

ORDINANCE NO. 19-1160

AN ORDINANCE OF THE CITY OF DENTON AMENDING THE DENTON CODE OF ORDINANCES, RELATED TO CHAPTER 25, TITLED "STREETS, SIDEWALKS AND PUBLIC PLACES" ARTICLE V, TITLED "SPECIAL EVENTS;" PROVIDING A REPEALER; PROVIDING SEVERABILITY; PROVIDING CODIFICATION; CONFIRMING PROPER NOTICE AND MEETING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Denton (the "City") is a Texas home-ruled Municipal Corporation possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code, and its Charter; and

WHEREAS, the City possesses, pursuant to Chapter 311 of the Texas Transportation Code, as amended, the exclusive control over and under the public highways, streets, and alleys of the City; and

WHEREAS, the City possesses, pursuant to Chapter 282 of the Texas Local Government Code, as amended, the exclusive control over and under public grounds of the City; and

WHEREAS, pursuant to Section 217.042 of the Texas Local Government Code, the City Council of the City of Denton ("City Council") has the authority to define and prohibit any nuisance within the limits of the City; and

WHEREAS, the City Council has additional authority to license, tax, suppress, prevent, or otherwise regulate keepers of theatrical or other exhibitions, shows, or amusements, pursuant to Section 215.032 of the Texas Local Government Code; and

WHEREAS, there is an increasing number of special events on both public and private land or property within the City, necessitating the expenditure of City resources to protect the health and safety of all citizens of the City; and

WHEREAS, the City Council has determined that it is in the best interest of the residents of the City to enact regulations relating to special events and finds the attached amendments reasonable and necessary; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this Ordinance are incorporated herein by reference and found to be true.

SECTION 2. That the Denton Code of Ordinances, is hereby amended by adding an article to be numbered Chapter 25 – Article V, which said article reads as provided in Attachment A, as set forth and attached hereto, and incorporated into this Ordinance for all intents and purposes.

SECTION 3. To the extent reasonably possible, Ordinances are to be read together in

harmony; however, 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, including, but not limited to Chapter 25 Article IV titled "Parades," which is repealed in its entirety.

SECTION 4. The provision of this Ordinance are severable, and the invalidity of any phrase or part of this Ordinance shall not affect the validity or effectiveness of the remainder of this Ordinance.

SECTION 5. The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

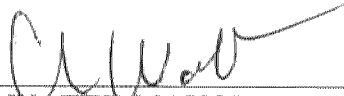
SECTION 6. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

SECTION 7. This Ordinance shall become effective immediately upon its passage and approval, and when all applicable publication requirements, if any, have been satisfied in accordance with the City's Charter, the Denton Code of Ordinances, and the laws of the State of Texas.


The motion to approve this Ordinance was made by Gerard Hudspeth and seconded by John Ryan. This Ordinance was passed and approved by the following vote [6 - 1]:

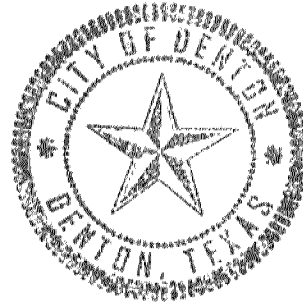
	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Chris Watts, Mayor:	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Gerard Hudspeth, District 1:	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Keely G. Briggs, District 2:	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Jesse Davis, District 3:	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
John Ryan, District 4:	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Deb Armintor, At Large Place 5:	<u>_____</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
Paul Meltzer, At Large Place 6:	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

PASSED AND APPROVED this the 18th day of June, 2019.

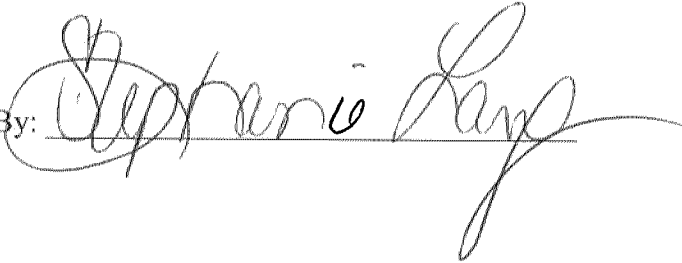
  
CHRIS WATTS, MAYOR

ATTEST:  
ROSA RIOS, CITY SECRETARY

By: 



APPROVED AS TO LEGAL FORM:  
AARON LEAL, CITY ATTORNEY

By: 

**CITY OF DENTON**  
**CODE OF ORDINANCES**  
**CHAPTER 25: STREETS, SIDEWALKS, AND PUBLIC PLACES**  
**ARTICLE V. SPECIAL EVENTS**

**Division 1. General**

**Sec. 25-212. Purpose**

Due to their size and special requirements, some gatherings or organized activities may place unique demands on public resources or pose a danger to public health, safety, and welfare. In order to plan for these demands on public resources and to ensure that public health and safety is protected, it is necessary that the city receive advance notice of these special events. The provisions of this ordinance are intended to address those concerns and are not intended to place unnecessary burden on any individual's right to association or freedom of expression.

**Sec. 25-213. Definitions**

(a) *Special Event* means a temporary event, gathering, or organized activity, including but not limited to parades, bike races, marathons, fun runs, block parties, parking lot parties, concerts, carnivals, or festivals involving 200 or more attendees or one or more of the following:

- (1) Closing or impacting a public street, sidewalk, or trail;
- (2) Blocking or restricting city-owned property;
- (3) Sale or distribution of merchandise, food, or beverages on city-owned property;
- (4) Erection of a tent equal to or greater than four hundred (400) square feet in area;
- (5) Installation of a stage, band-shell, trailer, van, portable building, grandstand, or bleachers;
- (6) Placement of portable toilets on city-owned property;
- (7) Placement of temporary no-parking signs in a public right-of-way;
- (8) Placement of pedestrian boundary markers on city-owned property;
- (9) Placement of additional waste containers; or
- (10) Having an impact on public safety.

(b) *Applicant* means a person who has filed a written application for a special event permit.

(c) *Application fee* means a base fee established by City Ordinance for processing a special event permit application.

- (d) *City* means the City of Denton, a Texas Home Rule Municipal Corporation.
- (e) *Expressive activity* means conduct, the sole or principal purpose of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of opinion, views, or ideas.
- (f) *First Amendment Activity* means an expressive and associative activity on public right-of-way that is protected by the United States and Texas Constitutions, including speech, press, assembly, and the right to petition, but does not include commercial advertising, revenue-generating activities, fundraising, or a Parade as defined herein.
- (g) *Force majeure* means and includes fire, casualty, strikes, lockouts, labor trouble, inability to procure materials or supplies, failure of power, governmental authority, inclement weather, acts of God, war or terrorism or the potential or actual threat thereof, public safety or public welfare considerations, riots, or local, national, or international emergencies, or other reason of like nature.
- (h) *Neighborhood Block Parties* means an organized small-scale activity that closes a small number of blocks on a local-service, residential street that are initiated by and intended to attract only local residents who live on or in close proximity to the street being closed and not intended for the general public.
- (i) *Parade* means any assembly, march, demonstration, or procession upon public thoroughfares within the City consisting persons, animals, or vehicles traveling in unison with an intent of attracting public attention and that is reasonably likely to interfere with the normal flow or regulation of traffic upon public thoroughfares.
- (j) *Permittee* means the person to whom a permit is granted pursuant to this ordinance.
- (k) *Person* means any individual, assumed named entity, partnership, association, corporation, or organization.
- (l) *Public safety plan* means any plan submitted by the applicant setting forth a description and location of emergency services, evacuation, fire prevention, and fire suppression on the property being used for the event, and emergency medical services for entertainers, exhibitors, attendees, and other persons at the event.
- (m) *Sidewalk* means that portion of a street between the curb lines or lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.
- (n) *Special Event Permit* means a permit as specified and obtained pursuant to this Article.
- (o) *Street* means the entire width between the boundary lines of every way publicly maintained, when any part thereof is open to use by the public for the purposes of vehicular traffic.
- (p) *Traffic control plan* means any plan submitted by the applicant that sets forth the regulations of traffic control devices used to facilitate vehicular and pedestrian traffic safely and efficiently through a temporary traffic control area associated with the event.

**Sec. 25-214. Application of ordinance; exceptions**

- (a) All special events, except for those set forth in Section 25-214(b), must conform with all applicable provisions of this Article unless otherwise noted.

- (b) The following events are exempt from the provisions of this Article:
- (1) Motorcades which comply with all traffic laws;
  - (2) Funeral processions;
  - (3) Events which are authorized under a separate agreement or permit issued by the City or other authorizing jurisdiction;
  - (4) An event wholly contained on property specifically designed or suited for the event and that holds a certificate of occupancy for such use, including adequate parking (e.g. a hotel ballroom);
  - (5) Events managed entirely by the City of Denton Parks and Recreation Department; and/or
  - (6) A governmental agency acting within the scope of its functions.

## **DIVISION 2. PERMIT**

### **Sec. 25-215. Permit required**

- (a) It shall be unlawful for any person to conduct a Special Event without first having obtained a Special Event Permit from the City.
- (b) It shall be unlawful for any person to participate in a Special Event for which the person knows a Special Event Permit is required and has not been granted.
- (c) It shall be unlawful for any person in charge of, or responsible for the conduct of, a Special Event to knowingly fail to comply with any condition of the Special Event Permit.

### **Sec. 25-216. Application for permit**

- (a) A person seeking a Special Event Permit shall file an application with the Director of Parks and Recreation, or his designee, upon forms provided by the City. Each application must be accompanied by a nonrefundable fee as adopted by City Council.
- (b) The Director of Parks and Recreation, or his designee, shall ensure that the other licenses and permits, restrictions, regulations, fees for city services, safeguards, or other conditions deemed necessary by individual city departments for the safe and orderly conduct of a Special Event be requested, submitted, and approved before the Special Event Permit is granted. (i.e. health permit applications, agreement with police department for police coverage, insurance, etc.). Separate permits will be required for tents, awnings, canopies, or temporary signage in conjunction with the event.

### **Sec. 25-217. Filing period**

Except as provided below, a Special Event Permit application may be filed at least sixty (60) days before the intended event date and not more than twelve (12) months in advance of the intended event date. Applications for permits filed less than specified number of days before the event may be considered for public assembly or if the Director of Parks and Recreation, or his designee, determines that the application can be processed in a shorter time period, taking into consideration the nature and scope of the proposed event and the number and types of permits required to be issued in conjunction with the Special Event Permit.

- (a) A Special Event application requiring City Council approval must be filed at least ninety (90) days before the intended date of the event including, but not limited to, the sale or consumption of alcohol in a city park, an exception to the amplified sound ordinance, and requests for in-kind services.
- (b) This provision supersedes prior ordinances in conflict herewith, including but not limited to Chapter 25 Article IV of the Code of Ordinances.

**Sec. 25-218. Submittal requirements**

The application for a Special Event Permit shall set forth, as a minimum, the following information:

- (a) The name, address, and telephone number of:
  - (1) the person seeking to conduct the Special Event;
  - (2) if the Special Event is to be held for or by an organization: the organization and the authorized agent of such organization;
  - (3) if the Special Event is to be held by or for a person other than the applicant: the applicant shall file a written statement from that other person showing authority to make the application; and
  - (4) the person who will be the event organizer and who will be responsible for conducting the event.
- (b) The proposed location(s) for the Special Event.
- (c) The purpose of the Special Event and type of activities held during the Special Event.
- (d) The date(s) and time(s) the Special Event will start and end.
- (e) The time at which on-site preparation for the Special Event will begin.
- (f) The approximate number of persons who are attending per day and for the duration of the Special Event, including the estimated peak time, and approximate number of attendees during that peak time.
- (g) The number and types of animals and vehicles that are part of the Special Event.
- (h) In the case of a Parade, the following additional information shall be provided:
  - (1) A route map;
  - (2) Approximate number of participants in the Parade;
  - (3) Type of participants (ex. animals, floats, etc.); and
  - (4) Whether the Parade will occupy all or only a portion of the width of the streets proposed to be traversed.
- (i) Proof of insurance for the Special Event.
- (j) Site map(s) showing site setup indicating equipment that will be used by the Special Event, including the following additional information:
  - (1) Location of first aid station and fire lanes for emergency equipment;

- (2) Location and orientation of loudspeakers and any other noise amplification devices to be used by or at the Special Event, if any;
  - (3) Location and size of tents, awnings, canopies, food service booths, or other temporary structures;
  - (4) Details for any planned signage; and
  - (5) Description of parking and public transportation.
- (k) Description of the sale or consumption of alcoholic beverages, if any.
  - (l) Public safety plan.
  - (m) Traffic control plan showing streets and pedestrian ways that are impacted, and the placement of barricades and detour signage.
  - (n) Description of the notification process to affected properties owned or occupied immediately adjacent to the Special Event.
  - (o) Any other information which the City shall find necessary under the standards for issuance.

**Sec. 25-219. Standards for issuance of permit**

A Special Event shall be conducted in such a way that it:

- (a) Will not unnecessarily interrupt the safe and orderly movement of traffic near its location or route.
- (b) Will not require so great a number of police officers to properly police the Special Event that normal protection for the City is prevented.
- (c) Will not require so great a number of ambulances as to prevent normal ambulance service to portions of the City other than that to be occupied by the Special Event and adjacent areas.
- (d) Will not interfere with the movement of firefighting equipment in route to a fire. The concentration of people, animals, and vehicles at assembly points will not unduly interfere with proper fire and police protection or ambulance service to areas near such assembly points.
- (e) In the case of a Parade, the parade shall be scheduled to move from its point of origin to its point of termination without unreasonable delays in route.

**Sec. 25-220. Denial or revocation**

- (a) The Director of Parks and Recreation, or his designee, may deny a Special Event Permit if:
  - (1) The Special Event will conflict in time and location with another event for which a Special Event Permit has already been granted;
  - (2) The Applicant fails to comply with, or the Special Event will violate, an ordinance of the City or any other applicable law;
  - (3) The Applicant makes or permits the making of a false or misleading statement or omission of material fact on an application for a Special Event Permit;



- (4) The Applicant has been convicted of violating this Article or has had a Special Event Permit revoked within the preceding twelve (12) months;
  - (5) The Applicant fails to provide proof of any license or permit required by this Article, City Ordinance, or State law;
  - (6) The Special Event, in the opinion of one or more city departmental directors, would severely hinder the delivery of normal or emergency services or constitutes a public threat;
  - (7) Insurance requirements for the Special Event have not been met; or
  - (8) The Applicant has, on prior occasions, damaged City property and has not paid in full for such damage.
- (b) A Special Event Permit shall be revoked by the Director of Parks and Recreation, or his designee, upon the following conditions:
- (1) If the Police Chief, Fire Chief, Risk Manager, Building Official, or other City Official, or their designated representatives, find that any of the provisions of this Article, City Ordinance, or State law is being violated;
  - (2) If, in the judgment of the Police Chief or Fire Chief, a violation exists which requires immediate abatement, they shall have authority to revoke a permit in the absence or unavailability of the Director of Parks and Recreation; or
  - (3) The Applicant made, or permitted to be made, a false or misleading statement or omission of material fact on an application for a Special Event Permit.
- (c) Prior to denial of a permit, the Director of Parks and Recreation shall consider alternatives provided by the Applicant to the time, place, or manner of the Special Event that will allow the event to occur without posing a threat to health or safety, or otherwise violate state or local law.

**Sec. 25-221. Appeals**

Decisions of the Director of Parks and Recreation, Police Chief, Fire Chief, or any other City Official regarding the issuance of a Special Event Permit or the imposition of costs, additional restrictions, or conditions upon the granting of a Special Event Permit may be appealed to the City Manager, or in his absence, the Deputy City Manager or Assistant City Manager. Such appeal shall be in writing and shall be delivered to the City Manager within five (5) business days after the issuance of a decision by the Director of Parks and Recreation or other Official. When making a determination regarding the appeal, the City Manager shall consider the application under the standards provided in this Article and sustain or overrule the Director's decision. The decision of the City Manager, Deputy City Manager, or Assistant City Manager shall be issued within five (5) business days and shall be final.

**Sec. 25-222. Force majeure**

- (a) The City may, in its sole discretion, postpone, cancel, suspend, or close any Special Event or revoke a Special Event Permit for any force majeure event.

(b) The City shall have no liability for such postponement, cancellation, suspension, or closing. Further, the City shall have no liability for failure to postpone, cancel, suspend, or close a Special Event for a force majeure event or any other reason.

**Sec. 25-223. Quarterly reporting**

(a) The Director of Parks and Recreation shall, at least quarterly, provide the City Council a report specifying the occasion upon which he or she has exercised the authority delegated herein, whether granting or denying a permit application, and any other information, material, or transactions applicable to the exercise of that authority.

(b) The City Manager shall, at least quarterly, provide the City Council a report specifying the occasion upon which he or she has exercised the authority delegated herein, whether granting or denying a permit application, and any other information, material, or transactions applicable to the exercise of that authority.

**DIVISION 3. SPECIAL PROVISIONS**

**Sec. 25-224. Applicant parking requirements**

Applicants shall describe in the site plan that parking and public transportation for the Special Event has been provided. If parking is planned to be on private property, written evidence that the Applicant has a right of possession of the property through ownership, lease, license, or other property interest must be provided.

**Sec. 25-225. City authority over parking**

The City shall have authority, when reasonably necessary as determined by the Police Department, to prohibit or restrict the parking of vehicles along a street, highway, or part thereof adjacent to the site of the Special Event.

**Sec. 25-226. Trailers**

Trailers or other vehicles may be temporarily occupied as living quarters at the site of such Special Events. Such vehicles and trailers shall be parked not less than three hundred feet (300') from any residential district, and shall otherwise comply with all City Ordinances and regulations.

**Sec. 25-227. Amusement rides**

Rides and/or attractions associated with Special Events shall conform with the statutory rules and regulations set forth in Chapter 21, Article 21.53 of the Texas Insurance Code, designated the Amusement Ride Safety Inspection and Insurance Act, as amended. Copies of inspection reports will be required.

**Sec. 25-228. Tents and temporary structures**

Any Special Event which includes the use of a tent, canopy, or temporary structure shall meet the requirements in the Fire Code. Fire lanes for emergency equipment must be provided and the site prepared in a manner so as not to be a fire hazard as determined by the Fire Chief. A certificate of flame resistance shall be provided for all tents, canopies, or other membrane structures that are equal to or greater than four hundred (400) square feet in area.

**Sec. 25-229. Food service**

Where food service is provided, said operation shall be in compliance with all provisions of the food and food establishment ordinances of the City, as well as all other applicable state and local laws.

**Sec. 25-230. Sanitary facilities**

A sufficient number of portable type sanitary facilities must be provided on the premises as determined necessary using standards as established by the Portable Sanitation Association International (“PSAI”).

**Sec. 25-231. Animal waste**

In the case of a Parade, the Applicant shall provide cleanup for animals along the parade route at the conclusion of the Parade in accordance with City Ordinance.

**Sec. 25-232. Water usage and disposal of waste water**

Applicant shall submit a plan for the disposal of waste water, including capture and containment, which must be approved by the City prior to the Special Event. The plan must be in accordance with all local, State, and Federal laws.

**Sec. 25-233. Trash disposal**

Trash disposal containers must be provided on-site for all outdoor Special Events. There may be costs associated with the disposal of waste and recycling for larger Special Events in accordance with City Ordinance. The appropriate waste and recycling containers to be selected are dependent upon the location and the number of event participants and visitors, and is to be handled on a case-by-case basis as determined by the Director of Solid Waste and Recycling. If Special Events are held on City-owned property, waste containers, excluding dumpsters, are available onsite for use by the Special Event, and additional containers or dumpsters may be necessary to provide adequate waste and recycling collection service. Recycling is required on all City-owned property in accordance with Resolution R2008-004.

**Sec. 25-234. Amplified sound**

When loudspeakers, or any other amplifying device, are to be used in conjunction with the Special Event, the location and orientation of these devices shall be indicated, along with the planned hours of use, on the site plan.

Speakers which are positioned so as not to adversely affect an adjacent residential district may be used between the hours of 7:00 a.m. and 10:00 p.m. when a Special Event Permit has been obtained. Applicants shall comply with all City noise ordinances and any variance requests require approval by City Council.

**Sec. 25-235. Signage**

Signage used in accordance with the Special Event shall comply with the Sign Regulations of the City of Denton under the provisions for special event and promotional signage found in Chapter

33 of the Code of Ordinances. Accordingly, signs advertising the event or directing potential customers to the event site are expressly prohibited from placement in the City rights-of-way.

**Sec. 25-236. Alcohol**

It is the responsibility of the Applicant to ensure that if alcoholic beverages will be possessed and/or consumed during a Special Event that he/she/they have obtained all necessary City approvals for such possession and use. If alcohol is being served on City-owned property, a law enforcement professional is required to be onsite during the Special Event. If alcohol is being possessed or consumed in a City park as allowed by City ordinance, it requires recommendation by the Parks and Recreation Board, approval by City Council, and a Special Event application must be submitted to the Director of Parks and Recreation, or designee, at least ninety (90) days prior to the event.

For special events requiring a permit from the Texas Alcoholic Beverage Commission (TABC), a copy of the state permit shall be required prior to the issuance of a Special Event Permit. Additionally, Liquor Liability (Dramshop Liability) or Host Liquor Liability insurance coverage in the amount of \$1,000,000 shall be provided, naming the City of Denton as an additional insured.

**Sec. 25-237. Inspections**

Inspections may be required to show compliance with City Ordinances.

**Sec. 25-238. Electrical equipment**

All electrical equipment and installations shall comply with the currently adopted version of the National Electric Code.

**Sec. 25-239. Direction of traffic**

Traffic control and direction upon City rights-of-way shall be allowed only by a Denton Police Officer, Denton Parking Enforcement Officer, or other sworn Texas law enforcement officer. Vehicular traffic control and direction by private citizens in the City rights-of-way is prohibited.

**Sec. 25-240. Police protection**

When the presence of law enforcement officers is necessary for Special Events, the Applicant shall be responsible for the cost of providing police personnel. Police protection and security must be provided by a licensed peace officer commissioned by a law enforcement agency in Denton County. The cost for police personnel provided by the Denton Police Department shall be paid at the rate set by the Police Chief. There is a minimum three-hour cost per individual.

The objective standards used to determine the number of law enforcement officers shall be as follows:

- (a) General traffic conditions in the area requested, both vehicular and pedestrian;
- (b) Route to be taken if the Special Event is a Parade or other moving event;
- (c) Duration of the Special Event;
- (d) Whether all or any portion of a roadway will be closed;

- (e) The estimated number of people who will attend;
- (f) Uses adjacent to the Special Event, such as residential or commercial areas;
- (g) Time and date of the Special Event;
- (h) Alcoholic beverages available for consumption at the Special Event;
- (i) Wild or undomesticated animals at the Special Event; and
- (j) Need for safety zones (balloon/helicopter launch or landing area, etc.).

All reasonable alternative routes, times, and locations will be considered so as to offer the Applicant the option that will provide the lowest costs consistent with the general public health, safety, and welfare. The cost or a portion of the cost of providing police personnel to meet these guidelines may be requested by the Applicant and provided as in-kind services by the City upon approval from City Council.

**Sec. 25-241. Emergency medical services**

When the presence of emergency medical service (“EMS”) is necessary for a Special Event, the Applicant shall be responsible for reimbursing the City for the cost of providing personnel. The cost for City provided EMS personnel shall be in accordance with City Ordinances.

The objective standards used to determine the number of EMS personnel and ambulances shall be as follows:

- (a) The estimated number of people who will attend;
- (b) The peak hourly attendance;
- (c) Duration of the Special Event;
- (d) Whether all or any portion of a roadway will be closed;
- (e) Uses adjacent to the Special Event, such as residential or commercial areas;
- (f) Time and date of the Special Event;
- (g) Alcoholic beverages available for consumption at the Special Event; and
- (h) Need for safety zones (balloon/helicopter launch or landing area, etc.).

All reasonable alternative routes, times, and locations will be considered so as to offer the Applicant the option that will provide the lowest costs consistent with the general public health, safety, and welfare. The cost or a portion of the cost of providing EMS personnel to meet these guidelines may be requested by the Applicant and provided as in-kind services by the City upon approval from City Council.

**Sec. 25-242. Clean up**

The Applicant shall clean up immediately after the conclusion of the Special Event.

### **Sec. 25-243. Traffic control plan**

Traffic control plans submitted as part of the Special Event application must be developed by a professional engineer or licensed traffic control professional in accordance with the Texas Manual on Uniform Traffic Control Devices.

### **Sec. 25-244. In-Kind services**

The City may find that a Special Event is in the public interest and a benefit to the citizens, and therefore may grant in-kind services by waiving fees, including but not limited to, staff, facility rental fees, and security. Event organizers may submit a request to the City for in-kind services. If in-kind services are requested, City Council approval is required, and a Special Event application must be submitted to the Director of Parks and Recreation, or his designee, at least ninety (90) days prior to the Special Event.

### **Sec. 25-245. Neighborhood block parties**

The City believes that neighborhood block parties are in the public interest and a benefit to the citizens. Persons organizing a neighborhood block party are required to obtain a Special Event Permit from the City and must file an application at least fourteen (14) days before the intended event date. The Director of Parks and Recreation, or his designee, may determine that the application can be processed in a shorter time period, taking into consideration the nature and scope of the proposed event.

Neighborhood block parties will be exempt from Special Event application fees described in this Article, but may be subject to other City fees (e.g. tent permit fees). A process for notifications to affected properties adjacent to the Special Event must be submitted in accordance with Sec. 25-217. Neighborhood block parties are exempt from the insurance requirements set forth in Sec. 25-248.

### **Sec. 25-246. First Amendment activity**

Persons organizing a First Amendment Activity that is preplanned, scheduled, and promoted for a future date are required to obtain a Special Event Permit from the City and must file an application at least seven (7) days before the intended event date.

First Amendment Activities will be exempt from Special Event application fees and costs associated with policing the event. First Amendment Activities are exempt from the insurance requirements set forth in Sec. 25-248.

## **DIVISION 4. PARADE**

### **Sec. 25-247. Public conduct**

- (a) *Interference.* It shall be unlawful for any person to unreasonably hamper, obstruct, impede, or interfere with any Parade, parade assembly, or with any person, vehicle, or animal participating or used in a Parade authorized under this Article.
- (b) *Driving through Parades.* It shall be unlawful for any driver of a vehicle, bus, or bicycle to drive between the vehicles or persons comprising a Parade when such vehicles or persons are in motion and are conspicuously designated as a Parade.
- (c) *Parking on a Parade route.* The Chief of Police shall have authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof

shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this article.

## **DIVISION 5. INSURANCE, INDEMNIFICATION, AND COSTS**

### **Sec. 25-248. Insurance**

- (a) The Applicant for a Special Event Permit shall furnish the City with a certificate of insurance complying with minimum standards sufficient to protect event attendees, the general public, and City-owned property as outlined below, including property damage arising from the Special Event that impacts or occurs on City property.
- (b) The City shall have the right to lower or increase the amount based upon the type of event, equipment, machinery, location, number of people involved, provision of alcohol, and other pertinent factors or risks associated with the Special Event.
- (c) Commercial General Liability Insurance: Must be provided with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence. Depending on the scope and activities contemplated under the Special Event Permit (i.e. estimated attendance, amusement rides, live animals, aerobatics, etc.) Risk Management may require higher limits of liability insurance. For event banners on street light poles, commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than \$500,000 for each occurrence.
- (d) Liquor Liability Insurance: If any alcoholic beverage is sold, served, or otherwise made available to the public at the Special Event, Liquor Liability (Dramshop) Insurance or Host Liquor Liability coverage must be provided by the alcoholic beverage license holder in an amount of not less than \$1,000,000 per occurrence. Depending on the scope and activities contemplated under the Special Event Permit (i.e. estimated attendance, amusement rides, live animals, aerobatics, etc.) Risk Management may require higher limits of liquor liability insurance.
- (e) Other Insurance: If a Special Event includes vehicles, aircraft, or other equipment, devices, or activities that are excluded from coverage in the general liability insurance policy, or create a special or increased risk, then separate additional liability insurance coverage for the applicable exclusion(s) must be provided with the same combined single limits of liability for bodily injury and property damage as outlined in the paragraphs above.
- (f) Additional Insured: The insurance required in (c), (d) and (e) above shall name the City as an Additional Insured.

### **Sec. 25-249. Indemnification**

THE APPLICANT, PERMITEE, AND/OR EVENT SPONSOR(S) SHALL DEFEND, INDEMNIFY, PROTECT, AND HOLD HARMLESS THE CITY, ITS OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, SUCCESSORS, CONTRACTORS,

SUBCONTRACTORS, ASSIGNS, SPONSORS, AND VOLUNTEERS FROM AND AGAINST ANY AND ALL LIENS, CLAIMS, DEMANDS, LOSS, LIABILITY, COST (INCLUDING BUT NOT LIMITED TO ATTORNEYS' FEES, ACCOUNTANTS' FEES, ENGINEERS' FEES, CONSULTANTS' FEES AND EXPERTS' FEES), EXPENSE, DAMAGE, AND CAUSES OF ACTION FOR DAMAGES BECAUSE OF INJURY TO PERSONS (INCLUDING DEATH) AND INJURY OR DAMAGE TO OR LOSS OF ANY PROPERTY OR IMPROVEMENTS ARISING FROM OR CAUSED, IN WHOLE OR IN PART, BY THE ACTS AND/OR OMISSIONS OF THE APPLICANT, PERMITEE, EVENT SPONSOR(S), THEIR OFFICERS, DIRECTORS, AGENTS, EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, VOLUNTEERS, AND PARTICIPANTS IN THE SPECIAL EVENT.

**Sec. 25-250. Fees/costs**

- (a) Fees, other than cost for policing the event, if any, as specified in this ordinance, shall be established by City Council ordinance.
- (b) In the event the City determines, upon a review of the application, that a Special Event may require the special attention and involvement of City personnel or facilities, the City shall so notify the Applicant. In such event, prior to the issuance of a Special Event Permit, the City shall determine the anticipated additional cost to be incurred by the City because of the Special Event. Prior to the issuance of a Special Event Permit, the Applicant shall agree in writing to pay the anticipated additional costs to the City incurred as a result of the Special Event within thirty (30) days of the date upon which the City invoices the Applicant for the anticipated costs.

**Sec. 25-251. What constitutes penalty for violations of ordinance**

- (a) A person commits an offense if he:
  - (1) Knowingly commences or holds a Special Event without a Special Event Permit or with a Special Event Permit that has expired or been revoked; or
  - (2) Knowingly violates any terms or provisions of this Article.
- (b) It is hereby determined that this Article governs fire safety and public health/safety and, therefore, any person, firm, corporation, or organization violating or failing to comply with any of the provisions of this Article by a court of competent jurisdiction shall be fined a sum of Five Hundred Dollars (\$500).