
City Council Regular Meeting

DEPARTMENT: Community Services

FROM: DeAnna Phillips, Director of Community Services

MEETING: December 12, 2022

SUBJECT:

Consider approval of an ordinance amending Chapter 70 "Streets, Sidewalks and Other Public Places" of the Code of Ordinances, City of Burleson, by repealing and replacing Article V "Public Events" to require permits for public events; providing for procedures for the issuance of a permit; requiring the City Council to approve portions of certain permit applications involving certain street closures or in-kind sponsorships; providing for water, health and sanitation facilities for the event; providing for police protection and emergency medical services for the event; requiring the permit application and permittee to carry liability insurance of a certain amount and indemnify the city. (Final Reading) (*Staff Contact: DeAnna Phillips, Director of Community Services*)

SUMMARY:

Article V, "Public Events," was added to Chapter 70, "Streets, Sidewalks and Public Places," of the Code of Ordinances in 2013. The new article required permits for public events and provided an outline to enhance the health, safety and general welfare of events within the city limits of Burleson.

After nine years of operating under the ordinance staff is proposing changes to outline a formal process on street closures, in-kind donations of city staff or resources for non-city public events and to reflect updated definitions.

The current process of approving road closures and in-kind city donations is a case-by-case decision approved by staff.

Policy Issues with current ordinance

- Policy issues that need to be considered formally by city council rather than exercised by staff:
 - Street closures that can impact public safety, businesses and/or residents
 - Donations of city time, equipment and facilities

- Staff feels that Council should be given an opportunity to make policy decisions on which events are appropriate to close streets and/or receive an in-kind donation from the city

Proposed Changes Include:

Sect. 70-140 – Definitions

- **Public Event Official** means the person or department to whom the city manager may, from time to time, delegate the enforcement responsibility under this article.
- **Major thoroughfare** means any street in the city with more than two lanes for vehicular travel, including the sidewalk and right-of-way of along such street, and shall also specifically include the following streets Renfro Street, Wilshire Boulevard, Hidden Creek Parkway and John Jones Drive including the sidewalks and rights-of-way along such streets.
- **Marathon, 5K, or Fun Run** means an organized running race upon public rights-of-way, including public trails and sidewalks.
- **Neighborhood block party** means an organized small-scale activity that closes a small number of blocks on a local-service, residential street that is 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, and which attracts or can be expected to attract no more than two hundred fifty (250) persons at any instant during the gathering or activity.
- **Parade** means any assembly, march, demonstration, or procession upon public thoroughfares within the city consisting of 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.
- **Sponsorship** means an in-kind sponsorship of over five hundred dollars (\$500.00) from the city including but not limited to (i) the cost of policing of the event, (ii) the cost of medical services at the event, (iii) the cost of public works services at the event, (iv) the cost of parks and recreation services at the event, or (v) the waiver of any city building rental fee.
- **Street** means any public or private street, alley, avenue, lane, boulevard, drive, public place or highway commonly used for the purpose of travel within the city.
- **Street closure** means any closing or impacting a street, sidewalk, or right-of-way.

- **Public Event or Event Definition Updated**

Current definition: means any meeting or gathering held at a specific location within the city limits, which attracts or can be expected to attract more than 500 persons at any instant during the meeting or gathering.

Proposed definition:

means a temporary event, gathering, meeting, or organized activity, including but not limited to parades, bike races, marathons, fun runs, parking lot parties, concerts, carnival or festivals of any size that has one or more of the following:

- Closing or impacting a public street, sidewalk, or trail;
- Impacting or hindering the regular flow of traffic;
- Blocking or restricting city-owned property;
- Sale or distribution of merchandise, food, or beverages on city-owned property;
- Erection of a tent equal to or greater than four hundred (400) square feet in area;
- Installation of a stage, band-shell, trailer, van, portable building, grandstand, or bleachers;
- Placement of portable toilets on city-owned property;
- Having an impact on public safety.

The term does not include the following:

- An event or gathering that occurs within or on the same property as an established permanent stadium, arena, auditorium or other similar permanent structure that has sufficient existing and permanent electrical service, plumbing, water supply, sanitary sewer service and legal parking spaces to accommodate the expected number of persons;
- Events held on private property that does not impact public safety or the closure of public right-of-ways, including but not limited to car washes, bake sales, auctions;
- Motorcades which comply with all traffic laws;
- Funeral processions;
- Events which are authorized under a separate agreement or permit issued by the city or other authorizing jurisdiction;
- Events managed entirely by the City of Burleson; and/or
- A governmental agency acting within the scope of its functions.

Sect. 70-147 Application Procedure

Changes include: setting a procedure for city council approval of events that will have an impact on public streets, trails or sidewalks and approval for in-kind sponsorship of over \$500 and changes to submittal and staff response timeline

Proposed New Application Procedure

- City council approval of a street closure or sponsorship is needed prior to the issuance of a public event permit for any event applications that include a street closure or sponsorship. Except as provided in section 70-168, the public event official shall not issue a public event permit for any public event application that includes a street closure or sponsorship unless the street closure or sponsorship is approved by the city council.
- An application for a public event permit that requires city council approval must be filed not less than 90 days before the event is to begin. The city manager may waive the 90-day filing requirement if it is determined that the application can be processed in less than

90 days, taking into consideration the number and types of permits required to be issued in order to hold the event. Any marketing or advertising made before city council approval is at the risk of the promoter.

- An application for a public event permit that does not require city council approval must be filed not less than 60 days before the event is to begin. The public event official may waive the 60-day filing requirement if it is determined that the application can be processed in less than 60 days, taking into consideration the number and types of permits required to be issued in order to hold the event.

Section 70-157 – Street Closures

Proposed changes include addition of Traffic Control Plans requirement.

Along with the public event application, the applicant shall provide a site plan that indicates proposed street closures and the alternate flow of traffic. The director of public works or their designee will review all proposed street closures and the traffic control plan to ensure that proper traffic control measures will be in place. The director of public works or their designee will notify the applicant of what the cost will be to provide the requested street closures. The director of public works or their designee has the authority to require a traffic control plan developed by a professional engineer or licensed traffic control professional in accordance with the Texas Manual on Uniform Traffic Control Devices if deemed necessary for public safety purposes. The closing of a street shall only be provided by the city.

The director of public works or their designee will review the traffic control plan as submitted as part of the public event application.

Section 70-159 – Hours of Operations

Changes were made to align the public event hours to match the noise ordinance hours.

- Public events shall be conducted only between the hours of 7 a.m. to 10 p.m. daily. The police chief or public event official shall be responsible for enforcing this provision.

New Sections Proposed are as follows:

Sec. 70-168 – 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 permit at least (30) days before the intended date. The public event official, or 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 the public event fees described in this article, but may be subject to other city fees (e.g. tent permit fees). Neighborhood block parties are exempt from the insurance requirements set forth in section 70.168. Neighborhood block

parties are exempt from street closure approval from city council, unless a major thoroughfare will be affected.

Sec. 70-169 – Parade.

A parade must follow the public event application process. The public event official, or designee, shall provide the applicant with a preferred parade route.

Sec. 70-170 – Marathons, 5Ks, Fun Run.

A marathon, 5K, or fun run must follow the public event application process. The public event official, or designee, shall provide the applicant with a preferred marathon, 5K, or fun run route. If the applicant requests an alternative route city council approval shall be required.

OPTIONS:

- 1) Example: Approve as presented
- 2) Example: Approve with changes
- 3) Example: Deny

RECOMMENDATION:

Staff recommendation is to approve as presented.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

n/a

FISCAL IMPACT:

n/a

STAFF CONTACT:

DeAnna Phillips
Director of Community Services
817-426-9622