

ORDINANCE NO. 1021

**Chapter 98: Special Events, Block Parties and Parades
General Provisions**

AN ORDINANCE OF THE CITY OF CANYON REPEALING SECTIONS 111.01 – 111.06, CODE OF ORDINANCES OF THE CITY OF CANYON, RESERVING SUCH SECTIONS FOR FUTURE USE, ADDING A NEW CHAPTER 98, RELATING TO SPECIAL EVENTS, BLOCK PARTIES AND PARADES, PROVIDING FOR A PENALTY, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES OR PARTS THEROF IN CONFLICT WITH THIS ORDINANCE.

WHEREAS, the City Commission of the City of Canyon finds the passage, promulgation, and enforcement of the provisions herein contained are determined necessary and advisable for the promotion of the general welfare of the community to carry out the governmental powers and police powers delegated to and possessed by the City of Canyon.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS:

SECTION 1: That Chapter 11, Sections 111.01 thru 111.06 are deleted and marked as “reserved.”

SECTION 2: That the Code of Ordinances shall be and hereby is amended by adding Chapter 98: Special Events, Block Parties and Parades.

Sec. 98.00 Definitions:

The following words and terms, when used in this ordinance, have the following meanings, unless the context clearly indicates otherwise.

“APPLICANT” a person who has filed a written application for an event permit.

“BLOCK PARTY” a small social or recreational gathering for which a public street, alley or sidewalk is temporary closed to vehicular traffic within a residential district and the participants either reside within the area of the street closing or are guest of such a resident.

“EVENT” a cumulative term that means and refers to any or all of a Block Party, Special Event, Motorcade, Race, Parade, or any combination thereof.

“EVENT PERMIT” a written authorization from the Chief of Police or designee to hold the requested event.

“PARADE” any march or procession consisting of people, animals, vehicles of any type, or a combination thereof, upon any public street, sidewalk, or alley or combination thereof, which does not comply with normal and usual traffic regulations or controls.

“PERMITEE” person to whom an event permit is granted.

“SPECIAL EVENT” a preplanned, single gathering event or series of related gatherings of people or attractions for a common purpose, including but not limited to, street fairs, arts and crafts shows, carnivals, circuses, rallies, public entertainments, or other similar events. Special Events are conducted primarily outdoors in public locations and may interfere with normal flow or regulation of pedestrian or vehicular traffic, and may require special city services, including but not limited to, street closure, provisions of barricades, special parking arrangements, special electrical services or special police or emergency services. The term does not include events held in residential structures, licensed premises, buildings not owned or controlled by the City, gatherings for athletic events that are held in facilities designed for athletic events.

“RACE” a competition or series of competitions of speed or endurance between humans, motorized or other vehicles, or animals over a specified course or distance.

“MOTORCADE” any organized procession of vehicles, upon any public street, sidewalk or alley that would need to disregard normal traffic control devices to proceed but would not require the closing of the street, sidewalk, or alley to other traffic.

Sec. 98.01 Application/Permit Required

It shall be unlawful for any person to hold an event, as defined in Section 98.0, without first having obtained an event permit from the City.

Sec. 98.02 Exception to Permit Requirements

The following events are exempt from the permitting process:

- (A) An event conducted entirely on the property of an educational institution;
- (B) An event wholly contained on property specifically designed or suited for the event and which holds a certificate of occupancy for such use including adequate parking;
- (C) Funeral or dignitary processions;
- (D) Athletic events that are held in facilities designed for athletic events;
- (E) City sponsored events;
- (F) First Amendment Activity conducted entirely on sidewalks, in public parks or on private property.

98.03 Permit Application and Fee Requirements

Applicant seeking a permit shall file an application with the City upon forms provided by the City, which shall be accompanied with an application fee as currently established or as hereafter adopted by the City Commission from time to time.

Sec. 98.04 Timeframes and Deadlines

Applications shall be filed with the City of Canyon Police Department according to the following timeframes and deadlines:

- (A) Application shall be filed not more than 365 days before the commencement of the proposed event.
- (B) Applications for a parade event permit shall be filed not less than forty-five (45) days prior to the event.
- (C) Applications for special event, race, or motorcade permits shall be filed not less than thirty (30) days prior to the event.
- (D) Applications for block party event permits shall be filed not less than fifteen (15) days prior to the event.
- (E) The Chief of Police may consider event applications submitted after filing deadlines where good and compelling cause is shown.

Sec. 98.05 Standards for Issuance of Event Permit

An event permit will be required and approved by the Chief of Police and other City officials, including, but not limited to, the Public Works Director, Fire Department Chief, Director of Code Enforcement, Director of Parks, and City Manager. Permits are issued in accordance with said standards and Section 98.05 of the Code of Ordinances.

- (A) The event will not unnecessarily interrupt the safe and orderly movement of traffic near its location or route.
- (B) The event will not require the diversion of a number of regular on-duty police officers to properly police the event locale or line of movement and the adjacent areas as to prevent adequate police protection for the City.
- (C) 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 or the City.
- (D) A parade or motorcade is scheduled to move from its point of origin to its point of termination without unreasonable delays in route.
- (E) It is not likely to cause injury to person or property.
- (F) There will be adequate sanitation facilities and parking spaces available in or adjacent to any public assembly area for the estimated number of event attendees.
- (G) Other licenses and permits, restrictions, regulations, safeguards or other conditions deemed necessary by individual City departments, County officials, or State or Federal agencies, for the safe and orderly conduct of the event are requested, submitted, and approved (i.e. health permit applications, agreement with police department for police coverage, and agreement with public works, etc.).
- (H) Compliance with all applicable local, state, or Federal requirements is demonstrated.

Sec. 98.06 Denial or Revocation of a Permit

- (A) The Chief of Police or designee shall deny issuance of an event permit if:
 - (1) The event will conflict in time or location with another previously permitted event;
 - (2) The applicant fails to comply with, or the event will violate, any City ordinance or any other applicable law;
 - (3) The applicant makes or allows the making of a false or misleading statement or omission of material fact on an application;

- (4) The applicant has violated this ordinance or has had an event permit revoked within the preceding twelve (12) months;
- (5) The applicant fails to provide proof of a license or permit required by any City ordinance or by other applicable law for the event;
- (6) The event would severely hinder the delivery of normal or emergency public services or constitutes a public threat;
- (7) The sole purpose of the parade or motorcade is the advertising of any product, goods, wares, or merchandise and is designed to be held purely for profit;
- (8) City officials make a finding contrary to the findings required to be made for issuance of a permit;
- (9) The applicant refuses to agree to, abide by, or to comply with all conditions of the permit and refuses to pay any additional costs as may be required by the City.

(B) An event permit shall be revoked upon the following conditions:

- (1) If any City official finds that any of the provisions of this ordinance, another City ordinance, or other applicable law is being violated;
- (2) When, in the judgment of any of the above named City officials, a violation exists which requires immediate abatement, the City official shall have authority to revoke a special event permit in the absence or unavailability of the Chief of Police or designee;
- (3) The applicant made or allowed to be made a false or misleading statement or omission of material fact on an application that was not discovered until after the permit was issued;
- (4) Any permit issued pursuant to this ordinance may be summarily revoked by the City any time when by reason of disaster, public calamity, riot or other emergency, City officials determine that the safety of the public or property requires such revocation.

(C) No event permit shall be denied nor shall the applicant be given less favorable consideration as to time, manner, or place based upon:

- 1. Any protected class as defined by State or Federal Government.
- 2. the message of the event, or the identity or associational relationships of the applicant and/or participants; or
- 3. any assumption or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the event, provided that reasonable accommodation as to time, manner, and place may be required in order for the City to provide the resources necessary for police, fire and emergency services to preserve and protect public health, safety and welfare.

Sec. 98.07 Denial and Appellate Review

The Chief of Police shall act upon a complete event application within ten (10) working days after the filing thereof. If the application is not approved, applicant will be notified via mailed letter and/or electronic communication notification, of the reasons for the permit denial. Applicants may appeal denied permit application to the City Manager within five (5) days of receipt of denial notification. Upon such appeal, the City Manager may reverse, affirm, or modify in any regard the determination of the Chief of Police. The City Manager will respond to applicant with the appeal results within five (5) working days of appeal receipt.

Sec. 98.08 Posting of Permit

The event permit shall be maintained at all times on the premises, and shall be made available to any City official.

Sec. 98.09 Notice to Abutting Property Owners

The City has the authority to require that applicant send notices, and provide documentation of notification, of the event to abutting property owners when in City officials' judgment, that special event is on a scope and nature that will impact those owners.

Sec. 98.10 Interference with Events

No person shall knowingly join or participate in any event conducted under permit from the City in violation of any terms of said permit, nor knowingly join or participate in any permitted event without the consent and over the objection of the permittee, nor in any manner interfere with its progress or orderly conduct.

Sec. 98.11 Additional City Services

In the event that City departments, upon a review of the application, determine that an event may require the involvement of city personnel or facilities, the applicant shall be notified of the associated cost.

(A)The Chief of Police shall determine whether and to what extent additional police services are reasonably necessary for events for traffic control and public safety. The decision will be based on;

1. Size, location, duration, time and date of the event;
2. History of the particular event;
3. Need to detour or preempt citizen travel and use of streets and sidewalks;
4. Presence of alcohol at the event.

(B) If possible, without disruption of ordinary police services or compromise public safety, regularly scheduled on-duty personnel will police the event.

(C) In the event it is determined, upon review of the application, that an event may require the special attention and involvement of City personnel or facilities which cause the City to incur

additional expenses, the applicant shall be notified. Prior to the issuance of an event permit, the applicant shall pay the estimated charges associated with the additional City expenses to the City and shall agree to pay any additional costs, which may arise, to the City as a result of the event within five working days of the date upon which the City informs the applicant of the amount of such additional charges. Should the applicant not pay such additional cost, no future event permits shall be issued to the same applicant, organization, or group for a period not to exceed a period of two years. Nothing herein shall preclude the City from enforcing any legal or equitable remedy against the applicant for recovery of such additional costs.

Sec. 98.12 Events with Alcohol

Any event providing for alcohol sales or consumption shall have a valid permit or license to sell or serve alcoholic beverages issued by the Texas Alcoholic Beverage Commission and shall follow all TABC rules and regulations associated with the permit.

Sec. 98.13 Contract

Applicant, in tending its application and receiving a permit, agrees and contracts with the City that it will comply with all of the terms of the permit for the purpose of maintaining and assuring the health, safety and welfare of the residents of the City of Canyon.

Sec. 98.14 Conditions of Permit

In addition to other requirements set forth herein, the applicant shall furnish suitable evidence of his intention and ability to comply with all conditions included in event application and Ordinance Number 1021.

Sec. 98.15 Insurance

No event permit shall be issued for a special event, parade, or race, until the applicant has filed a certificate of insurance, indicating that the required insurance to repair or replace any damage to publicly owned property within or adjacent to the event. Insurance policy shall be in force and effect during the period of time of the event and lists the City as an Additional Insured. Such insurance policy must be in the face amount of not less than ten thousand dollars (\$10,000.00), and issued by a company licensed to issue such policy in Texas. This provision may be satisfied by either a special policy issued solely for the event or, by a standing liability policy maintained by the applicant year round, so long as it meets the requirements of this subsection. Applicants have the right to show cause when the insurance requirement should be reduced or waived, and to attach such request with the submitted permit application. The City Manager will review requests and may increase, lower, or drop the insurance requirement based upon review of the event application.

An applicant may be required to furnish additional liability insurance based upon the type of event, equipment, machinery, location, alcohol related exposures, number of people involved,

and other pertinent factors or risks associated with the event. Final determination of the amount of additional insurance necessary will be made by the City Manager.

Sec. 98.16 Event Parking

Applicant shall submit evidence that sufficient parking will be available to accommodate the projected number of event participants. The number of spaces deemed sufficient, as determined by the Chief of Police, will be determined by the nature of the event, number and age of people attending, and event staff during peak times. When adequate parking is not available at or immediately adjacent to the site, off-site parking with attendee transportation plans may be submitted. The City Commission has the authority, as addressed in Ordinance 892, to prohibit parking along permitted parade routes, and may do so when reasonably necessary, as determined by the Chief of Police.

Sec. 98.17 Amusement Rides

Rides and/or attractions with special events shall conform to all associated local, State, and Federal statutory rules and regulations.

Sec. 98.18 Hours of Operation

An event may be conducted only between the hours of 7:00 a.m. and 10:00 p.m. daily. The police department shall be responsible for enforcing this provision. The City Manager may waive the time limitations on certain special events when good cause is demonstrated by the applicant and the request is made prior to the awarding of the event permit.

Sec. 98.19 Tents and Temporary Structures

Any permitted event which includes the use of a stage, seating, tent, canopy, or other temporary structure shall meet the requirements of the City's Fire Code and Building Code except that a separate permit is not required with a permitted event. 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. Staking tents on City property is not permitted without prior approval.

Sec. 98.20 Food and Beverage Service

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

Sec. 98.21 Duration of Permit

No event shall be operated under a permit authorized herein for more than three calendar days or forty-five (45) hours during a calendar year. City sponsored events are exempt from length of permit restrictions. Another permit shall not be granted to the same permittee for the same

location until at least 90 days have elapsed from the expiration of the previous permit. The City Manager may waive the time limits on certain events when good cause is demonstrated.

Sec. 98.22 City Inspection Policy

It is the policy of the City that immediately upon arriving at the premises to be inspected, the City official, will ordinarily identify himself to an event employee/worker/volunteer. If there is no employee/worker/volunteer at the scene, the City Official may enter any area that is open to the public at that time to perform an inspection.

SECTION 3: Severability, if any provision, section, subsection, sentence, clause, or the application of the same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Commission of the City of Canyon, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 4: Repealer. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 5: Penalty. It is an offense to violate any part of this ordinance, punishable upon conviction in accordance with Section 150.99 of the City of Canyon Code of Ordinances.

SECTION 6: Publishing and Effective Date. This ordinance shall be published according to law and will become effective April 8, 2015.

INTRODUCED AND PASSED at the regular meeting of the City Commission on the 23rd day of March, 2015.

Quinn Alexander, Mayor

ATTEST:

Gretchen Mercer, City Clerk