

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

AGENDA DATE: 9/13/22

PUBLIC HEARING DATE: 09/27/2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Assistant Chief Peter Pacillas, 915-212-4308

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: 2-Set the Standard for a Safe and Secure City

SUBGOAL: 2.1-Maintain standing as one of the nation's top safest cities.

SUBJECT:

An Ordinance amending Title 13 (Streets, Sidewalks and Public places), Chapter 13.34 (Picketing), Section 13.34.010 (Definitions) to delete and reserve; Chapter 13.34 (Picketing), Section 13.34.020 (Notice of Intent to picket) to add exceptions and spontaneous events; Chapter 13.34 (Picketing), Section 13.34.030 (Receipt of Notification) to delete and reserve; Chapter 13.34 (Picketing), Section 13.34.040 (Picketing Regulations) to delete and reserve; Chapter 13.34 (Picketing), Section 13.34.040(Picketing Regulations) to delete and reserve; Chapter 13.36 (Parades and Public Assemblies) to amend Chapter title to 'Parades;' Chapter 13.36 (Parades and Public Assemblies) section 13.36.010 (Definitions) to delete 'Demonstration' and 'Public Assembly' from definitions; Chapter 13.36 (Parades and Public Assemblies), Section 13.36.020 (Permit Required) to add spontaneous event exception; Chapter 13.36 (Parades and Public Assemblies), Section 13.36.100 (Violation-Penalty) to remove the term 'Public Assembly' from violations; Chapter 13.38 (Special Events), Section 13.38.020 (Definitions) to remove picketing, demonstrating, parades and public assembly from the definitions of 'Special Events'; the penalty as provided in Section 13.36.100 and 13.38.110 of the city code.

BACKGROUND / DISCUSSION:

PRIOR COUNCIL ACTION:

Posting for First Reading

AMOUNT AND SOURCE OF FUNDING:

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Police

SECONDARY DEPARTMENT: City Attorney's Office

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

DEPARTMENT HEAD: Chief Gregory K. Allen



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

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.34 (PICKETING), SECTION 13.34.010 (DEFINITIONS) TO DELETE AND RESERVE; CHAPTER 13.34 (PICKETING), SECTION 13.34.020 (NOTICE OF INTENT TO PICKET) TO ADD EXCEPTIONS AND SPONTANEOUS EVENTS; CHAPTER 13.34 (PICKETING), SECTION 13.34.030 (RECEIPT OF NOTIFICATION) TO DELETE AND RESERVE; CHAPTER 13.34 (PICKETING), SECTION 13.34.040 (PICKETING REGULATIONS) TO DELETE AND RESERVE; CHAPTER 13.34 (PICKETING), SECTION 13.34.050 (VIOLATION) TO DELETE AND RESERVE; CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES) TO AMEND CHAPTER TITLE TO 'PARADES;' CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES) SECTION 13.36.010 (DEFINITIONS) TO DELETE 'DEMONSTRATION' AND 'PUBLIC ASSEMBLY' FROM DEFINITIONS; CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES), SECTION 13.36.020 (PERMIT REQUIRED) TO ADD SPONTANEOUS EVENT EXCEPTION; CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES), SECTION 13.36.100 (VIOLATION – PENALTY) TO REMOVE THE TERM 'PUBLIC ASSEMBLY' FROM VIOLATIONS; CHAPTER 13.38 (SPECIAL EVENTS), SECTION 13.38.020 (DEFINITIONS) TO REMOVE PICKETING, DEMONSTRATING, PARADES, AND PUBLIC ASSEMBLY FROM THE DEFINITION OF 'SPECIAL EVENTS'; THE PENALTY AS PROVIDED IN SECTION 13.36.100 AND 13.38.110 OF THE CITY CODE.

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

Section 1. That Title 13 (Streets, Sidewalks and Public Parades), Chapter 13.34 (Picketing), Section 13.34.010 (Definitions), is hereby deleted and reserved:

Section 13.34.010 – RESERVED.

Section 2. That Title 13 (Streets, Sidewalks and Public Parades), Chapter 13.34 (Picketing), Section 13.34.020 (Notice of Intent to Picket), is hereby amended to read as follows:

Section 13.34.020 Notice of intent to picket, Exceptions.

- A. It shall not be an offense to picket on a City street, sidewalk, or other public way, or in a City park, without having provided notice.
- B. The organizer of a picket that the organizer knows, or should reasonably know will be attended by a group of twenty-five or more individuals shall give notice of intent to picket to the chief of police or his designee at least seventy-two hours before the

ORDINANCE NO. _____

22-1026-12056 | PL#1194566v.3/EG

TITLE 13.34 – Picketing; 13.36 Parades and Public Assemblies; 13.38 – Special Events (CLEAN)

beginning of the picket. The notice of intent to picket shall include the following information:

1. The name, address and contact telephone number for the organizer of the picket;
 2. The name, address and contact telephone number of the person giving notice of intent to picket if different from the organizer;
 3. The name of the organization or group sponsoring the picket;
 4. The location where the picket is to take place;
 5. The date and time the picket will begin and end; and
 6. The anticipated number of participants, and the basis on which this estimate is made.
- C. The chief of police shall develop a procedure by which individuals will give notice of intent to picket under this chapter, to include instructions as to where such notices are filed. Such policy shall be on file at police department headquarters and at the offices of the city clerk and the permit official designated to issue permits under Chapters 13.28, 13.32 and 13.36 of this code, and shall be made available to the public.
- D. A notice of intent to picket is not required to be given for picketing by a group of less than twenty-five individuals.
- E. A notice of intent to picket is not required for a spontaneous event for which an attendee or event organizer cannot provide the level of advance notice required by this chapter, such as an event occasioned by recent news or current affairs, that is conducted solely on city right-of-way or parkland. A spontaneous event is subject to other laws. To help ensure public safety, an organizer of a spontaneous event is not required to, but is encouraged to, notify the El Paso Police Department of the date, time, place, and an estimate of the approximate number of persons who will be participating.

Section 3. That Title 13 (Streets, Sidewalks and Public Parades), Chapter 13.34 (Picketing), Section 13.34.030 (Receipt of Notification), is hereby deleted and reserved:

Section 13.34.030 – RESERVED.

Section 4. That Title 13 (Streets, Sidewalks and Public Parades), Chapter 13.34 (Picketing), Section 13.34.040 (Picketing regulations), is hereby deleted and reserved:

Section 13.34.040 – RESERVED.

Section 5. That Title 13 (Streets, Sidewalks and Public Parades), Chapter 13.34 (Picketing), Section 13.34.050 Violation), is hereby deleted and reserved:

Section 13.34.050 – RESERVED.

Section 6. That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.36 (Parades and Public Assemblies) title be amended to Chapter 13.36 Parades, Section 13.36.010 (Definitions), shall hereby be amended to read as follows:

ORDINANCE NO. _____

22-1026-12056 | PL#1194566v.3/EG

TITLE 13.34 – Picketing; 13.36 Parades and Public Assemblies; 13.38 – Special Events (CLEAN)

Chapter 13.36 Parades

Section 13.36.010 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Appeals official" means the city manager or a deputy city manager as designated by the city manager.

"Arterial" means a public right-of-way designated on the city's official major thoroughfare plan that has a minimum right-of-way width of seventy feet for the purpose of carrying more traffic volume than a local street.

"Event" means the collective reference to a parade, demonstration or public assembly.

"Parade" means an athletic event, march, pageant, procession or other similar activity consisting of persons, animals, vehicles or things, or any combination thereof, that disrupts the normal flow of traffic upon any public roadways or utilizes the appropriate areas within a city-controlled park. The length and route of a parade shall be as approved in accordance with the requirements of this chapter, provided however, a parade consisting solely of moving vehicles may not utilize more than six miles of city roadways, excluding any staging, pre-parade assembly or disbanding areas. A funeral procession is not a parade.

"Peak traffic hours" means between the hours of seven a.m. and nine a.m. and four p.m. and six p.m. on Monday through Friday, except legal holidays.

"Permit official" means the person or persons designated by the city manager as being responsible for issuing permits under this chapter. The city manager may designate different persons as the permit official for different categories of permitted events and for different facilities or locations.

"Roadway" means the paved area of a street between the face of the curb lines, including the driving and parking lanes, which is provided for the movement of vehicles.

"Sidewalk" means that portion of the public right-of-way which is designated for the use and movement of pedestrians.

"Street" means that portion of public right-of-way improved, designed or ordinarily used for vehicular traffic.

Section 7. That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.36 (Parades and Public Assemblies), Section 13.36.020 (Permit Required), shall hereby be amended to read as follows:

- A. No parade is permitted unless a permit allowing such activity has been obtained pursuant to this chapter.
- B. A permit is not required if the parade is a spontaneous event for which an attendee or event organizer cannot provide the level of advance notice required by this chapter, such as an event occasioned by recent news or current affairs. A spontaneous event is subject to other laws. To help ensure public safety, an organizer of a spontaneous event

ORDINANCE NO. _____

22-1026-12056 | PL#1194566v.3/EG

TITLE 13.34 – Picketing; 13.36 Parades and Public Assemblies; 13.38 – Special Events (CLEAN)

is not required to, but is encouraged to, notify the Permit Official and the El Paso Police Department of the date, time, place, and an estimate of the approximate number of persons who will be participating.

Section 8. That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.36 (Parades and Public Assemblies), Section 13.36.100.A. shall hereby be amended to read as follows:

- A. It shall be unlawful to unreasonably hamper, obstruct, impede, or interfere with a parade, or with any person, vehicle, or animal participating or used in the parade, and any person violating any provision in this chapter shall, upon conviction, be guilty of a misdemeanor and punished as provided in Sections 1.08.010 through 1.08.030 of this code.

Section 9. That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.38 (Special Events), Section 13.38.020 (Definitions), shall hereby be amended to read as follows:

Section 13.38.020 Definitions.

For the purpose of this Chapter, the words and phrases defined in the sections below shall have the meanings therein respectively ascribed to them by this Section:

- A. "Affected Person" means the property owner, property manager or tenant of each property abutting the portion of a public right-of-way to be closed.
- B. "Appeals Official" means the City Manager or the person designated by the City Manager as being responsible for hearing appeals to decisions made by the permit official.
- C. "Applicant" means any person, group, organization, or entity who seeks a special event permit from the permit official to conduct or sponsor a special event governed by this chapter. An applicant must be 18 years of age or older.
- D. "Permit Application Fee" means the fee to be paid by the applicant at the time the application is filed with the permit official, pursuant to the fee schedule established by resolution of the City Council.
- E. "Permit Official" means the person or persons designated by the City Manager as being responsible for issuing permits under this chapter.
- F. "Permittee" means any person or organization issued a special event permit by the permit official.
- G. "Private Property Event" means events conducted solely on private property and not requiring the use of any public right-of-way.
- H. "Public Right-of-Way" means any street, sidewalk, alley and/or easement dedicated to the public use, as further defined by Chapter 19.50 of this Code.
- I. "Site Map" means a map or diagram approximately to scale depicting the area to be closed or used in conjunction with the Special Event showing all fire lanes, booths, stages, portable toilets, trash containers, any other important features for the event, and any other materials the applicant intends to place within the area.

ORDINANCE NO. _____

22-1026-12056 | PL#1194566v.3/EG

TITLE 13.34 – Picketing; 13.36 Parades and Public Assemblies; 13.38 – Special Events (CLEAN)

- J. "Special Event" means any bazaar, block party, street dance, sidewalk sale, show, exhibition, festival, concert, celebration, or other event that requires the full or partial closure or occupation of a public right-of-way and is not classified as a film-making event, temporary event, or private property event as defined by other chapters of this Title.
- K. "Special Event Permit" means a permit issued under this chapter authorizing the conduct of a special event in accordance with its terms and conditions. A special event permit may be issued for a single event or for multiple dates of the same recurring event provided no changes are made to the site plan and all dates occur within twelve (12) months of permit issuance.
- L. "Temporary Traffic Control Plan" means a plan describing temporary traffic control measures through and around the special event site to be used for facilitating pedestrian and vehicular users during the event.

Section 10. That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.38 (Special Events), Section 13.38.030.D. shall hereby be amended to read as follows:

Section 13.38.030 Permit Required.

- D. This Chapter shall not apply to the following events and activities, which are governed by other provisions of the El Paso Municipal Code:
 - 1. An event which occurs exclusively within a city park or facility (Section 13.24.030);
 - 2. A film-making event (Chapter 13.30);
 - 3. A temporary event (Chapter 13.32);
 - 4. A parade (Chapter 13.36);
 - 5. A private property event.

Section 11. Except as herein amended, Title 13 (Streets, Sidewalks and Public Places) of the El Paso City Code shall remain in full force and effect.

ORDINANCE NO. _____

22-1026-12056 | PL#1194566v.3/EG

TITLE 13.34 – Picketing; 13.36 Parades and Public Assemblies; 13.38 – Special Events (CLEAN)

ADOPTED this ___ day of _____, 2022.


CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS FORM:



Eric Gutierrez
Assistant City Attorney

APPROVED AS TO CONTENT:



Gregory Allen, Chief
El Paso Police Department

ORDINANCE NO. _____

22-1026-12056 | PL#1194566v.3/EG

TITLE 13.34 – Picketing; 13.36 Parades and Public Assemblies; 13.38 – Special Events (CLEAN)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.34 (PICKETING), SECTION 13.34.010 (DEFINITIONS) TO DELETE AND RESERVE; CHAPTER 13.34 (PICKETING), SECTION 13.34.020 (NOTICE OF INTENT TO PICKET) TO ADD EXCEPTIONS AND SPONTANEOUS EVENTS; CHAPTER 13.34 (PICKETING), SECTION 13.34.030 (RECEIPT OF NOTIFICATION) TO DELETE AND RESERVE; CHAPTER 13.34 (PICKETING), SECTION 13.34.040 (PICKETING REGULATIONS) TO DELETE AND RESERVE; CHAPTER 13.34 (PICKETING), SECTION 13.34.050 (VIOLATION) TO DELETE AND RESERVE; CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES) TO AMEND CHAPTER TITLE TO 'PARADES;,' CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES) SECTION 13.36.010 (DEFINITIONS) TO DELETE 'DEMONSTRATION' AND 'PUBLIC ASSEMBLY' FROM DEFINITIONS; CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES), SECTION 13.36.020 (PERMIT REQUIRED) TO ADD SPONTANEOUS EVENT EXCEPTION; CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES), SECTION 13.36.100 (VIOLATION – PENALTY) TO REMOVE THE TERM 'PUBLIC ASSEMBLY' FROM VIOLATIONS; CHAPTER 13.38 (SPECIAL EVENTS), SECTION 13.38.020 (DEFINITIONS) TO REMOVE PICKETING, DEMONSTRATING, PARADES, AND PUBLIC ASSEMBLY FROM THE DEFINITION OF 'SPECIAL EVENTS'; THE PENALTY AS PROVIDED IN SECTION 13.36.100 AND 13.38.110 OF THE CITY CODE.

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

Section 1. That Title 13 (Streets, Sidewalks and Public Parades), Chapter 13.34 (Picketing), Section 13.34.010 (Definitions), is hereby deleted and reserved:

Section 13.34.010 – RESERVED,

Formatted: Font: Bold

13.34.010 Definitions:

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~"Median" means a strip that separates the opposing flows of traffic on a roadway, with level or depressed areas within the median.~~

~~"Picket or picketing" means to make a public display or demonstration by one or more persons of sentiment for or against a person or cause, including protesting which may include the distribution of leaflets or handbills, the display of signs and any oral communication or speech, which may~~

ORDINANCE NO. _____

22-1026-12056 | PL#1194566v.2/EG

TITLE 13.34 – Picketing; 13.36 Parades and Public Assemblies; 13.38 – Special Events (RED-LINE)

~~involve an effort to persuade or influence, including all expressive and symbolic conduct, whether active or passive.~~

~~"Roadway" means the paved area of a street between the face of the curb lines, including the driving and parking lanes, which is provided for the movement of vehicles.~~

~~"Sidewalk" means that portion of the public right of way which is designated for the use and movement of pedestrians.~~

~~"Street" means that portion of public right of way improved, designed or ordinarily used for vehicular traffic.~~

Section 2. That Title 13 (Streets, Sidewalks and Public Parades), Chapter 13.34 (Picketing), Section 13.34.020 (Notice of Intent to Picket), is hereby amended to read as follows:

Section 13.34.020 Notice of intent to picket, Exceptions.

A. ~~It shall not be an offense to picket on a City street, sidewalk, or other public way, or in a City park, without having provided notice.~~

B. The organizer of a picket that the organizer knows, or should reasonably know will be attended by a group of twenty-five or more individuals shall give notice of intent to picket to the chief of police or his designee at least seventy-two hours before the beginning of the picket. The notice of intent to picket shall include the following information:

1. The name, address and contact telephone number for the organizer of the picket;
2. The name, address and contact telephone number of the person giving notice of intent to picket if different from the organizer;
3. The name of the organization or group sponsoring the picket;
4. The location where the picket is to take place;
5. The date and time the picket will begin and end; and
6. The anticipated number of participants, and the basis on which this estimate is made.

~~B.C.~~ The chief of police shall develop a procedure by which individuals will give notice of intent to picket under this chapter, to include instructions as to where such notices are filed. Such policy shall be on file at police department headquarters and at the offices of the city clerk and the permit official designated to issue permits under Chapters 13.28, 13.32 and 13.36 of this code, and shall be made available to the public.

~~C.D.~~ A notice of intent to picket is not required to be given for picketing by a group of less than twenty-five individuals.

~~E.~~ A notice of intent to picket is not required for a spontaneous event for which an attendee or event organizer cannot provide the level of advance notice required by this chapter, such as an event occasioned by recent news or current affairs, that is conducted solely on city right-of-way or parkland. A spontaneous event is subject to other laws. To help

ORDINANCE NO. _____

22-1026-12056 | PL#1194566v.2/EG

TITLE 13.34 – Picketing; 13.36 Parades and Public Assemblies; 13.38 – Special Events (RED-LINE)

ensure public safety, an organizer of a spontaneous event is not required to, but is encouraged to, notify the El Paso Police Department of the date, time, place, and an estimate of the approximate number of persons who will be participating.

Section 3. That Title 13 (Streets, Sidewalks and Public Parades), Chapter 13.34 (Picketing), Section 13.34.030 (Receipt of Notification), is hereby deleted and reserved:

Section 13.34.030 – RESERVED.

~~Receipt of notification. Upon the receipt of a notice of intent to picket given in accordance with Section 13.34.020 of this chapter, the chief of police or designee shall without unnecessary delay issue a receipt of notice. The receipt shall contain all information stated in the notice. The organizer of a picket shall be responsible for maintaining the receipt, and shall present it when so requested by a law enforcement officer or other city official.~~

Formatted: Justified, Indent: Hanging: 0.03", Space Before: 0 pt, After: 0 pt

Section 4. That Title 13 (Streets, Sidewalks and Public Parades), Chapter 13.34 (Picketing), Section 13.34.040 (Picketing regulations), is hereby deleted and reserved:

Section 13.34.040 – RESERVED.

- ~~A. Picketing may be conducted on public sidewalks, any city park, or other city owned areas normally used or reserved for pedestrian movement, including easements and rights of way, and shall not be conducted on the portion of a public roadway.~~
- ~~B. Picketing shall not disrupt, block, obstruct or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public sidewalks.~~
- ~~C. If more than one group of picketers desire to picket at the same time at or near the same location, law enforcement officers may, without regard to the purpose or content of the message, assign each group a place to picket in order to preserve the public peace. Members of a group shall not enter an area assigned to another group. Priority of location shall be based upon which group of picketers arrived first.~~
- ~~D. Spectators of pickets shall not physically interfere with individuals engaged in picketing. Picketers and spectators of pickets shall not speak fighting words or threats that would tend to provoke a reasonable person to a breach of the peace.~~
- ~~E. Picketers and picketing shall be subject to all applicable local, state and federal laws including, but not limited to the city's noise ordinance, amplification ordinance, and when crossing or using any roadway, picketers shall comply with all laws applicable to pedestrians.~~
- ~~F. Nothing in this chapter prohibits a law enforcement officer or firefighter from issuing a command to move or disperse in accordance with Texas Penal Code Section 42.04 in the event of a riot, unreasonable noise or obstructing passageway.~~

ORDINANCE NO. _____

22-1026-12056 | PL#1194566v.2/EG

TITLE 13.34 – Picketing; 13.36 Parades and Public Assemblies; 13.38 – Special Events (RED-LINE)

Section 5. That Title 13 (Streets, Sidewalks and Public Parades), Chapter 13.34 (Picketing), Section 13.34.050 Violation), is hereby deleted and reserved:

Section 13.34.050 – ~~RESERVED~~ Violation.

- ~~A. It shall be unlawful for any person to violate any provision of this chapter.~~**
- ~~B. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and shall be punished as provided in Sections 1.08.010 through 1.08.030 of this code.~~**

Section 6. That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.36 (Parades and Public Assemblies ~~and Public Assemblies~~), Section 13.36.010 (Definitions), shall hereby be amended to read as follows:

Section 13.36.010 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Appeals official" means the city manager or a deputy city manager as designated by the city manager.

"Arterial" means a public right-of-way designated on the city's official major thoroughfare plan that has a minimum right-of-way width of seventy feet for the purpose of carrying more traffic volume than a local street.

~~"Demonstration" means a public display of sentiment for or against a person or cause, including protesting, rallies and ceremonies.~~

"Event" means the collective reference to a parade, demonstration or public assembly.

"Parade" means an athletic event, march, pageant, procession or other similar activity consisting of persons, animals, vehicles or things, or any combination thereof, that disrupts the normal flow of traffic upon any public roadways or utilizes the appropriate areas within a city-controlled park. The length and route of a parade shall be as approved in accordance with the requirements of this chapter, provided however, a parade consisting solely of moving vehicles may not utilize more than six miles of city roadways, excluding any staging, pre-parade assembly or disbanding areas. A funeral procession is not a parade.

"Peak traffic hours" means between the hours of seven a.m. and nine a.m. and four p.m. and six p.m. on Monday through Friday, except legal holidays.

"Permit official" means the person or persons designated by the city manager as being responsible for issuing permits under this chapter. The city manager may designate different persons as the permit official for different categories of permitted events and for different facilities or locations.

~~"Public assembly" means:~~

ORDINANCE NO. _____

22-1026-12056 | PL#1194566v.2/EG

TITLE 13.34 – Picketing; 13.36 Parades and Public Assemblies; 13.38 – Special Events (RED-LINE)

~~1. A demonstration which is reasonably anticipated to obstruct the normal flow of traffic upon any public roadway and that is collected together in one place; or~~

~~2. A demonstration held in and utilizing an exclusive portion of city-owned rights-of-way held open as a public forum, or an exclusive portion of a city-controlled park, such that the right-of-way or area of the park is blocked or obstructed, for a period of less than one day. An exclusive use of a city-controlled park for a demonstration must be in conformity with the requirements imposed upon such use under Section 13.24.200 of this code.~~

"Roadway" means the paved area of a street between the face of the curb lines, including the driving and parking lanes, which is provided for the movement of vehicles.

"Sidewalk" means that portion of the public right-of-way which is designated for the use and movement of pedestrians.

"Street" means that portion of public right-of-way improved, designed or ordinarily used for vehicular traffic.

Section 7. That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.36 (Parades and Public Assemblies), Section 13.36.020 (Permit Required), shall hereby be amended to read as follows:

A. No parade ~~or public assembly~~ is permitted unless a permit allowing such activity has been obtained pursuant to this chapter.

B. A permit is not required if the parade is a spontaneous event for which an attendee or event organizer cannot provide the level of advance notice required by this chapter, such as an event occasioned by recent news or current affairs. A spontaneous event is subject to other laws. To help ensure public safety, an organizer of a spontaneous event is not required to, but is encouraged to, notify the Permit Official and the El Paso Police Department of the date, time, place, and an estimate of the approximate number of persons who will be participating.

Formatted: Indent: Left: 0.5", Hanging: 0.38",
Numbered + Level: 1 + Numbering Style: A, B, C, ... +
Start at: 1 + Alignment: Left + Aligned at: 0.33" +
Indent at: 0.58"

Section 8. That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.36 (Parades and Public Assemblies), Section 13.36.100.A. shall hereby be amended to read as follows:

A. It shall be unlawful to unreasonably hamper, obstruct, impede, or interfere with a parade ~~or public assembly~~, or with any person, vehicle, or animal participating or used in the parade ~~or public assembly~~, and any person violating any provision in this chapter shall, upon conviction, be guilty of a misdemeanor and punished as provided in Sections 1.08.010 through 1.08.030 of this code.

Section 9. That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.38 (Special Events), Section 13.38.020 (Definitions), shall hereby be amended to read as follows:

ORDINANCE NO. _____

22-1026-12056 | PL#1194566v.2/EG

TITLE 13.34 – Picketing; 13.36 Parades and Public Assemblies; 13.38 – Special Events (RED-LINE)

Section 13.38.020 Definitions.

For the purpose of this Chapter, the words and phrases defined in the sections below shall have the meanings therein respectively ascribed to them by this Section:

- A. "Affected Person" means the property owner, property manager or tenant of each property abutting the portion of a public right-of-way to be closed.
- B. "Appeals Official" means the City Manager or the person designated by the City Manager as being responsible for hearing appeals to decisions made by the permit official.
- C. "Applicant" means any person, group, organization, or entity who seeks a special event permit from the permit official to conduct or sponsor a special event governed by this chapter. An applicant must be 18 years of age or older.
- D. "Permit Application Fee" means the fee to be paid by the applicant at the time the application is filed with the permit official, pursuant to the fee schedule established by resolution of the City Council.
- E. "Permit Official" means the person or persons designated by the City Manager as being responsible for issuing permits under this chapter.
- F. "Permittee" means any person or organization issued a special event permit by the permit official.
- G. "Private Property Event" means events conducted solely on private property and not requiring the use of any public right-of-way.
- H. "Public Right-of-Way" means any street, sidewalk, alley and/or easement dedicated to the public use, as further defined by Chapter 19.50 of this Code.
- I. "Site Map" means a map or diagram approximately to scale depicting the area to be closed or used in conjunction with the Special Event showing all fire lanes, booths, stages, portable toilets, trash containers, any other important features for the event, and any other materials the applicant intends to place within the area.
- J. "Special Event" means any bazaar, block party, street dance, sidewalk sale, show, exhibition, festival, concert, celebration, or other event that requires the full or partial closure or occupation of a public right-of-way and is not classified as a film-making event, temporary event, ~~picket, demonstration, parade, public assembly,~~ or private property event as defined by other chapters of this Title.
- K. "Special Event Permit" means a permit issued under this chapter authorizing the conduct of a special event in accordance with its terms and conditions. A special event permit may be issued for a single event or for multiple dates of the same recurring event provided no changes are made to the site plan and all dates occur within twelve (12) months of permit issuance.
- L. "Temporary Traffic Control Plan" means a plan describing temporary traffic control measures through and around the special event site to be used for facilitating pedestrian and vehicular users during the event.

ORDINANCE NO. _____

22-1026-12056 | PL#1194566v.2/EG

TITLE 13.34 – Picketing; 13.36 Parades and Public Assemblies; 13.38 – Special Events (RED-LINE)

Section 10. That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.38 (Special Events), Section 13.38.030.D., shall hereby be amended to read as follows:

Section 13.38.030 Permit Required.

- D. This Chapter shall not apply to the following events and activities, which are governed by other provisions of the El Paso Municipal Code:
1. An event which occurs exclusively within a city park or facility (Section 13.24.030);
 2. A film-making event (Chapter 13.30);
 3. A temporary event (Chapter 13.32); ~~4. A picket (Chapter 13.34);~~
 - ~~45.~~ ~~A demonstration, parade or public assembly~~ (Chapter 13.36);
 - ~~56.~~ A private property event.

Section 11. Except as herein amended, Title 13 (Streets, Sidewalks and Public Places) of the El Paso City Code shall remain in full force and effect.

ORDINANCE NO. _____

22-1026-12056 | PL#1194566v.2/EG

TITLE 13.34 – Picketing; 13.36 Parades and Public Assemblies; 13.38 – Special Events **(RED-LINE)**

ADOPTED this ____ day of _____, 2022.

CITY OF EL PASO

Oscar Leaser
Mayor

ATTEST:

Laura D. Prine

APPROVED AS FORM:

Eric Gutierrez
Assistant City Attorney

APPROVED AS TO CONTENT:

Gregory Allen, Chief
El Paso Police Department

ORDINANCE NO. _____

22-1026-12056 | PL#1194566v.2/EG

TITLE 13.34 – Picketing; 13.36 Parades and Public Assemblies; 13.38 – Special Events **(RED-LINE)**