

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

**DEPARTMENT:** Planning & Inspections Department

**AGENDA DATE:** Introduction: June 30, 2015  
Public Hearing: July 7, 2015

**CONTACT PERSON:** Elizabeth Gibson, (915) 212-1500,  
[GibsonEK@elpasotexas.gov](mailto:GibsonEK@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** All

**SUBJECT:**

An ordinance amending Title 13 (Streets, Sidewalks and Public Spaces) of the El Paso Municipal Code to create Chapter 13.38 (Special Events) to establish separate provisions and streamline the process for the issuance of permits for special events using streets, alleys and other public rights-of-way; and amending Title 15 (Public Services); and Title 13 (Streets, Sidewalks and Public Spaces), Chapter 13.28 (Sound Amplifying Devices), Section 13.28.020 (permit Required), Subsection (B) and Section 13.28.030 (Permit Application), Subsection (C) to include special events in permit application fee exemptions; the penalty being as provided for in Chapter 1.08 (General Penalty) of the El Paso City Code.

**BACKGROUND / DISCUSSION:**

The proposed ordinance is intended to clarify and simplify the special events permitting process by establishing separate provisions for this type of permit in the El Paso City Code and by identifying methods to streamline the permitting process for customers, including the introduction of an annual "Fast Pass" permit for the same event that occurs multiple times in a year. Events affected by this ordinance include those that occur on public right-of-way and are not classified as parades or public assemblies under Chapter 13.36 or temporary events under Chapter 13.32 of the El Paso City Code. The proposed revisions are the result of informal discussion with customers before, during and after permitted events, a focus group including the Downtown Management District and eight event organizers, and departmental feedback on our current process. Key components of the proposed revisions include:

- Create separate provisions for the special event permitting process in Title 13, the same title where other types of events held on public right-of-way are housed, such as temporary events, film-making events, parades and races, and assembly events.
- Clarify the application process and identify important submittal timelines by clearly stating when key materials such as the application, temporary traffic control plan, and proof of insurance are required.
- Clarify the process for notifying affected properties of the proposed street closure connected to the special event by identifying acceptable signatures and clarifying the minimum contents of the notice.
- Create an annual "Fast Pass" permit for the same reoccurring event, provided that the scope and footprint of the event do not change. This enables the permittee to submit one application for all of

the event dates and the ability to continuously submit additional dates for approval throughout the year without submittal of repetitive backup such as a site plan and traffic control plan.

- Streamline permitting for downtown events by removing the requirement that all downtown events be approved by an ad hoc committee. This allows for more flexibility with smaller repeat or similar events. In line with department recommendations, an administrative policy may instead be instituted to require a physical meeting of reviewing departments for larger, more complex events held downtown.
- Streamline permitting for events requesting the temporary sale and service of alcohol by removing the requirement that City Council approve a resolution allowing for this activity. The event organizer is still required to comply with all TABC rules and regulations.

**Attachment:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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**BOARD / COMMISSION ACTION:**

The proposed ordinance was distributed to the Development Coordinating Committee (DCC) and has been drafted in accordance to staff comment. No subsequent adverse comments were received.

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

**DEPARTMENT HEAD:**

Larry F. Nichols, Director  
Planning and Inspections Department

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

**AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC SPACES) OF THE EL PASO MUNICIPAL CODE TO CREATE CHAPTER 13.38 (SPECIAL EVENTS) TO ESTABLISH SEPARATE PROVISIONS AND STREAMLINE THE PROCESS FOR THE ISSUANCE OF PERMITS FOR SPECIAL EVENTS USING STREETS, ALLEYS AND OTHER PUBLIC RIGHTS-OF-WAY; AND TITLE 13 (STREETS, SIDEWALKS AND PUBLIC SPACES), CHAPTER 13.28 (SOUND AMPLIFYING DEVICES), SECTION 13.28.020 (PERMIT REQUIRED), SUBSECTION (B) AND SECTION 13.28.030 (PERMIT APPLICATION), SUBSECTION (C) TO INCLUDE SPECIAL EVENTS IN PERMIT APPLICATION FEE EXEMPTIONS; THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 1.08 (GENERAL PENALTY) OF THE EL PASO CITY CODE.**

**WHEREAS**, the City recognizes that special events are essential for a vibrant community and provide a distinct benefit to the local culture and economy; and

**WHEREAS**, the City wishes to streamline the procedure for applying and obtaining permits for special events using public rights-of-way by providing a separate administrative process for the issuance of these permits; and

**WHEREAS**, the City finds that the special events included under this chapter are not events that involve the exercise of First Amendment rights guaranteed under the United States Constitution so that it is appropriate to separate the issuance of these permits from the issuance of parade permits; and

**WHEREAS**, the adoption of this new ordinance will result in a streamlining of the procedure of applying for and obtaining special events permits by refining the application process and submittal timelines; simplifying the process for special events held in the Downtown area and for special events requesting the sale or service of alcohol on public rights-of-way in conjunction with the event; clarifying items relating to special events, including but not limited to the duties of the permittee, revocation of a permit, and the appeals process; and establishing a fast track procedure for obtaining a permit for the same recurring event occurring multiple times within a twelve-month period;

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

**SECTION 1.** That Title 13 (Streets, Sidewalks and Public Spaces) of the El Paso City Code is amended to add Chapter 13.38 (Special Events), to read as follows:

**Chapter 13.38 – SPECIAL EVENTS**

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**13.38.010 – Findings and Purpose.**

- A. The City Council of the City of El Paso recognizes that special events are essential for a vibrant community and provide a distinct benefit to the local culture and economy.
- B. The purpose of this Chapter is to create a uniform and fair process for the safe and orderly implementation of special events which utilize city infrastructure, assets, and personnel. This Chapter balances the needs of special events while protecting the public health, safety, and welfare.

**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.

**13.38.030 – Permit Required.**

- A. No special event, as defined herein, shall be conducted upon a public right-of-way unless a special event permit allowing such activity has been obtained pursuant to this Chapter.
- B. 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.
- C. The special event permit required by this Chapter is in addition to any and all other permits and or licenses that may be required for the event or event activities pursuant to any other provision of the El Paso Municipal Code, any other city regulation, or any other county, state or federal law or regulation, including but not limited to permits related to health, food, alcohol, safety, and sound amplification.
- 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);
  - 5. A demonstration, parade or public assembly (Chapter 13.36);

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6. A private property event.

**13.38.040 – Permit Application.**

A. Filing Application. An application for a special event permit shall be made in writing on a form prescribed by the permit official at least thirty (30) calendar days and not more than twelve (12) months prior to the date the special event is scheduled to begin.

B. Late Application. Notwithstanding the preceding subsection, the permit official may consider an application that is filed more than seven (7) business days but less than thirty (30) calendar days prior to the date the special event is scheduled to begin if the purpose of such event is a spontaneous response to a current event or where other good and compelling causes are shown, and the short notice does not unreasonably hinder or prejudice the City in preparing for the special event.

C. Application Form.

1. The application must include:

- a. The name, address, and telephone number for the person in charge of the proposed event and the name of the organization with which that person is affiliated or on whose behalf the person is applying;
- b. The name, address, and telephone number for an individual who shall be designated as the responsible planner and on-site manager for the event;
- c. The date, time and place of the proposed event, including the time that the event will begin and end, and times for event setup and takedown;
- d. The anticipated number of persons expected to participate in the event,, and the basis on which this estimate is made;
- e. The plan for ensuring that adequate parking, restroom facilities and trash receptacles are available in the vicinity of the event to accommodate the number of persons that are expected to attend the event; and
- f. Such other information as requested by the permit official that may be reasonably necessary to determine compliance with this Chapter and other City policies or sections of the El Paso Municipal Code.

2. The application must be signed by the applicant and accompanied by the established application fee.

D. Documentation Required. The application shall be supplemented by the documentation required under this subsection. The following documentation shall be submitted to the

Permit Official no later than five (5) business days after the application is submitted unless otherwise authorized by the permit official.

1. Temporary Traffic Control Plan. The applicant shall develop and submit a temporary traffic control plan for closing the street, alley or other public right-of-way to include any intersections and rerouting the traffic, using appropriate manned barricades and signs or peace officers authorized by law to direct traffic on city streets, and shall also designate on the plan, the location of adequate and appropriate parking areas for those persons attending the event.
    - a. Such traffic control plan shall be in conformity with the most recent edition of the Texas Manual on Uniform Traffic Control Devices and shall be submitted to the permit official in writing, drawn on a map. In considering the appropriateness of a traffic control plan, the permit official may incorporate into the plan any recommendations made by the chief of police, the traffic engineer, or their designees, which may include the use of El Paso police officers.
    - b. The event must be conducted in such a manner that at least one lane of the street to be utilized will be capable of being reopened at all times for access by police, fire and other emergency vehicles and by persons requiring emergency access to properties abutting the function. The temporary traffic control plan shall depict the location of this lane.
  2. Site Map. The applicant shall submit a map or diagram drawn approximately to scale depicting the area to be closed or used. Such map must show all fire lanes, booths, stages, portable toilets, trash containers, other important features for the event, and any other materials the applicant intends to place within the area.
  3. Notice of Proposed Closure. The applicant must provide proof that notice of the proposed closure has been issued to each affected person and neighborhood association, if applicable, whose boundaries are included within, either wholly or partially, or whose property abuts the proposed closure area. Such notice shall be provided on a form prescribed by the Permit Official containing the name and address of each affected person, and a space in which the affected person or authorized representative of the neighborhood association may indicate with an original signature whether the affected person or neighborhood association opposes the closure.
- E. Insurance and Indemnification Agreement. In addition, prior to permit issuance, the following documentation shall be submitted to the Permit Official no later than three (3) business days prior to the date the special event is scheduled to begin.

1. Indemnification Agreement. An applicant, by accepting and signing permit, agrees to indemnify, defend and hold harmless the City, its officers, agents, servants, and employees for and against all claims, causes of action, liability, damages, or expenses (including, but not limited to attorney fees and costs) for any damage or loss of property, illness, injury, physical, or mental impairment, loss of service, or death to any person arising out of or in connection with the special event. The indemnity specifically covers the City's own negligence, whether joint or sole. Entities that may not lawfully grant indemnities or may not lawfully be required to do so by the City need not grant the indemnity provided for in this subsection.
  2. Insurance. A certificate of liability insurance shall be required naming the City as an additional insured in the amount and type of coverage required by the City's Risk Management Office. If such policy shall not be kept in full force and effect, the permit shall thereupon automatically become void.
- F. If, prior to the event, any of the information required by Section 13.38.040 is changed and would require additional City services or review from any City department, the applicant must submit an amended application to the permit official within the time requirements specified by Section 13.38.040.

**13.38.050 – Permitting Criteria.**

- A. Grounds for Denial. An application, or permitted specific date of a recurring special event, may be denied for any of the following reasons:
1. The application is not fully completed and executed;
  2. The applicant has not tendered the required application fee or has not tendered other required user fees within times prescribed;
  3. The application contains a material falsehood or misrepresentation;
  4. The applicant is legally incompetent to contract or to sue and be sued;
  5. The applicant has, on prior occasions, made material misrepresentations regarding the nature or scope of an event;
  6. The applicant has previously enabled a violation or has violated the terms of a special event permit issued to or on behalf of the applicant;
  7. The applicant has, on prior occasions, damaged city property and has not paid in full for such damage;
  8. A fully executed prior application for a use at the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities that do not reasonably permit multiple simultaneous events;



9. The proposed event would conflict with previously planned programs organized, conducted, or sponsored by the City and previously scheduled at or near the same time and place;
10. The applicant requests a use not permitted under this chapter;
11. The proposed event would present an unreasonable danger to the public health or safety;
12. The proposed event would substantially or unnecessarily interfere with traffic, including but not limited to the unavailability of appropriate alternate routes for public transit vehicles and private vehicles;
13. The temporary traffic control plan and submitted site map do not adequately address security and traffic control issues or do not adequately address the criteria and requirements of this Chapter including, but not limited to the City's ability to deliver police, fire and emergency services to the event site and in the vicinity of the event site;
14. There would not, at the time of the event, be sufficient law enforcement and traffic control officers to adequately protect participants and nonparticipants from traffic related hazards in light of the other demands for police protection at the time of the proposed event;
15. The proposed event would take place on an arterial roadway during peak traffic hours;
16. The proposed event would take place at a location that cannot reasonably accommodate all of the expected participants;
17. The proposed event would take place on a state or federal highway or road and the appropriate governmental agency has not authorized the proposed use of the highway or road in writing;
18. Inadequate arrangements have been made for anticipated parking needs and for restroom facilities and trash receptacles;
19. The event will include amplified or non-amplified music or other sound sources that are expected to create a noise disturbance that cannot be appropriately abated or controlled by the applicant; or
20. The right-of-way closure for the event would deny or restrict access to abutting properties and substantial opposition to the closure has been received through the public notification process.

**13.38.060 – Costs and Fees.**

- A. Permit Application Fee. The applicant shall pay the established non-refundable application fee upon submittal of the application for permit to the permit official. The application fee shall be in addition to costs for any other services, permits and licenses that will be provided by the City as may be required for the event or event activities pursuant to any other provision of the El Paso Municipal Code and any other City regulation.
- B. Late Permit Application Fee. Any person submitting a late application pursuant to Section 13.38.040(B) shall be charged an established additional non-refundable application fee for expedited service.
- C. Temporary Street Closure. The established temporary street closure fee shall be paid prior to permit issuance.
- D. Parking Meter Rentals. Applicants desiring to reserve and utilize metered parking spaces adjacent to the permit area, as identified on the site map, shall pay the established rental fee for the duration of the event, to include staging and disbanding of the event. Applicants shall not be required to pay the established rental fee for any metered parking spaces located within the permit area.
- E. Other Permit, License, or Service Fees. Prior to Issuance. The applicant shall pay the full costs for services, permits and licenses that will be provided by the City as may be required for the event or event activities pursuant to any other provision of the El Paso Municipal Code and any other City regulation, with the exception of City Police traffic control assistance and event clean up assistance, for which shall be paid in accordance with subsection (E) below..
- F. Traffic Control and Peace Officers. The applicant shall be responsible for obtaining and placing barricades and signs in conformity with the temporary traffic control plan, and shall pay the costs associated with the placement of such barricades and signs, and any costs for City police traffic control assistance, including the hiring and paying required law enforcement officers, vehicles and equipment that are used for traffic control which shall be calculated and invoiced within 10 days following the event.
  - 1. When calculating the costs for the Police Department's portion of traffic control assistance under this Chapter, the Police Department shall prepare an estimated cost for the event and shall furnish the estimate to the Permit Official and the applicant not later than fourteen (14) calendar days after the application has been received for department review or three (3) days before the proposed event, whichever occurs first. When requested, a representative of the Police Department shall explain the estimated costs to the applicant.

2. The Police Department shall prepare and maintain a schedule of fees, based on its actual costs for its law enforcement officers, including overtime costs, as appropriate, vehicles, and equipment that are used for event traffic control. The schedule shall be on file with the Permit Official and the City Comptroller and shall be made available to all applicants.
  3. Prior to the issuance of the permit, the applicant shall deposit with the City an amount that is equal to half of the estimated amount of the costs for the Police Department's portion of traffic control assistance.
  4. If the traffic control will be provided by peace officers other than El Paso Police Officers, the permittee shall be responsible for any and all costs associated with the hiring and use of those peace officers.
- G. Event Cleanup. The applicant shall be responsible for all costs of litter and debris removal in accordance with Section 13.38.080 of this Chapter.
- H. Specific to Permits for a Recurring Event. Amendments to special event permits for the same recurring event to add dates in accordance with subsection 13.38.070(H) shall require payment of the established temporary street closure fee prior to amended permit issuance.
- I. Exemptions. Where the applicant is a City department, the applicant shall be exempt from paying the permit application, late permit application, and temporary street closure fees required in this section.

**13.38.070 – Approval, Conditional Approval, or Denial of an Application.**

- A. Deadline for Approval, Conditional Approval, or Denial. The permit official shall approve, conditionally approve, or deny an application within thirty (30) days of receipt of an application submitted in accordance with the standards set forth in this Chapter, or for late applications, within three (3) business days of the proposed event. A notice of conditional approval or denial shall clearly set forth the grounds for which the permit was conditionally approved or denied and, where feasible, shall contain a proposal for measures by which the applicant may cure any defects in the application or otherwise procure a permit.
- B. Conflict with another Event. If an application is denied because the proposed event would conflict with another event that has or will be approved, the permit official shall propose an alternative place if available for the same time, or an alternative time if available for the same place.
- C. Inadequate Location. If an application is denied because the proposed event would take place at a location that cannot reasonably accommodate all of the expected participants,

the permit official shall propose an alternative place if available for the same time, or request that the applicant appropriately reduce the number of participants.

- D. Amplification Permit. If the applicant has requested an amplification permit at the time of application, the permit official shall proceed to make a separate determination regarding the amplification permit and may issue an amplification permit in conjunction with the special event permit as permitted by and in accordance with the requirements established under Chapter 13.28 of this code.
- E. First Amendment Rights. Nothing in this chapter shall authorize the permit official to deny a permit based upon political, social, or religious grounds, or based upon the content of the views expressed.
- F. Permit Conditions. The permit official may attach reasonable conditions to any permit approval as may be appropriate within the spirit and intent of this chapter.
- G. Appeals. An applicant may appeal the denial or conditions attached to the approval of an application through the process outlined in Section 13.38.100 of this Chapter.
- H. Specific to Permits for a Recurring Event. A permittee may request, on a form prescribed by the permit official, to add dates to an approved special event permit for the same recurring event provided no changes are made to the site plan and all dates occur within twelve (12) months of permit issuance, and provided that such request is made at least fourteen (14) calendar days prior to the date the recurring event is scheduled to begin.
  - 1. Approval of the request is subject to the permitting criteria outlined in Section 13.38.050.
  - 2. The Permit Official shall approve, conditionally approve, or deny such request within fourteen (14) calendars days of receipt of request or seven (7) days prior to the proposed event date, whichever occurs first.

#### **13.38.080 – Duties of the Permittee**

- A. The permittee shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- B. The permittee shall comply with all requirements of the Texas Alcoholic Beverage Commission, if alcoholic beverages are to be sold, served or consumed at a special event.
- C. The permittee shall carry the permit upon his person at all times during the conduct of the event.
- D. The permittee shall comply with all aspects of the approved traffic control plan.

- E. The permittee shall not make an exclusive use of any city-controlled park or park facility for a demonstration except in compliance with Section 13.24.200 of this code.
- F. All barricades and signs must be removed and streets must be reopened immediately after the event and subsequent street cleaning has ended.
- G. The permittee shall, immediately upon the conclusion of the event, clean and remove all litter and debris on the roadways, sidewalks, and other public rights-of-way.
- H. In the event that the permittee does not request and receive the assistance of the city with such cleaning and the permittee fails to clean and remove all such litter and debris within four hours of the end of the event, the city may perform such cleaning and the permittee shall be responsible for the costs of the city cleaning. This does not waive the permittee's obligations under Section 13.38.080(H).
- I. Payment of all of the permittee's portion of the costs of providing on-duty law enforcement officers and any other traffic control costs, less the amount of deposit made under Section 13.38.060(F) of this chapter, shall be due and payable within ten (10) business days of receipt of the bill from the City Comptroller.
- J. Payment of any city cleaning costs shall be due and payable within ten (10) business days of receipt of the bill from the City Comptroller.

**13.38.090 – Revocation of a Permit**

- A. Any special event permit issued under the terms of this article may be revoked by the City Manager or designee, the Police Chief or designee, and the Fire Marshal or designee for grounds, including but not limited to the following:
  - 1. Fraud, misrepresentation or any false statement contained in the application for the permit;
  - 2. The permittee conducts the event in an unlawful manner or in such a manner as to constitute a breach of the peace;
  - 3. The conduct of the event has caused, will cause, or will have the effect of an imminent threat to the public health, safety and/or general welfare; and/or
  - 4. The permittee has failed to comply with all the terms and conditions of the special event permit or any and all other permits and or licenses that may be required for the event or event activities pursuant to any other provision of the El Paso Municipal Code, any other city regulation, or any other county, state, or federal law or regulation.

- B. Upon revocation of the permit, the permittee shall immediately terminate the conduct of the event, and dismantle and remove any improvements and/or obstructions located in any public rights-of-way and the event site, and return the public rights-of-way to the condition as it was before the event.
- C. Revocation for cause shall constitute grounds for denial of subsequent permit requests.

**13.38.100 – Appeals Procedure.**

- A. Appeals Official. Except as provided in subsection (D), an applicant may appeal (i) the denial of a permit, (ii) a permit condition, (iii) a determination that good cause to consider a late application does not exist, or (iv) revocation of a permit within ten (10) days after notice of the denial, conditional approval, determination, or revocation has been received by submitting a written request to the permit official. Within ten (10) days of receipt of the written appeals request, the appeals official shall conduct a hearing on whether to issue the permit or uphold the denial, conditional approval, determination, or revocation of the permit. The applicant shall have the right to present evidence at said hearing and to question appropriate City officials. The decision of the appeals official shall be based solely on the approval criteria set forth in this Chapter. The appeals official shall render a decision on the appeal within five (5) days of the date of the hearing. In the event that the purpose of the proposed event is a spontaneous response to a current event, or where other good and compelling causes are shown, the appeals official shall reasonably attempt to conduct the hearing and render a decision on the appeal as expeditiously as is practicable.
- B. The decision as to the amount of traffic control or clean up necessary in conjunction with an event and the costs resulting there from, are not appealable, provided that the costs are based on the schedule of fees required in Section 13.38.060 of this chapter
- C. City Council. The decision of the appeals official is subject to review by the City Council. Prior to the filing of any petition for declaratory judgment or other judicial determination pursuant to subsection C, the applicant shall appeal the decision of the appeals official to the City Council. The applicant shall submit a written appeal request to the permit official, who shall forward the request for placement on the agenda of the next available regular City Council meeting in compliance with all ordinances, statutes and policies relating to the placement of items on the Council agenda and the posting of the agenda. The decision to issue or uphold the denial, conditional approval, determination, or revocation of the permit shall be based solely on the approval criteria set forth in this Chapter.
- D. District Courts of El Paso County. The decision of the City Council is subject to review in the district courts of El Paso County. Any petition for a declaratory judgment or other

judicial determination as to whether the permit should be granted shall be filed with the clerk of the District Court within thirty (30) days after the applicant has received notice of the decision. The parties shall comply with all laws and rules governing such matter before the court.

**13.38.110 – Violation – Penalty.**

- A. A person who promotes or sponsors a special event for which a permit is required without a permit having been issued shall, upon conviction, be guilty of a misdemeanor and punished as provided in Sections 1.08.010 through 1.08.030 of this Code.
- B. A permittee who intentionally violates the terms of the permit or who violates any of the duties set forth in Section 13.38.080 shall, upon conviction, be guilty of a misdemeanor and punished as provided in Sections 1.08.010 through 1.08.030 of this Code.
- C. A person participating in a special event for which a permit has been issued who intentionally violates the terms of the permit shall, upon conviction, be guilty of a misdemeanor and punished as provided in Sections 1.08.010 through 1.08.030 of this Code.
- D. A person who participates in a special event for which a permit is required without a permit having been issued shall, upon conviction, be guilty of a misdemeanor and punished as provided in Sections 1.08.010 through 1.08.030 of this Code.
- E. This Chapter shall not be construed to authorize the use of the public right-of-way except in strict compliance with the laws of the state and other ordinances of the city applicable thereto, and persons who violate such other laws and ordinances shall be punished according to the provisions of the other applicable laws and ordinances.
- 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 obstructed passageway.

**SECTION 2.** That Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.28 (Sound Amplifying Devices), Section 13.28.020 (Permit Required) Subsection (B) and Section 13.28.030 (Permit Application), Subsection (C) of the El Paso City Code be amended to read as follows:

a) Amend Subsection 13.28.020(B) as follows:

- B. A person or an organization applying for a special privilege license, permit, or temporary or special event permit is exempt from having to pay the established fee for a permit in accordance with the requirements of this chapter.

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b) Amend Subsection 13.28.030(C)(2) as follows:

2. The application must be signed and when submitted not in connection with or simultaneous to an application for a parade, temporary, or special event permit be accompanied by payment of a nonrefundable application fee in the amount of fifteen dollars. Effective September 1, 2006, the application fee shall be in the amount set by the budget or other appropriate resolution of the city council, provided however, that if such fee is not contained in such a resolution as of September 1, 2006, the fee set herein in the amount of fifteen dollars shall continue until such time as the fee is established in the budget or other appropriate resolution of the city council. The fee shall not apply to an application submitted by a governmental entity.

**SECTION 3.** Except as herein amended, Title 13 of the El Paso City Code shall remain in full force and effect.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leeser, Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Kristen L. Hamilton-Karam  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Larry F. Nichols, Director  
Planning and Inspections Department

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

**14**