

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

DEPARTMENT: **Engineering. Traffic Division**

AGENDA DATE: **Introduction: May 4, 2010
Public Hearing: May, 11, 2010**

CONTACT PERSON NAME AND PHONE NUMBER: **Ted Marquez, P.E. (915) 541-4050, Marqueztx@elpasotexas.gov**

DISTRICT(S) AFFECTED: **ALL DISTRICTS**

SUBJECT:

An Ordinance to revise the process for obtaining a permit for a film-making event by amending Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.30 (Film-Making Events), of the El Paso City Code; by amending provisions for the issuance of permits for certain types of uses of streets, alleys and other areas owned by the City for Film-Making Events; and by Amending Title 15 (Public Services) Chapter 15.08 (Special Privilege License) Section G.3 (Exception), Changing the 24 Hour exception for temporary commercial film-making activities to 48 hours; the penalty being as provided in Section 13.30.130 (Violation) and Chapter 1.08 (General Penalty) of the City Code. (ALL DISTRICTS)

BACKGROUND / DISCUSSION:

The uses of City right-of-way such as a street or sidewalk for private purposes or events are currently housed in the Engineering –Traffic Division. This ordinance amendment will transfer the film-making permit function from the Economic Development Department to the Engineering Department. This amendment will also extend the maximum allowable time a permit can be issued without requiring a special privilege from 24 hours to 48 hours.

PRIOR COUNCIL ACTION:

Approval of Ordinance No. 015885 on September 7, 2004 creating Chapter 13.30 (Film-making events).

Approval of Ordinance No. 015919 on October 19, 2004 amended the procedures of Chapter 13.30 (Film-making events).

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****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 TO REVISE THE PROCESS FOR OBTAINING A PERMIT FOR A FILM-MAKING EVENT BY AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.30 (FILM-MAKING EVENTS), OF THE EL PASO CITY CODE; BY AMENDING PROVISIONS FOR THE ISSUANCE OF PERMITS FOR CERTAIN TYPES OF USES OF STREETS, ALLEYS AND OTHER AREAS OWNED BY THE CITY FOR FILM-MAKING EVENTS; AND BY AMENDING TITLE 15 (PUBLIC SERVICES) CHAPTER 15.08 (SPECIAL PRIVILEGE LICENSES) SECTION G.3 (EXCEPTION), CHANGING THE 24 HOUR EXCEPTION FOR TEMPORARY COMMERCIAL FILM- MAKING ACTIVITES TO 48 HOURS; THE PENALTY BEING AS PROVIDED IN SECTION 13.30.130 (VIOLATION) AND CHAPTER 1.08 (GENERAL PENALTY) OF THE CITY CODE.

WHEREAS, the City wishes to streamline the procedure of applying for and obtaining permits for film-making events by separately providing for the issuance of these permits;

WHEREAS, the City finds that transferring the function for approval of separate permits for film-making events to the Engineering Department will create a more efficient process by which requests for these temporary uses of streets and other City buildings or facilities can be taken and processed by the City, which also benefits the residents and other users of the City's streets;

WHEREAS, the City finds that the film-making 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 enactment of this ordinance to create this system of permits for allowing for certain limited temporary uses of the City's rights of ways and property is done in compliance with the City Charter.

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

Section 1. That Section 13.30.010 (Definitions) of the El Paso City Code shall be amended as follows:

Section 13.30.010 Definitions.

For purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“City Equipment” means fire, police, street, machinery or other mechanical devices owned and used by the City.

“City Facility” means any City owned real property and any improvements made thereto, other than a facility for which rental or user fees have been authorized by any ordinance of the City.

“Commissioner” means the El Paso Film Commissioner.

“Film-making event” means any filming or photography session done for commercial purposes in connection with the making of a film, movie, television production, commercial or like endeavor, which requires the closing of the street or a portion thereof to normal vehicular traffic or the use of a City building or facility for a period of time not to exceed forty-eight hours.

“Location” means any street, alley, other City right-of-way or City Facility proposed to be utilized for a film-making event.

“Non-Public Portion” means the portion of any City Facility not designated for public use that is currently utilized by City staff for City business.

“Permittee” means the individual to whom a film-making permit has been issued.

“Pre-designated department representative” means one of three employees within a given department authorized to review film-making permit applications. Such employees shall be the department head and two designees or three designees designated by a department head. The names of these individuals shall be provided to and kept on file with the El Paso Film Commission as a primary and secondary contact for each department requiring review of a film-making permit application. Each pre-designated department representative shall be authorized to provide approval on behalf of the respective department.

“Right-of-way” means the entire area of a street or alley owned by the City in easement or by fee simple interest, including the driving surface of the street and any improved or unimproved abutting land not used for vehicle traffic.

“Street” means that portion of public right-of-way improved, designed or ordinarily used for vehicular traffic to include alleys when applicable.

“Traffic Engineer” means the Traffic Engineer for the City of El Paso as defined in Section 12.04.190 or that person’s designee.

Section 2. That Section 13.30.020 (Permit required) of the El Paso City Code shall be amended as follows:

Section 13.30.020 Permit required.

A person or organization conducting a film-making event involving the proposed use of a City right-of-way or City facility shall apply for a permit for such use from the Commissioner in accordance with this chapter. The Traffic Engineer is authorized to issue a permit for a period not to exceed forty-eight consecutive hours to any person or organization in compliance with all requirements enumerated herein that has submitted an application. The Traffic Engineer may extend a film-making event permit for a period up to an additional forty-eight consecutive hours up on receipt of an application for extension of a film-making event permit. Any person requesting the use or closure of a right-of-way or a City facility for more than the forty-eight hours allowed by a film-making event permit or the extension thereof, or the use of a City facility when the City Manager determines that the use would interfere with the conduct of work performed by the City or would inappropriately interfere with the public’s use of City facilities available for such uses shall submit the request in accordance with the provisions in Chapter 15.08 of this code, or obtain a lease or licensing agreement for the use of a City facility, as applicable.

Section 3. That Section 13.30.040 (Permit application) of the El Paso City Code shall be amended as follows:

Section 13.30.040 Permit application.

An application for a film-making event permit must be made for each film-making event project (including but not limited to, a motion picture, commercial or documentary) on a form provided by the City and filed with the Commissioner. Permits issued for a film-making event may include multiple locations. A location information form must be filed for each location proposed on the permit application. The Traffic Engineer’s approval of locations may provide for the use of City rights-of-way or facilities for periods not to exceed forty-eight consecutive hours for each location or an extension thereof not to exceed and

additional forty-eight hours. Request for use or closure of rights-of-way or a City facility for more than 48 consecutive hours or the extension thereof at a particular location shall require a special privilege permit or license as provided for in Chapter 15.08.

A. **Application Filing & Review.** An application shall be filed with the Commissioner. No materially incomplete application shall be accepted. Upon receipt of a materially complete application, the Commissioner shall timestamp and assign an application number to the project together with a separate location number for each proposed film-making event location. The applicant, or the Commissioner on behalf of the applicant, shall then be responsible for obtaining a recommendation for each proposed location from all affected departments as outlined below:

1. The Commissioner shall immediately forward the application to all the departments for which application review is required and shall additionally inform the Economic Development Director and Council members of any locations proposed within their district. The Commissioner or applicant shall work with a pre-designated departmental representative to facilitate timely review. A pre-designated department representative for film-making events permitting shall provide a recommendation for approval, approval with modification, or denial for each proposed location along with applicable departmental comments. A pre-designated department representative shall make every effort to provide a recommendation within one business day.
2. Review of the application shall be required from the following departments: Fire, Police, Sun Metro, Environmental Services, Traffic-Engineering, and Streets. Other departments may be requested to review the application, as determined to be appropriate by the Commissioner. Review by and approval by the Director of Aviation or designee shall be required for any proposed filming on City of El Paso airport property. The use of any police or fire facility shall require approval of the police or fire chief respectively. The Traffic Engineer shall approve all applications. The City Manager or designee shall review and

approve all applications for the use in or at non-public areas of City Facilities. A pre-designated department representative shall provide written acknowledgment of receipt of the application. Any department required or requested to review the application shall make recommendation and provide comments by no later than the close of business on the third City Hall business day, after receipt of the application. Upon completion of distribution to all departments making a review, the applicant or Commissioner, as the case may be, shall forward application and department recommendations to the Traffic Engineer. The Traffic Engineer shall begin his review on the City business day he receives the application and department recommendations and shall approve or deny the permit as required in Section 13.30.050.

B. Application Content. The application for a film-making event permit shall set forth the following information:

1. The name, address and telephone number(s) of the person and organization seeking to conduct the event, as well as at least one alternate contact and the contact's telephone number;
2. The proposed title and description of the project;
3. The location or locations of the event;
4. Any additional information requested by the Traffic Engineer or Commissioner reasonably necessary for a fair determination as to whether the permit should be issued.
5. All information required on the standard application form.
6. All supplementary documentation required.
7. Proposed Location Content. For each proposed location submitted as part of an application, the applicant shall provide the following information:
 - a. The physical address or description of the location, and rights-of-way affected by filming, proposed closures or intermittent traffic control and traffic control plan as required by 13.30.040.B.9.b.
 - b. The dates and times for set-up, filming and tear-down/clean-up.

- c. The number of cast and crew expected to be present for set-up, filming and tear-down/clean-up.
 - d. The type of filming action expected to take place at the location.
8. Any additional information requested on the location information form, or by the Traffic Engineer or Commissioner, reasonably necessary for a fair determination as to whether the location should be approved.
9. Required Supplementary Documentation. The applicant shall provide all documentation required under this subsection, unless otherwise stated herein, at the time an application is filed.
- a. Applicant Authorization. If the film-making event is designed to be conducted by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall also file a communication in writing from the person proposing to hold the film-making event, authorizing the applicant to apply for the permit on his behalf.
 - b. Traffic Control Plan. For each proposed location on City right of way, a traffic control plan showing the proposed location of all barricades, signs and devices to be used for redirecting traffic around the closure area shall be provided by the applicant and shall comply with the following:
 - i. The traffic control plan shall provide for the closing of the street to include any intersections and rerouting of traffic, use of appropriate manned barricades, signs, and peace officers who have jurisdiction within the City, and shall also designate on the plan, the location of adequate and appropriate parking areas for filming crews and equipment.
 - ii. Such traffic control plan shall be in conformity with the most recent edition of the Texas Manual on Uniform Traffic Control Devices, shall be drawn on a map, and be timely submitted to the Traffic Engineer pursuant to the

requirements set forth herein. In considering the appropriateness of a traffic control plan, the Traffic Engineer may approve with modification or otherwise incorporate any recommendations made by other pre-designated departmental review representatives or department heads, which may require the use of peace officers.

- iii. The traffic control plan shall provide that an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6" for emergency vehicle access on all temporarily closed streets be retained. Fire hydrant locations shall be identified and no structure shall be located within 15 feet of any such fire hydrant.
- iv. As part of a submitted traffic control plan, the permittee agrees to be responsible for the following:
 - a). Obtaining and placing barricades and signs in conformity with the traffic control plan.
 - b). Costs associated with the placement of such barricades and signs.
 - c). Costs for City police assistance, traffic control or otherwise, as provided in section 13.30.100 of this code if a determination is made by the Traffic Engineer that police traffic control assistance is also necessary.
 - d). To remove all barricades and signs and reopen streets immediately after the film-making event and subsequent tear-down/clean-up has ended.
 - e). To pay all parking meter fees for the time utilized.
 - f). Ensuring that access to property abutting an event location to be held on a street is not denied.

C. **Certificate of Insurance.** A certificate of liability insurance naming the City as an additional insured. When applicable, the applicant must provide insurance pursuant to the following conditions and in the following amounts:

1. Worker's Compensation with statutory limits;
2. Employer's Liability with minimum limits for bodily injury: a) by accident, two hundred fifty thousand dollars (\$250,000.00) each accident, b) by disease, two hundred fifty thousand dollars (\$250,000) for each employee with a policy aggregate of five hundred thousand dollars (\$500,000.00).
3. Business Automobile Liability Insurance covering owned, hired, and non-owned vehicles, with a minimum combined bodily injury (including death) and property damage limit of five hundred thousand dollars (\$500,000.00) per occurrence and in the aggregate. If filming involves "stunts or extended car chases, then the minimum limit of coverage shall be three million dollars (\$3,000,000) per occurrence and in the aggregate.
4. If the filming involves the use of aircraft then Aircraft Liability insurance for owned, hired, and non-owned aircraft with a minimum limit of five million dollars (\$5,000,000.00) per occurrence and in the aggregate.
5. Commercial General Liability Insurance including, but not limited to, Premises/Operations, Personal & Advertising Injury, Products/Completed Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) coverage of Two hundred Fifty Thousand dollars (\$250,000.00) per person and one million dollars (\$1,000,000.00) in the aggregate, and property damage limits of one million dollars (\$1,000,000) per occurrence and one million dollars (\$1,000,000) in the aggregate. If filming in a City facility or premises, then, minimum limits of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in the aggregate is required. If filming involves use of pyrotechnics, explosives or fireworks, then three million dollars \$3,000,000 per occurrence and three million dollars \$3,000,000 in the aggregate is required.

6. If alcoholic beverages are sold, served, or otherwise made available, then Liquor Liability Insurance with minimum limits of one million dollars (\$1,000,000) for each claim and in the aggregate.

7. With respect to the above required insurance, all insurance contracts and certificate(s) of insurance shall contain and state in writing, the following required provisions: a) name the City and its officers, employees, and elected representatives as additional insureds; b) state that coverage shall not be cancelled, non-renewed or materially changed except after thirty (30) days' written notice by certified mail to: Film Commissioner, 1 Civic Center Plaza, El Paso, TX 79901; and c) waive subrogation against the City of El Paso, its officers, employees, for bodily injury (including death) property damage or any other loss.

a. **Proof of Notice to Abutting Owners and occupants.** A statement from the applicant for a film-making event that every owner or occupant of real property abutting the boundaries of the area in which the film-making event will be conducted has been notified. Notification shall additionally be provided in writing in both English and Spanish to each common address abutting the location. In addition, a statement showing which owners or occupants have given consent for the film-making event, have not consented, or have not responded. Inability to obtain consent from at least seventy-five percent (75%) of the affected owners or occupants may be grounds for permit denial or revocation.

b. **Application Fees.** An application fee for each proposed filming location shall be paid by the person applying for the permit at the time of the filing of the application. The application fee shall be established by the current budget resolution or other appropriate resolution passed by the City Council.

Section 4. That Section 13.30.050 (Permit consideration and issuance) of the El Paso City Code shall be amended to read as follows:

Section 13.30.050 Permit consideration and issuance.

A. **Traffic Engineer Review.** The Traffic Engineer shall review an application and each proposed event location together with departmental recommendations and comments in order to ensure that the proposed film-making event complies with the provisions of this chapter and is an appropriate use under subsection B. The

Traffic Engineer shall approve, approve with modifications consistent with departmental recommendations, or disapprove an application, or specific event location no later than two City business days after the date he receives the application and departmental recommendations. The Traffic Engineer's failure to issue an approval, approval with modifications, or disapproval of the application within the time period provided herein shall constitute a denial for purposes of section 13.30.070 of this code. The Traffic Engineer shall immediately notify the applicant of his determination, and if the application is denied, of the reasons therefore.

B. Application and Event Location Considerations. The Traffic Engineer shall consider the following criteria, as may be applicable, to determine whether the applicant's proposals adequately and appropriately address public health, safety and welfare issues and whether police or other City personnel assistance shall be required as part of approval and can be provided:

1. The expected general flow of traffic upon the street or streets affected at the time proposed for the film-making event;
2. Whether any owners or occupants of real property abutting the boundaries of the area in which a film-making event will be conducted have not consented to the conduct of the event, and if objections have been filed, whether allowing the event will significantly impair the access to the affected property;
3. The existence, if any, of alternate routes for public transit vehicles and private vehicles;
4. Whether the event will significantly affect the City's ability to deliver police, fire and medical emergency services in the vicinity;
5. The extent, if any, of disruption to the use and enjoyment of residential, business, industrial and governmental facilities located in the vicinity of the proposed event.
6. Whether and to what extent police or other traffic control assistance reasonably will be required under this subsection, the Traffic Engineer, upon recommendation of the Chief of Police or his designees, shall

consider such factors as the proposed size, proposed length, potential need to reroute traffic, close streets and control traffic at intersections, anticipated amount of traffic to be controlled, number of intersections involved, as well as the time of day and date of the film-making event.

7. Prior similar events. The Traffic Engineer may review records, if any, from prior similar events conducted at or near the proposed site to determine whether there has been a history of traffic control problems, noise or other disruptions associated with the conduct of other events and whether the applicant presently demonstrates the steps to be taken to resolve any prior problems or disruptions.

C. Mandatory Application Denial. The Traffic Engineer shall not approve an application or specific proposed event location, as the case may be, when:

1. The applicant has not furnished all information and documentation required by section 13.30.040.
2. The traffic control plan and submitted maps do not adequately address security and traffic control issues or does not otherwise adequately address the criteria and requirements of this section. However, the Traffic Engineer may approve a modification of the applicant's submittal when such modification adequately addresses security and traffic control issues.
3. The film-making event is proposed to be held on any state or federal highway or road and the appropriate governmental agency has not affirmatively authorized the proposed use in writing. However, the Traffic Engineer may approve a film-making permit application "subject to" approval from the appropriate state or federal governmental agency. In such event, the applicant is not authorized to conduct the film-making event until he receives the approval and provides a copy of the approval to the Traffic Engineer. Further, the Traffic Engineer is authorized to submit an application to any federal or state agency to obtain authorization for use of their rights-of-way on behalf of the applicant when such authorization is required and such agency requires that application only be filed by a governmental entity.

4. The applicant requests a use not permitted under this chapter.
5. The applicant fails to pay any outstanding fees assessed under this chapter for the application or has failed to pay any outstanding fees for any past event.
6. The Police Chief, Fire Chief, or their designees have determined that the conduct of the film-making event would pose a serious threat to the public health, safety or welfare.
7. The proposed use conflicts with a permit already granted and filed or with the terms of an ordinance granting a special privilege for the use of the street that has either been introduced or approved by the City Council.
8. A specific location is proposed for use of more than 48 hours and a special privilege permit or license has not been issued.
9. The Director of Aviation for the City airport has not approved the specific event location on airport property.
10. Applicant has failed to meet all requirements of the Federal Aviation Administration for use of aircraft. However, the Traffic Engineer is authorized to approve subject to receipt of such requirements prior to the event time.
11. Applicant has failed to obtain required permits for the use of fire, pyrotechnics or explosives at his sole cost. However, the Traffic Engineer is authorized to approve subject to receipt of such required permits prior to the event time or may authorize the use of the location without the use of pyrotechnics or explosives.
12. Written approval from the City Manager when use of a non-public portion of a City facility has not been obtained.

D. Permit Modifications when Abutting Owners Object. In the event that a permit is issued for any film-making event for which consent has not been given by an owner or occupant of any real property adjacent to the area of closure, the Traffic Engineer, when issuing the permit, may modify the time or impose additional requirements, such as requiring barricades for lawns or other properties, within the

closure area that may assist with the protection or enjoyment of or access to the property of those persons who have indicated their objection to the event.

- E. **Estimated Costs Assessed.** At the time that the permit is issued, the Traffic Engineer shall provide the permittee with a copy of the City's estimate of any required costs assessed to the Permittee under this chapter. The permit shall provide that the Permittee acknowledges that such estimate is subject to change and promises to pay all amounts due including those in addition to the estimate provided.
- F. **Time to Clean Up.** The Traffic Engineer shall designate in the permit the time period that the applicant shall have for all clean-up and site restoration required under this chapter.
- G. **Permittee's Agreements in Consideration of Permit Issuance.** A permittee receiving a film-making event permit shall, at the time the permittee appears to receive the permit:
 - 1. Agree in writing to reimburse the City for the cost of City personnel and equipment used to support the film-making activity, as determined by the Traffic Engineer.
 - 2. Return any location utilized to its pre-event condition at no cost to the City.
 - 3. Provide the names and cellular telephone numbers or pager numbers of one or more persons who will be at the scene and in charge of the scene during the film-making event.
- H. The City Manager, in approval of any event location utilizing City buildings or facilities not open to the public, may require additional consideration, restrictions, or conditions as necessary under the circumstances.

Section 5. That Section 13.30.060 (On-site location amendment) of the El Paso City Code shall be amended to read as follows:

Section 13.30.060 On-site location amendments and event date amendments

- A. **On-site location amendments.** The Traffic Engineer may approve a request to expand or otherwise modify an approved location at the time of the event. The Traffic Engineer shall only be required to consult with and obtain the approval of

Departments that made recommendations on the permit application and the primary police officer assigned to the event location prior to approval of such modification. The Traffic Engineer may deny the requested expansion of the location or modify the expansion area based on traffic and pedestrian control, noise and access considerations.

B. Event date amendments. The Traffic Engineer may approve a request to change the event date for an approved location. The Traffic Engineer shall consult with the pre-designated police department and obtain their consent prior to approval. The Traffic Engineer shall immediately notify all departments initially responsible for review of such change immediately upon approval.

Section 6. That Section 13.30.070 (Appeal from Denial) of the El Paso City Code shall be amended to read as follows:

Section 13.30.070 Review of Denial of Permit.

If the Traffic Engineer denies an application for a permit, the action is final unless, within ten consecutive calendar days following the date of receiving notice of the action, the applicant files with the Traffic Engineer, a written request that the City Council issue the permit. The City Council shall make the final determination on the matter. The City Council shall, as soon as practical, hear such request after reasonable notice to the applicant. The applicant shall have an opportunity to present information on his behalf that supports the applicant's needs to close or use City streets and/or facilities for the film-making event and to show that the event is permitted under this chapter and that the application and submitted documentation comport to the requirements of this chapter. If the City Council fails to render a decision within thirty days after the date the request is filed with the Traffic Engineer the request is denied, unless City Council, by specific motion, extends the time period for the consideration of the request.

Section 7. That Section 13.30.070 (Duties of permittee) of the El Paso City Code shall be amended to read as follows:

Section 13.30.080 Duties of permittee.

A permittee shall comply with all permit directions and conditions, with all applicable laws and ordinances, and obtain all other City permits that may be required in conjunction with the film-making event.

- A. The person conducting the film-making event shall carry the permit upon his person during the conduct of the film-making event.
 - B. The permittee shall comply with all obligations imposed under section 13.30.040 regarding the implementation of the security and traffic control plan and shall not permit a film-making event to proceed or continue until such time as the applicable traffic control plan or method is set up and functioning.
 - C. The permittee shall, immediately upon the conclusion of the film-making event, clean and remove all litter and debris left on the streets, sidewalks and other public rights-of-way by participants, and with the permission of the property owner, all litter and debris left on private property by event participants.
- D. In the event that the permittee fails to clean and remove all such litter and debris on the streets, sidewalks and other City right-of-ways within four hours of the end of the film-making event, or other time period as otherwise determined by the Traffic Engineer as part of application approval, the City may perform such cleaning and the permittee shall be responsible for the costs of the City cleaning. Payment of any City cleaning costs shall be due and payable upon receipt of the bill from the City comptroller.

Section 8. That Section 13.30.110 (Permit Revocation) of the El Paso City Code shall be amended to read as follows:

Section 13.30.110 Permit revocation

- A. The Traffic Engineer shall revoke a film-making event permit if:
 - 1. The permittee fails to comply with or the film-making event is in violation of any provision of the permit, a City ordinance, or other applicable law, or
 - 2. The Police Chief, Fire Chief, Traffic Engineer or their designees have determined that the conduct of the special event is posing a serious threat to the public health, safety or welfare.
- B. Applicant herein is obligated to immediately restore and vacate the location immediately upon receipt of permit revocation.

Section 9. That Section 13.30.120 (Rental of City Equipment) of the El Paso City Code shall be amended to read as follows:

Section 13.30.120 Rental of City Equipment

- A. A film-making event applicant requesting the temporary rental of City equipment shall submit written request to the Traffic Engineer. The Traffic Engineer shall immediately forward the request to a pre-designated departmental representative within the department responsible for such equipment. The pre-designated representative shall recommend approval, approval with modifications, or denial of the request within three City Hall business days following the date of receipt of the request. If the request is approved, the Traffic Engineer shall forward the recommendation for approval or approval with modifications and proposed rental agreement to the City Manager or designee for approval and signature. Such rental agreement shall include all terms agreed to by the Traffic Engineer and deemed necessary to protect the City's interest, including but not limited to insurance_coverage and reimbursement for any damage or destruction of such equipment.

Section 10. That Section 13.30.130 (Violation) of the El Paso City Code shall be amended to read as follows:

Section 13.30.130 Violation

- A. A person commits an offense if he promotes or sponsors a film-making event for which a permit has not been issued or has been revoked.
- B. A person to whom a person has been issued commits an offense if he intentionally violates the terms of the permit.
- C. A person participating in a film-making event for which a permit has been issued commits an offense if he intentionally violates the terms of the permit.
- D. A person commits an offense if he participates in a film-making event for which a permit is required without a permit having been issued, or if issued, subsequently revoked.

Section 11. That Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (special privilege licenses), Subsection G.3 (Exception) shall be amended as follows:

3. A temporary street closing or use of right-of-way for a period of twenty-four hours or less for activities such as, but not limited to, parades, public assemblies, block parties,

marches, and athletic events, provided that the City has issued a permit for such use as authorized under Chapters 13.32 and 13.36 of this code, and temporary commercial film making activities for a period of forty-eight hours or less, provided that the City has issued a permit for such activity as authorized under Chapter 13.30.

Section 12. Except as herein amended, Titles 13 and 15 of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____ 2010.

CITY OF EL PASO

John Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Mark Shoesmith
Assistant City Attorney

Ted Marquez, P.E.
Assistant City Engineer