

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CROCKETT, TEXAS, AMENDING CHAPTER 15, OFFENSES AND MISCELLANEOUS PROVISIONS; ADDING ARTICLE III, SECTION 15-1 OF THE CROCKETT CODE TO REQUIRE PERMITS FOR SPECIAL EVENTS; TO IMPOSE A PERMIT FEE; TO PROVIDE EXEMPTIONS AND EXCEPTIONS FROM REQUIRED PERMITS; TO REQUIRE INSURANCE AS A CONDITION OF PERMIT ISSUANCE; TO PROVIDE FOR REVOCATION OF PERMITS; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

THE COUNCIL OF THE CITY OF CROCKETT, TEXAS HEREBY ORDAINS:

Section I:

Section 15-1 of the Crockett Code is hereby added to read as follows:

Section 15-1. Special Events.

A. Purposes and Policy.

Special events are of infrequent occurrence and temporary nature and may be associated with promotions, holidays, festivals, etc. Special events may be allowed by a special events permit jointly granted by the City Administrator and Chief of Police.

B. Definitions.

1. "Applicant" shall include the person or other entity applying for the special event permit. Applicant shall include, but not be limited to, the event's sponsor, organizer, or promoter.
2. "Athletic event" shall mean an occasion in which a group of persons collect to engage in or watch a sport or form of exercise on public property not designed for such activity and/or on a city street, sidewalk, alley, or other street right-of-way, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws or controls. Athletic events include, but are not limited to, bicycle and foot races.
3. "Block party" shall mean a festive gathering on public property or a street which may or may not require the closure of a street, or a portion thereof, to vehicular traffic, and/or use of the street for the festivity, including barbecues, picnics, music or games.
4. "Entertainment areas" shall be the areas designated by the City Administrator and Chief of Police as an

area within specific boundaries in which a permitted special event may take place. Special event vendors will be allowed within the boundaries of the entertainment areas with proper permitting and approval of the City Administrator and Chief of Police, which approval shall not be unreasonably withheld.

5. "Parade" shall mean a march or procession consisting of any number of persons, animals, or vehicles, or a combination thereof, on any city street, sidewalk, alley, or other right-of-way, which obstructs delays or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls.
6. "Park" means all parks and bodies of water contained therein, squares, drives, parkways, boulevards, trails, golf courses, museums, aquaria, zoos, beaches, playgrounds, playfields, botanical gardens, greenbelts, parking lots, community centers and other park, recreation and open space areas and buildings and facilities comprising the parks and recreation system of the City under the management and control of the City of Crockett.
7. "Permit application fee" shall mean the fee to be paid by the special event permit applicant at the time the application is filed with the City. The amount of such fee shall be set by the City Council.
8. "Public place" means and includes parks, streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, parking strips, squares, and right-of-way for public use and the space above or beneath its surface, whether or not opened or improved.
9. "Refundable deposit" shall mean the amount of money required of a permittee by the City in order to assure adequate cleanup of the special event site. The deposit shall be returned to the permittee upon the completion of the event and joint approval by the City Administrator and Chief of Police of adequate clean up.
10. "Special event" means any meeting activity, gathering, or group of persons, animals or vehicles, or any combination thereof, having a common purpose, design or goal, upon a public facility, street, sidewalk, park, waterway, or other place open to the public, where the special event substantially inhibits the usual flow of pedestrian or vehicular traffic or which occupies

any public area and preempts use by the general public. A special event shall include, but shall not be limited to, a festival, celebration, concert, parade, block party, athletic event or other similar gathering which meets one or more of the following criteria; 1) is reasonably expected to cause or result in a gathering of more than fifty (50) people; 2) is reasonably expected to have a substantial impact on a park, street, sidewalk or other public place; or 3) is reasonably expected to require the provision of substantial public services.

11. "Special event permit" shall mean the permit issued by the City Administrator and Chief of Police after the applicant has met all applicable reviews and requirements set forth in this section.
12. "Special event vendor" shall be a permitted vendor allowed to operate within entertainment areas during permitted special events.
13. "Substantial impact" on a park or other public place means an event which would preclude in whole or in significant part the public's normal and customary use of such park or public place.
14. "Substantial public services" means a material increase in the amount, scope, or level of necessary fire, police, traffic control, crowd control, or other public services above those that would normally be required without the event. With respect to police resources, "substantial public services" means resources for crowd management or traffic control required for the event over and above the normal deployment of police in that geographic area of the city at the time of day during which the event will occur.

C. Exceptions.

The provisions of this section shall not apply to:

- (a) Funeral processions;
- (b) Groups required by law to be so assembled;
- (c) Pedestrian processions along a route that is restricted to sidewalks and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls; and

- (d) Any special event protected by the First or Fourteenth Amendments to the United States Constitution.

D. Administration.

The City Administrator and Chief of Police shall, after consultation with appropriate departments and agencies, have joint authority regarding special event permits. The City Administrator and Chief of Police, acting together, may approve, modify, or condition an application for a special event permit. No application or permit shall be granted, modified or conditioned without the consent of both the City Administrator and Chief of Police.

E. Special Event Permit Required

A special event permit from the City Administrator and Chief of Police is required for any special event, as defined in this chapter, except that no special event permit shall be required if the event sponsor, organizer or applicant and the City have entered into a written agreement covering the same matters as would otherwise be included in a special event permit for such an event. Such special event permit shall be in addition to any street or park use permits, or other regular permits as may be required by ordinance.

When a special event permit is required, the City Administrator and Chief of Police shall, after reviewing the application and, if necessary, meeting with the applicant, advise the applicant of all other permits that appear to be required for the event based on information contained in the application, and assist the applicant in contacting other departments to apply for all other permits in a timely manner.

F. Permit Fee

The fee for issuance of a special events permit is \$100.00.

G. Exemptions.

Fees may be waived by joint action of the City Administrator and Chief of Police for special events sponsored by nonprofit agencies and which further the goals and objectives of the City.

H. Special Event Permit Application

- (a) Any person wishing to sponsor a special event must apply for a special event permit by filing an application with the City Administrator and Chief of Police at least thirty days prior to the date on which the event is to begin to occur.

(b) The City Administrator and Chief of Police shall issue the special events permit once the application has been approved after review of appropriate agencies to include police, fire, public works, building, planning, parks and recreation and others as determined by the City Administrator and Chief of Police, and the applicant has agreed in writing to comply with the terms and conditions of the permit.

(c) The City Administrator and Chief of Police shall approve, conditionally approve, or deny an application based on the recommendations of city departments involved in the review process.

I. Conditions Authorized

The City Administrator and Chief of Police may include in a special event permit, among other provisions, reasonable terms or conditions as to the time, place and manner of the event; the implementation of a plan presented by the applicant and approved by the City for crowd control, traffic control, and security; compliance with health and sanitary regulations as required by the Health Department for the event; coordination with the Fire Department or medical personnel for emergency treatment and evacuation of people who may need immediate care, cardio-pulmonary resuscitation or ambulance service; emergency communication; fire suppression equipment with structures; maintenance of unobstructed emergency passageways; and, where traffic congestion may be anticipated, encouraging the use of public transit and carpooling. In determining condition, the City Administrator and Chief of Police shall consider anticipated impacts of the event based on an assessment of the event, including size, scope, complexity, and history as well as the event's or event organizer's successful implementation of conditions included in previous permits. Conditions shall be based upon projected impacts on public safety, public places and public services, but shall not be based upon the programming content of the event or message that the proposed event may convey.

In order to accommodate other concurrent events, the rights of abutting owners, and the needs of the public to use streets, parks or other public places, the conditions may include, but are not limited to, reasonable adjustments in the date, time, route or location of the proposed event; accommodations of pedestrian or vehicular traffic using the street; and limitations on the duration of the event.

J. Denial or Revocation of Permit

1. Denial. A special event permit may be denied based upon a determination that:

- (a) The proposed event would unreasonably disrupt the orderly or safe circulation of traffic or as would present an unreasonable risk of injury or damage to the public; or
- (b) The event would seriously inconvenience the general public; or
- (c) The event would unreasonably infringe upon the rights of abutting properties; or
- (d) The proposed event is proximate to another previously permitted or previously scheduled event, so that the combined impacts and required public services exceed what the City, after reasonable efforts have been made to accommodate both events, can reasonably provide; or the proposed events would interfere with construction or maintenance work in the immediate vicinity, or unreasonably infringe upon the rights of abutting properties; or
- (e) There are not sufficient safety personnel or other necessary city staff to accommodate the event; or
- (f) The applicant failed to complete the application form after being notified of the additional information or documents required; or
- (g) The applicant supplies false or misleading information; the applicant fails to complete the application or to supply other required information or documents; or the applicant declares or shows an unwillingness or inability to comply with reasonable terms or conditions contained in the proposed permit; or
- (h) The applicant cannot meet, or is unwilling to meet, all of the requirements of this section or any special conditions imposed by any of the reviewing agencies; or
- (I) Other issues in the public interest were identified by the City Administrator and Chief of Police; or
- (j) Failure to prepay expenses.

2. Revocation. The City Administrator and Chief of Police may cancel or revoke a permit already issued upon written notice to the applicant stating the grounds for revocation if:

- (a) The applicant, in the information supplied, has made misstatement of a material fact; the applicant has failed to fulfill a term or condition of the permit in a timely manner; or the check submitted by an applicant in payment of the fee for a permit has been dishonored; or
- (b) The applicant requests the cancellation of the permit or cancels the event; or
- (c) An emergency or supervening occurrence requires the cancellation or termination of the event in order to protect the public health or safety. The City shall refund the permit fee in the event of a revocation caused by an emergency or supervening occurrence; the City shall refund the balance of the fee less its costs incurred if the cancellation occurs at the request of an applicant who is in compliance with this chapter.

K. Indemnification.

As a condition of the issuance of the special event permit, the applicant must agree to reimburse the City for any costs incurred by the City in repairing damage to City property occurring in connection with the permitted event.

The City Administrator and Chief of Police have the authority to require a refundable deposit as suggested by the Public Works Department for reimbursement of the costs for cleanup services.

The permittee agrees to defend, indemnify and save harmless the City, its appointed and elected officers and employees from and against all loss or expense, including but not limited to judgments, settlements, attorney's fees and costs by reason of any and all claims and demands upon the City, its elected officials or employees for damages because of personal or bodily injury, including death at any time therefrom, sustained by any person or persons and on account of damage to property or loss therefrom, arising out of any activity under or in connection with the special event.

L. Insurance Required

The permittee shall provide the City with proof of commercial general liability insurance in the amount of one million dollars combined single limits per occurrence, and an endorsement naming the City of Crockett as an additional insured must be provided.

Certificates of Insurance shall be submitted to the City for approval no less than fifteen working days prior to the event. Acceptability of insurance is subject to approval by the City's legal counsel.

M. Entertainment Areas & Special Event Vendors.

- (a) The City Administrator and Chief of Police shall have the right to designate the entertainment areas for permitted special events. Entertainment areas may include but not be limited to streets that have been approved for closure and public areas.
- (b) Special event vendors within entertainment areas will be allowed within the designated entertainment area with approved permit issued;
- (c) All special event vendors located in entertainment areas must apply for a special event vendor permit and be approved by the City Administrator and Chief of Police.
- (d) The fee for issuance of a special events vendor permit shall be set by ordinance of the City Council.
- (e) The City Administrator and Chief of Police reserve the right to determine the location of special event vendors within entertainment areas.

N. Penalty for Violation.

- (a) Fine

Any person or permittee violating provisions of this section is guilty of a class C misdemeanor and upon conviction, shall be fined not more than allowed by law.

- (b) Injunctive Relief

In addition, or as an alternative thereto, the City may, in the event of such violation, obtain injunctive relief in an appropriate court with jurisdiction in Houston County, Texas.

Section II: Severability.

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section III: Repealing Clause

All Ordinances, or parts of Ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

Section IV: Effective Date.

A descriptive caption of this Ordinance shall be published two (2) times in the Grapeland Messenger, the official newspaper of the City of Crockett, within fourteen (14) days after the date of passage thereof, and said Ordinance shall become effective _____, 2023.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Crockett, Texas, on the _____ day of _____, 2023.

CITY OF CROCKETT

BY:

DR. IANTHIA FISHER, MAYOR

ATTEST:

MITZI STEFKA, CITY SECRETARY

APPROVED:



WILLIAM R. PEMBERTON,
CITY ATTORNEY