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An Ordinance Amending Title 13 -  
Streets, Sidewalks, and Public Places  
Chapter 13.34 Picketing, Chapter  
13.36 Parades and Public Assemblies,  
and Chapter 13.38 Special Events

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# Strategic Goal Alignment

## Goal 2 - Set Standard for a Safe & Secure City

- 2.1 Maintain standing as one of the nation's top safest cities
- 2.3 Increase public safety operational efficiency



# Picketing Regulations

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## Overview

- Picketing Ordinance is located in 13.34 of the City Code.
  - Last amended in 2006.
- Picketing is a public display or demonstration by one or more persons of sentiment for or against a person or cause, including protesting.
- Two other sections are being amended for cross-reference purposes (13.36 Parades and 13.38 Special Events).
  - Parades are planned, permitted events that disrupt the normal flow of traffic upon public roadways.
  - Special Events are permitted events that include bazaars, block parties, sidewalk sales, shows, exhibits, festivals, or other events that require full or partial closure of public right-of-ways.

# How do courts determine if regulation is legal?

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- Any permit scheme controlling the time, place, and manner of speech must meet the intermediate scrutiny standard of review by:
  - Being **content** and **viewpoint neutral**.
  - Being **narrowly tailored** to serve a significant governmental interest.
  - Leaving open **ample alternatives** for communication



# What is the significant governmental interest here?

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- City of El Paso has a significant governmental interest:
  - In the preservation of an individual's right to exercise First Amendment right of free speech.
  - In protecting the health, safety, and welfare of the general public and preserving the public order while preserving traditional public forums.
  - In maintaining the free flow of traffic on public roadways, streets and sidewalks, preserving access to public places and buildings and protecting property.



# Benchmarking of Other Cities' Regulations:

- Austin, TX
- Houston, TX
- San Antonio, TX
- Lubbock, TX
- Los Angeles, CA
- Washington, D.C.

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# Proposed Amendments on Violations

- ~~13.34.050 Violation – It shall be unlawful for any person to violate any provision of this chapter.~~
- New section: 13.34.020.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.
- No citations for violations of picketing section going forward.



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# Spontaneous Protest Standards

- Picketing regulations should include an express exception to the permitting requirements for spontaneous demonstrations.
- The gov't cannot flatly ban groups of people from spontaneously gathering on sidewalks or in public parks in response to a dramatic news event.
- In these situations, ANY advance notice requirement would essentially prevent the demonstration and permanently lessen the dissemination of the desired message.



# Proposed Spontaneous Event Language: 13.34.020.E.

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- 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.
- 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. This section is applicable regardless of the number of individuals in attendance.

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# Exceptions for Small Groups

- Permitting regulations should include exceptions for small gatherings.
- Courts have not set a threshold that is presumptively constitutional, many regulations apply permitting requirement only to groups larger than 50 to 100 persons.
- Current City Code has exception for less than 25 people.

# Proposed Small Groups Exception Language: 13.34.020.D.

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

# Proposed Spontaneous Event Language: 13.34.020.E.

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- 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 law. 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.

This section is applicable regardless of the number of individuals in attendance.

# Picketing Regulations (No Change)

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- No picketing on any portion of public roadways.
- Picketing shall not disrupt or block pedestrian or vehicular traffic.
- Law enforcement officers may assign multiple groups a place to picket in order to preserve the public peace.
- Spectators of pickets shall not physically interfere with picketers.
- Picketers shall be subject to all applicable local, state and federal laws (noise ordinance, amplification ordinance, pedestrian crossing roadways).
- Law enforcement officers/firefighters may issue 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.

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# Going Forward

- Training with PD Academy/training bulletin for PD.
- Community partners have excellent communication with PD.
- PD working with community partners to ensure future picketing events are safe for everyone.

# Chapter 13.36 Parades and Public Assemblies Amendments

- Amend title to “Parades”
- Delete definitions of Demonstration and Public Assembly
- Add similar spontaneous event exception language
- Permitting requirements remain and violations w/ max fine of \$500

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# Chapter 13.38 Special Events

- Delete select definitions and mentions of picketing, demonstration, or public assembly
- Permitting requirements remain and violations w/ max fine of \$500

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Questions







## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People

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## Misión

Brindar servicios excepcionales para respaldar una vida y un lugar de alta calidad para nuestra comunidad



## Visión

Desarrollar una economía regional vibrante, vecindarios seguros y hermosos y oportunidades recreativas, culturales y educativas excepcionales impulsadas por un gobierno de alto desempeño



## Valores

Integridad, Respeto, Excelencia, Responsabilidad, Personas

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