

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

DEPARTMENT: City Manager's Office

AGENDA DATE: March 19, 2013

CONTACT PERSON NAME AND PHONE NUMBER: Leila Melendez, City Manager's Office, 541-4859

DISTRICT(S) AFFECTED: All

SUBJECT:

An Ordinance providing or a waiver of certain fees for special event permits as required in Title 5, Title 9, Title 12, Title 13, and Title 15 of the El Paso City Code.

An Ordinance amending Title 5 (Business License and Permit Regulations), Chapter 5.03 (Charitable Solicitations), Chapter 5.15 (Vendors and Solicitors) of the El Paso City Code, to repeal Charitable Solicitation permits and to exempt certain vendors from the license requirement. The penalties are provided in Chapter 5.01.100 of the El Paso City Code.

An Ordinance Amending Title 9 (Health and Safety), Chapter 9.40 (Noise), Chapter 9.52 (Fire Prevention Code) of the El Paso City Code, to exempt special events permits from the Noise Ordinance. The penalties are provide in Chapter 9.40.140 of the El Paso City Code.

An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.56 (Parking Meters), of the El Paso City Code, to exempt parking meter fees for special event permits. The penalties are provided in Chapter 12.84.010 of the El Paso City Code.

An Ordinance Amending Title 13 (Streets, Sidewalks, and Public Spaces), Chapter 13.28 (Sound Amplifying Devices) and Chapter 13.32 (Temporary Events) of the El Paso City Code to exempt special event permits from the sound amplification permit and to amend the payment and cancellation policy for a special event permit. The penalties are provided in Chapter 13.32.090 of the El Paso City Code.

An Ordinance Amending Title 15 Title 15 (Public Services), Chapter 15.08 (Street Rentals) of the El Paso City Code, to delete certain additional costs and fees associated with special event permits. The penalty is provided in Chapter 15.08.070 of the El Paso City Code.

A Resolution amending Schedule C for the City of El Paso FY2013 Budget Resolution, to delete certain established fees related to the special privilege temporary use fees and for charitable solicitation as part of the streamlining of the special event process.

BACKGROUND / DISCUSSION:

During a Special City Council Meeting/Work Session held on October 18, 2012, the Council supported a proposal to reform the process for special events held in the public right-of-way, either downtown or elsewhere. Some changes to various codes are necessary in order to streamline and reduce the process time necessary to approve permits for these events.

PRIOR COUNCIL ACTION:

*Thompson
on 3/26*

Council supported during Special City Council Meeting/Work Session held on October 18, 2012, and directed staff to return to Council with necessary code amendments.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION

Not applicable

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

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

Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS, AND PUBLIC SPACES), CHAPTER 13.28 (SOUND AMPLIFYING DEVICES) AND CHAPTER 13.32 (TEMPORARY EVENTS) OF THE EL PASO CITY CODE TO EXEMPT CERTAIN SPECIAL PRIVILEGE LICENSE AND PERMIT EVENTS FROM THE SOUND AMPLIFICATION PERMIT FEE AND TO AMEND THE PAYMENT AND CANCELATION POLICY FOR A SPECIAL PRIVILEGE LICENSE AND PERMIT. THE PENALTIES ARE PROVIDED IN CHAPTER 13.32.090 OF THE EL PASO CITY CODE.

WHEREAS, Title 13 of the El Paso City Code was adopted to promote the health, safety, morals and general welfare of the community; and

WHEREAS, on October 18, 2012, at a Special City Council Meeting, Council directed staff to revise City Code provisions in order to streamline the application process for use of City's rights of way.

WHEREAS, the City Council has determined that the Special Privilege License and Permit Event process is necessary to promote the health, safety, morals and general welfare of the community and to serve the aesthetic and safety needs of the community,

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, Chapter 13.28 Sound Amplifying Devices, Section 13.28.020 Permit Required of the El Paso City Code be amended as follows:

- A. A person or an organization desiring to use a sound amplifying device on a street, sidewalk, city park or other place held by the city for public use shall apply for and obtain a permit for such use in accordance with the requirements of this chapter.
- B. A person or an organization applying for a Special Privilege License and Permit is exempt from having to pay the established fee for a permit in accordance with the requirements of this chapter.

SECTION 2. That Title 13 Streets, Sidewalks, and Public Spaces, Chapter 13.32 Temporary Events, Section 13.32.030 Permit Application, Subsection C of the El Paso City Code be amended as follows:

- C. Application Form.
 - 1. The application must contain the following:
 - 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 (collectively "applicant");

- 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;
 - d. The anticipated number of persons, and the basis on which this estimate is made;
 - e. The availability of parking, restroom facilities and trash receptacles in the vicinity where the event will be conducted to accommodate the number of persons that are expected to attend the event; and
 - f. Such other information, attachments, and submissions that are requested on the application form.
2. If the applicant desires to use amplification in connection with the temporary event, the applicant shall so indicate on the application form and provide the information requested on the application form.
 3. The application must be signed and be accompanied by a nonrefundable payment of the established fee.
 4. Within two business days after the receipt of the application or the documentation required under subsection D, whichever occurs later, the permit official may reject any application or other documentation that does not contain an accurate and legible depiction of the location of the event and require the applicant to resubmit a corrected application or documentation with an accurate and legible depiction of the location. The resubmission is subject to all of the deadlines set forth in this section.

SECTION 3. That Title 13, Vehicles and Traffic, Chapter 13.32 Temporary Events, Chapter 13.32.050 Costs and Fees, Subsection E of the El Paso City Code be amended as follows:

- E. The applicant shall pay the established fee upon submittal of the application for permit. Prior to the issuance of the permit, the applicant shall pay the full amount of all costs for services, permits and licenses that will be provided by the city. If the applicant cancels the event and notifies the permit official within three hours or less of the commencement of the event, the application fee will not be refunded.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

John F. Cook

Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

Matthew S. McElroy, Director
City Development Department

ORDINANCE NO. _____

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WHEREAS, Title 13 of the El Paso City Code was adopted to promote the health, safety, morals and general welfare of the community; and

WHEREAS, on October 18, 2012, at a Special City Council Meeting, Council directed staff to revise City Code provisions in order to streamline the Special Event application process for use of City's rights of way.

WHEREAS, the City Council has determined that the Special Privilege License and Permit Event process is necessary to promote the health, safety, morals and general welfare of the community and to serve the aesthetic and safety needs of the community,

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 - c. The date, time and place of the proposed event, including the time that the event will begin and end;
 - d. The anticipated number of persons, and the basis on which this estimate is made;
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PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

John F. Cook

Mayor

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