

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

AGENDA DATE: November 7, 2023
PUBLIC HEARING DATE: November 21, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Tony De La Cruz, (915) 212-1589

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.1 Provide business friendly permitting and inspection process
3.2 Set one standard for infrastructure across the city

SUBJECT:

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. (All Districts)

BACKGROUND / DISCUSSION:

On September 12, 2023, City Council directed the City Attorney to create an ordinance amending Title 5 of the City Code of Ordinances relating to single-user restrooms to require single-user restrooms to have gender-neutral signage.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

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 ____ day of November, 2023.

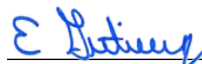
THE CITY OF EL PASO, TEXAS

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Philip Etiwe, Director
Planning and Inspections Department