

ARTICLE VII. - MASS GATHERINGS²¹

Sec. 13-160. - Definitions.

- (a) *"Mass gathering"* means a gathering that is held inside the city limits of the City of Angleton, Texas, and that attracts or is expected to attract:
 - (1) More than 1,000 persons; or
 - (2) More than 500 persons, if 51 percent or more of those persons may reasonably be expected to be younger than 21 years of age and it is planned or may reasonably be expected that alcoholic beverages will be sold, served, or consumed at or around the gathering; and
 - (3) At which the persons will remain for more than four continuous hours; or for any amount of time during the period beginning at 10:00 p.m. and ending at 4:00 a.m.
- (b) *"Person"* means an individual, group of individuals, firm, corporation, partnership or association.
- (c) *"Promote"* includes organize, manage, finance or hold.
- (d) *"Promoter"* means a person who promotes a mass gathering.

(Ord. No. 2015-O-10C, § 1, 10-27-15)

Sec. 13-161. - Permit requirements.

A person may not promote a mass gathering without a permit issued under this article. Permit application fee shall be \$400.00, is nonrefundable and payable with submission of application.

(Ord. No. 2015-O-10C, § 1, 10-27-15)

Sec. 13-162. - Application procedures.

- (a) At least 45 days before the date on which the mass gathering will be held, the promoter shall file a permit application with the city.
- (b) The application must be completely filled out to include information including, but not limited to:
 - (1) The promoter's name and address;
 - (2) A financial statement that reflects the funds being supplied to finance the mass gathering and each person supplying the funds;
 - (3) The name and address of the owner of the property on which the mass gathering will be held;
 - (4) A certified copy of the agreement between the promoter and the property owner;
 - (5) The location and a description of the property on which the mass gathering will be held;
 - (6) A comprehensive scaled site plan showing access, exiting, vending locations, parking, lighting, information required to address the health and sanitation requirements, to protect the public safety and to maintain order at the mass gathering location, etc.;
 - (7) The dates and times that the mass gathering will be held;
 - (8) The maximum number of persons the promoter will allow to attend the mass gathering and the plan the promoter intends to use to limit attendance to that number;

- (9) The name and address of each performer who has agreed to appear at the mass gathering and the name and address of each performer's agent;
- (10) A description of each step the promoter has taken to ensure that the minimum standards of sanitation and health will be maintained during the mass gathering;
- (11) A description of all preparations being made to provide traffic control, to ensure that the mass gathering will be conducted in an orderly manner and to protect the physical safety of the persons who attend the mass gathering, including a copy of a contract between promoter and Angleton Police Officers and/or Brazoria County Sheriff's Department, showing the number of off-duty Angleton Police Officers and/or Brazoria County Sheriff's Department Deputies who will be providing traffic control, security and reservation of order;
- (12) A description of the preparations made to provide adequate medical and nursing care, including a copy of a contract between the promoter and ambulance service indicating the number of ambulances, emergency first aid stations and emergency medical personnel to be on-site at the mass gathering;
- (13) A description of the preparations made to supervise minors who may attend the mass gathering;
- (14) A description of each agreement between the promoter and a performer; and
- (15) If applicable, a copy of a contact with a licensed company or individual providing fireworks or pyrotechnic display.

(Ord. No. 2015-O-10C, § 1, 10-27-15)

Sec. 13-163. - Application review.

- (a) After a permit application is filed with the city, the application shall be sent to the city health official, the fire marshal and the police chief.
- (b) The city health official shall inquire into preparations for the mass gathering. At least 15 days before the date of the mass gathering, the city health official shall submit to the city manager a report stating whether the health official believes that the minimum standards of health and sanitation prescribed by state and local laws, rules and orders will be maintained.
- (c) The fire marshal or designee shall investigate preparations for the mass gathering. At least 15 days before the date of the mass gathering, the fire marshal shall submit to the city manager a report stating whether the fire marshal believes that the minimum standards for ensuring public fire safety and order as prescribed by state and local laws, rules and orders will be maintained.
- (d) The police chief, or designee, shall investigate preparations for the mass gathering. At least 15 days before the date of the mass gathering, the police chief shall submit to the city manager a report stating whether the minimum standards for ensuring public safety and order that are prescribed by state and local laws, rules and orders will be maintained.
- (e) The city manager may conduct any additional investigation that the city manager considers necessary.

(Ord. No. 2015-O-10C, § 1, 10-27-15)

Sec. 13-164. - Decision by the city manager.

- (a) After review of the reports from the city health official, fire marshal and police chief, the city manager shall either grant or deny the permit. The decision of the city manager shall be no later than the 10th day before the date on which the mass gathering will begin.

- (b) The city manager may deny the permit if the city manager finds that:
- (1) The application contains false or misleading information or omits required information;
 - (2) The promoter's financial backing is insufficient to ensure that the mass gathering will be conducted in the manner stated in the application;
 - (3) The location selected for the mass gathering is inadequate for the purpose for which it will be used;
 - (4) The promoter has not made adequate preparations to limit the number of persons attending the mass gathering or to provide adequate supervision for minors attending the mass gathering;
 - (5) The promoter does not have assurance that scheduled performers will appear;
 - (6) The preparations for the mass gathering do not ensure that the minimum standards of sanitation and health will be maintained;
 - (7) The preparations for the mass gathering do not ensure that the mass gathering will be conducted in an orderly manner;
 - (8) Adequate arrangements for the physical safety and physical security of persons attending have not been provided;
 - (9) Adequate arrangements for traffic control have not been provided; or
 - (10) Adequate medical and nursing care will not be available.

(Ord. No. 2015-O-10C, § 1, 10-27-15)

Sec. 13-165. - Permit revocation.

- (a) The city manager may revoke a permit issued under this article if the city manager finds that preparations for the mass gathering will not be completed by the time the mass gathering will begin, for any reason identified in subsection 13-164(b) or that the permit was obtained by fraud or misrepresentation.
- (b) The city manager must give notice to the promoter that the permit will be revoked at least 24 hours before the revocation. If requested by the promoter, the city manager shall hold a hearing on the revocation.

(Ord. No. 2015-O-10C, § 1, 10-27-15)

Sec. 13-166. - Appeal.

A promoter or a person affected by the granting, denying or revoking a permit may appeal that action to the city council, or if time does not permit for a city council meeting to be called, the appeal can be to a district court having jurisdiction in Brazoria County, Texas.

(Ord. No. 2015-O-10C, § 1, 10-27-15)

Sec. 13-167. - Inspections.

- (a) The city health official may inspect a mass gathering during the mass gathering to ensure that the minimum standards of health and sanitation prescribed by state and local laws, rules and orders are being maintained. If the city health official determines a violation of the minimum standards is occurring, the health official may order the promoter of the mass gathering to correct the violation.

- (b) The fire marshal may inspect a mass gathering during the mass gathering to ensure that the minimum standards for ensuring public fire safety and order as prescribed by state and local laws, rules and orders are being maintained. If the official determines a violation of the minimum standards is occurring, the fire marshal or designee may order the promoter of the mass gathering to correct the violation.
- (c) The police chief or designee may inspect a mass gathering during the mass gathering to ensure that the minimum standards for ensuring public safety and order prescribed by state and local laws, rules and orders are being maintained. If the police chief or designee determines a violation is occurring, the police chief or designee may order the promoter of the mass gathering to correct the violation.
- (d) A promoter who fails to comply with an order issued under this section commits an offense. An offense under this section is a Class C misdemeanor, punishable by a fine not to exceed \$2,000.00. Each day the violation continues constitutes a separate offense.

(Ord. No. 2015-O-10C, § 1, 10-27-15)

Sec. 13-168. - Inspection fees.

The inspection fee for an inspection performed by each departmental official under section 13-167 shall be \$200.00. The inspection fee may not exceed the amount necessary to defray the costs of performing the inspections. The fee shall be deposited into the general fund of the city.

(Ord. No. 2015-O-10C, § 1, 10-27-15)

Sec. 13-169. - Exceptions to permit and fee.

The following types of mass gatherings are required to notify the police chief at least ten days prior to the event, but are not required to obtain a mass gatherings permit or to pay any fees established under section 13-168:

- (1) Church events held on church property;
- (2) City, school, county or other governmental entity events held on property owned by the governmental entity;
- (3) Weddings, family reunions, wakes and funerals; or
- (4) Any other exceptions approved by the city council;
- (5) An applicant may request, and the city manager may approve an annual or event series permit for a single location repetitive events of similar nature; including, but not limited to, attendance, hours of operation, health and sanitary requirements, and safety measures as described elsewhere in this article.

(Ord. No. 2015-O-10C, § 1, 10-27-15)

Sec. 13-170. - Indemnity clause.

The applicant shall indemnify and hold the City of Angleton, its officials, officers, employees and agents harmless from all costs, expenses (including reasonable attorney's fees) and damages to persons or property arising directly or indirectly as a result of the mass gathering. This provision is not intended to create a cause of action or liability for the benefit of third parties, but is solely for the benefit of the applicant and the city.

(Ord. No. 2015-O-10C, § 1, 10-27-15)

Sec. 13-171. - Noise.

All other regulations in chapter 13, article I of the City Code of Ordinances regarding noise and use of amplifying devices and V.T.C.A., Penal Code § 42.01, regarding unreasonable noise in a public place, and 25 Texas Administrative Code § 265.3 shall apply to mass gatherings.

(Ord. No. 2015-O-10C, § 1, 10-27-15)

Sec. 13-172. - Criminal penalty.

- (a) A person commits an offense if the person violates section 13-161 or any other provision of this article.
- (b) An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$2,000.00. Each day the violation continues constitutes a separate offense.

(Ord. No. 2015-O-10C, § 1, 10-27-15)

Secs. 13-173—13-200. - Reserved.