

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE, CHAPTER 18.02-BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE TO ADD SECTION 18.02.110--DISPLAYS IN CITY FACILITIES, TO PROVIDE FOR THE DISPLAY OF PLAQUES AND OTHER ITEMS IN CITY FACILITIES AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the citizens of El Paso have requested the ability to have temporary and permanent wall hangings, plaques and other displays at City facilities; and,

WHEREAS, the City Council finds that a limited time and place access to display various items at City facilities is serves a public purpose to recognize persons and organizations demonstrating outstanding citizenship or making a unique contribution to the public good; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That City Code Chapter 18.02-Building and Construction Administrative Code is hereby amended to add Section 18.02.1 10-Displays in City Facilities to read as follows:

"Section 18.02.110-Displays in City Facilities. This Section of the Building and Construction Administrative Code allows for permits to persons or organizations to provide, at no cost to the City, wall hangings, plaques or other display devices for display in City facilities. No display item will be allowed in or on City facilities without a permit. Display items already in place do not require re-permitting.

18.02.110.1. PURPOSE. The purpose of this ordinance is to set forth guidelines and requirements for the approval and issuance of permits to place wall hangings, to include, but not by way of limitation: plaques, photographs, drawings, paintings and engineering drawings, in City facilities. This ordinance allows wall hangings as herein defined to be displayed in City facilities while preserving, protecting and enhancing historically, culturally and architecturally the facilities.

This ordinance is not to be interpreted in any way to establish a specific public forum at City facilities and is created for-the benefit of the City itself and not individual members or groups of the public. This ordinance shall in no way be interpreted or enforced so as to interfere with the public's right of expression at meetings of the City Council or other public meetings held at City facilities provided that reasonable time, place and manner of expression rules may be applied to avoid the unreasonable disruption of public meetings as provided for elsewhere in the City Code or State law. No wall hanging, plaque or other display device shall ever be permitted to cause interference with the orderly activity of government service in City facilities. Should a wall hanging, plaque or other display device cause or result in an interference in any manner with the orderly function of

government service in a City facility, the permit for such an item may be immediately revoked and the item be removed from display as provided for hereinafter.

18.02.110.2. EXCLUSIONS. This ordinance shall not apply to the following:

- a) City-owned facilities leased in whole or in part to non-City entities,
- b) The "Peoples Gallery", first floor, City Hall,
- c) Individual offices of City employees and officials,
- d) Self-managed facilities as defined herein; and,
- e) Any other area or facility as designated as excluded by the Director of Public Works.

18.02.110.3. DEFINITIONS. In the interpretation and application of this ordinance, the following definitions shall be used:

- a) "Wall hanging or display" shall mean, but not by way of limitation, honorary and recognition plaques, flags, framed items (such as photographs, portraits, special citations, honorary citations, proclamations, awards to the City of El Paso and other entities relevant to municipal government). In general, works of art, political material and advertising material for purposes of this ordinance are not wall hanging(s) or display(s) and shall not be allowed.
- b) "City facility" means hallways and common areas of buildings or structures owned by the City of El Paso and not individual internal offices at such buildings or structures since displays for such shall be under the prerogative of the applicable Department Head.
- c) "Self-managed facility" shall mean, the facilities of the following City Departments:
 - i) City of El Paso Arts Resources Department,
 - ii) City of El Paso Library System,
 - iii) El Paso International Airport,
 - iv) El Paso Parks and Recreation Department, and Recreation Centers,
 - v) El Paso Municipal Court,
 - vi) El Paso Museum of Art and any other City Museum(s),
 - vii) El Paso Zoo,
 - viii) SunMetro.
 - ix) City of El Paso Police Headquarters, and Regional Command Centers; and,
 - x) City of El Paso Municipal Services Center
- d) "Display Review Committee" (DRQ. A committee established as authorized herein by the Mayor and City Council consisting of one person from each of the following City Departments:
 - i) Planning, Research and Development,
 - ii) Parks and Recreation,
 - iii) Building Services,
 - iv) Arts Resources; and,
 - v) Public Works.
- e) "BSD". The Building Services Department of the City of El Paso. The Building Services Department shall be the implementing agency for this ordinance and may be referred to as the Implementing Agency, Building Services Department or BSD.
- f) "Display Application." A standardized application form will be kept available at the Building Services Department, 2 Civic Center Plaza, El Paso, Texas for distribution to applicants upon request

18.02.110.4. ORGANIZATION AND FUNCTION OF THE DRC. The Display Review Committee shall be composed as provided for in paragraph 3. d) above. As organized, the committee representative from the Department of Public Works shall be the chair of the DRC. The DRC shall designate a vice-chair at its first meeting each year. The DRC will meet during January and July of each calendar year or upon call of the Chair as necessary.

Upon receipt from the BSD of a completed application form, the Chair of the DRC will call a meeting to consider issuing a permit to an applicant based on that application itself or any applications received since the DRC's last meeting. Notice of the meeting shall be sufficient if mailed regular mail, postage prepaid to the applicant(s).

At the meeting, the DRC will consider the application, applying the factors set forth herein. Factors considered by the DRC in the approval of a permit for an applicant to display an item or items shall be the following: size, shape and ease of presentation, hanging or display of the material; relevance to an award or recognition for municipal government or a person or entity which merits such recognition as relates to government service or citizenship; an appropriate location where the item or items are to be displayed; and, the length of time the presentation, wall hanging, plaque or display will be permitted to be displayed. In every instance, the applicant(s) will be allowed a reasonable opportunity to be heard at the meeting.

In general, advertising materials shall not be permitted except for such things as small banners displayed in the immediate area of the City Council Chambers in recognition of a donation or special event for less than one day. Such materials need not have a permit per se but, prior to their display, must be approved by the Chair of the DRC.

The DRC will by simple majority vote decide the issue and may notify the applicant(s) at the meeting of the decision. At any rate, the DRC shall formally notify the applicant of its determination by regular mail following the meeting. The DRC's decision in all cases shall be final.

18.02.110.5. APPLICATION AND PROCESS. Any person or organization desiring to present to the City a display item to be placed on a City facility shall do the following:

- a) Obtain a standardized application form from the Building Services Department;
- b) Complete and return the application to the Building Services Department;
- c) Agree to submit an installation fee as necessary upon approval of the application.

18.02.110.6 TERM OF DISPLAY An item or material may be displayed or mounted for a temporary or permanent display pursuant to this ordinance as follows:

a) Dedication Plaques. Plaques for City facilities with construction costs exceeding \$1.5 Nfillion Dollars will be individually designed by the design professional contracted with for the purpose. Said plaques shall be permanently mounted as appropriate and approved by the DRC.

b) Recognition Plaques. Special features within City facilities, such as fountains, statues, special rooms, major building features, etc., may be dedicated to individuals or organizations by

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plaque. Size and physical features of such plaques, as well as the final location thereof shall be as determined by the DRC.

c) Other wall hanging or display item. All other items or materials will be allowed to be displayed for periods of one, three, six or twelve months as requested by the applicant or set by the DRC.

d) As a matter of public convenience, as determined by the DRC, a wall hanging, plaque or display item may be removed or relocated at any time during its display term.

18.02.110.7. INSTALLATION COSTS. Installation fees may be individually set by the BSD based on the complexity, size, weight, labor requirements, etc., for display costs or installation of the material submitted. Said fees shall approximate the actual costs for such installation.
Installation

18.02.110.8. SECURITYANSURANCE . The City of El Paso is not an insurer of any display material or item. Displays are exhibited at the owner's sole risk. The City shall not be held responsible for any damages of whatsoever nature or kind to the display material. The owner or applicant may furnish his or her own insurance. A copy of such policy shall be provided to the Building Services Department.

18.02.110.9. PUBLICITY. Any publicity regarding the wall hanging or display shall be accomplished through prior coordination with the office of the Mayor."

PASSED AND APPROVED this 121" DAY OF MARCH, 2002, TO BECOME EFFECTIVE MARCH 26,2002.

THE CrrY OF EL PASO



Raymond C. Caballero
Mayor

ATTEST:



Carole Hunter, City Clerk

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APPROVED AS TO CONTENT:



Edward Drusina, P. E.
Director of Public Works

APPROVED AS TO FORM:



Rita Rodriguez
City Attorney