ORDINANCE NO. 687

"Special Events Ordinance"

AN ORDINANCE AMENDING CHAPTER 10 (BUSINESSES AND BUSINESS REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF GRANITE SHOALS BY ADDING A NEW ARTICLE V, "SPECIAL EVENTS," AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council (Council) of the City of Granite Shoals, Texas (City) seeks to promote the health, public safety and general welfare of the community and its citizens by preventing death, injury, property damage and urban blight within the City limits; and

WHEREAS, the Council finds that special events held within the City limits such as farmers' markets, outdoor concerts, exhibitions, and festivals help promote community and create a positive view of the City; and

WHEREAS, the Council finds that unregulated special events may create traffic hazards, traffic congestion, fire hazards, noise and other environmental pollution, litter, and security risks for attendees and properties in close proximity to the event; and

WHEREAS, the Council finds that the provisions of this ordinance will serve to promote the health, public safety and general welfare; and

WHEREAS, the Council is authorized by virtue of sections 2.01 and 3.06 of the City Charter to regulate and control the use, for whatever purposes, of the City's streets and other public places; and

WHEREAS, the Council finds it to be in the best interest of the health, public safety and general welfare to adopt a special events permit ordinance that licenses and regulates special events within the City limits, and in accordance with state law undertakes to enact such an ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS:

SECTION I.
FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II.
AMENDMENT

Chapter 10, "Businesses and Business Regulations," of the Code of Ordinances, City of Granite Shoals, Texas, is hereby amended to add the following:

"ARTICLE V. – SPECIAL EVENTS

Section 10-100. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Person means any individual, assumed name entity, partnership, association, corporation or other organization.

Special event means any occasion including, but not limited to, the following types of events which are open to attendance by the public generally, whether or not any fee or admission charge is made, and which take place within a specifically defined area of the city and which occur only periodically for a short period of time, and which do not constitute a permanent use of the land involved:

(a) outdoor musical exhibitions, concerts, or performances, whether held on private or public property;

(b) outdoor markets or vending from temporary booths, tents, trailers, or similar devices;

(c) outdoor fairs, shows or exhibitions;

(d) carnivals or circuses;

(e) stages, sets or staging areas for the professional filming of motion pictures, documentaries, educational or training films, or other similar media events;

(f) festivals, celebrations, or special fund-raising events; or

(g) any other temporary event or activity (except a temporary retail stand under Article IV, Chapter 10 of this Code of Ordinances) similar in nature to those listed above and not identified as a permitted use in the zoning ordinance (Chapter 40 of this Code of Ordinances).

This definition of "special event" is consistent with and is intended also to be used in connection with the permitting and exemption provisions set out in Article IV, Chapter 10 of the City's Code of Ordinances.

Section 10-101. – Permit required.

Any person owning or operating a special event to be held in the city shall apply for a permit at least thirty (30) days prior to the date such special event is to be conducted and shall otherwise comply with all city ordinances, rules and regulations. A special event permittee under this section shall provide such information that City may require regarding each vendor who will participate in the special event. A vendor who participates in a special event under this section is not required to obtain an individual peddler's permit. A permit issued under this article is not assignable or transferable to third parties, provided that nothing in this section shall prohibit a permittee from designating multiple persons responsible for conducting the event so long as each person is identified in the application.

Section 10-102. Exemptions.

The following special events shall be exempted from the operation, rules, and regulations of this article:

(1) City-initiated or City-sponsored special events;

(2) School district-initiated or school district-sponsored special events;

(3) Funeral processions;

(4) A private party held on private property and to which the public is not invited, provided such party does not impact public rights-of-way or involve activities or facilities not permitted by applicable zoning regulations;

(5) An event wholly contained on property specifically designed or suited for the event, including adequate parking, that holds a certificate of occupancy for such use (*e.g.*, a hotel ballroom), provided that such event does not impact public rights-of-way or involve activities or facilities not permitted by applicable zoning regulations;

(6) Adult-supervised outdoor sports recreational events for children; and

(7) A demonstration at a fixed location other than the roadway of a street.

Section 10-103. Permit application; fee.

(a) *Application.* Each person seeking a special event permit shall file with the city secretary a written application for special event permit on forms furnished by the city, which shall include at a minimum the following:

(1) The name, address and telephone number of the person seeking the permit;

(2) The name, address and telephone number of the person responsible for conducting the special event;

(3) The proposed date(s) and hour(s) of the special event;

(4) The proposed location of the special event;

(5) The proposed date(s) and hour(s) for the use of the proposed location;

(6) A general description of the proposed special event;

(7) A site plan showing the component parts of the special event, including all shows, concessions, and amusements; the size, proposed uses and capacity of any proposed temporary buildings (especially with respect to property lines and setbacks); proposed uses of all exterior areas; any businesses to be operated in connection with the special event; and the location of each on the property;

(8) Written authorization from the owner of the property upon which the special event is proposed to be located stating permission to the applicant to hold the special event on the proposed location;

(9) Proof of notification of all adjacent land owners within 200' of any boundary activity of the proposed special event;

(10) Delineation of parking facilities, location, type of surface treatment(s), parking capacities, parking layout, fire lane delineations, fire lane widths, emergency vehicle turnaround area, and setbacks from residential property lines;

(11) Delineation of access driveway(s), alignment, width, type of surface treatment(s), setbacks from residential property lines, and distances to any other existing driveways on both sides of the road;

(12) Proof of Texas Department of Transportation (TxDOT) approval of all access driveways' intersections with any state highway, if applicable, and/or proof of Burnet County approval of all access driveways' intersections with any county roadway, if applicable;

(13) Traffic control plan, including maximum allowable parking on the site;

(14) Plan for provision of overflow parking, with off-site shuttle service if necessary, if parking demand exceeds the amount of parking provided on-site;

(15) A plan or document that describes how the operator will provide for on-site temporary sanitation facilities including, but not limited to, the proposed method of containment and disposal, on-site locations, capacity, and proof of ADA accessibility;

(16) Location and quantity of trash receptacles;

(17) The anticipated number of persons attending and, if applicable, the number and types of animals and vehicles that will constitute such event;

(18) The location and orientation of any loudspeaker or sound amplification device, if applicable;

(19) The location of any animal storage facility, if applicable, and the distance from any residence or commercial establishment;

(20) Delineation of all on-site, exterior storage areas and how they will be screened from public view and from neighboring properties;

(21) Complete and accurate description of any potentially hazardous materials that will be stored on-site, either in the buildings or on the premises;

(22) Proof of the property owner's and/or operator's liability insurance with minimum combined limits of $500,000.00, naming the City of Granite Shoals as an additional insured (see section 10-106 of this Code of Ordinances);

(23) Temporary fire control measures – review and approval by the fire chief will be required;

(24) Plan for security, which shall include means for providing safety and security for the site, for the buildings, for users on the site, and for users coming to or leaving the site, including adequate staffing to provide for effective emergency management and assurance that a certified peace officer will be present at every entrance;

(25) Description, location and placement of all sign(s) to be placed at the special event location;

(26) Proposed location of any temporary outdoor lighting and the hours of operation for such site lighting;

(27) Noise control plan;

(28) Dust and erosion control plan;

(29) Temporary utilities plan;

(30) Delineation of buffering and screening of parking areas, storage areas, sanitation facilities, solid waste receptacles, and other similar site facilities;

(31) Delineation of non-point source pollution controls for construction of any temporary site facilities or improvements and for the runoff from buildings, parking areas, storage areas and driveways (*i.e.*, silt fences and vegetative buffer strips);

(32) Written plan for the removal of all temporary facilities and temporary improvements, and the complete restoration of the property to the condition it was in before installation of such facilities or improvements;

(33) Agreement to clean the site of trash and debris on a daily basis for the duration of the special event;

(34) Agreement to restore the property to the condition it was in before the special event took place;

(35) Agreement to comply with all applicable city ordinances, rules and regulations;

(36) Such information that the city may require regarding each vendor who will participate in the special event; and

(37) Any additional information which the city may require.

(b) *Fee.* The fee for issuance of a special event permit shall be adopted by separate action of the City Council. As part of its fee schedule, the Council may exempt the State of Texas and/or its political subdivisions from permit fee requirements; provided, however, that such entities shall still be required to obtain a permit under section 10-101. This fee shall be a non-refundable fee regardless of whether the permit is granted or denied. Additionally, a cleanup deposit shall be posted with the city, the amount of which shall be adopted by action of the City Council. If the site is entirely cleaned up after the special event has taken place, without the city's involvement, the deposit will be refunded. If such site is not entirely cleaned up, the deposit will not be refunded but be retained by the city to cover the costs of cleaning the site.

Section 10-104. – Consideration of the application; permit term.

(a) *Consideration of application.* Upon the filing of a special event permit application, the city manager shall cause or make an investigation to determine whether or not the proposed event is in conflict with any city ordinances, rules or regulations or is detrimental to the public health, safety and welfare. The following shall be considered in determining whether to grant or deny the permit:

(1) Whether the proposed special event will interrupt the safe and orderly movement of pedestrian or vehicular traffic;

(2) Whether the proposed special event will have sufficient law enforcement and security personnel to police the event and protect the city's citizens and their property;

(3) Whether the proposed special event will result in such a concentration of persons, animals and vehicles that fire, ambulance or other emergency services will be impeded;

(4) Whether the proposed special event is likely to cause injury to persons or property; and

(5) Whether the proposed special event is planned to ensure that the general health, safety and welfare of attendees and the public are protected.

(b) *Permit provisions.* If a special event permit application is approved, the city shall issue a special event permit that shall state on its face:

(1) The name of the person to whom it is granted;

(2) The expiration date of the permit; and

(3) The location in which the permit holder is allowed to conduct the special event.

(c) *Permit term.* The length of time for each permit shall extend only to those dates requested in the application and that the city manager has approved. The permit may be extended for up to thirty (30) additional days, provided the city manager determines the extension would not be detrimental to the public health, safety or general welfare. In no instance shall a permit be issued for more than one (1) year.

(d) *Permit posting requirement.* During the time in which the special event takes place, the holder of the special event permit shall post the permit in a visible location upon the property upon which the special event takes place and shall ensure that such permit remains posted for the duration of the special event.

Section 10-105. – Revocation and appeal.

(a) If after a special event permit has been issued, it is determined that the permit was obtained by false representation in the application, the city manager may revoke the special event permit. If the holder of a special event permit issued under this article violates any ordinances, rules or regulations of the city, violates applicable state law in relation to such permit and special event, or fails to comply with the terms agreed to in the permit application, the city manager may revoke the permit and such holder shall return said permit to the city manager.

(b) If the city manager denies an applicant's request for a special event permit, denies an extension of a permit, or revokes a permit, the applicant or holder may file a written notice of appeal and hearing request within five (5) days after the date the city manager takes the contested action. A public hearing shall be conducted by the City Council within ten (10) days of the filing of a timely written request for such a hearing.

Section 10-106. – Proof of insurance.

(a) Each owner or operator of a special event shall furnish proof of liability insurance, as well as any other type of insurance that may be deemed appropriate by the city manager, and shall also name the City of Granite Shoals as coinsured for personal injury, premises and for $500,000.00 per occurrence.

(b) Property owner's liability insurance is not required for special events on City-owned property. Operator's liability insurance is not required for City-sponsored events.

(c) The City Manager may require additional insurance for special events that involve increased risk to the public. Activities that the City Council hereby finds involve an increased risk to the public include, but are not limited to: events that occur after dusk; events at which alcohol will be permitted; events that involve more than 1000 attendees; fireworks displays; events involving wild animals; and events that involve inherently dangerous activities as defined by law.

(d) The City Manager may waive or reduce the insurance requirement for special events that will not involve increased risk to the public and that satisfy one or more of the following requirements: the permittee is a 501(c)(3) nonprofit corporation; the event will involve fewer than 50 attendees; the permittee provides proof of adequate existing insurance; or the event will be confined to a single tract of property.

Section 10-107. – Right of entry.

The city through its officials, employees, agents and representatives shall have the right at all reasonable times to enter upon all premises used in connection with a special event for the purpose of inspecting the premises, for observing the performance of obligations under this article, and for the doing of any act or thing that the city may be obligated to or have the right to do under the permit, this article, or other applicable city ordinance, rule or regulation."

SECTION III.
SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION IV.
SEVERABILITY

If any provision, section, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Granite Shoals in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION V.
REPEALER

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinance or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

SECTION VI.
EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION VII.
PROPER NOTICE AND MEETING

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, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED ON this the 10th day of May, 2016.

APPROVED:

Carl Brugger, Mayor

ATTEST:

Elaine Simpson

Elaine Simpson, City Secretary

APPROVED AS TO FORM:

Brad Young, City Attorney