

CITY OF SANGER, TEXAS

ORDINANCE ~~XX-XX-XX~~

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, AMENDING THE CITY OF SANGER CODE OF ORDINANCE, CHAPTER 15, PARKS AND RECREATION, ARTICLE 15.100, RULES AND REGULATIONS, SECTIONS 15.107, SPECIAL EVENTS, USES, PROGRAMS; AND ADDING A NEW ARTICLE 15.600, SPECIAL EVENTS PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OR FINE IN ACCORDANCE WITH SECTION 1.109 OF THE CODE OF ORDINANCE FOR VIOLATIONS; AND PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Sanger (the “City”) is a home rule municipality regulated by state law and Charter; and

WHEREAS, the City Council deems it in the public interest to amend the Special Event regulations; and

WHEREAS, the City Council finds that the passage of this Ordinance is in the best interest of the citizens of Sanger.

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

SECTION 1. That Chapter 15, Parks and Recreation, Article 15.100, Rules and Regulations, Section 15.107, Special Events, Uses, Programs is amended to read as follows:

§ 15.107. Uses and Programs.

- (a) The director is authorized to require and issue permits for the reservation and temporary use of the city park and recreation areas. Permits shall be granted unless the intended use would result in a scheduling conflict; traffic congestion; damage to property or landscaping; could threaten the public or city park and recreation area user’s health, safety or welfare; or be inconsistent with the protection and preservation of wildlife. The director shall be authorized to establish written guidelines not inconsistent with the terms of this code for the reservation and use of all city park and recreation areas. Permits issued shall be conditioned in compliance with state laws, this chapter, other applicable requirements set forth in this code and such guidelines as may be established and promulgated under this chapter. The granting of such permits shall not constitute a waiver, exception, or defense to the violation of any other applicable law or ordinance.
- (b) No fees may be waived without the consent and approval of the city manager or designee.

- (c) Park reservations must be made at least 48 hours prior to the event. For Special Event requirements, reference Article 15.600.

SECTION 2. That Chapter 15, Parks and Recreation is further amended by adding Article 15.600, which shall read as follows:

ARTICLE 15.600 SPECIAL EVENTS ORDINANCE

§15.601 Purpose and Intent

The purpose of this article is to ensure the advance notice of certain special events is provided to the appropriate city departments. A special event permit shall be required for a temporary gathering or organized activity on city property, to include but not be limited to parades, block parties, bike races, marathons, firework displays, concerts, carnivals, other types of races or festivals, or any similar activity requiring one or more of the following.

- 1) Closing or impacting a public street, sidewalk, or trail;
- 2) Blocking or restricting city-owned property;
- 3) Sale or distribution of merchandise, food, or beverages on city-owned property;
- 4) Installation of a stage, band-shell, trailer, van, portable building, grandstand, or bleachers;
- 5) Placement of portable toilets on city-owned property;
- 6) Placement of temporary no-parking signs in a public right-of-way;
- 7) Placement of additional waste containers; or
- 8) Having an impact on public safety.

§15.602 Operating procedures.

- a) A special event shall not substantially interrupt the safe and orderly movement of traffic near the special event.
- b) A parade shall move from its point of origin to its point of termination without unreasonable delays enroute.
- c) A special event shall not interfere with proper fire and police protection of, or ambulance service to, areas near the special event, or unreasonably require the diversion of police and fire protection and ambulance service from other parts of the city.
- d) A permit holder shall comply with all directions and conditions contained within the permit and with all city ordinances and other applicable laws.
- e) The promoter shall return all city or public property to at least as good a condition as before the event. The promoter shall be liable for the costs of any damage to property or waste removal not performed by the promoter at the conclusion of the event.

§15.603 General Rules

- a) The City reserves the right to have final approval on all activities or events.
- b) The City reserves the right to designate hours available for use and to remove any person or group failing to comply.
- c) Event applicants must be at least twenty-one (21) years of age.

- d) Event applicant and guests of event applicant will comply with laws of the State of Texas and the City of Sanger.
- e) Acts of gambling, alcohol consumption or consumption of controlled substance(s) are prohibited on all properties owned by the City of Sanger.
- f) The City of Sanger is not responsible for any lost or stolen items.
- g) Cancelled events due to unsafe weather conditions or national emergencies will be rescheduled without penalty.
- h) Event applicant is responsible for ensuring that rules as outlined here are enforced.
- i) The event property and footprint may only be used for the purpose as stated on the special event permit unless otherwise approved by a representative from the City.
- j) No activity is engaged in or performed during the event that is a violation of an existing state, federal law, or Municipal Ordinances.
- k) No activity is engaged in or performed during the event that is used in such a manner as to constitute a nuisance as per City of Sanger Code of Ordinances.
- l) Event organizers and guests shall only park in designated, authorized parking spaces.
- m) Violation of this policy will result in the towing of such vehicle at the owner's expense.
- n) Equipment to be used for high-risk activities must be clearly described in the special event permit and is subject to approval by the City of Sanger.
- o) Event applicant shall monitor admittance to the event.
- p) Event applicant shall assume full responsibility and liability for all persons admitted.
- q) Event applicant shall assume full responsibility and liability for any damage(s) to any part of event property during and/or resulting from the event.
- r) Event organizer may not leave the event area during the contracted time or must designate a responsible person in their brief absence.
- s) Insurance may be required based on the type of special event.

§15.604 Special Event Permit.

A person desiring to hold a special event shall apply for a special event permit with the City Parks and Recreation Department. An application for a special event permit shall be made not less than twenty (20) business days prior to the event. In the event a street closure is required, the application for the special event permit shall be made no less than thirty (30) days prior to the event. Due to TxDOT requirements, closure of any state highway for more than six (6) hours will require sixty (60) days' advance notification to the city.

An application shall be submitted on a form supplied by the City.

§15.605 Indemnification and Release of Liability.

An applicant for a special event permit shall execute a written release of liability and 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, as contained in the application form.

§15.606 Offenses.

A person commits an offense if:

- a) Commences or conducts a special event without the appropriate permit.
- b) Fails to comply with any requirement or condition of a permit or this article.
- c) Hold an event in which a permit is denied.

§15.607 Administrative Approval of Temporary Street Closures.

- a) Any activity, including but not limited to special events which require the closing of any public street, sidewalks, alley and which require rerouting of normal or usual traffic flow deems a street closure. An event cannot hinder, block or obstruct the free flow of traffic.
- b) Any request for temporary closure of all or a part of any city street as part of a special event shall first be considered by the Special Events Committee of the city. Upon a positive recommendation from the Special Events Committee, the request for temporary street closure shall be forwarded to the City Manager or his/her designee for administrative approval.
- c) The City Manager or his/her designee shall consider the request for temporary street closure for the special event, and either may administratively approve the request for temporary street closure. Alternatively, the City Manager or may choose to send any request for temporary street closure to the City Council for consideration and action.
- d) If the City Manager denies administrative approval of the request for temporary street closure, the applicant may appeal the decision to the City Council by filing a written appeal to the City Secretary within three (3) days of the denial. The decision of the city council shall be final.

§15.608 Area Notifications of Impacted Neighbors.

The event organizer, with an expected street closure, shall notify all residences and businesses within the street closure area and within a three-hundred-foot radius of the outer perimeter of the event (as marked by fencing or entrance table indicated on the event diagrams submitted to the City). The director is authorized to require and issue permits for the reservation and temporary use of the city park and recreation areas. Permits shall be granted unless the intended use would result in a scheduling conflict; traffic congestion; damage to property or landscaping; could threaten the public's or city park and recreation area user's health, safety or welfare; or be inconsistent with the protection and preservation of wildlife. The director shall be authorized to establish written guidelines not inconsistent with the terms of this code for the reservation and use of all city park and recreation areas. Permits issued shall be conditioned in compliance with state laws, this chapter, other applicable requirements set forth in this code and such guidelines as may be established and promulgated under this chapter. The granting of such permits shall not constitute a waiver, exception, or defense to the violation of any other applicable law or ordinance.

A diagram of the notification area shall be submitted with the signature sheet.

Proof of notification by mail, the notification letter and the notification diagram shall be submitted at least twenty (20) working days prior to the special event. In addition, the event organizer shall comply with all additional requirements imposed by the City of Sanger with respect to notification by residents and businesses affected by the special event. The event organizer shall obtain signatures of those so notified of the upcoming event. Under certain circumstances where events may generate extremely large crowds, loud noise or parking issues, staff may require additional notification time/signatures/outreach.

§15.609 Approval of plans.

An application for a special event permit will either be approved, approved with conditions, denied, or more information will be requested from the applicant within twenty (20) business days of submission to the Parks and Recreation Department. Due to the nature of some events, the following additional information or plans may be required where applicable to the event type:

- a) Facilities. A set of plans and specifications relating to all temporary facilities to be constructed or utilized for the special event.
- b) Fire protection. A plan for prevention of fires and for adequate protection of persons and property in the event of a fire, including, without limitation, adequate exits, fire extinguishers, and adequate access for fire trucks and emergency vehicles.
- c) Concession service. Any plans to provide food and beverages.
- d) Emergency medical service. A plan to provide adequate emergency medical services at the special event.
- e) Parking. A plan to provide adequate parking for the proposed special event, including written permission in the form provided by the city executed by all of the owners of the land to be used for the special event.
- f) Event security. The City of Sanger Police Department will determine if and how many police officers will be required at your event. A plan providing for adequate safety, security, traffic and crowd control in connection with the special event. When security officers are deemed necessary, the applicant must use licensed TCLEOSE officers. The city police department must approve the security officers before the event application will be approved.
- g) Promotional plan. If applicable, a plan to promote, market and advertise the special event.
- h) Sanitation plan. A plan to ensure that the highest standards of cleanliness and sanitation are maintained at the special event, including adequate restroom facilities, and a plan to empty refuse containers frequently so as to prevent overflow.

City staff shall determine whether the application and plans meet city safety and other requirements, and an applicant may be requested to modify an application to meet these requirements. Should any of the submitted plans fail to give, and after notice, the applicant

is unable to provide for, adequate assurances that the plans will be implemented and carried out, the permit application may be denied.

- i) Police Presence. The City of Sanger Police Department will determine if and how many police officers will be required at your event. Expenses for the City police will be paid by the event organizer directly to the City of Sanger. If additional police need to be brought in to handle a problem during the event, it will be at the event organizer's expense.

§15.610 Sale, Distribution and Consumption of Alcoholic Beverages on City Property.

- a) It shall be unlawful for any person to consume or possess alcoholic beverages of any nature or kind, including beer, whiskey, or wine, on any city-owned property unless authorized by City Council on a case-by-case basis.
- b) It shall be an affirmative defense to prosecution of the offense if:

The alcoholic beverage was sold and consumed at the event for which a special event permit has been issued by the city and the state alcoholic beverage commission has granted temporary licenses or permits for the sale of alcoholic beverages at the event by the State of Texas Alcoholic Beverage Commission.

§15.611 Issuance or denial; revocation.

- a) Upon receipt of an application for a special event, the Parks and Recreation Department shall forward a copy of the application to the city departments involved. The city shall issue its approval, approved with conditions, denial or more information will be requested of the application within ten (20) business days of completed application.
- b) The parks and recreation director may impose conditions and restrictions necessary for the safe and orderly conduct of a special event, to be incorporated into the permit before issuance. To the extent of any conflict, such conditions, restrictions, or costs incorporated into each permit shall supersede the provisions set forth herein.

The City may deny or revoke a special event permit if:

- a) A special event permit has been granted for another special event at the same place and time or within two hours of the end of a previously permitted special event, unless waived by the parks and recreation director or his designee;
- b) 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;
- c) The applicant makes a false statement of material fact on an application for a special event permit;
- d) The applicant has had a special event permit revoked or the applicant has violated a condition or provision of a special event permit or of this article within the preceding 12 months; The applicant fails to adequately arrange for:
 - 1) The protection of event participants;
 - 2) Maintenance of public order in and around the special event location;

- 3) Crowd security, taking into consideration the size and character of the event;
- 4) Emergency vehicle access; or
- 5) Safe, sanitary conditions for preparation or operation of food concessions;
- 6) The proposed special event would unduly burden city services;
- 7) Said special event begins or ends outside the city limits, unless the applicant supplies proof of approval of any other affected governmental entity.

\$ 15.612 Appeals.

- a) If the City denies the issuance of a permit or revokes a permit, it shall send to the applicant by email, return receipt requested, written notice of the denial or revocation and of the right to appeal. The applicant must appeal the decision within three days to the city manager in writing. The city manager shall consider all the evidence in support of or against the action appealed and render a decision either sustaining, modifying, or reversing the denial or revocation.

§ 15.613 Compliance with the City of Ordinances.

The granting of a special event permit does not relieve the applicant, event organizer, or property owner from complying with all other provisions of the City of Sanger's Code of Ordinances. All other permits and licenses required by other law for specific activities conducted in conjunction with or as a part of the special event must be applied for separately in a form satisfactory to the City.

SECTION 3. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are severable and, if any word, phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining portions of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional word, phrase, clause, sentence, paragraph, or section.

SECTION 5. That this Ordinance shall be cumulative of all other City Ordinances and all other provisions of other Ordinances adopted by the City which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

SECTION 5. Any person, firm or corporation who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provision found in The Code of Ordinances, Section 1.109 General Penalty for Violations of Code.

SECTION 6. This ordinance will take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such case provides.

PASSED AND APPROVED by the City Council of the City of Sanger, Texas, on this _____ day of _____, 2023.

APPROVED:

ATTEST:

Thomas E. Muir, Mayor

Kelly Edwards, City Secretary

APPROVED TO FORM:

Hugh Coleman, City Attorney