



**Antonio Araujo**  
Mayor

**Leticia Miranda**  
Alderson Place 1

**David Cantu**  
Alderson Place 2

**Lorenzo E. Leyva Sr.**  
Alderson Place 3

**Maria Covernali**  
Alderson Place 4

**George Almanzar**  
Alderson Place 5

### **ORDINANCE NO. 2005.01**

**AN ORDINANCE TO TEMPORARILY SUSPEND CERTAIN PROVISIONS OF ORDINANCE NO. 1905.01 AS AMENDED BY ORDINANCE NO. 1505.01 AND ORDINANCE NO. 1605.01, REGULATING EVENTS AND PARADES CONDUCTED WITHIN THE CITY LIMITS, DURING THE LOCAL DISASTER AND PUBLIC HEALTH EMERGENCY IN THE CITY; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ADOPTION, ENACTMENT, REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

### **RECITALS**

**WHEREAS**, the City Council ("City Council") of the City of San Elizario ("City") adopted Ordinance No. 1905.01, as amended by Ordinance Nos. 1605.01 and 1605.01 creating and implementing regulations regarding the conduct of parades, recreational street uses and events in the City; and

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas declared state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19, which continues under subsequent orders by the Governor; and

**WHEREAS**, Chapter 418 of the Government Code governs Emergency Management at state and local levels, and Chapters 418, 121 and 122 of the Texas Health and Safety Code, establishes the powers and authority of local regulation of public health; and

**WHEREAS**, by order issued on March 13, 2020 the County Judge of the County of El Paso has declared a county state of disaster for El Paso County, Texas; and

**WHEREAS,** by proclamation issued on March 16, 2020, the Mayor declared a local state of disaster for the City of San Elizario resulting from a public health emergency, which was continued in the City by Ordinance No. 2007.01; and

**WHEREAS,** the County Judge has issued certain orders regarding the movement of people within the County, which pursuant to Health and Safety Code Section 418.108(h)(i) are effective in incorporated (and unincorporated) areas of the county, including the City of San Elizario, and said orders require social distancing which would likely not be possible or practical during parades and special events.; and

**WHEREAS,** under Texas Health and Safety Code Section 122.005, Type A general-law municipalities have the power to adopt rules to protect the health of persons in the municipality; and

**WHEREAS,** Section 7 of Ordinance No. 2007.01 authorizes the City to suspend or modify any order, regulation, rule, procedure, process, policy, or covenant in which the City is a party to; and

**WHEREAS,** the emergency and its effects on the revenues coming in to the City has caused the City to close City Hall, furlough some employees and reduce the number of working hours of the remaining employees, leaving the City with limited ability to respond to matters other than those that are absolutely necessary for the continued operation of the City; and

**WHEREAS,** for these reasons, it is necessary to suspend certain portions of the City's Parade and Event Ordinance, to protect the public health and safety of the City's employees and the public during the emergency.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of San Elizario:

**SECTION I. FINDINGS OF FACT**

The foregoing recitals are adopted as facts and incorporated fully herein.

**SECTION II. SUSPENSION OF PROVISIONS OF THE ORDINANCE**

- A.** During the time in which this Ordinance is in effect, the following provisions of Ordinance No. 1905.01, as amended by Ordinance Nos. 1605.01 and 1605.01 creating and implementing regulations regarding the conduct of parades, recreational street uses and events in the City, are suspended until such time as the local disaster declaration due to the public health emergency in Ordinance No. 2007.01 is ended: **Section C (Permit Process: Application; Insurance; Filing; Fees; User Agreement)** and **Section D (Standards for Issuance of Permit)**. As these sections are suspended, no permit applications for a parade or

event will be accepted during the time in which this Ordinance is in effect, and no permits will be granted for a parade or event during the time in which this Ordinance is in effect.

### SECTION III. NO FIRST AMENDMENT RIGHTS ARE AFFECTED

This Ordinance is adopted solely in response to the public health emergency in the City. Nothing in this Ordinance is intended to infringe on the First Amendment rights of those persons in the City of San Elizario and the provisions of this Ordinance shall not be interpreted in a manner that results in the infringement of the First Amendment rights of such persons. All persons remain entitled to exercise their First Amendment rights in conformity with all applicable statutes, regulations and ordinances.

### SECTION IV. REPEALER AND SEVERABILITY

**REPEALER:** All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

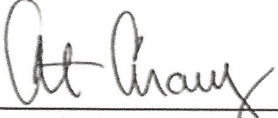
**SEVERABILITY:** Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

### SECTION V. EFFECTIVE AND TERMINATION DATES

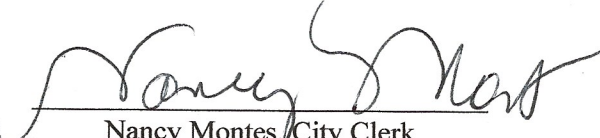
This Ordinance shall be effective immediately. This Ordinance shall automatically terminate and expire upon the adoption of an Ordinance by the San Elizario City Council which ends the local disaster declaration due to the public health emergency in Ordinance No. 2007.01.

**PASSED AND APPROVED** this, the 26 day of May, 2020, by a vote of 4 (ayes) to 1 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

### CITY OF SAN ELIZARIO, TEXAS

  
Antonio Araujo, Mayor

ATTEST:

  
Nancy Montes, City Clerk