

MEMORANDUM

DATE: May 1, 2024

TO: Mayor & City Council
CC: Mercy Rushing, City Manager

FROM: David Madsen

SUBJECT: **Council Meeting Agenda Item:** Discuss procedures for special events and street closures.

Background Information: The City's current version of the fire code is IFC 2021. There is a section in this version that deals with fire safety and crowd management for outdoor events. We are going to create a checklist and application for special events that include these IFC requirements. As we looked in depth into our ordinance for special events, we discovered that our procedures do not follow our ordinance. I have included copies of our ordinance for your review. The staff would like to discuss with the council to determine if we need to change our ordinance to match what we are doing or start following our ordinance. If we follow our ordinance, this will mean that the council does not have to approve street closures or events downtown. Once we know what direction we need to follow, we will then make the changes to our application and checklist.

Recommendation:

Final Disposition:

ARTICLE I. IN GENERAL

Sec. 4-1. Applicability of regulations—Generally.

The provisions of this chapter, except as to permitting and fees, shall apply to all public shows, stage shows, circuses and other amusements in the city named in this chapter whether or not specifically permitted elsewhere in this Code.

(Code 1977, § 4-1; Ord. of 2-10-1975, § 1)

Sec. 4-2. Same—Exemptions.

Any owner, operator or lessor of any amusement covered by this chapter which has been in continuous operation for a period of more than one year is specifically exempt from the provisions herein contained; except that parades are not exempt from these provisions.

(Code 1977, § 4-2; Ord. of 2-10-1975, § 19)

Sec. 4-3. Permit—Required; application; fee.

- (a) It shall be unlawful to conduct or operate any amusement named herein which is open to the public and for admittance to which a fee is charged, without having first secured a permit therefor; provided that the provisions of this section shall not be held to apply to those amusements which are specifically permitted by any other section of this Code or ordinance of the city.
- (b) Applications for such permits shall be made to the city secretary and shall comply with all of the general provisions of the ordinances relating to such application.
- (c) For such permits, fees as established from time to time by ordinance shall be paid for each permit.

(Code 1977, § 4-3; Ord. of 2-10-1975, § 2; Ord. of 11-24-1997)

Sec. 4-4. Same—Required for races, games, exhibitions; exception; admitting police.

- (a) It shall be unlawful to conduct, operate or exhibit any race between persons, animals or vehicles, or any games, boxing or wrestling matches or any other athletic contest or public exhibition without first having procured a license therefor.
- (b) The public schools and/or private schools are specifically excluded herefrom.
- (c) Sufficient members of the police department shall be admitted free of charge to all such exhibitions for the purpose of preserving and maintaining order.

(Code 1977, § 4-4; Ord. of 2-10-1975, § 5)

Sec. 4-5. Same—For parade; bond.

It shall be unlawful to conduct any parade in or on any public street, alley or other public way or place in the city, unless a permit therefor is first obtained from the chief of police. Such permit shall specify the route to be followed and time to begin and end the parade.

(Code 1977, § 4-8; Ord. of 2-10-1975, § 18)

Sec. 4-6. Hours of operation of carnival.

It shall be unlawful to operate or permit the operation of any carnival between the hours of 12:00 midnight on Saturday and 12:00 noon on Sunday of any week.

(Code 1977, § 4-9; Ord. of 2-10-1975, § 4; Ord. of 5-28-1996)

Sec. 4-7. Maintenance of good order; creation of risks.

- (a) The audience of any amusement, show, or stage show must be orderly and quiet at all times, and it shall be unlawful for any person attending such amusement, show or stage show to create a disturbance in the audience unless such disturbance is, in the ordinary course of production of the show, expected as audience participation.
- (b) It shall be unlawful to permit or gather such a crowd to witness any such amusement or show as to create a dangerous condition because of fire or other risks.

(Code 1977, § 4-10; Ord. of 2-10-1975, § 7)

State law reference(s)—Disorderly conduct, V.T.C.A., Penal Code § 42.01.

Sec. 4-8. Regulation of promotional events.

- (a) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Promotional events means and includes carnivals, circuses, fairs, political rallies, revivals, or similar temporary activities which utilize tents, platforms, canopies or other nonpermanent structures which are produced for a shopping center, business, public or semipublic use.

- (b) *Requirements for promotional events.* The following are requirements for promotional events:
 - (1) The sponsoring party of a promotional event shall apply for a permit from the city secretary before said event takes place. Accompanying the application shall be a petition from all owners of occupied property within 200 feet of the event's location approving the event.
 - (2) Events may be approved for up to, but not greater than, ten days within one calendar year.
 - (3) The applicant shall state the date and hours as well as location of the events. Said events shall only be permitted in C-1 local business, C-2 general business, I industrial, or AG agriculture zoned areas. All events shall take place between the hours of 8:00 a.m. and 11:00 p.m., local time.
 - (4) Use of electrical apparatus, amplifiers, speakers, or similar equipment creating noise which disturbs adjacent residents or businesses within reasonable tolerances shall not be allowed.

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- (5) Platforms, tents, seats, other materials and equipment used during the course of said promotional event shall be removed within 72 hours of closing of said event.
 - (6) The name of the sponsoring organization or a responsible person, current address, and current phone number shall be furnished at the time of application.
 - (c) *Permit revocation.* The city shall reserve the right to deny or revoke said permit for failure to comply with the stated requirements or any misrepresentation of the stated requirements by the applicant.
 - (d) *Violation, penalty.* Any person who shall willfully refuse or fail to abide by the requirements of this section shall be deemed guilty of a misdemeanor and shall be subject to the maximum penalties thereof, and upon conviction shall be fined accordingly, and each and every day's violations shall constitute a separate and distinct offense.

(Code 1977, § 12-17; Ord. No. 94-11-14a, 11-14-1994)

Secs. 4-9—4-30. Reserved.