

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2022-28

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, AMENDING ARTICLE 16 (PUBLIC WAYS AND PLACES) OF THE DRIPPING SPRINGS CODE OF ORDINANCE TO AMEND SECTION 16.02.034 DEFINITIONS AND ADD SECTION 16.02.066 (CANOPY SAFETY); PROVIDING FOR THE FOLLOWING; FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Dripping Springs City Council has obtained and reviewed information concerning canopy safety and their use within the City; and

WHEREAS, most accidents at street festivals and markets involve wind-blown tents, canopies, and umbrellas; and,

WHEREAS, numerous festival organizers have developed guidelines, rules, regulations, and best-practices to minimize or eliminate injury caused by high winds; and

WHEREAS, the purpose of Section 16.02.066 is to establish canopy standards for the Farmers Market and other City sponsored events; and

WHEREAS, the City Council of the City of Dripping Springs seeks to regulate canopies in order to ensure safety at city events and on city property; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City.

NOW, THEREFORE, BE IT ORDAINED by the Dripping Springs City Council:

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 of the City of Dripping Springs Code of Ordinances is amended so to read in accordance with *Attachment 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All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.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.

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 16th day of August 2022, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

CHAPTER 16 – PUBLIC WAYS AND PLACES
ARTICLE 16.02. – PARKS AND RECREATION
DIVISION 2. – PARK RULES

Sec. 16.02.034. - Definitions.

* * *

Canopy: A light roof-like structure, consisting of a fixed or movable frame covered with approved cloth or plastic, with the purpose of providing protection from sun and rain. In this chapter, it refers to temporarily erected structures for special events.

* * *

Sec. 16.02.066. –Canopy Safety

- (a) Any individual who uses a canopy or similar structure on city property, including inside the Dripping Springs Ranch Park, at a city event, or at a city-sponsored event is required to properly anchor the canopy or similar structure. Any individual who does not properly secure their canopy or similar structure will not be allowed to erect or maintain a canopy or similar structure on city property or at a city event or city-sponsored event.
 - (1) Each 10’X10’ canopy leg shall have no less than 25 pounds anchoring each leg.
 - (2) Each 10’X20’ canopy shall have 50 pounds anchoring each leg.
 - (3) Other size canopies shall be properly anchored in proportion to the sizes and weights listed above or as otherwise directed by city staff.
- (b) At the direction of city staff, a canopy or similar structure, may be required to be removed and stored especially in the case of inclement weather conditions before, during, or after an event. Canopies shall be promptly and safely removed and stored upon direction by city staff.
- (c) All weights and canopy tie-downs shall be safely secured and shall:
 - (1) Be set-up and secured with appropriate weights at the same time;
 - (2) Avoid causing a tripping hazard;
 - (3) Avoid stretched out lines or cords;
 - (4) Ensure weights have soft edges;
 - (5) Be tethered with lines that are clearly visible;
 - (6) Have soft edges to avoid causing cuts and scrapes;
 - (7) Be securely attached; and
 - (8) Be on the ground and not above people’s heads.
- (d) Removal and Storage of Canopy. Removal of the canopy and weights shall occur safely at the same time.
- (e) Allowed Canopy Weights
 - (1) Pre-Filled Cement or Duracast Canopy Weights: Pre-filled cement weights with pre-cut leg openings generally range for 5-10 pounds and are stackable.
 - (2) Cast Iron Weights: Cast iron weights convenient and generally range for 10-20 pounds per piece. These weights are stackable and easy to set-up and take down.

- (3) Buckets:
 - (A) Cement Filled:
 - i. Minimum 2.5-gallon bucket
 - ii. Filling an empty bucket with cement and tying this to each corner of the tent with a rope or cord.
 - iii. It is insufficient to place the bucket on the feet of the canopy.
 - (B) Water or sand Filled:
 - i. Minimum 3 gallon buckets.
 - ii. Weight between 24-40 pounds each depending on the fill.
- (4) PVC Cement-Filled Pipe - These canopy weights are capped and filled with cement and can be hung on the inside of canopy poles as long as it is secured so that it does not collide with a person and is below the height of people.
- (5) Sandbag Weights – Sandbag weights that are specially made for securing canopies and weigh at least 25 pounds filled with sand. These sandbag weights are vertical and can be strapped to the legs of the canopy.
- (6) Other types of weights approved by the Emergency Management Coordinator in writing.
- (f) Prohibited Canopy Weights
 - (1) One Gallon Water Jugs.
 - (2) Stakes.
 - (3) Tying.
 - (4) Sandbags – Sandbags that cannot be placed upright and securely tied to the tent or canopy should not be used.
 - (5) Cinder Blocks.
 - (6) Dilapidated, broken, or other unsafe weights.
- (g) A violation of this section constitutes an offense. A person who violates, causes, allows or permits a violation this section designated as an offense commits a misdemeanor punishable by a fine not exceeding \$500.00.