

MEMORANDUM

DATE: October 16, 2024

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

FROM: David Madsen

SUBJECT: Council Meeting Agenda Item: Special Events ordinance

Background Information: The city's current ordinances concerning special events scattered in different locations throughout the ordinance and some date back to the 1970's. The city staff has found it difficult to navigate through the ordinances and to determine what applies to different types of events. The staff has looked through several ordinances from different cities and took items from ours and has drafted a new proposed ordinance for special events. We request that the council look this over before we draft an ordinance for adoption. Cindy was working on a new application for special events as well and we will make changes to that after the new ordinance is adopted.

Recommendation:

Final Disposition:

SPECIAL EVENTS

Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Applicant. Any person who has filed a written application for a special events permit.

Carnival. An amusement park set up temporarily.

Chairperson. The individual responsible for conducting the special event.

Circus. A public entertainment with performances by acrobats, clowns and/or trained animals.

City cosponsor. An event jointly sponsored by the city and a nonprofit organization and approved by the city manager.

Closure. The time and equipment used to secure one street at one point from curb to curb.

Parade. The assembly of three or more persons or vehicles whose gathering is for the common design and purpose of traveling in procession on a public thoroughfare from one location to another.

Person. Any individual, assumed name entity, partnership, association, corporation or organization.

Sidewalk. A paved path for pedestrian foot traffic.

Special event. As used in this article, a temporary gathering of participants using public property and which involves one or more of the following activities:

- (1) Leasing city property;
- (2) Closing a public street;
- (3) Blocking or restricting use of public property;

- (4) Temporary installation of a stage, band shell, portable building, grandstand or bleachers on public property;
- (5) Requirement of traffic control or public safety support from the city;
- (6) Placement of temporary traffic control signs in a public right-of-way;
- (7) Carnival or circus; and
- (8) Parades.

Special events permit. An official document issued by the city authorizing performance of a special event.

Street. A way for vehicular traffic, whether designated as street, highway, thoroughfare, parkway, road, boulevard or any other designation.

Supervised event. The critical watching or overseeing of a special event by a public law enforcement agency, security company or responsible adult officer(s) or agent(s) of the nonprofit agency sponsoring the event, as approved by the city's police department.

Purpose.

The purpose of this article is to provide requirements to safeguard life or limb, health, property and public welfare by regulating and controlling the location, safety, security, duration, hours of operation and quality of materials and appurtenances for specific events within the city.

Requirements.

All special events shall comply with the following requirements unless specific exemptions are noted on the special event permit.

(1) The street department will provide all required barricading for street closures.

(2) Applicants shall submit evidence of adequate parking. Parking on property not owned by the applicant shall require a written agreement signed by the involved persons.

(3) Amusement rides and/or attractions associated with special events shall comply with statutory rules and regulations set forth in Texas Occupations Code, sections 2151.001 et seq., designated as the Amusement Ride Safety Inspection and Insurance Act. Acceptable proof of a Ride Safety Certification Inspection Report, issued within six months of the time the amusement rides and/or attractions are to be offered within the city is required.

(4) Special events that include the use of tent(s), canvas material or any temporary structures shall comply with the requirements as set forth in the fire and building codes as adopted by the city. When required, fire lanes shall be provided and maintained, and the site shall be maintained in such manner that fire hazards are not created.

(5) Where food service is provided, such service shall be in self-contained units or in a manner as specified by the Texas Health and Safety Code and the city ordinances.

(6) Sufficient number of sanitary facilities shall be provided on the premises as determined by estimate of guests.

(7) Animals shall not be kept closer than 300 feet to any residential use districts or commercial use districts during non-operating hours of such event. Waste from animals shall be removed daily from the premises.

(8) When required, provisions for purchase of city water shall be made through the designated city office.

(9) Provisions for the disposal of solid and liquid waste shall be required for all outdoor special events by the applicant as specified by the Texas Health and Safety Code and the city ordinances.

(10) An applicant for a special events permit, when such special event is to be held on public property as defined herein, applicant/lessee shall purchase and maintain adequate insurance during the terms of this lease. Specifically applicant/lessee shall purchase insurance in a sum of at least one million dollars (\$1,000,000.00) per incident and one million dollars

(\$1,000,000.00) per year for any and all accidental injuries occurring on the leased property during lessee's usage of the same. The applicant/lessee shall provide the lessor a certificate evidencing this insurance. Failure on the part of the lessor to provide evidence of this insurance will result in the immediate termination of this agreement. Further, in the event an insurance claim is filed, applicant/lessee shall diligently assist its insurance company to process same and thereby eliminate any need for the lessor to participate in any such insurance claim(s).

(11) An applicant for any special events permit shall sign an agreement to indemnify and hold harmless the city, its officers, employees, agents and representatives against all claims and liability

in causes of action resulting from injury or damage to persons or property arising out of the special event.

(12) An applicant shall provide documentation that all property owners within 200 feet have been notified of the event.

(13) Special events shall not be allowed in residentially zoned areas of the city.

Prohibitions.

(a) Safe and orderly movement of normal traffic shall not be substantially interrupted. Substantially interrupted shall be determined by the city.)

(b) The event shall not impede the movement of firefighting equipment or ambulances.

(c) An event shall not conflict in time or location with any other event for which a permit has been issued.

Restrictions.

(a) All special event applicants will be required to pay for on-site security. The city police department will coordinate and approve the required number of security personnel that will need to be on site.

(b) Applicant will be required to submit a signed security contract providing for the required number of security personnel. In the event that off-duty law enforcement is not used for event security, the event security used must be a licensed firm and provide licensed personnel.

(c) All special event permits will require a specific number of licensed security personnel as designated by the city police department and referenced on the city special event permit application.

(d) The city may prohibit or restrict parking when in the opinion of the city manager or his or her designee, it is reasonable and necessary.

Permit

Application.

(a) Any person or organization who wants to conduct a special event shall apply to the city for a permit at least 30 days in advance of the date of the proposed special event. The city manager may, in his or her discretion, consider any application for a permit to conduct a special event which is filed less than 30 days prior to the date such special event is to be conducted. All applications will be discussed with the police chief, fire marshal or designee and public works.

(b) The application for such permit shall be made in writing on a form approved by the city manager, "special event permit application". In order that adequate arrangements may be made for the proper policing, fire standards, sanitation and overall public safety of the special event, the application shall contain the following information:

(1) The name of the applicant, the sponsoring organization, the special event chairman and the address and telephone numbers of each;

(2) The purpose of the special event, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, the route to be traveled and the approximate time when the special event will assemble, start and terminate including take down;

(3) A signed document from the City Secretary certifying that any requested street closings were approved by the city council prior to issuance of permit;

(4) Expected number of attendees for the special event to determine security requirements;

(5) A brief description of the type and number of individual floats, marching units, vehicles, bands and/or boats, including a description of any sound amplification equipment to be used;

(6) A map indicating the route of the special event;

(7) What portions of streets to be traversed or occupied by such special event;

(8) The maximum length of such special event in miles or fractions thereof;

(9) The disbanding area and disbanding time;

(10) The number of persons and vehicles required to monitor the special event.

City council approval.

The city council must approve all street closure requests and lease agreements for public property prior to the city manager approving special event application.

Issuance or denial.

(a) Standards for issuance. The city manager shall issue a special event permit conditioned upon the applicant's written agreement to comply with the terms of such permit.

(b) Standards for denial The city manager shall deny an application for a special event and notify the applicant of such denial where:

- (1) The city manager makes any finding contrary to the findings required to be made for the issuance of a permit;
- (2) The information contained in the application is found to be false or nonexistent in any material detail;
- (3) The applicant refuses to agree to abide by or comply with all conditions of the permit including security requirements.

Appeal procedure.

Upon a denial by the city manager of an application made pursuant to [this article], the applicant may appeal from the determination of the city manager within five days thereafter to the city council by filing a written notice of appeal for hearing by the city council at its next meeting.

Upon such appeal, the city council may reverse, affirm or modify in any regard the determination of the city manager.

Revocation.

Any permit for a special event issued pursuant to this article may be summarily revoked by the city manager at any time when by reason of disaster, public calamity, riot or other emergency the city manager determines that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or by certified mail.

Events exempt from permit.

(a) A special events permit will not be required for the following:

- (1) City-sponsored events;
- (2) Private party when private property is used and the event does not infringe on the rights of others;
- (3) Funeral procession;
- (4) Weddings and wedding receptions when private or church property is used; and

(b) Exemption from permit shall not be deemed to grant authorization for any special event to be held in violation of the provisions of this article or any other laws, ordinances or codes of the city.

(c) Nothing in this article shall be construed to waive any other requirement for separate plumbing, electrical, mechanical, health and fire prevention related permits when these trades are applied.

Expiration.

Every permit issued under the provisions of this article shall expire by limitation and become null and void if the special event authorized by such permit is not held on the permitted date. Before such special event can be recommenced, a new permit shall be first obtained.

Fee.

Special event permits will have no application fee.

Inspections.

It shall be the duty of the permit applicant at the time of permit issuance to determine the need and type of any required inspections. If inspections are required, no special event shall be commenced without such inspection and approval.