

ORDINANCE NO. **019409**

**AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.34 (PICKETING), SECTION 13.34.020 (NOTICE OF INTENT TO PICKET) TO ADD EXCEPTIONS AND SPONTANEOUS EVENTS; CHAPTER 13.34 (PICKETING), SECTION 13.34.030 (RECEIPT OF NOTIFICATION) TO DELETE AND RESERVE; CHAPTER 13.34 (PICKETING), SECTION 13.34.050 (VIOLATION) TO DELETE AND RESERVE; CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES) TO AMEND CHAPTER TITLE TO 'PARADES;' CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES) SECTION 13.36.010 (DEFINITIONS) TO DELETE 'DEMONSTRATION' AND 'PUBLIC ASSEMBLY' FROM DEFINITIONS; CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES), SECTION 13.36.020 (PERMIT REQUIRED) TO ADD SPONTANEOUS EVENT EXCEPTION; CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES), SECTION 13.36.100 (VIOLATION – PENALTY) TO REMOVE THE TERM 'PUBLIC ASSEMBLY' FROM VIOLATIONS; CHAPTER 13.38 (SPECIAL EVENTS), SECTION 13.38.020 (DEFINITIONS) TO REMOVE PICKETING, DEMONSTRATING, PARADES, AND PUBLIC ASSEMBLY FROM THE DEFINITION OF 'SPECIAL EVENTS'; THE PENALTY AS PROVIDED IN SECTION 13.36.100 AND 13.38.110 OF THE CITY CODE.**

WHEREAS, the City of El Paso has a significant governmental interest in the preservation of an individual's right to exercise his or her First Amendment right of free speech and the City recognizes that public sidewalks, roadways, streets and parks are traditional public forums in which expressive activity occurs; and

WHEREAS, the City of El Paso has a significant governmental interest in protecting the health, safety, and welfare of the general public and preserving the public order while preserving traditional public forums; and

WHEREAS, the City of El Paso has a significant governmental interest in maintaining the free flow of traffic on public roadways, streets and sidewalks, preserving access to public places and buildings and protecting property; and

WHEREAS, the City of El Paso may impose reasonable and constitutional regulations for the use of public roadways, streets, sidewalks, and parks during a public assembly to further the above-referenced governmental interests, without regard to the purpose or content of the message but to preserve the public peace and to avoid unreasonable conflicts with other legitimate use of such property; and

WHEREAS, the City Council of the City of El Paso finds that the regulations established herein serve compelling governmental interests and they are narrowly drawn to achieve those interests.

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TITLE 13.34 – Picketing; 13.36 Parades and Public Assemblies; 13.38 – Special Events (CLEAN)

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

**Section 1.** That Title 13 (Streets, Sidewalks and Public Parades), Chapter 13.34 (Picketing), Section 13.34.020 (Notice of Intent to Picket), is hereby amended to read as follows:

**Section 13.34.020 Notice of intent to picket, Exceptions.**

- 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.
- B. The organizer of a picket that the organizer knows, or should reasonably know will be attended by a group of fifty or more individuals are encouraged to give notice of intent to picket to the chief of police or his designee at least seventy-two hours before the beginning of the picket. The notice of intent to picket shall include the following information:
  - 1. The name, address and contact telephone number for the organizer of the picket;
  - 2. The name, address and contact telephone number of the person giving notice of intent to picket if different from the organizer;
  - 3. The name of the organization or group sponsoring the picket;
  - 4. The location where the picket is to take place;
  - 5. The date and time the picket will begin and end; and
  - 6. The anticipated number of participants, and the basis on which this estimate is made.
- C. The chief of police shall develop a procedure by which individuals can give notice of intent to picket under this chapter, to include instructions as to where such notices are filed. Such policy shall be on file at police department headquarters and at the offices of the city clerk and the permit official designated to issue permits under Chapters 13.28, 13.32 and 13.36 of this code, and shall be made available to the public.
- D. A notice of intent to picket is not required to be given for picketing by a group of less than fifty individuals.
- E. 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 laws. 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.

**Section 2.** That Title 13 (Streets, Sidewalks and Public Parades), Chapter 13.34 (Picketing), Section 13.34.030 (Receipt of Notification), is hereby deleted and reserved:

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**Section 13.34.030 – RESERVED.**

**Section 3.** That Title 13 (Streets, Sidewalks and Public Parades), Chapter 13.34 (Picketing), Section 13.34.050 (Violation), is hereby deleted and reserved:

**Section 13.34.050 – RESERVED.**

**Section 4.** That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.36 (Parades and Public Assemblies) title be amended to Chapter 13.36 Parades, Section 13.36.010 (Definitions), shall hereby be amended to read as follows:

**Chapter 13.36 Parades**

**Section 13.36.010 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Appeals official" means the city manager or a deputy city manager as designated by the city manager.

"Arterial" means a public right-of-way designated on the city's official major thoroughfare plan that has a minimum right-of-way width of seventy feet for the purpose of carrying more traffic volume than a local street.

"Event" means the collective reference to a parade, demonstration or public assembly.

"Parade" means an athletic event, march, pageant, procession or other similar activity consisting of persons, animals, vehicles or things, or any combination thereof, that disrupts the normal flow of traffic upon any public roadways or utilizes the appropriate areas within a city-controlled park. The length and route of a parade shall be as approved in accordance with the requirements of this chapter, provided however, a parade consisting solely of moving vehicles may not utilize more than six miles of city roadways, excluding any staging, pre-parade assembly or disbanding areas. A funeral procession is not a parade.

"Peak traffic hours" means between the hours of seven a.m. and nine a.m. and four p.m. and six p.m. on Monday through Friday, except legal holidays.

"Permit official" means the person or persons designated by the city manager as being responsible for issuing permits under this chapter. The city manager may designate different persons as the permit official for different categories of permitted events and for different facilities or locations.

"Roadway" means the paved area of a street between the face of the curb lines, including the driving and parking lanes, which is provided for the movement of vehicles.

"Sidewalk" means that portion of the public right-of-way which is designated for the use and movement of pedestrians.

"Street" means that portion of public right-of-way improved, designed or ordinarily used for vehicular traffic.

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**Section 5.** That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.36 (Parades and Public Assemblies), Section 13.36.020 (Permit Required), shall hereby be amended to read as follows:

- A. No parade is permitted unless a permit allowing such activity has been obtained pursuant to this chapter.
- B. A permit is not required if the parade is 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. A spontaneous event is subject to other laws. To help ensure public safety, an organizer of a spontaneous event is not required to, but is encouraged to, notify the Permit Official and the El Paso Police Department of the date, time, place, and an estimate of the approximate number of persons who will be participating.

**Section 6.** That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.36 (Parades and Public Assemblies), Section 13.36.100.A. shall hereby be amended to read as follows:

- A. It shall be unlawful to unreasonably hamper, obstruct, impede, or interfere with a parade, or with any person, vehicle, or animal participating or used in the parade, and any person violating any provision in this chapter shall, upon conviction, be guilty of a misdemeanor and punished as provided in Sections 1.08.010 through 1.08.030 of this code.

**Section 7.** That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.38 (Special Events), Section 13.38.020 (Definitions), shall hereby be amended to read as follows:

**Section 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.

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- 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, 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.

**Section 8.** That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.38 (Special Events), Section 13.38.030.D. shall hereby be amended to read as follows:

**Section 13.38.030 Permit Required.**

- 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 parade (Chapter 13.36);
  - 5. A private property event.

**Section 9.** Except as herein amended, Title 13 (Streets, Sidewalks and Public Places) of the El Paso City Code shall remain in full force and effect.

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ADOPTED this 6<sup>th</sup> day of December, 2022.



ATTEST:

Laura D. Prine

Laura D. Prine  
City Clerk

CITY OF EL PASO

Oscar Leeser

Oscar Leeser  
Mayor

APPROVED AS FORM:

Eric Gutierrez

Eric Gutierrez  
Assistant City Attorney

APPROVED AS TO CONTENT:

Gregory Allen

Gregory Allen, Chief  
El Paso Police Department

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