

**CITY OF HUTCHINS, TEXAS
ORDINANCE NO. 2025-04-1207**

AN ORDINANCE OF THE CITY OF HUTCHINS, TEXAS AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 1 TITLED “GENERAL PROVISIONS” BY AMENDING ARTICLE 1.14 TITLED “PUBLIC GATHERINGS” BY REPEALING DIVISION 2 TITLED “PARADES, CARNIVALS, CIRCUSES AND TENT SHOWS” IN ITS ENTIRETY AND REPLACING IT WITH A NEW DIVISION 2 TITLED “SPECIAL EVENTS” ESTABLISHING REQUIREMENTS FOR SPECIAL EVENTS; AND AMENDING APPENDIX A TITLED “FEE SCHEDULE” BY AMENDING ARTICLE A1.000 TITLED “GENERAL PROVISIONS” BY REPEALING SECTION A1.003 TITLED “PERMIT FEES FOR PARADES, CARNIVALS, CIRCUSES, AND TENT SHOWS” IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION A1.003 TITLED “SPECIAL EVENTS”; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that it is in the public’s best interest to establish a Special Events policy to ensure that special events held by the public are safe, enjoyable, well-coordinated, and do not place an undue burden on City resources; and

WHEREAS, a Special Events policy will ensure that approvals, administration, and implementation on special events are consistent; and

WHEREAS, the Special Events policy will provide for safety, event sanitation and health, and the availability of medical care, fire rescue, and law enforcement services through the creation of policy-required public safety event plans and appropriate traffic management plans; and

WHEREAS, the Special Events policy establishes requirements to ensure proper use and control of municipal sports fields and park facilities so that all users may equally enjoy them.

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

SECTION 1. That the City of Hutchins Code of Ordinances is hereby amended by amending Chapter 1 titled “General Provisions” by repealing Article 1.14 titled “Public Gatherings” by repealing Division 2 titled “Parades, Carnivals, Circuses and Tent Shows” in its entirety and replacing it with a new Division 2 titled “Special Events”, to read as follows:

“CHAPTER 1. GENERAL PROVISIONS

...

ARTICLE 1.14 PUBLIC GATHERINGS

...

REPEAL DIVISION 2 TITLED “PARADES, CARNIVALS, CIRCUSES AND TENT SHOWS IN ITS ENTIRETY, AND REPLACE WITH A NEW DIVISION 2 TITLED “SPECIAL EVENTS”

DIVISION 2. SPECIAL EVENTS.

§ 1.14.031. Definitions.

Applicant. A person who has filed a written application for a special event permit.

Block Party. The use of a residential street for a neighborhood function in which traffic control is required.

City. The City of Hutchins, Texas.

City Administrator. The City Administrator of the City of Hutchins or their designee.

Demonstration. A public display of the attitude of assembled persons toward a person, cause, issue, or other matter.

Person. An individual, firm, partnership, corporation, association, or other legal entity.

Reimbursable Costs. All costs and expenses incurred by the city for activities associated with staging of the event, including, without limitation, the following:

- (1) Utilities services provided to the special event, including all of the costs of installation, maintenance, and connection.
- (2) Food services inspection.
- (3) Repair, maintenance and removal of facilities in the event of a failure of promoter.
- (4) Repair of streets, alleys, sidewalks, parks, and other public property.
- (5) Police protection.
- (6) Fire protection.
- (7) Emergency medical service.

- (8) Garbage disposal and cleanup.
- (9) Traffic control.
- (10) Other direct costs associated with the special event.

Special Event. A temporary event or gathering, that falls into one of the four categories, Type A, B, or C as defined below, using either private or public property, which may involve one or more of the following activities, except when the activity is for construction or house moving purposes only:

- (1) closing a public street;
- (2) blocking or restriction of public property;
- (3) sale of merchandise, food, or beverages on public property or on private property where otherwise prohibited by ordinance (for purposes of this section, a special event shall not include an occasional sale/garage sale as defined in this chapter);
- (4) erection of a tent on public property, or on private property where otherwise prohibited by ordinance;
- (5) installation of a stage, band shell, trailer, van, portable building, grandstand or bleachers on public property, or on private property where otherwise prohibited by ordinance;
- (6) placement of portable toilets on public property, or on private property where otherwise prohibited by ordinance; or
- (7) use of signs otherwise prohibited by ordinance.

Special Event Types. A special event application will be designated into one of four types in accordance with this section:

- (1) *Special Events Type A* are gatherings involving rental of a facility. All activities directly correspond to a facility's intended use, but at least one permit or special provision is required. Examples of Type A events include, but are not limited to, the following:
 - (a) A family is hosting a child's birthday party at a pavilion, and hiring a food or ice cream truck;
 - (b) Renting a pavilion for an event with enough attendees to require security or first aid/medical provisions; or
 - (c) A league reserving a baseball field for a game where people are charged for admission, the number of attendees is large enough to warrant medical provisions and security, or offering food prepared on-site (e.g., concession stand, food truck).
- (2) *Special Events Type B* are events as being planned activities that do not regularly occur, and that use outdoor public property and facilities in ways that are outside of typically

intended uses. Examples include blocking roads for a block party, having a car show, hosting a pop-up event with vendor tents, and events requiring traffic control. Such events often require lengthy coordination, site plans, and various permits.

- (3) Special Events Type C are events that do not readily fall solely under Type A or Type B. An example could be a large event that utilizes a baseball field for a game but also has multiple vendor booths on-site.

Special Event Permit. Written approval from the City Administrator or their designee to hold a special event.

§ 1.14.032. Enforcement.

- (a) The provisions of this article shall be administered by the City Administrator or their designee and enforced by the City Administrator, their designee, or any police officer.
- (b) The City Manager or their designee has the authority to issue a special events permit that authorizes one or more of the Special Events Types when requirements of this article have been met.
- (c) Application for a special events permit authorizes appropriate the City Manager or their designee to issue permits for the activities described in Special Events Types in locations where the activity would otherwise be prohibited by ordinance.

§ 1.14.033. Article Cumulative.

The provisions of this article are cumulative of all city ordinances. Tent permits, building permits, electrical permits, food establishment permits, alcoholic beverage licenses, and all other permits required by ordinance or other law for specific activities to be conducted in conjunction with or as part of the special event must be applied for separately in accordance with the applicable ordinance or law.

§ 1.14.034. Exemptions.

The provisions of this article do not apply to a special event conducted by the city or to activities conducted at the town center by written agreement, or a peaceful demonstration at a fixed location other than a street.

§ 1.14.035. Application; Issuance.

- (a) A person desiring to hold a special event shall apply for a special event permit by filing with the City Administrator or their designee a written application upon a form provided for that purpose. Each application must be accompanied by a non-refundable application fee in an amount established by resolution of the city council from time to time. An application must be filed not less than 45 days before the special event is to begin. The City Administrator or their designee may waive the 45 day filing requirement if the City

Administrator determines that the application can be processed in less than 45 days, taking into consideration the number and types of permits required to be issued in conjunction with the special event permit.

- (b) An application must contain the following information:
 - (1) the name, address, and telephone number of the applicant and of any other persons responsible for the conduct of the special event;
 - (2) a description of the special event and requested dates and hours of operation for the event;
 - (3) the estimated number of persons to participate in the special event;
 - (4) a sketch showing the area or route to be used during the special event, along with proposed structures, tents, fences, barricades, signs, banners, and restroom facilities;
 - (5) provisions for parking with a designation of where "No Parking" signs will be used;
 - (6) details of how applicant proposes to provide security and traffic control;
 - (7) the time and location of street closings, if any are requested;
 - (8) details of the sale of merchandise or the sale or serving of food or alcoholic beverages at the special event, designating any street vendors or peddlers involved;
 - (9) description of animals to be used in the special event, if any;
 - (10) details of how the applicant will clean up the area used after the special event, if on public property; and
 - (11) proof that the applicant possesses or is able to obtain all licenses and permits required by this code or other city ordinance or by state law for the conduct of the special event.
- (c) Upon receipt of the completed application the City Administrator or their designee shall forward a copy of the application to the departments of police, fire, code services, public works and planning. Each department or director, as the case may be, shall review the application and return it, with any comments, to the City Administrator or their designee within 10 working days of receipt.
- (d) The departments and the City Administrator or their designee may prescribe licenses and permits required by other city ordinances or applicable law, restrictions, regulations, costs for city services, safeguards, and other conditions necessary for the safe and orderly conduct of a special event, to be incorporated into the permit before issuance.

- (e) A deposit of one-half of the estimated reimbursable costs required to be paid to the city as a result of a special event must be received by the City Administrator or their designee not less than five days before the date of the special event as shown on the special event permit. Prior to the issuance of the permit the applicant shall agree in writing to pay such deposit and the balance of the reimbursable costs within thirty days after the special event.
- (f) After reviewing the application and department comments, the City Administrator or their designee shall issue the special event permit unless denial is required by § 1.14.037. A special event permit will be issued for a period not to exceed 14 consecutive days. A special event permit is required for each 14 day period during which a special event will be conducted.
- (g) Given the city's limited resources and the impact to the community, no more than (2) special events shall be permitted for one location in a 12-month period.

§ 1.14.036. Indemnification.

An applicant for a special permit must execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the special event.

§ 1.14.037. Denial or Revocation.

- (a) The City Administrator or his designee shall deny a special permit if:
 - (1) a special event permit has been granted for a special event at the same place and time;
 - (2) the proposed special event will occupy any part of a federal highway;
 - (3) the proposed special event will unreasonably disrupt the orderly flow of traffic and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;
 - (4) the applicant fails to adequately provide for:
 - (A) the protection of event participants;
 - (B) maintenance of public order in and around the special event location;
 - (C) crowd security, taking into consideration the size and character of the vent;
or
 - (D) emergency vehicle access.

- (5) the applicant fails to comply with or the proposed special event will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this article;
 - (6) the applicant makes a false statement of material fact on an application for a special event permit;
 - (7) the applicant fails to provide proof that he possesses or is able to obtain a license or permit required by city ordinance or other applicable law for the conduct of all activities included as part of the special event;
 - (8) the applicant has had two (2) special event permits issued for the same location within the preceding twelve (12) month period;
 - (9) the applicant has had a special event permit revoked within the preceding 14 months;
 - (10) the applicant has committed, within the preceding 14 months, two or more violations of a condition or provision of a special event permit or this article;
 - (11) the applicant fails to pay any outstanding reimbursable costs owed to the city for a past special event; or
 - (12) the applicant fails to submit the required deposit and/or fails to agree in writing to reimburse the city for the estimated costs for the proposed special event.
- (b) The City Administrator or his designee shall revoke a special event permit if:
- (1) the applicant fails to comply with or the special event is in violation of a condition or provision of the special event permit, an ordinance of the city, or any other applicable law; or
 - (2) the permit holder made a false statement of material fact on an application for a special event permit.

§ 1.14.038. Appeal from Denial or Revocation of Special Event Permit.

If the City Administrator or their designee denies the issuance of a permit or revokes a permit, they shall send to the applicant or permit holder by certified mail, return receipt requested, or by personal delivery, written notice of the denial or revocation and of the right to an appeal. The decision of the director shall be final unless the applicant or permit holder appeals the decision in writing to the City Administrator within three (3) days. The City Administrator or his designee shall render a decision on the appeal within one (1) day after the appeal. The decision of the City Administrator shall be final.

§ 1.14.039. Offenses

A person commits an offense if they:

- (1) commences or conducts a special event without a special event permit; or
- (2) fails to comply with any requirement or provision of a special event permit or this article.”

SECTION 2. That the City of Hutchins Code of Ordinances is hereby amended by amending Appendix A titled “Fee Schedule” by amending Article A1.000 titled “General Provisions” by repealing Section A1.003 titled “Permit Fees for Parades, Carnivals, Circuses, and Tent Shows” in its entirety and replacing it with a new Section A1.003 titled “Special Events,” to read as follows:

“APPENDIX A FEE SCHEDULE

...

REPEAL § A1.003 TITLED “PERMIT FEES FOR PARADES, CARNIVALS, CIRCUSES, AND TENT SHOWS” IN ITS ENTIRETY, AND REPLACE WITH NEW § A1.003 TITLED “SPECIAL EVENTS.”

§ A1.003 Special Events.

Any person desiring to conduct a Special Event shall pay the following fees:

Application Fee for Type A, Type B, and Type C Special Events	\$70.00 for residents and organizations based within Hutchins City Limits; \$100 for non-residents and organizations based outside Hutchins City Limits
Campbell Park Pavilion Deposit	\$200.00
Campbell Park Pavilion Hourly Rate	\$50.00 for residents and \$100.00 for non-residents
Campbell Park Baseball Field Deposit	\$100.00
Campbell Park Baseball Field Rate per 4-Hour Increments	\$25.00 for residents and \$50.00 for non-residents
Security Provided by Hutchins Police Officers	\$45.00/hour for each City of Hutchins Police Officer with a 3-hour minimum; the off-duty rate is \$50.00/hour
Presence of On-Site Paramedics or Firefighters	\$45.00/hour for each paramedic or firefighter
Vehicle for Traffic Control	\$45.00/hour for each City-owned vehicle with a 3-hour minimum; additional amounts will be charged if an employee is working overtime
Restroom facilities, dumpsters, traffic cones and barricades, first aid supplies, medical personnel, and other requirements that the City is unable to provide must be covered at Applicant's own expense. Any additional clean-up or damages incurred will result in a forfeit of the security deposit and additional fees. The option of on-site City personnel (such as police and paramedics) depends on staff availability."	

SECTION 3. That all provisions of the ordinances of the City of Hutchins in conflict with the provisions of this ordinance be, and the same are hereby repealed and that all other provisions of the ordinances of the City of Hutchins not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Ordinances of the City of Hutchins, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. That if any article, paragraph, subdivision, clause or provision of this ordinance as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid or unconstitutional.

SECTION 6. That any person, firm, or corporation violating any provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Code of Ordinances of the City of Hutchins, as heretofore amended and upon conviction shall be punished by a fine not exceeding five hundred dollars (\$500.00) for each offense.

SECTION 7. That this ordinance shall take effect immediately from and after its passage.

IT IS ACCORDINGLY SO ORDAINED.

DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HUTCHINS, TEXAS ON THIS THE 21st DAY OF APRIL 2025.

CITY OF HUTCHINS, TEXAS

Mario Vasquez, Mayor

ATTEST:

Cynthia Olguin, City Secretary

APPROVED AS TO FORM:

Joseph J. Gorfida, Jr., City Attorney
(01-03-2025: 4857-4124-0042 V.1)

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