a brief description on the basis of which an review is being

sought (e.g., administrative error, conflict of interest, presentation of misinformation, etc.).

(b) Conference - Following the receipt and review of the request for review letter, the director of MCAD ("director") will then schedule a conference with the appellant to review and discuss the denial, revocation or suspension of the vendor permit, and to allow the applicant to express his or her reasons for requesting review of the decision. Based on the findings of this conference, a response document will be developed by the director or a designee identifying the findings, and will be provided to the applicant within 10 business days.

(c) Conclusion ~If the director finds grounds for review and reconsideration, the permit application will be re-evaluated by the city manager or designee with consideration of the findings of the conference.

D. Streets and Right of Ways.

1. Use of the public rights of way must be in compliance with Sections 12.30.030(D), 13.20.040(C)(4) and 15.08.120(G) of this code. The department shall be exempt from the permitting requirement, however shall notify the El Paso Department of Transportation ("EPDOT") on a quarterly basis of dates, times, and shall provide a master traffic control plan approved by the City traffic engineer for all planned Artist market events. The department shall notify EPDOT of any changes within 30 days of the changed event.

E. Proof of tax eligibility.

All vendors must provide proof of gross receipts tax collection capabilities when conducting business at the artist market, which must either be a state sales tax permit or an exemption certificate. Proof shall be provided to the City Manager or a designee. All vendors shall abide by all Federal and State laws regarding taxation and immigration.

F. Vendor requirements.

1. Vendors must permit the Artist market manager or a designee to inspect the homemade or hand assembled artwork to verify authenticity at the Vendors studio or location where the artwork is made as well at the Artist market.

2. A vendor must not display, offer for sale, or sell any merchandise in the Artists market without a permit issued pursuant to this chapter and the policies and procedures.

3. All vendors must sell only merchandise authorized and approved under the policies and as the vendor's individual permit allows. Vendor must display his or her permit at all times when displaying or offering merchandise at the Artist market.

4. A vendor must pay the permit fee established by resolution of the city council before using or occupying space at the artist market, unless exempt under this chapter.

5. Vendor permits will not be issued for items made in any medium which are commonly used, or intended to be used for the consumption of illegal drugs, to include but not be limited to pipes, bongs and other paraphernalia. These items are prohibited from the Artist market.

6. Vehicles.

(a) All vehicles shall be removed from the designated market footprint fifteen minutes prior to the start of the Artist market. All vehicles are prohibited from driving on the sidewalks in in the designated market footprint during the Artist market with the exception of city and emergency vehicles, vehicles authorized by the department under the procedures, and market vehicles used to load and unload merchandise and equipment during specified times as designated in the procedures.

(b) The active use of bicycles, skateboards, roller blades, and roller skates are prohibited in the designated market area during artist market hours with the exception of such items used by law enforcement personnel or pedicabs licensed under Chapter 6.34 of this code.

(c) No person shall cause an obstruction of the entrances of businesses adjacent to artist market.

7. Vendors must remove all equipment, supplies, and trash from the vendor space and leave the vendor space in the same condition that it was in upon vendor's arrival.

8. Vendors may not display or sell obscene items as defined in the Texas Penal Code Chapter 43.

9. It is unlawful for any person to do any act forbidden, or fail to perform any act required in sub-section (F)(6).

G. Logistical Accessibility for Americans with Disabilities Act (ADA) and Seniors.

1. The Artist Market Manager shall provide operational accommodations for licensed vendors who request an ADA accommodation.

2. When practical the Artist Market Manager may provide operational accommodations to those licensed vendors 60 years of age or over at the discretion of the Artist Market Manager.

2. Except as herein amended, the El Paso City Code remains in full force and effect.

(Signatures on the following page)

ADOPTED this _____ day of _____, 2026.

THE CITY OF EL PASO

Renard U. Johnson

Mayor

ATTEST:

Laura D. Prine

City Clerk

APPROVED AS TO FORM:

Robert Aguinaga Jr

Robert Aguinaga

Assistant City Attorney

APPROVED AS TO CONTENT:

Ben Fyffe

Ben Fyffe, Managing Director

Museums and Cultural Affairs Department