

ORDINANCE NO. 762

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING MANOR CODE OF ORDINANCES APPENDIX A FEE SCHEDULE BY REPEALING EXISTING SECTIONS A5.002 AND A5.003 RELATING TO PARKS AND SPECIAL EVENT RENTAL FEES; ADOPTING NEW SECTION A5.002 RELATING TO PARKS AND AMENITIES RENTAL FEES; ADOPTING NEW SECTION A5.003 RELATING TO SPECIAL EVENT RENTAL FEES; AMENDING SECTION A5.004 RELATING TO FILM PROJECTS USING CITY PROPERTY FEES; ADOPTING NEW SECTION A5.007 RELATING TO EQUIPMENT RENTAL AND FEES FOR STAFF SERVICES; PROVIDING FOR AN EFFECTIVE DATE, SAVINGS, SEVERABILITY, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Manor, Texas (the “City”) growth and development brings the increased use of City parks, streets, properties, and equipment, and personnel for special gatherings; and

WHEREAS, the gatherings provide entertainment, professional, sports and educational opportunities for residents and businesses and require the use of City resources; and

WHEREAS, to best ensure the gatherings are conducted to the enjoyment of residents and success of businesses, the City allows for rental of City spaces, equipment, and venues and when necessary, allows the use of certain City personnel; and

WHEREAS, given the increase in frequency and types of gatherings being offered across the City, the comprehensive fee and rate structure herein applicable to the use of City parks applicable to the conduct of special events, captures the scope of City resources being utilized to support such gatherings, and is designed to enable the City to recover the costs incurred in delivering such support; and

WHEREAS, the City Council of the City (the “City Council”) has determined that the proposed provisions are reasonable and necessary;

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Code of Ordinances. The City Council hereby amends Appendix A, Fee Schedule, Article A5.000 (Administrative and Miscellaneous Fees) of the Manor Code of Ordinances (the “Fee Schedule”) by repealing existing Section A5.002 and adopting a new Section A5.002 reflecting specific and general fees relating to parks and amenities in the form of two tables; repealing existing A5.003 and adopting a new Section A5.003 detailing special event permit fees; amending A5.004 to increase the application fee and to specify that fees for other categories

in the section apply daily; and adopting new Section A5.007 relating to equipment rental fees and staff fees as set forth below.

(a) Sec. A5.002 of the Fee Schedule is hereby amended in its entirety to read as follows:

“Sec. A5.002 Parks & amenities rental permit fees.

(1) The following fees and charges are established and shall be collected for all City of Manor Park rentals.

Parks	Amenities	Fees	Rental Length
Jennie Lane Park	Parking Lot Only*	\$50	All Day
	Pavilion, Gazebo & Green Space	\$125	All Day
Timmermann Park	Pavilion & Green Space	\$125	All Day
	Parking Lot Only*	\$50	All Day
All Other Parks	Parking Lot Only*	\$50	All Day
	Full Park	\$125	All Day

*This includes closure or obstruction of the parking lot, street parking, public street(s) or rights-of-way.

(2) Additional Parks & Amenities Rental Fees:

Services	Fees
Event Maintenance	\$75
Administrative Cancellation Fee	50% of total paid fees

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(b) Sec. A5.003 of the Fee Schedule is hereby amended in its entirety to read as follows:

“Sec. A5.003 Special event permit fees.

(1) The following fees and charges are established and shall be collected for all special events:

Services	Fees
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Application Processing fee for Temporary Gatherings, Walking or Running Events, and Parades	\$50
Block Party Application Processing	\$10
Street/Parking Lot Closure Application Processing	\$10

Note: Application processing fees are non-refundable.

Services	Fees (Per Day/Per Event)	Details
Temporary Gathering (local business)	\$200	Per Day/Per Event Use of city properties, facilities, parking lot space, road closure, city equipment, and staff may be an additional charge
Temporary Gathering	\$1,500	Use of city properties, facilities, parking lot space, road closure, city equipment, and staff may be an additional charge
Block Party	\$25	Per Day/Per Event Use of city properties, parks, trails, facilities, parking lot space, road closure, city equipment, and staff may be an additional charge
Street Closure	\$50	Per Street/Per Day/Per Event
Walking or Running Events	\$100	Per Day/Per Event Use of city properties, parks, trails, facilities, parking lot space, road closure, city equipment, and staff may be an additional charge
Parade	\$150	Per Day/Per Event Use of city properties, parks, trails, facilities, parking lot space, road closure, city equipment, and staff may be an additional charge

(2) Additional Special Rental Fees:

Services	Fees
Event Maintenance	\$75

Administrative Cancellation Fee	50% of total paid fees
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(3) The following fees and charges are established for vendors in association with a special event:

Services-Vendor Category	Definition	Fees
<p>Food Vendors</p>	<p>Food-based vendor that provides hot and ready-to-eat foods, cottage foods, or temperature-controlled foods. NOT including Food Trucks.</p> <p>Cottage Food Vendors must follow the Texas Cottage Food Law. (Texas Health & Safety Code Chapter 437; Title 25 Texas Administrative Code Chapter 229, Subchapter EE).</p> <p>A <i>cottage food production operation</i> is defined as an individual operating out of the individual’s home who:</p> <p>- Produces any of the following at their home:</p> <ul style="list-style-type: none"> ▪ A baked good that is not a time and temperature control for safety food (TCS food) ▪ Candy, ▪ Coated and uncoated nuts, ▪ Unroasted nut butters, ▪ Fruit butters, ▪ Canned jam or jelly, fruit pie, ▪ Dehydrated fruit or vegetables, including dried beans, ▪ Popcorn and popcorn snacks, ▪ Cereal, including granola, ▪ Dry mix, ▪ Vinegar, ▪ Pickled fruit or vegetables, including beets and carrots, that are preserved in vinegar, brine, or a similar solution at an equilibrium pH value of 4.6 or less, ▪ Mustard, ▪ Roasted coffee or dry tea, ▪ A dried herb or dried herb mix, ▪ Plant-based acidified canned goods, ▪ Fermented vegetable products, including products that are refrigerated to preserve quality, ▪ Frozen raw and uncut fruit or vegetables, and any other food that is not a TCS food. 	<p>\$50</p>

	<ul style="list-style-type: none"> - Has an annual gross income of \$50,000 or less from the sale of the described foods. - Sells the foods produced directly to consumers. - Delivers products to the consumer at the point of sale or another location designated by the consumer. 	
Food Truck	Food Truck vendors that provide hot and ready-to-eat foods, cottage foods, or temperature-controlled foods from a vehicle.	\$75
Art & Crafts Vendor	Arts and crafts vendor whose product is made by the owner or employees associated with the business. No resale items.	\$25
Commercial/Business Vendor	Commercial or home-based business that wishes to collect payment for memberships, advertise business services, and/or sell products. Examples: Include but are not limited to direct sales business, membership-based business (<i>i.e.</i> , Sam’s Club, fitness business, etc.), selling of resale items such as light-up toys, etc.	\$50
Specialty Vendor	Business that charges a fee for services offered at an event. This includes, but is not limited to, face painting, professional photography, spas, etc.	\$50
Non-Profit/Community Groups	Local non-profit organization that offers a value-added activity/program to the event. Vendor may advertise information regarding the non-profit but cannot exchange money.	\$0

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(c) Sec. A5.004 of the Fee Schedule is hereby amended in its entirety to read as follows:

“Sec. A5.004 Film projects using city property.

- (a) Application fee: \$30.00
- (b) Use of city-owned real estate:

Activities	Fees (per day)
Total or disruptive use (regular operating hours) of a public building, park, right-of-way, or public area	\$500.00

Partial, nondisruptive use of a public building, park, right-of-way, or public area	\$250.00
Total closure or obstruction of public street or right-of-way, including parking lots and on-street parking (for film purposes)	\$50.00 per block
Partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking (for film purposes)	\$25.00 per block
Use of city parking lots, parking areas, and city streets (for the purpose of parking film trailers, buses, catering trucks, and other large vehicles).	\$50.00 per block or lot

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(d) Sec. A5.007 of the Fee Schedule is hereby added to read as follows:

“Sec. A5.007 Additional Equipment Rental Fees and Staff Fees.

Services	Fees	Details
Barricades	\$125 (up to 6) \$200 (<than 6 & up to 10)	Per event/Per Day Required for all street/parking/area closures.
City Vehicle Use	\$30	Per hour/Per Vehicle Added if the vehicle is utilized for any other reason than transporting staff. For example: transport equipment, block roads, etc.
Public Work Staff	\$40	Fee per staff member/Per hour (2 hours minimum) If staff needs to be present, call-out, set-up and/or tear down equipment for the event.
Community Development Staff	\$40	Fee per staff member/Per hour (2 hours minimum) If staff provides any event planning/organizing/building/coordinating/marketing services.

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Section 3. Amendment of Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted herein are hereby

amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall control.

Section 4. Savings Clause. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting fees or charges 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 5. Severability. If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was considered and passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 7. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

PASSED AND APPROVED on this ____ day of _____ 2024.

THE CITY OF MANOR, TEXAS

Dr. Christopher Harvey, Mayor

ATTEST:

Lluvia T. Almaraz, City Secretary