

City of Dripping Springs

**Founders Day Festival Official Participant Expression
Ordinance**

Ordinance No. 2026-##

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, ADOPTING A FOUNDERS DAY FESTIVAL OFFICIAL PARTICIPANT EXPRESSION POLICY; ESTABLISHING RULES GOVERNING THE USE OF CITY-CONTROLLED OFFICIAL FESTIVAL PROGRAM ELEMENTS BY OFFICIAL AND REGISTERED PARTICIPANTS; PROHIBITING POLITICAL CAMPAIGN ACTIVITY WHEN USING A CITY-CONTROLLED OFFICIAL FESTIVAL PROGRAM ELEMENT OR PARTICIPATING IN AN OFFICIAL OR REGISTERED PARTICIPANT CAPACITY; PROVIDING FOR ADMINISTRATION, ENFORCEMENT, APPEAL, SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Dripping Springs conducts and authorizes the Founders Day Festival and related parade activities as civic, commemorative, and community events; and

WHEREAS, the City Council finds that the official Festival program, including registered participant roles and City-controlled official Festival program elements, is intended to present and facilitate a civic and family-oriented event experience in a safe, orderly, and evenhanded manner; and

WHEREAS, the City Council further finds that certain persons and entities are granted access to Festival roles, placements, and communication opportunities that the general public does not possess, including but not limited to vendor booths, parade entries, stage time, announcer recognition, sponsor presentation, performer slots, and other official or registered participant positions; and

WHEREAS, the City Council further finds that use of those City-conferred roles and City-controlled official Festival program elements for political campaign activity may reasonably be perceived as carrying a degree of official access, City facilitation, or City-controlled amplification not available to ordinary members of the public; and

WHEREAS, the City Council desires to preserve the Founders Day Festival's civic, historical, cultural, and family-oriented character, reduce disruption, avoid the appearance of City sponsorship or endorsement of partisan or campaign-related advocacy, and establish clear and objective participation conditions for official and registered participants; and

WHEREAS, the City Council intends by this ordinance to regulate only the use of City-conferred official and registered participant roles and City-controlled official Festival program elements, and not to prohibit lawful speech by persons attending the Festival as members of the general public, subject to otherwise applicable law; and

WHEREAS, the City Council further intends that this ordinance be interpreted and applied only to the extent necessary to protect the City’s official Festival program and City-controlled official Festival program elements, and not to regulate private political speech occurring in areas open to the general public; and

WHEREAS, the City Council intends this ordinance to be administered consistent with applicable constitutional principles, including principles reflected in *Pleasant Grove City v. Summum*, *Walker v. Texas Division, Sons of Confederate Veterans, Inc.*, *Cornelius v. NAACP Legal Defense & Educational Fund, Inc.*, and *Perry Education Association v. Perry Local Educators’ Association*;

Now, therefore, be it ordained by the City Council of Dripping Springs:

1. **Findings of fact.** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.
2. **Enactment.** Chapter 16 is amended to add Article 16.05 to read in accordance with “Exhibit A”, which is attached hereto and incorporated into this Ordinance for all intents and purposes.
3. **Repealer.** All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.
4. **Severability.** Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.
5. **Codification.** The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the City’s Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.
6. **Effective date.** This Ordinance shall be effective immediately upon passage and publication as provided for by law.

7. **Proper notice & meeting.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the ____ day of XXX, _____, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

by: _____

Bill Foulds, Jr., Mayor

ATTEST:

Diana Boone, City Secretary

CHAPTER 16. PUBLIC WAYS AND PLACES

Article 16.05. - Founders Day Festival Official Participant Expression

Section 16.05.001. Title.

This ordinance may be cited as the “Founders Day Festival Official Participant Expression Ordinance.”

Section 16.05.002. Purpose.

The purpose of this ordinance is to establish participation conditions governing the use of City-controlled official Festival program elements by persons acting in an official or registered participant capacity during the Founders Day Festival and related parade activities, in order to preserve the Festival’s civic and family-oriented program, avoid misuse of City-conferred platforms for campaign purposes, and provide clear, objective, and evenhanded rules for administration and enforcement.

Section 16.05.003. Applicability.

- (a) This ordinance applies only to persons or entities participating in the Founders Day Festival or related parade activities in an official or registered participant capacity, and only to their use of City-controlled official Festival program elements made available through City approval, registration, invitation, permit, contract, sponsorship, license, assignment, or other City-authorized participation mechanism.
- (b) This ordinance does not apply to a person attending the Festival solely as a member of the general public and not using a City-controlled official Festival program element or official/registered participant role.

Section 16.05.004. Definitions.

For purposes of this ordinance:

City-controlled official Festival program elements means any booth, table, tent, display space, parade entry, parade lineup position, float placement, stage, microphone, announcer script or recognition, performance slot, exhibitor space, sponsor space, official Festival publication, official Festival map, official Festival listing, City-managed audiovisual channel, City-branded location, or other placement, access point, or communication channel made available by or through the City or the City’s authorized Festival administrator for use by an official or registered participant in a manner not available to the general public.

Festival means the Founders Day Festival and related parade activities conducted, sponsored, authorized, or administered by or on behalf of the City.

General public area means an area open to members of the public that is not reserved, assigned, licensed, permitted, or designated for use by official or registered participants.

Official or registered participant means any person or entity that, by application, invitation, permit, contract, sponsorship, vendor approval, exhibitor approval, performer approval, parade registration, speaking slot, volunteer assignment, official designation, or other City-authorized mechanism, is granted access to participate in the official Festival program in a manner not available to the general public.

Official Festival program means the organized and City-authorized set of Festival activities, placements, performances, entries, booths, recognitions, exhibits, and related communications presented through official or registered participant roles and City-controlled official Festival program elements.

Political Campaign Activity means conduct that expressly supports or opposes the election or defeat of an identified candidate for elective office, political party, political committee, or ballot measure, including:

- (1) displaying or distributing campaign literature, signs, banners, placards, or similar campaign materials;
- (2) soliciting votes, campaign support, campaign contributions, campaign pledges, or campaign contact information for that purpose; or
- (3) making an announcement, speech, introduction, endorsement, request, or appeal urging support for or opposition to an identified candidate for elective office, political party, political committee, or ballot measure.

Political campaign activity does not include a factual reference to a public office, officeholder, governmental entity, historical event, legislative proposal, executive action, or governmental position that does not expressly support or oppose the election or defeat of an identified candidate, political party, political committee, or ballot measure.

Section 16.05.005. Official Festival program status.

The official Festival program and City-controlled official Festival program element are City-curated and City-authorized program elements made available for limited Festival purposes. Participation in an official or registered participant capacity does not create a right to use a City-controlled official Festival program element for unrestricted private expression.

Section 16.05.006. Prohibited use of City-controlled official Festival program elements.

- (a) A person or entity shall not use a City-Controlled official Festival program element to communicate political campaign activity.
- (b) For purposes of this section, a person or entity uses a City-controlled official Festival program element to communicate political campaign activity when the political campaign activity is displayed, distributed, announced, performed, presented, or otherwise incorporated into an assigned booth, parade entry, stage appearance, official Festival listing, or other City-controlled official Festival program element.
- (c) This section applies equally to advocacy supporting and advocacy opposing any identified candidate, political party, or ballot measure.
- (d) The City shall enforce this section without regard to whether the Political Campaign Activity supports or opposes an identified candidate, political party, or ballot measure.

Section 16.05.007. Specific applications.

Without limiting Section 16.05.006, the following conduct is prohibited when undertaken in an official or registered participant capacity or through a City-controlled official Festival program element:

- (1) use of a vendor booth, exhibitor booth, sponsor booth, or assigned table space for political campaign activity;
- (2) use of a parade entry, float, vehicle, walking group, banner, signs, costumes, handouts, or amplified sound as part of an official parade presentation for political campaign activity;
- (3) use of a stage appearance, performance slot, announcement, introduction, emcee function, or microphone access for political campaign activity;
- (4) use of official Festival recognition, sponsor acknowledgment, listing, map placement, or program description to communicate political campaign activity; and
- (5) use of a City title, City role, City-provided access, or official Festival status in a manner that states or implies City sponsorship or endorsement of a candidate, political party, ballot measure, or campaign.

Section 16.05.008. General public speech unaffected.

- (a) Nothing in this ordinance prohibits lawful speech by any person, including an official or registered participant acting outside that capacity, in a general public area, subject only to otherwise applicable laws and content-neutral rules governing safety, pedestrian access, congestion, noise, scheduling, and non-disruption.
- (b) Nothing in this ordinance authorizes any person to interfere with Festival operations, obstruct access, trespass into restricted areas, disrupt official presentations, or violate otherwise applicable law.

Section 16.05.009. Administration.

- (a) The City Administrator, Parks & Community Services Director, Parks & Community Services Assistant Director, Community Events Coordinator, or their designees may administer and enforce this ordinance in consultation with the City Attorney and may issue reasonable written procedures and application materials consistent with it.
- (b) All participation approvals, denials, limitations, suspensions, revocations, relocations, and conditions imposed under this ordinance shall be based on written standards and applied in an evenhanded manner.

Section 16.05.010. Notice, opportunity to cure, and appeal.

- (a) Except where immediate action is reasonably necessary to protect safety, prevent substantial disruption, or preserve orderly Festival administration, the City should provide notice of an alleged violation and a reasonable opportunity to cure before revoking participation or removing a person or entity from a City-controlled official Festival program element.
- (b) A denial, suspension, revocation, removal, or conditioning of participation under this ordinance shall be communicated in writing and shall briefly identify the conduct or material forming the basis for the decision.
- (c) A person or entity affected by a decision under this ordinance may submit a written administrative appeal within five business days after notice of the decision, or within a shorter period stated in written Festival procedures if necessary to accommodate Festival scheduling.
- (d) The appeal shall be decided promptly by the City Administrator or designee, in consultation with the City Attorney, and the City shall provide a brief written decision.

Section 16.05.011. No vested right.

The official Festival program and City-controlled official Festival program elements are City-curated and City-authorized program elements made available for limited Festival purposes. Approval to participate in the Festival does not create a vested right, continuing entitlement, or expectation of approval for any future Festival year.

Section 16.05.012. Construction.

- (a) This ordinance shall be construed narrowly to regulate only the use of City-conferred official and registered participant roles and City-controlled official Festival program elements.
- (b) This ordinance shall not be construed to prohibit lawful private speech by members of the public in areas open to the public, nor to authorize viewpoint discrimination in the administration of otherwise applicable Festival rules.