

## ORDINANCE NO. 019569

### **AN ORDINANCE AMENDING TITLE 5 (BUSINESS LICENSE AND PERMIT REGULATIONS) TO CREATE CHAPTER 5.19 (SIGNAGE FOR SINGLE-USER RESTROOMS) AND SUBSECTIONS THEREUNDER IN THE EL PASO CITY CODE RELATING TO SIGNAGE FOR SINGLE-USER RESTROOMS; AND CREATING A PENALTY.**

**WHEREAS**, discriminatory and negligent attitudes towards the transgender community, especially against black, indigenous, and other women of color, foster high rates of violence, homelessness, and economic instability, and it is essential to develop policies that support the transgender community, develop public education to dispel misinformation and stigmas, myths, and to increase understanding of humanizing transgender people; and

**WHEREAS**, affirmation of their gender identity and freedom of expression is vital to how children, teens, and adults are respected in their communities and ensures a positive quality of life; and

**WHEREAS**, in July 5, 2022, the City Council of the City of El Paso pledged to keep working to protect transgender rights by adopting policies that protect transgender individuals from employment discrimination in the City of El Paso; and

**WHEREAS**, the City Council of the City of El Paso recognizes the importance of the act of correctly identifying an individual's gender and is committed to taking serious steps towards recognizing an individual's correct gender; and

**WHEREAS**, these policies include the same safeguards from discrimination that all Americans seek in employment, housing, healthcare, education, the justice system, and use of public facilities; and

**WHEREAS**, the City of El Paso will continue to promote and advocate for safe spaces within our facilities that welcome all transgender residents seeking help and services.

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

**Section 1.** That Chapter 5.19 (Signage for Single-User Restrooms) of the El Paso City Code be created.

**Section 2.** That the subsections of Chapter 5.19 (Signage for Single-User Restrooms) be created as follows:

#### **TITLE 5 (BUSINESS LICENSE AND PERMIT REGULATIONS)**

##### **Chapter 5.19 (Signage for Single-User Restrooms)**

**Section 5.19.010 Definitions**

**Section 5.19.020 Applicability**

**Section 5.19.030 Signage Required**

#### **Section 5.19.040      Offense and Penalty**

#### **Section 5.19.010      Definitions**

As used in this chapter, the following words or terms shall have the meanings ascribed in this section, unless the context of their usage clearly indicates another meaning:

- A.      “Gender neutral signage” means a sign that indicates a restroom without preference to a specific gender.
- B.      “Private or private use restroom” means plumbing fixtures in residences and apartments, private bathrooms in hotels and hospitals, and restrooms in commercial establishments where the fixtures are intended for the use of a family or an individual and are accessible only from a private room or office.
- C.      “Single-user restroom” means a lockable restroom available for an individual for use with or without assistance.

#### **Section 5.19.020      Applicability**

This chapter applies to single-user restrooms within commercial facilities that are not private or private use restrooms. This article is an additional requirement to those already required by the City Code.

#### **Section 5.19.030      Signage Required**

- A.      A single-user restroom subject to this article must have gender-neutral signage.
- B.      A person with control over a commercial facility with at least one single-user restroom shall install and maintain gender-neutral signage for each single-user restroom.

#### **Section 5.19.040      Offense and Penalty**

- A.      A person who violates or fails to comply with a requirement of this article commits an offense.
- B.      An offense under this chapter is a Class C misdemeanor offense.

**Section 3.**      Except as expressly amended herein, all other provisions of Title 5 (Business Licenses and Permit Regulations) of the El Paso City Code shall remain in full force and effect.

**Section 4.**      Title 5, Chapter 5.19 Signage for Single-User Restrooms) shall take effect January 1, 2024.

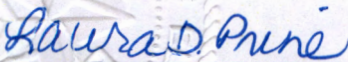
PASSED AND ADOPTED, this 21 day of November, 2023.

THE CITY OF EL PASO, TEXAS



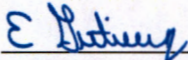
Oscar Leeser  
Mayor

ATTEST:



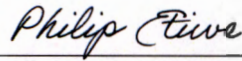
Laura D. Prince  
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez  
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Philip Etiwe, Director  
Planning and Inspections Department