

ORDINANCE

AN ORDINANCE AMENDING SECTION 70-140, "DEFINITIONS," OF DIVISION 1, "GENERALLY," OF ARTICLE V, "PUBLIC EVENTS," OF CHAPTER 70, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES," OF THE CODE OF ORDINANCES, CITY OF BURLESON, TEXAS, AS AMENDED, BY ALTERING THE DEFINITION OF "PUBLIC EVENT OR EVENT" TO INCLUDE FILM AND TELEVISION PRODUCTION AS ONE OF THE TYPES OF POSSIBLE EVENTS IN THE NON-EXHAUSTIVE LIST; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burleson ("City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the Burleson City Council believes that events attended by a large number of persons, when not held at a structure or location designed for large crowds, may be detrimental to public health and safety; and

WHEREAS, the Burleson City Council finds such events can further be a detriment to the health, safety and general welfare of the City and its citizens when such events are not adequately planned and provisions are not made for adequate police protection, traffic control, parking, emergency medical services, and sanitation; and

WHEREAS, the Burleson City Council finds it imperative to approve any and all non-City public event requests that will close or impact streets, sidewalks or trails; except for those events that are qualified as a neighborhood block party; and any public event that requests an in-kind sponsorship of over five hundred dollars (\$500.00) from the City including, but not limited to staffing and facility rentals; and

WHEREAS, the Burleson City Council believes that impacting traffic flow could be considered a public nuisance and can impede the flow of goods and services in the community and as such the closures of such roads require an appropriate City Council action and the use of taxpayer staff and services for non-City public events should be approved by the City Council; and

WHEREAS, the Burleson City Council desires to amend Article V, "Public Events," of Chapter 70, "Streets, Sidewalks and Public Places," of the Code of Ordinances to regulate certain events.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, THAT:

SECTION 1.

Section 70-140, "Definitions," of Division 1, "Generally," of Article V, "Public Events," of Chapter 70, "Streets, Sidewalks and other Public Places," of the Code of Ordinances, City of Burleson, Texas, as amended, is hereby amended by altering the text of "Public Event or Event" to read as follows:

"ARTICLE V. - PUBLIC EVENTS

DIVISION 1. - Generally

Sec. 70-140 - Definitions.

...

PUBLIC EVENT OR EVENT —

- (1) A temporary event, gathering, meeting, or organized activity, including but not limited to parades, bike races, marathons, fun runs, parking lot parties, concerts, film/television production, carnival or festivals of any size at least of portion of which is held in the city limits that has one or more of the following:
- a. Closing or impacting a public street, sidewalk, or trail;
 - b. Impacting or hindering the regular flow of traffic;
 - c. Blocking or restricting city-owned property;
 - d. Sale or distribution of merchandise, food, or beverages on city-owned property;
 - e. Erection of a tent equal to or greater than four hundred (400) square feet in area;
 - f. Installation of a stage, band-shell, trailer, van, portable building, grandstand, or bleachers;
 - g. Placement of portable toilets on city-owned property; or
 - h. Having an impact on public safety.
- (2) Does not include the following:
- a. 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;
 - b. 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, or auctions;
 - c. Motorcades which comply with all traffic laws;
 - d. Funeral processions;
 - e. Events which are authorized under a separate agreement or permit issued by the city or other authorizing jurisdiction;
 - f. Events managed entirely by the city; and/or
 - g. A governmental agency acting within the scope of its functions."

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**SECTION 2.
CUMULATIVE**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Burleson, Texas, as amended, except where the provisions of this

ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed. This ordinance is consistent with and is not intended to repeal any provision in the zoning ordinance.

SECTION 3. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4. PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5. SAVINGS PROVISION

All rights and remedies of the City of Burleson are expressly saved as to any and all violations of the provisions of any ordinances concerning outdoor gatherings or Public Events which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. PUBLICATION

Pursuant to Section 36 of the Charter of the City of Burleson, that this ordinance shall take effect after its passage and publication, and that the City Secretary is hereby directed to give notice of the passage of this ordinance by causing the caption or title and the penalty clause of this ordinance to be published once in a newspaper of general circulation in the city and on the city's website.

SECTION 7. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

AND IT IS SO ORDAINED.

PASSED AND APPROVED this the _____ day of _____, 20____.

First Reading: the _____ day of _____, 20____.

Final Reading: the _____ day of _____, 20____.

Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

City Secretary

City Attorney