

**TOWN OF PONDER
ORDINANCE NO. 23-09**

**AN ORDINANCE OF THE TOWN OF PONDER, AMENDING BY ADDING
TO THE TOWN OF PONDER CODE OF ORDINANCES, CHAPTER 110,
GENERAL REGULATIONS**

WHEREAS, the Town of Ponder has enacted a Code of Ordinances, containing rules for the Town;
and

WHEREAS, said Code must from time to time be amended; and

WHEREAS, the Town Council for the Town of Ponder, Texas has determined that it is necessary and
expedient to amend said Code to add sections;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
PONDER, TEXAS:**

That the Town of Ponder Code of Ordinance be amended as shown in Exhibit A attached to this
Ordinance.

**PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PONDER,
TEXAS, THIS 12th day of June, 2023.**

APPROVED:

John Bassler, Mayor

ATTEST:

Sheri Clearman, Town Secretary

SPECIAL EVENT REGULATIONS

§ 110.30 Purpose.

In order to better plan for events, festivals, and other organized activities that may take place within the territorial limits of the Town of Ponder, a Special Event Permit shall be required for all events involving large numbers of attendees. The purpose of this Permit shall be to inform the town of the proposed event and allow for any impact upon Town resources, citizens, and general health and safety. The provisions of this article are not intended to place unnecessary burden on any individuals right to assembly or speech.

§ 110.31 Definitions.

The following words, terms, and phrases, when used in this subchapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Attendee – Individual persons, either known or unknown to the Orchestrator, who attend any function, part or whole, of an event regardless of participation.

Orchestrator – Any person, firm, corporation, or group who plans an event which may draw a crowd of 50 or more Attendees.

Special Event – A temporary event, gathering, or organized activity whether public or private, advertised or not, regularly or irregularly scheduled, involving 50 or more attendees, or having one or more of the following;

- (1) Closing, blocking, or impacting the regular use of a public right of way;
- (2) Blocking or restricting city-owned property;
- (3) Sale or distribution of merchandise, food, or beverage on city-owned property;
- (4) Outdoor consumption of alcohol;
- (5) Erection of tents, shading devices (awnings, canopies, covers, etc.), crowd control devices, or use of temporary parking accommodation;
- (6) Installation of a stage, band-shell, trailer, van, portable building, grandstand, or bleachers;
- (7) Placement of portable toilets;
- (8) Placement of additional waste containers; or
- (9) Having impact on public health or safety.

Temporary Signage – Signage mounted or displayed in such a way that it is easily removable without damage or permanent impact to the surface to which it was affixed. Temporary Event Signage may only be placed on the site of the property permitted to host the event. Temporary signage may be erected no earlier than 3 days prior to the scheduled event, and must be removed no later than 3 days after its conclusion. Temporary Event Signage includes but is not limited to; parking location directions, general information posting, restroom location advertisement, sale or menu boards, wind devices such as flags and banners related to the event, etc. Unofficial traffic control signage is expressly forbidden.

§110.32 Permit Required.

- (A) A Special Event Permit shall be required for all events wherein 50 or more Attendees are expected.
- (B) The permit required in subsection (A) of this section shall not apply to the following;
 - (1) Owners or occupants of residentially zoned property on which there exists a residential home;
 - (2) Events orchestrated by the Ponder Independent School District, taking place on property owned by the Ponder Independent School District;
 - (3) Events orchestrated by the Town of Ponder, taking place on property owned by the Town of Ponder;
 - (4) Events without financial motivation, where the function of the event is primarily religious, political, protest, or free speech related, and which does not otherwise impact the Town of Ponder, Its citizens, health and safety, or the free and uninterrupted use of its public right of ways.
- (C) It shall be unlawful to orchestrate a Special Event without first obtaining a Special Event Permit from the Town of Ponder.
- (D) It shall be unlawful to fail to disclose, whether intentional or accidental, any planned activity, part, portion, or function of an event that may affect the health, safety, morals, or general welfare of Attendees or the town.
- (E) The Town of Ponder Chief of Police, his deputy or assign, or any person designated by Town Council shall have the authority to enforce the provisions of this subchapter.

Cross reference(s) – Penalty, see §110.99

§ 110.33 Application.

- (A) *Forms.* A person seeking issuance of a Special Event Permit shall file an application with the Planning and Zoning Coordinator on forms provided by him or her. An application for Special Event Permit must be submitted 14 days prior to the planned start of the Special Event.
- (B) *General Information.* An application for Special Event Permit shall contain the following information;
 - (1) The name, address, and telephone number of the person seeking the permit;
 - (2) Any participating organizations name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization;
 - (3) The name, address, and telephone number of the person who will be overseeing the Special Event and who will be responsible for the people participating;
 - (4) The dates when the Special Event will begin and end;
 - (5) The hours when the Special Event will open and close;
 - (6) The address, location, or other description of the property to be used;
 - (7) The number of attendees expected;
 - (8) Additional restroom accommodations (if applicable); and
 - (9) A statement of disclosure regarding any of the following;
 - (a) Temporary or overflow parking accommodation;
 - (b) Distribution, sales, or allowed use of alcohol;
 - (c) Use of fire, outdoor cooking, pyrotechnic devices, or temporary heating equipment;
 - (d) Use of temporary electrical equipment;
 - (e) Use of temporary signage;
 - (f) Nuisance management plans specifically regarding noise, odor, and trash;
 - (g) Any activity that may affect the health, safety, morals, or general welfare of Attendees, the Town of Ponder, or its citizens.
- (C) *Insurance and Security.* If applicable, the Orchestrator shall provide proof of comprehensive general liability insurance covering its operations within the town for bodily injury and property damage in the minimum amount of \$500,000.00 combined single limit on a per occurrence basis. The Chief of Police may impose additional insurance or security requirements, as necessary. The Orchestrator shall ensure that all required policies and security measures remain in full force and effect during the entirety of the Special Event. Insurance liability coverage amounts subject to increase based on size and scope of event (Example: large concert, carnival, inclusion of mechanical rides, etc.).

§110.34 Indemnification.

The Orchestrator shall agree to indemnify and hold harmless the Town of Ponder, its officers, agents, and employees from and against any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation, court costs and attorney's fees, for injury to or death of any person, or for damage to any property, arising out of or in connection with the activities performed by the orchestrator within the town, whether the injuries, death, or damages are caused by the town's sole negligence or the joint negligence of the town and any other party.

§ 110.35 Duties of Orchestrator.

- (A) The Orchestrator shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- (B) The Orchestrator or other person heading or leading the Special Event shall publicly display the Special Event Permit in a conspicuous place, at the location of the Special Event, for the duration of the Special Event.

§ 110.36 Notice or rejection or revocation of application.

- (A) The Planning and Zoning Coordinator shall act upon the application for a Special Event Permit under this subchapter within three days after the filing thereof. If the Planning and Zoning Coordinator disapproves the application, they shall mail to the applicant within seven days after the date upon which the application was filed, a Notice of Rejection, stating the reason for denial of the permit.

- (B) The Mayor or two Councilmembers shall have the authority to revoke a permit issued under this subchapter. If the Mayor or Council revokes an approved application, they shall instruct the Town Secretary to mail to the applicant within seven days after the date upon which the application was filed, a Notice of Revocation, stating the reason for denial of the permit.

§ 110.37 Appeal procedure of permit denied.

- (A) Any person aggrieved shall have the right to appeal the rejection or revocation of a Special Event Permit to the town council. The appeal must be made within three business days after receipt of a Notice of rejection or Notice of Revocation. The town council shall act upon the appeal at its next meeting.
- (B) The Chief of Police, upon being informed of either rejection or revocation of a permit for a Special Event, shall be empowered to prevent said event from occurring.

§ 110.38 Notice to town and other officials upon issuance of Special Event Permit.

Immediately upon the issuance of a permit under this subchapter, the Planning and Zoning Coordinator shall send a copy thereof to the following;

- (A) The Mayor and Councilmembers;
- (B) The Fire Chief;
- (C) The Town Engineer; and
- (D) The Chief of Police

§ 110.99 Penalty.

- (A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.
- (B) Any person, or any owner or occupant, or agent of any owner or occupant, violating any of the terms of § 110.15 through 110.38 shall be subject to a fine, upon conviction in the municipal court, as provided for in the general penalty provision found in § 10.99 of this Code, and each and every day that the premises shall remain in a condition in violation of the terms of this subchapter shall constitute a separate and distinct offense. Upon the trial of any person brought before the court, the court is authorized to fix a time within which the person may be allowed to abate the violation, if in judgment of the court, the action is deemed advisable.