

**ORDINANCE NO. 768**

**AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANOR, TEXAS BY ADDING ARTICLE 1.15 TO CHAPTER 1, GENERAL PROVISIONS; ESTABLISHING REQUIREMENTS FOR SPECIAL EVENTS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR OPEN MEETINGS; AND ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City of Manor, Texas (the “City”) seeks to regulate special events within its jurisdiction to ensure public safety, orderly conduct, and compliance with applicable laws and codes; and

**WHEREAS**, the City Council recognizes the need for a comprehensive framework governing the application, conduct, and oversight of special events; and

**WHEREAS**, these regulations aim to enhance clarity and consistency in the permitting process for special events while addressing the needs of the community; and

**WHEREAS**, the City Council believes that the adoption of these regulations will promote responsible event management, improve public safety, and facilitate communication among event organizers, city officials, and residents; and

**WHEREAS**, the City Council has reviewed and considered the proposed regulations and finds them to be in the best interest of the City and its residents.

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

**SECTION 1. Findings of Fact.** 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. Adoption of Special Events Regulations.** The City Council hereby amends Chapter 1, General Provisions, of the Manor Code of Ordinances to add a new *Article 1.15, Special Events*, attached hereto as Exhibit “A” and incorporated herein for all purposes.

**SECTION 3. Amendment of Section 4.03.005 Special Event Permit.** Section 4.03.050 of the City of Manor Code of Ordinances is hereby amended in its entirety to read as follows:

“Sec. 4.03.050 - Special event permit.

For special event permit application and requirements, see Article 1.15.”

**SECTION 4. Repealing all 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 of Manor, the terms and provisions of this ordinance shall control.

**SECTION 5. Savings Clause.** The City Council of the City of Manor, Texas hereby declares that if any section, subsection, paragraph, sentence, clause, phrase, word or portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that, in such event, it would have passed and ordained any and all remaining portions of this ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

**SECTION 6. 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 of the ordinance 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 7. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance was considered 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 8. 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 THIS the 20<sup>th</sup> day of November 2024.**

**THE CITY OF MANOR,**

**TEXAS:**

\_\_\_\_\_  
Dr. Christopher Harvey, Mayor

**ATTEST:**

\_\_\_\_\_  
Lluvia T. Almaraz, City Secretary

Exhibit "A"

## ARTICLE 1.15 SPECIAL EVENTS

*Division 1. Special Event***Sec. 1.15.001 Purpose.**

The purpose of this article is to provide requirements to safeguard life or limb, health, property and public welfare by regulating and controlling the location, duration, hours of operation and quality of materials and appurtenances for special events within the city.

**Sec. 1.15.002 Definitions.**

For the purpose of this article, certain phrases and words shall be construed as specified in this section. Where terms are not defined, they shall have their ordinary accepted meanings within the context in which they are used.

*Applicant* shall mean any person who has filed a written application for a special event permit.

*Arterial streets* shall mean major streets in the city's street system that serve as avenues for the circulation of traffic into, out of, or around the city and that carry a high volume of traffic.

*Block parties* shall mean one-time outdoor activities that require the temporary closing of one or more residential streets.

*Carnival* shall mean a temporary amusement area featuring rides, games, and sideshows.

*Chairperson* shall mean the individual responsible for conducting the special event.

*Circus* shall mean a public entertainment with performances by acrobats, clowns, and/or trained animals.

*City-Operated or City-Special Event* shall mean any permitted special event operated directly by the city using city resources and staff. Third-party sponsors might be solicited for city-operated events, but the city retains all final decision-making authority.

*City-Sponsored Event* shall mean any permitted special event that is operated by an outside party that has executed an agreement with the city designating the city as an event sponsor. Sponsorship can come in the form of cash, in-kind equipment, or in-kind personnel support contributed by the city according to the terms of the agreement. A council-approved waiver of fees, in and of itself, shall not be deemed to constitute a city-sponsored event.

*Closure* shall mean the time and equipment used to secure one street at one point from curb to curb.

*Commercial outdoor amusement* shall mean an outdoor area, portable building, or portable and/or motorized equipment open to or used by the public, which provides entertainment or amusement for a fee or admission charge.

*Exhibits* shall mean temporary displays of static art, artifacts, memorabilia, merchandise, or other objects intended for public viewing that extend beyond the normal use of the property or facility.

*Fair* shall mean a temporary outdoor activity involving three or more vendors or exhibitions.

*Festival* shall mean a one-time or recurring outdoor program of performances, attractions, or competitions, especially those requiring temporary street closures or other city support services.

*Code Enforcement Officer* shall mean the officer or his duly authorized representative charged with the administration and enforcement of this article.

*Outdoor concerts* shall mean any event utilizing amplified music.

*Parade* shall mean the assembly of three or more persons or vehicles whose gathering is for the common design and purpose of traveling in procession on a public thoroughfare from one location to another.

*Special event* shall mean a temporary gathering or organized activities using either private or public property and involving one or more of the following:

- (1) When public or private property is to be used in excess of the intended and allowed use for the property. Examples include, but are not limited to, parades, fairs, festivals, exhibits, block parties, street dances, carnivals, circuses, rodeo and equestrian events, automobile exhibitions, temporary commercial outdoor amusements, outdoor concerts, and sporting events. It will be assumed that public or private property is being used in excess of the intended and allowed use for the property any time an event is reasonably expected to have 100 or more attendees per day at any facility outside of the facility's normal, daily, and intended use.
- (2) Temporary installation of a full-sized stage or tent, in excess of 400 square feet in size with or without overhead structural supports, band shell, portable building, portable and/or motorized equipment (except small generators less than 12,000 watts in size), grandstand or bleachers on public or private property.
- (3) Impacts to city property, a city street, city public right-of-way, or city resources to maintain public safety. Examples include, but are not limited to, street closures, blocking or restricting public property, requiring traffic control, placing temporary traffic control signs in public rights-of-way, or public safety support from the city due to the expectation of large crowds of people or traffic congestion beyond the capacity of the premises or surrounding public infrastructure.

*Special event permit* shall mean an official document issued by the neighborhood and inspection services department authorizing performance of a special event.

*Street* shall mean a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, boulevard, or any other designation.

*Street dances* shall mean one-time outdoor activities that require the temporary closing of one or more public streets for the purpose of an interactive musical performance, but that do not include third-party vendors, exhibitions or attractions.

*Temporary Gathering* shall refer to, but is not limited to, fairs, festivals, exhibits, street dances, carnivals, circuses, rodeo and equestrian events, automobile exhibitions, temporary commercial outdoor amusements, outdoor concerts, and sporting events.

*Vendor* shall mean a person, organization, partnership, corporation or other entity that reserves space at a permitted special event for the purpose of selling products, goods or services to event attendees.

**Sec. 1.15.003 Preparation, conduct, etc.**

All special events shall comply with the following requirements unless specific exemptions are noted on the special event permit:

- (1) *Barricades*. The traffic division of the public services department will provide, place, remove and control all required barricading for street closures.
- (2) *Notice of property owners*. The applicant shall provide prior written notice to all owners of properties within or abutting a special event location or directly impacted by a planned street closure. The city shall approve the form of the written notice as a part of the special event application process.
- (3) *Parking*. Applicants shall submit evidence of adequate parking. Parking on property not owned by the applicant shall require a written agreement signed by the involved parties.
- (4) *Amusement rides*. Amusement rides and/or attractions associated with special events shall comply with applicable state and local laws, rules and regulations. Proof of a current/valid ride safety certification inspection report is also required.
- (5) *Street closing*. Special events that require street closing (such as, but not limited to, block parties, neighborhood crime watch events, festivals, fairs and street dances) shall be limited to four hours in length. Extended closings can be approved by the City Council. The proposed hours and locations of all closures shall be specified in the special event permit application. If the permit application requests street closures that are the same or less than street closures that have been approved by city manager for past events, then the director of neighborhood and inspection services may issue a permit to the applicant upon conformance with all other requirements of this article without City Manager approval. Street closings for previously unapproved streets shall require submission to and approval by the City Council. Block parties associated with residential street closings shall not require City Manager approval.
- (6) *Tent use, fire lanes*. Special events that include the use of tents, canvas material, any temporary structures, or fire lanes shall comply with the requirements set forth in the Traves County Fire Code as adopted by the city. When required, fire lanes shall be provided and maintained to prevent fire hazards.
- (7) *Americans with Disabilities Act (ADA)*. It shall be the sole responsibility of the applicant to meet ADA requirements for all events open to the public that are held on public property or private property.
- (8) *Fees*. An applicant for, or the holder of, a special event permit shall pay a fee as set forth in the fee schedule in appendix A of this code, which fee shall be a rental for the use of public property, as well as the actual cost for police supervision of the special event if additional officers are required to close streets, monitor crowds or otherwise assist in the special event above the normal duties of the police officers. A bond shall be posted prior to the event of the estimated costs for police officer involvement. Any funds not utilized shall be returned and any deficiencies shall be paid within ten days of being billed.

- (9) *Food service.* Where food service is provided, each food vendor shall comply with the rules and regulations outlined by the Texas Department of State Health Services (Texas Food Establishment Rules). In addition, each food vendor shall obtain necessary foodservice permits from the City of Manor. Food vendors shall comply with insurance requirements outlined in this chapter. All food vendors are required to be inspected and approved prior to the start of sales to the public. All temporary food vendors, including open-air vendors, must comply with the relevant health and safety regulations and obtain the appropriate permits for operation during the event.
- (10) *Sanitary facilities.* Permanent and/or portable type sanitary facilities shall be provided and evenly distributed throughout the premises. The number required shall be one toilet for every 50 people for events lasting less than four hours. For single user portable toilet units clustered at a single location, at least five percent (but no less than one toilet unit) shall comply with ADA standards. Accessible units shall be identified by the international symbol of accessibility. Sanitary facility vendors shall obtain, and maintain compliance with, all licenses and/or permits required by local, state or federal regulations.
- (11) *Animal waste; proximity of animals to other uses.* Waste from animals used in any event shall be removed daily by the applicant from public or private property. Except for city-operated events, animals shall not be kept closer than 300 feet to any residential property or commercial structures during nonoperating hours of such event.
- (12) *City water.* When required, provisions for the purchase of city water shall be arranged through the Public Works Department.
- (13) *Solid waste.* Solid waste containers/dumpsters shall be required for all outdoor special events. Solid waste containers/dumpsters shall be contracted through the current city-approved trash and recycling service. Only approved receptacles will be allowed per the city's solid waste franchise agreement (excludes trash cans and barrels).
- (14) *Liability insurance.*
- (a) *Required.* An applicant for a special event permit shall furnish the city with a certificate of commercial liability insurance, with the city listed as an additional insured before such special event permit is issued. The certificate shall serve as evidence of a policy written by a company licensed in the state. The policy is to be in effect for the duration of the event, with minimum limits of liability of \$500,000.00 per occurrence, \$1,000,000.00 aggregate for bodily injury, personal injury and property damage, and workers' compensation limits as required by the labor code of the State of Texas and employers' liability minimum limits of \$100,000.00 per injury, \$300,000.00 per occurrence and \$100,000.00 per occupational disease.
- (b) *Food, alcohol, and amusement vendors.* Food, alcohol and amusement vendors participating in a city-operated or city-sponsored event shall furnish the city with a certificate of commercial liability insurance, with the city listed as an additional insured before such special event permit is issued. The certificate shall serve as evidence of a policy written by a company licensed in the state. The policy is to be in effect for the duration of the event, with minimum limits of liability of \$500,000.00 per occurrence, \$1,000,000.00 aggregate for bodily injury, personal injury and

property' damage, and workers' compensation limits as required by the labor code of the State of Texas and employers' liability minimum limits of \$100,000.00 per injury, \$300,000.00 per occurrence and \$100,000.00 per occupational disease.

- (c) *Additional requirements for alcohol vendors.* If alcoholic beverages are to be sold or given away during the special event, a valid permit from the Texas Alcoholic Beverage Commission (TABC) shall be posted at the location and beverages shall be served by TABC certified servers. In addition to the insurance requirements stated in subsection (13)b. above, the vendor shall show proof of liquor liability coverage as required by the TABC.
- (d) *Exception.* The provisions of Sec. 1.15.003 shall not apply to private parties that will not be open to the general public.
- (15) *Indemnification of city.* An applicant for any special event permit shall sign an agreement to indemnify and hold harmless the city, its officers, employees, agents and representatives, against all claims and liability in causes of action resulting from injury or damage to persons or property arising out of the special event to the extent permitted by law. If the applicant is a governmental entity or state institution and unable by law to indemnify the city, it shall not be required to indemnify the city but shall instead sign an agreement that the applicant is responsible for the acts and negligence of its own officers, employees, agents and volunteers engaged in the special event.

#### **Sec. 1.15.004 Prohibitions.**

- (1) Safe and orderly movement of normal traffic shall not be substantially interrupted. "Substantially interrupted" shall be determined by the City.
- (2) The event shall not impede the movement of firefighting equipment or ambulances.
- (3) An event shall not conflict, in time and location, with any other event for which a permit has been issued.

#### **Sec. 1.15.005 Restrictions.**

- (1) An event shall not require the diversion of so many police, ambulances or firefighting equipment that it hinders normal emergency services.
- (2) The concentration of people, vehicles and animals at assembly points for any event shall not unduly interfere with fire and police protection or ambulance service to areas near such assembly points.
- (3) The city may prohibit, restrict, or require additional parking when it is deemed reasonable and necessary.

#### **Sec. 1.15.006 Events calendar.**

The city will maintain a special events calendar of events that have been reviewed and approved for permit.

**Sec. 1.15.007 Violations.**

It shall be unlawful for any person to hold a special event or cause the same to be held in violation of this article.

**Sec. 1.15.008 Reserved.***Division 2. Special Event Permit***Sec. 1.15.009 Required.**

No special event shall be held without first obtaining a permit from the city. Applications for special events will not be accepted more than 90 days prior to the event.

**Sec. 1.15.010 Exempt events.**

- (a) A special event permit is not required for funeral processions.
- (b) Exemption from the permit requirement does not authorize any special event to be held in violation of the provisions of this article or any other laws, ordinances or codes of the city.
- (c) Nothing in this article shall be construed to waive any other requirement for separate building, plumbing, electrical, mechanical, health, and fire prevention-related permits when these trades are applied.

**Sec. 1.15.011 Application; issuance.**

- (a) *Contents of the Special Event Application.* To obtain a permit, the applicant shall first file an application in writing on a form furnished by the city for that purpose. Every such application shall:
  - (1) Identify the type of special event to be covered by the permit for which application is made.
  - (2) Identify the purpose of the special event.
  - (3) Give the name, address and telephone number of the person, organization or company conducting the event.
  - (4) Give the name, address and telephone number of the event chairperson or responsible party.
  - (5) Identify the proposed location, parking areas and event dates and hours.
  - (6) For parades or similar events, identify the assembly area, starting point, route, disbanding area and the approximate time to complete the event.
  - (7) Indicate the approximate number of persons and vehicles, also the number and type of any animals.
  - (8) Identify all owners of property within or abutting the proposed location or directly impacted by a proposed street closure and provide a copy of the intended letter of notice of property owner.
  - (9) Give such other data and information as may be required to obtain compliance with this article.
- (b) Filing, review, issuance.



- (1) The application and other such data as may be required shall be filed with the city at a minimum of one month prior to the proposed date of the event. The application shall be reviewed by all relevant departments to verify compliance with this article or any other applicable laws, ordinances or codes of the city. When it has been determined, the special event will conform to the requirements of this article and all other pertinent laws, ordinances and codes, and all fees have been paid, permit will be issued to the applicant.
  - (2) If the application for permit contains information which shows that the request for particular arterial street closings is the same or less than particular arterial street closings which have been previously approved by the city council, then the director of neighborhood and inspection services may issue a permit to the applicant upon conformance with all other requirements of this article. Arterial street closings for previously unapproved streets and those wherein approval of the city council was not received shall require submission to and approval by the city council.
- (c) No special event permit or temporary food service permit shall be issued for a location within 1,000 feet of the boundary of an existing permitted special event without written approval from the holder of the existing special event permit.

**Sec. 1.15.012 Notice and verification of insurance.**

When notification of special events to property owners and proof of insurance is required by this article, verification shall be provided prior to the issuance of any special event permit.

**Sec. 1.15.013 Modifications to event specifications.**

Whenever there are practical difficulties involved with date, time, location or route, the city may propose an alternate date, time, location or route for special events. The permit applicant shall have two working days to accept or reject the alternate.

**Sec. 1.15.014 Scope.**

The issuance of a permit for a special event shall not be construed to be a permit for any violation of any of the provisions of this article or any other ordinance or code of the city or any laws of the state, including, but not limited to, noise regulations.

**Sec. 1.15.015 Duration and frequency.**

- (a) *Duration.* No single special event permit shall be valid for a period of more than 14 consecutive days. Setup and takedown related to a special event shall not exceed three days prior to the special event and shall not exceed three days after the special event. After takedown, the location of the special event shall be restored to its use and condition prior to the event.
- (b) *Frequency.* No more than two special event permits shall be issued per premises within a 12-month period. Frequency for special event permits shall be no less than 90 days apart from the completion of takedown. The requirements of this section do not apply to city-sponsored or city-operated events.

**Sec. 1.15.016 Expiration.**

Every permit issued under the provisions of this article shall expire by limitation and become null and void if the special event authorized by such permit is not held on the permitted date. Before such special event can be recommended, a new permit shall be obtained, and the fee shall be half the amount required for the first permit, provided the suspension has not exceeded 45 calendar days from the date of the first permit issuance. In order to renew after this expiration, the applicant shall pay a new full permit fee.

**Sec. 1.15.017 Denial or Revocation.**

- (a) An applicant may be denied a special event permit when City Staff determines from the information provided on the application that the special event will not comply with the requirements of this article, other city codes and ordinances, or the laws of the state.
- (b) The police chief, fire chief or the City may revoke immediately a permit issued under the provisions of this article whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or code, or any of the provisions of this article, or the laws of the state.
- (c) Failure of a special event permit holder to meet the requirements of this article or repeated violations of nuisance regulations may result in the denial of future special event permits by the city.

**Sec. 1.15.018 Fees.**

- (a) The fees for a special event permit shall be as set by the city council on the Fee schedule.
- (b) Events held by the Manor Independent School District that have a special event permit shall be exempt from all fees at the discretion of the City Manager.
- (c) City-operated events shall be exempt from all fees.
- (d) Except as otherwise provided herein, no waiver of fees may be granted, except by the city council.

**Sec. 1.15.019 Inspections.**

Duly authorized members of the city shall perform inspections of the event premises at any time during a special event. If no hazardous conditions or violations of this Article are detected at the time of the inspection, or reinspection, the applicant shall be allowed to continue with the event. If at any time during the event a violation of this Article occurs, the applicant and/or their representative shall make correction immediately or within the time frame given by the City.

**Sec. 1.15.020 Provision of public safety personnel.**

After review, and at the discretion of the police chief and/or the fire chief, and the City, public safety personnel may be required to be on duty at a special event in order to ensure the safety of special events participants and nonparticipating citizens. The costs incurred by the City for providing public safety personnel when required by the City or when requested by the event organizer shall be included in the calculation of fees and shall be paid prior to issuance of a special event permit.

**Sec. 1.15.021 Appeals.**

The City Council may hear and decide appeals of orders, decisions or determinations made by City Staff. An applicant wishing to appeal shall submit his request in writing 15 working days prior to a regular City Council meeting date in order to have his request placed on the City Council meeting agenda.

**Sec. 1.15.022 Reserved.**