

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

**DEPARTMENT:** Environmental Services

**AGENDA DATE:** Introduction: March 30, 2021  
Public Hearing: April 13, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Ellen A. Smyth (915) 212-6000

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** Goal 3.1: Improve the visual impression of the community (gateways, corridors, intersections, and parkland)

**SUBJECT:**

AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES AND PERMITS), SUBSECTION (H) EXCEPTIONS TO ADD PARAGRAPH 12 SIGNS MAY BE LOCATED IN THE PUBLIC RIGHT OF WAY WITHOUT THE REQUIREMENT OF A SIGN PERMIT OR A SPECIAL PRIVILEGE, WHICH MEET THE FOLLOWING CRITERIA: (K) THE SIGN MAY NOT BE PLACED CLOSER THAN TWENTY (20) FEET TO A WASTE CONTAINER PLACED IN THE RIGHT OF WAY PURSUANT TO A FRANCHISE AGREEMENT ISSUED BY THE CITY; (J) THE SIGN MAY NOT BE PLACED IN THAT AREA OF A TRIANGLE FORMED BY THE INTERSECTING PROPERTY LINES AND A DIAGONAL JOINING PROPERTY LINE AT POINTS TWENTY (20) FEET FROM THEIR INTERSECTION OF ANY CORNER LOT. THE PENALTY IS AS PROVIDED FOR IN SECTION 15.08.125 OF THE EL PASO CITY CODE.

**BACKGROUND / DISCUSSION:**

Environmental Services manages franchises on behalf of the City issued to vendors that maintain waste containers on City rights of way (ROW). Franchisees pay a fee to the City for each container placed, usually at intersections of busy streets, and in turn, offer advertising space on the containers to their customers. Additionally, the City regulates temporary signs placed in City ROW, which are also often placed at busy intersections. A recurring issue of multiple temporary signs being placed around franchised waste containers has resulted in those advertisements being blocked from view. Therefore, a recommendation to prohibit temporary signs within 20 feet of an intersection or franchised waste container is being made to rectify this problem.

**PRIOR COUNCIL ACTION:**

N/A

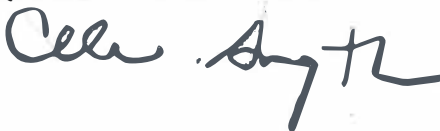
**AMOUNT AND SOURCE OF FUNDING:**

N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:** Ellen A. Smyth P.E



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

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES AND PERMITS), SUBSECTION (H) EXCEPTIONS TO ADD PARAGRAPH 12 SIGNS MAY BE LOCATED IN THE PUBLIC RIGHT OF WAY WITHOUT THE REQUIREMENT OF A SIGN PERMIT OR A SPECIAL PRIVILEGE, WHICH MEET THE FOLLOWING CRITERIA: (k) THE SIGN MAY NOT BE PLACED CLOSER THAN TWENTY (20) FEET TO A WASTE CONTAINER PLACED IN THE RIGHT OF WAY PURSUANT TO A FRANCHISE AGREEMENT ISSUED BY THE CITY; (j) THE SIGN MAY NOT BE PLACED IN THAT AREA OF A TRIANGLE FORMED BY THE INTERSECTING PROPERTY LINES AND A DIAGONAL JOINING PROPERTY LINE AT POINTS TWENTY (20) FEET FROM THEIR INTERSECTION OF ANY CORNER LOT. THE PENALTY IS AS PROVIDED FOR IN SECTION 15.08.125 OF THE EL PASO CITY CODE.**

**WHEREAS**, Section 15.08.120 requires a special privilege license or permit to allow the use of public right-of-way for specified uses; and

**WHEREAS**, Section 15.08.120(H) exempts certain activities, improvements, facilities, or uses on public right of way from having to obtain a special privilege license or permit under Section 15.08.120; and

**WHEREAS**, The City frequently enters into franchise agreements with different entities that involves the use of advertisement on trash containers placed in the public right of ways; and

**WHEREAS**, The City wishes to facilitate the placement of other signs away for the advertisement signs placed on the trash containers under the franchise agreements entered into with the City; and

**WHEREAS**, The City wishes create a clean and pleasant view in the right of way in the triangle formed at the intersections; and

**WHEREAS**, The facilitation of the distance placement of signs in the right of way from 20 feet away from waste containers furthers the City's goal of ensuring protecting the franchise agreements between the parties; and

**WHEREAS**, The facilitation of not placing signs in the area of a triangle formed by the intersection property lines creates area that is clean; and

**WHEREAS**, The City wishes to include in Section 15.08.120 that signs placed in the right of way are placed twenty (20) feet from trash containers pursuant to the terms of the franchise agreement(s); and

**ORDINANCE NO. \_\_\_\_\_**

20-1005-1921 /1046697

Sign Placement in the Right of Way Amendment

WNV

**WHEREAS**, The City wishes to eliminate signs placed in the area of a triangle formed by the intersecting property lines and a diagonal line in joining the property line at points twenty (20) feet from the intersection at any corner lot; and

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

**SECTION 1.** That Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits), Subsection (H) (Exceptions) be amended to add to paragraph 12 a new section (k) and (j) as follows:

k. The sign may not be placed closer than twenty (20) feet to a waste container placed in the right of way pursuant to a franchise agreement issued by the City.

j. The sign may not be placed in that area of a triangle formed by the intersecting property lines and a diagonal line joining the property line at points twenty (20) feet from their intersection of any corner lot.

**SECTION 2.** Except as amended herein, Title 15 and Chapter 15.08 remain in full force and effect.

**ADOPTED THIS** \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF EL PASO**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Laura Pine  
City Clerk

**APPROVED AS TO FORM:**

*Wendi N. Vineyard*  
\_\_\_\_\_  
Wendi N. Vineyard  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

*Ellen Smyth*  
\_\_\_\_\_  
Ellen Smyth  
Environmental Services Department

**ORDINANCE NO.** \_\_\_\_\_

20-1005-1921 /1046697  
Sign Placement in the Right of Way Amendment  
WNV



# Temporary Signs on the Right-of-Way

Minor Revision to Chapter 15.08, Public Services  
Environmental Services

## Strategic Goal 3.1

- Improve the visual impression of the community (gateways, corridors, intersections, and parkland)

## City Rights of Way

- The City regulates various public services in Title 15 of the El Paso City Code, which includes City rights of way (ROW)
- Chapter 15.08 regulates temporary signs placed in the ROW in the following manner:
  - Size
  - Construction
  - Allowable hours

## Ongoing Issue

- City grants franchises to companies who place waste containers with advertising panels at street intersections
- City ordinance allows individuals to place temporary signs on the right of way, provided certain conditions (time of day, construction, size) are met
- Signs placed too closely to the franchised container creates clutter and obstructs the view of the advertising panels

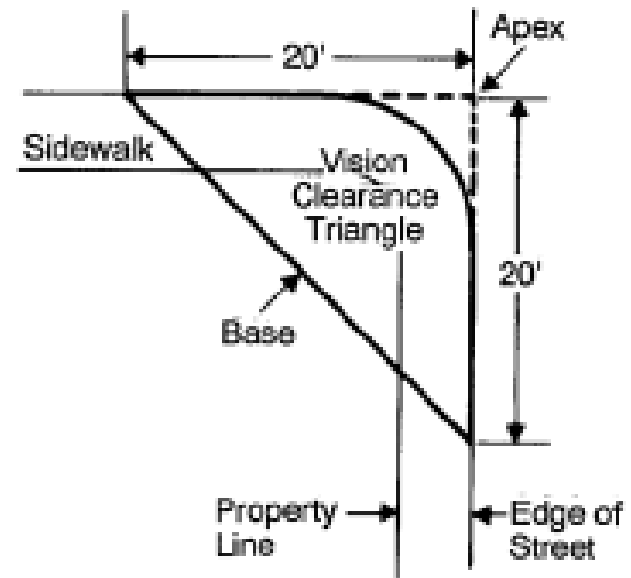


## Recommendation

- Prohibit temporary signs allowed in the right of way from being placed closer than 20 feet to a franchised container
- Prohibit temporary signs within a 20-ft. triangle at intersections



# Triangle at Intersection of Corner Property Lines



## Proposed Chapter 15.08.120 Amendments

- The sign may not be placed closer than twenty (20) feet to a waste container placed in the right of way pursuant to a franchise agreement issued by the City.
- The sign may not be placed in that area of a triangle formed by the intersecting property lines and a diagonal line joining the property line at points twenty (20) feet from their intersection of any corner lot.



## 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