

**COUNTY OF EL PASO, TEXAS  
SPECIAL EVENT REQUEST  
GUIDELINES AND PROCEDURES**

**I. Definitions:**

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

“Arterial” means a public right-of-way designated for the purpose of carrying more traffic volume than a local street.

“County Roadway” means a County maintained roadway. The applicant must obtain authorization from the County Chief Administrator for use of a County roadway.

“Demonstration” means a public display of sentiment for or against a person or cause, including protests, rallies and ceremonies.

“Event” means a parade, road block, street closure, demonstration or public assembly.

“Event Coordinator” means the person or persons designated by the El Paso County Sheriff as being responsible for preparing an estimated cost, collecting fees, coordinating the event and issuing permits under these guidelines.

“Legal holidays” are those set each year by Commissioners Court.

“Municipal Roadway” means a roadway maintained by a municipality. The applicant must obtain authorization from the appropriate municipality permitting office for use of a municipal roadway.

“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 roadway or utilizes the appropriate areas within a county-controlled park. A parade consisting of moving vehicles may not utilize more than six miles of county roadway, excluding any staging, pre-parade assembly or disbanding areas. **A funeral procession is not a parade.**

“Peak traffic hours” means between the hours of 7 a.m. and 9 a.m. and 4 p.m. and 6 p.m. on Monday through Friday, except legal holidays.

“Public assembly” means:

1. A demonstration which is reasonably anticipated to obstruct the normal flow of traffic upon any roadway and that is collected together in one place; or

2. A demonstration held in and utilizing an exclusive portion of County-owned right-of-way held open as a public forum, or an exclusive portion of a County-controlled park, such that the right-of-way or area of the park is blocked or obstructed, for a period of less than one day. An exclusive use of a County-controlled park for a demonstration must be approved in advance by Commissioners Court.

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

“State Roadway” means state maintained roadways. The applicant must obtain authorization from the Texas Department of Transportation for use of a state roadway.

“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.

## **II. Permit required.**

Approval of the County Chief Administrator is required for any event which will disrupt the normal flow of traffic on a County roadway or necessitate the closure of a County roadway.

## **III. Permit application.**

- A. Filing Application. An application for a parade, event, or public assembly shall be made in writing on a form prescribed by the Sheriff’s Office at least thirty days before the commencement of the event, but not more than one year in advance of the event.
- B. Late Application. Notwithstanding the preceding subsection, the Sheriff’s Office may consider an application that is filed less than thirty days before the commencement of the proposed event when the purpose of the event is a spontaneous response to a current event of interest to the County as a whole or when filed more than ten days but less than thirty days where other good and compelling cause is shown, and the short notice does not unreasonably hinder or prejudice the County or Sheriff’s Office in preparing for the event.
- C. Application Form.
  1. The application must contain the following:
    - a. The name, address, and telephone number of 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 of the individual designated as the responsible planner and on-site manager for the event;
  - c. The date, time, place, and route of the proposed event, including the location and time the event will begin to assemble and disband, and any requested roadway closings;
  - d. The anticipated number of persons and vehicles, and the basis on which this estimate is made;
  - e. A list of the number and type of animals that will be at the event;
  - f. Such other information, attachments, and submissions requested on the application form as reasonably necessary for a fair determination as to whether the permit should be issued; and
  - g. A notice to the applicant that if he will be due a refund from the Sheriff's Office in an amount over twenty-five dollars, the refund will be automatically processed and sent to the applicant, but if the amount is twenty-five dollars or less, the applicant must submit a request to receive the refund within ninety days after the conclusion of the event before the refund will be processed and paid.
2. If the event is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant shall also file a communication in writing from the person proposing to hold the event authorizing the applicant to apply for the permit on his behalf.
  3. If the applicant desires to use amplification in connection with the event, the applicant shall so indicate on the application form and provide the information requested on the application form.
  4. The application must be signed and be accompanied by payment of a nonrefundable application fee in the amount of sixty dollars.
  5. Within two business days after the receipt of the application, the Sheriff's Office may reject any application that does not contain an accurate and legible depiction of the route and require the applicant to resubmit a corrected application with an accurate and legible depiction of the route. The resubmission is subject to the application deadlines set forth in this section.
  6. Any person submitting a late application that is accepted pursuant to subsection B above shall be charged an additional late fee in the amount of sixty dollars.
  7. If the applicant is a County department or office for an event to be conducted by the County, the County Chief Administrator is authorized to determine the appropriate

funding sources to cover the County's cost for all services under this policy and make any necessary budget transfers in lieu of payment of the fees set forth herein if the costs do not exceed \$5,000.00. If the costs exceed \$5,000.00, Commissioners Court retains the authority to identify the appropriate funding sources and approve any necessary budget transfers in lieu of payment of the fees set forth herein.

#### **IV. Permitting criteria and process.**

##### **A. An application 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 or costs within the time 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 permitted a violation or has violated the terms of a parade or public assembly permit issued to or on behalf of the applicant;
7. The applicant has on prior occasions damaged County property and has not paid in full for the damage;
8. A fully executed prior application for 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 which do not reasonably permit multiple simultaneous events;
9. The applicant requests a use not permitted under this policy;
10. The proposed event would conflict with previously planned programs organized, conducted, or sponsored by the County and previously scheduled at or near the same time and place;
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;
13. The proposed route for an event consisting solely of moving vehicles exceeds six miles in length;
14. The event would most likely interfere with the movement of emergency equipment and law enforcement protection in areas contiguous to or in the vicinity of the event;
15. 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 law enforcement protection at the time of the proposed event;
16. The proposed event would take place on an arterial roadway during peak traffic hours;
17. The proposed event would take place at a location that cannot reasonably accommodate all of the expected participants;

18. 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.

B. Traffic Control Plan. The event coordinator, in consultation with the Patrol Division Commander or his/her designated officer, shall determine the number of officers needed to appropriately control roadway closures and the time when the services shall commence and end, taking into consideration the following:

1. The proposed location of the public assembly or route of the parade;
2. The time of day that the event is to take place;
3. The date and day of week proposed;
4. The nature, composition, format and configuration of the event;
5. The general traffic conditions in the area requested, both vehicular and pedestrian, with special attention given to the rerouting of vehicles or pedestrians normally using the requested area;
6. The number of marked and unmarked intersections along the route requested, together with the traffic control devices present;
7. If traffic must be completely rerouted from the area, then the number of marked and unmarked intersections and the traffic control devices in the rerouted area are to be taken into consideration;
8. The estimated number of participants; and
9. The estimated number of viewers.

**V. Costs and fees.**

- A. The applicant shall be responsible for paying the fees established herein for the cost of law enforcement officers, vehicles and equipment to appropriately control traffic and to police roadway closures during the entirety of each event to include the staging and disbanding of the event.
- B. In developing the traffic plan under section IV (B) of this policy, the Sheriff's Office shall prepare estimated costs for the applicant for the event and shall furnish the estimate to the applicant. The estimated costs shall include, where applicable, any personnel costs associated with paying salaries or overtime to law enforcement officers which are chargeable to the applicant. The event coordinator shall, when necessary, confer with the applicant and explain the estimated costs.
- C. Pursuant to section 118.131 of the Texas Local Government Code, the County Commissioners Court shall annually set and maintain a schedule of fees to be charged under this section, based on the actual cost for payment of salaries, benefits, and overtime for law enforcement officers, vehicles and equipment used for event traffic control. The schedule shall be on file with the event coordinator and be made available to all applicants.
- D. Prior to the issuance of the permit, the applicant shall deposit with the Sheriff's Office, an amount equal to half of the estimated costs. The remainder of the estimated costs will be due and payable in accordance with section VIII (I) of this policy. If the applicant cancels



the event and notifies the event coordinator at least twenty-four hours in advance of the commencement of the event, the amount deposited with the Sheriff's Office under this section shall be refunded, except for a thirty-dollar administrative fee for costs related to the cancellation of the event and the issuance of the refund. If, for reasons other than cancellation of the event, the applicant deposits funds that exceed the actual cost to the County and the refund amount is over twenty-five dollars, the Sheriff's Office will automatically process a refund and send it to the applicant. However, if the amount is twenty-five dollars or less, the applicant must submit a request to receive a refund within ninety days after the conclusion of the event for the refund to be processed and paid.

- E. The applicant shall reimburse the County for the cost of providing roadway and sidewalk cleaning in accordance with section VIII (G) and (H) of this policy.
- F. In addition to the foregoing, the County may require applicants (other than County departments or offices authorized under III.C.7. of this policy) seeking County support to submit a request to the County Chief Administrator no later than March 1<sup>st</sup> of each year. The request shall be considered during the County budget process. At the time Commissioners Court adopts the County's annual budget, the Commissioners Court shall determine which, if any events, will be supported pursuant to subsection G of this section and include the appropriate funding in the Sheriff's Office budget.
- G. For applicants who have sought County support under subsection F of this section, the County may, by resolution of the Commissioners Court, provide the services required by this policy at no cost or at a reduced cost to the applicant should the County desire to provide support to an event and funding is included in the County's annual budget for the event. Such action by the Commissioners Court may not be taken if it violates the law or a regulation, and may not be taken based upon political, social, or religious grounds or reasons. The action may only be taken by Commissioners Court upon a finding of a county public purpose for the event.

## **VI. Approval or denial of application.**

- A. The event coordinator shall deny or recommend approval of an application within twenty days of receipt in accordance with the standards set forth in this policy. A notice of denial shall clearly set forth the grounds upon which the permit was 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. Where an applicant is denied because the proposed event would conflict with another event that has or will be approved, the event coordinator shall propose an alternative place, if available for the same time, or an alternative time, if available for the same place.
- C. Where an applicant is denied because the proposed event would take place at a location that cannot reasonably accommodate all of the expected participants, the event coordinator shall propose an alternative place, if available for the same time, or request that the applicant appropriately reduce the number of participants.
- D. Where the event coordinator determines that all or a portion of the proposed route of a parade consisting of an athletic event such as a walk or foot or bicycle race creates significant inefficiencies in the use of law enforcement officers for traffic control

purposes, the event coordinator may develop an alternate route to be used with the applicant's approval.

- E. Where the event coordinator determines that the length of an event anticipated to be more than three hours will result in the substantial interruption of the movement of traffic, the event coordinator when issuing the permit, may modify and change the starting time of the event as appropriate to a time not earlier than 7 a.m. to reduce the impact on traffic movement.
- F. Nothing in this policy shall authorize the event coordinator to deny a permit based upon political, social, or religious grounds or reasons, or based upon the content of the views expressed.
- G. The event coordinator may attach reasonable conditions to any permit approval as may be appropriate within the spirit and intent of these guidelines and procedures.
- H. If the event coordinator recommends approval of the permit, the event coordinator shall submit the item to the County Chief Administrator for approval.

## **VII. Appeals.**

- A. An applicant may appeal the denial by the event coordinator of an application in writing within ten days after notice of denial has been received by submitting a written request to the County Chief Administrator's Office. The County Chief Administrator has the authority to grant or deny the appeal.
- B. The decision of the event coordinator to refuse to accept a late application is not appealable.
- C. The decision as to the amount of traffic control or clean up necessary in conjunction with an event and the cost resulting therefrom, is not appealable.

## **VIII. Duties of permittee.**

- A. A permittee shall comply with all permit directions and with all applicable laws.
- B. The person heading or leading the parade shall carry the permit upon his person during the parade and a permittee shall have the permit in his possession at all times during a public assembly.
- C. The permittee shall not allow the parade to begin, proceed or continue until such time as the applicable traffic control plan or method is set up and functioning.
- D. The permittee shall not make an exclusive use of any County controlled park or park facility for a demonstration without authorization.
- E. The permittee shall take all steps reasonably necessary to keep the area or route for the public assembly or parade clean and free of animal excrement during the event.
- F. The permittee shall, immediately upon conclusion of the event, clean and remove all litter and debris left on the roadway, sidewalk, and other public rights-of-way by spectators, participants, animals, floats, and vehicles used in the event.
- G. The permittee may, no later than fourteen business days prior to the day of the event, request the assistance of the County with necessary cleaning and, if provided, the permittee shall be responsible for the cost of the cleaning. The request shall be made on a form provided by the County and filed with the event coordinator.

- H. In the event that the permittee does not request and receive the assistance of the County with the necessary cleaning and the permittee fails to clean and remove all litter and debris within four hours of the end of the event, the County may perform the necessary cleaning, and the permittee shall be responsible for the cost of the cleaning.
- I. Payment of all of the costs of providing on/off duty law enforcement officers and any other traffic control costs, less the amount of the deposit made under section V(D) of this policy, shall be payable within ten days of receipt of the bill from the Sheriff's Office.
- J. Payment of any County cleaning cost shall be due and payable within ten days of receipt of the bill from the County Auditor.

**IX. Duties of participants.**

- A. Upon the request of a peace officer, each participant who is operating a motor vehicle on a roadway pursuant to the laws of the State of Texas shall exhibit proof of financial responsibility as required under Chapter 601 of the Texas Motor Vehicle Safety Responsibility Act. A peace officer shall have the authority to prohibit the participation in a parade of any motor vehicle if its operator cannot provide the required proof of financial responsibility.
- B. During the course of the parade, each participant shall obey the directions of any peace officer who is directing or otherwise providing traffic control for that parade. A peace officer shall have the authority to prohibit the continued participation of any person who fails to obey the directions of a peace officer.

**X. Violations.**

- A. These guidelines and procedures shall not be construed to authorize the use of the public roadways except in exact compliance with the laws of the State of Texas. Any person who violates the law shall be cited or arrested as appropriate.
- B. Nothing in these guidelines and procedures prohibits a law enforcement officer or firefighter from issuing a command to move or disperse in accordance with Texas Penal Code Chapter 42 in the event of a riot, unreasonable noise or obstruction of a passageway.

Approved by the El Paso County Commissioners Court this the 12<sup>th</sup> day of September, 2016.

ATTEST:

  
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County Clerk Delia Briones

  
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County Judge Veronica Escobar