

ORDINANCE NO. O2021-22

AN ORDINANCE AMENDING TITLE IX “PUBLIC WAYS AND PROPERTY” OF THE CITY CODE OF WEATHERFORD BY ADDING NEW CHAPTER 15 “SPECIAL EVENTS” TO REQUIRE PERMITS FOR SPECIAL EVENTS; PROVIDING PROCEDURES OF THE ISSUANCE OF A PERMIT; PROVIDING FOR HEALTH AND SANITATION FACILITIES FOR THE EVENT; PROVIDING FOR POLICE PROTECTION AND EMERGENCY SERVICES FOR EVENTS; REQUIRING THE PROMOTER OF THE EVENT TO CARRY LIABILITY INSURANCE IN A STATED AMOUNT; PROVIDING A PENALTY FOR VIOLATIONS OF THE ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weatherford is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the Weatherford City Council finds that special events attended by large numbers of persons can further the economic and cultural development of the City when appropriately planned and managed to serve public health and safety interests; and

WHEREAS, the Weatherford City Council finds that special events attended by a large number of persons, when not held at a structure or location designed for large crowds, can be detrimental to public health and safety; and

WHEREAS, the Weatherford City Council further finds that such events can further be a detriment to the health, safety and general welfare of the City and its citizens when such events are not adequately planned and provisions are not made for adequate police protection, traffic control, parking, emergency medical services, and sanitation measures; and

WHEREAS, the Weatherford City Council desires that a new Chapter 15 “Special Events” be added to Title IX, “Public Ways and Property” of the City of Weatherford Code of Ordinances to regulate certain special events;

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

Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect and promote the public health, safety and quality of life in the City.

Title IX, “Public Ways and Property” of the City Code of Weatherford, Texas is hereby amended by adding new **Chapter 15, “Special Events”** to read as follows:

Article 1: GENERAL PROVISIONS

Section 15-1-1: Definitions

When used in this article, the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means a person who has filed a formal written application with the city for the purpose of obtaining a special event permit.

City means the City of Weatherford, Texas.

Nonprofit Organization means an organization or entity that is exempt from the payment of tax pursuant to Section 501(c) (3) of the Internal Revenue Code.

Parade means any assembly, march, demonstration or procession upon public streets within the City by persons, animals or vehicles which is reasonably likely to interfere with the normal flow or regulation of traffic thereon.

Permanent structure means any man-made structure for which the city has issued a certificate of occupancy.

Permit Fee means a fee as listed in the adopted “City of Weatherford Fee Schedule” for issuance of a special event permit within the city.

Permit Holder means the person to whom a special event permit is granted pursuant to this article.

Promoter means any individual, assumed-named entity, partnership, association, corporation, firm or organization that promotes, organizes, manages, finances or holds a special event.

Right-of-Way means any street, sidewalk, alley, or similar place which is owned or controlled by a governmental entity.

Sidewalk means any portion of a street between the curb or the lateral lines of the improved roadway and the adjacent property line, all or a part of which is intended for the use of pedestrians regardless of whether the area is paved or improved.

Special Event means any meeting or gathering held at a specific location within the city limits, which attracts or can be expected to attract more than 200 persons at any instant during the meeting or gathering. The term does not include an event or gathering that occurs within or on the same property as an established permanent stadium, arena, auditorium or other similar permanent structure that has sufficient existing and permanent electrical service, plumbing, water supply, sanitary sewer service and legal parking spaces to handle the expected number of persons.

Street means any public or private street, alley, avenue, lane, boulevard, drive, public place or highway commonly used for the purpose of travel within the city.

Section 15-1-2: Administration and Authority

- (a) The provisions of this Chapter shall be administered and enforced by the Director of Parks and Recreation or the Director's designee. References in this Chapter to the Director of Parks and Recreation are intended to and shall include the Director of Parks and Recreation's designee(s).
- (b) The Director of Parks and Recreation has authority to issue a special event permit when requirements of this Chapter have been met.
- (c) The Director of Parks and Recreation shall ensure that all other applicable licenses and permits under local, state or federal law are requested, submitted and approved before the permit is granted.

Article 2: PERMIT

Section 15-2-1: Permit Required; Fees.

- (a) It shall be unlawful for any person to promote or conduct a special event without first having obtained a permit from the Director of Parks and Recreation by filing a written application and paying all of the applicable fees, if any. The fee for a special event permit shall be adopted by the city council and listed in the "City of Weatherford Fee Schedule." Nonprofit organizations shall be exempt from payment of the permit fee.
- (b) Any nonprofit organization submitting a permit application shall provide a 501(c) (3) letter from the Internal Revenue Service (IRS) or state documentation indicating their status. Tax-exempt certificates or taxpayer identification numbers shall not be sufficient to prove nonprofit status.

Section 15-2-2: Application Procedure.

- (a) An application for a special event must be filed not less than 45 days before the event is to begin. The Director of Parks and Recreation may waive the 45-day filing requirement if it is determined 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 order to hold the special event.
- (b) The application for a special event permit shall contain, as a minimum, the following information:
 - (1) The name, address, e-mail address and telephone number of the applicant and the promoter or promoters of the special event.

- (2) If the promoter or promoters is a person other than the applicant, the applicant shall file a written statement from the promoter showing authority to make the application.
- (3) If the event is to be held on private property, the applicant must submit written permission from the owner of the property or their authorized representative for the use of the property.
- (4) The type and purpose of the event.
- (5) The proposed location, if any, including the time, duration and location of any street closings and a site plan showing the area or route to be used during such event and the proposed parking area for the event. The applicant shall submit evidence with the application that sufficient parking will be provided for the event.
- (6) The estimated approximate number of persons who may attend the event.
- (7) A site plan of the proposed location depicting the location and size of tents, awnings, canopies, food service booths, fences, barricades, restroom facilities and other temporary structures. In addition, the details of the sale of merchandise, food or beverages and the list of vendors involved and the location of where those activities and vendors will be located or housed will be included on the site plan. The site plan shall include any other information required by this article.
- (8) Details of the proposed location, number and size of any signage for the special event. All event signage shall comply with the currently adopted sign regulations.
- (9) If loudspeakers are to be used, the location and orientation of those speakers shall be shown on the site plan.
- (10) Whether electrical, mechanical or plumbing work will be conducted to prepare for or to hold the event and if so, evidence showing how it will be done in accordance with the city's adopted building codes.
- (11) The dates and times the event will start and end.
- (12) The time at which on-site activities in preparation for the event will begin.
- (13) The location of any lighting for the event.

(c) Upon receipt of a completed application, the Director of Parks and Recreation shall forward a copy of the application to each of the appropriate departments of the city. Each department shall review the application for approval or denial as it pertains to that particular department and return it, with any comments, to the Director of Parks and Recreation within five working days of receipt.

- (d) If the applicant intends to or is required to use city services, the department providing such services shall submit to the applicant an estimate of the cost of each service.
- (e) Where the fire chief or police chief determines that a proposed special event has an adverse impact on public safety through diminished access to buildings, structures, fire hydrants and fire apparatus, access roads or where such event will adversely affect public safety services of any kind, the fire chief shall have the authority to order the development of or prescribe a public safety plan for the provision of an appropriate level of public safety. The public safety plan shall address: (1) emergency vehicle ingress and egress; (2) fire protection; (3) emergency medical services; (4) location of public assembly areas; (5) the directing of both attendees and vehicles (including the parking of vehicles); (6) vendor and food concession distribution; (7) the need for the presence of law enforcement at the event; and (8) the need for the presence of fire and emergency medical services personnel at the event.
- (f) After reviewing the application and departmental comments, the Director of Parks and Recreation shall issue the special event permit or issue the permit with conditions, unless denied in accordance with Section 15-2-3.

Section 15-2-3: Denial or Revocation.

- (a) The Director of Parks and Recreation may deny or revoke an application for a special event permit if:
 - (1) A special event permit has been previously granted for, and will conflict with, another special event at the same time, site or location;
 - (2) The special event would severely hinder the delivery of normal or emergency services;
 - (3) The time, place or manner of the proposed special event will 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 comply with, or the proposed special event will violate this article or any other city ordinance, or if the applicant has been cited for violating this article during a previous special event or the applicant has failed to comply with the terms of a previous special event permit;
 - (5) The applicant fails to provide proof that the applicant 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;
 - (6) The applicant makes or permits the making of a false or misleading statement or omission of material fact on an application for a special event permit.

- (b) The Director of Parks and Recreation shall grant; grant the permit with conditions; or deny the permit within ten (10) business days after receipt of a completed application.
- (c) If the Director of Parks and Recreation grants the permit with conditions, denies, or revokes a permit, the Director of Parks and Recreation shall immediately deliver written notice to the permit applicant or holder stating the action and the reasons supporting such action. The written notice shall be hand-delivered or mailed by certified mail to the applicant's or permit holder's address as shown on the application.
- (d) Any person aggrieved by the action of the Director of Parks and Recreation shall have the right to appeal to the City Manager by filing a notice of appeal with the city secretary within five business days after the notice of decision is delivered under subsection (c). Upon receipt of the notice of appeal, the city secretary shall set a time and place for a hearing on the appeal and provide notice of the hearing to the aggrieved person. The hearing shall be not later than fourteen days from the date of receipt of the notice of appeal.
- (e) The decision of the City Manager on the appeal is final. No other administrative procedures are provided by the City.

Article 3: STANDARDS

Section 15-3-1: Parking.

- (a) The applicant shall submit evidence on a site plan that the number of spaces or area to be used will be sufficient to accommodate the projected number of users of such parking. If said parking is to be on private property adjacent to the event, evidence that the applicant has ownership of the property or permission from the property owner must be provided.
- (b) When the location is not an established parking area, a plan shall be submitted which will show how the parking will be achieved and arranged. The number of parking spaces and layout of the parking area, including aisle widths and size of parking spaces, shall be included on the site plan.
- (c) When adequate parking is not available at or immediately adjacent to the site of the event, off premises parking may be used. Plans shall be submitted which will show how off-premises parking and transfer of attendees to the event location will be accomplished.
- (d) The police chief or fire chief may prohibit or restrict, for temporary periods, the parking of vehicles along a street within and adjacent to the site of the special event.

Section 15-3-2: Street Closures.

The applicant shall provide a site plan that indicates proposed streets to be closed. The director of public works or their designee will review all proposed street closures to ensure that proper traffic control measures will be in place. The director of public works or their designee will notify the applicant of what the cost will be to provide the requested street closures. Costs shall

be determined based on rates established by the Department of Public Works. Street closures will only be provided by the city. All street closings require police, public works and fire department approval.

Section 15-3-3: Parades

The applicant shall provide a detailed route map together with the approximate number of participants in the parade and the type of participants in the parade (e.g. animals, floats and vehicles). Additionally, the applicant shall provide written documentation that all property owners adjacent to the parade route have been notified of the route, date, time and duration of the parade. If street closures are required for a parade, the procedures of Section 15-3-2 shall apply with respect to those street closures.

Section 15-3-4: Hours of Operations.

- (a) Special events shall be conducted only between the hours of 5:00 a.m. to 10:00 p.m. daily. The police chief or the Director of Parks and Recreation, or the designee of either, shall be responsible for enforcing this provision.
- (b) An applicant, promoter or the permit holder may have the hours of operating extended to no later than 2:00 a.m. for a special event on a showing of good cause. In deciding whether there is good cause, the police chief and Director of Parks and Recreation shall consider the following factors: (1) the proposed location of the event; (2) the proximity of the proposed location to residential areas; (3) the other uses surrounding the location of the event; and (4) the level of noise that may be generated after 10:00 p.m. at the event.

Section 15-3-5: Tents and Temporary Structures.

The use of a tent, canopy or air-supported temporary membrane structure will require an additional permit; is subject to review by the fire chief; and shall meet the requirements of the fire code as adopted. Where applicable, copies of fire-retardant certificates shall be required.

Section 15-3-6: Cleanup; Compliance; Costs.

The permit holder shall agree to and provide a complete and satisfactory cleanup of all trash and debris on the site. At the conclusion of the event, a city representative will inspect the area to ensure that compliance has been met. If it is necessary for the city to accomplish the cleanup, the applicant will be billed to cover the city's reasonable and necessary expenses to provide the cleanup. Payment for the city's expenses to provide cleanup will be due in full within 30 days from the date of the issuance of the billing statement by the city.

Section 15-3-7: Food Service.

Where food service is provided, those operations shall be in compliance with all provisions of the city food and food service establishment ordinance, fire code, as well as all other applicable ordinances and state laws. A temporary food service permit application and a permit fee must be

submitted by each food vendor participating in the event in accordance with Title VIII, Chapter 4 and Title XII, Chapter 5 of the City Code of Weatherford, Texas as applicable.

Section 15-3-8: Sale or Consumption of Alcoholic Beverages

- (a) If the special event will involve the sale or consumption of alcoholic beverages in a City park or on City owned property, the applicant shall provide a permit issued by the Texas Alcoholic Beverage Commission authorizing that sale or consumption. This permit shall be in addition to all other applicable event-related permits.
- (b) If the special event will involve the sale or consumption of alcoholic beverages on private property, the following shall be required, in addition to all other applicable event-related permits: written permission from the owner of the private property on which the event is to be held; a permit issued by the Texas Alcoholic Beverage Commission for the event; and confirmation of compliance with all requirements of the Texas Alcoholic Beverage Commission for the event.

Section 15-3-9: Sanitary Facilities.

Where necessary, portable type sanitary facilities must be provided on the premises in an amount sufficient to satisfy state regulations concerning mass gatherings adopted under Chapter 751 of the Texas Health and Safety Code and applicable local ordinance.

Section 15-3-10: Solid Waste.

Where applicable, a commercial solid waste dumpster must be provided on-premises at all outdoor special events. Applicants shall make arrangements for the provision of such dumpsters with a commercial solid waste collection provider company licensed by the city.

Section 15-3-11: Police Protection.

- (a) The police chief or the police chief's designee shall determine whether and to what extent additional police protection is reasonably necessary for traffic control and public safety. The police chief or the police chief's designee shall base this decision solely on the size, location, duration, time and date of the event; the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks.
- (b) If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection is deemed necessary by the police chief or the police chief's designee, they shall notify the applicant. The applicant then shall have the duty to secure the police protection deemed necessary. In such event and prior to the issuance of a permit for the special event, the applicant and the police chief or the police chief's designee shall agree upon who will provide police presence; if the Weatherford Police Department will be providing the police presence; and the cost of policing the event.

Section 15-3-12: Emergency Medical Care.

- (a) The fire chief or the fire chief's designee shall determine whether and to what extent emergency medical care shall be reasonably provided to ensure public safety. The fire chief or the fire chief's designee shall base this decision on the size, location, duration, time and date of the event.
- (b) If possible, without disruption of ordinary fire services or compromise of public safety, regularly scheduled on-duty personnel will provide emergency medical care for the event. If additional emergency medical care is deemed necessary by the fire chief or the fire chief's designee, they shall notify the applicant. The applicant then shall have the duty to secure the emergency medical care provider as deemed necessary. In such event and prior to the issuance of a permit for the special event, the applicant and the fire chief or the fire chief's designee shall agree upon who will provide emergency medical care; if the Weatherford Fire Department will be providing the emergency medical care; and the cost of providing such care.

Section 15-3-13: Insurance Coverage.

The applicant shall be required to provide, with each special event permit application, a liability, fire and comprehensive insurance policy or certificate of insurance coverage meeting, at a minimum, the following coverage requirements:

- (a) declaring and specifically identifying the City of Weatherford as an additional insured party;
- (b) specifically identifying the insured special event by name, date, time and location;
- (c) providing General Liability coverage, in at least the amount of \$1,000,000.00 for each person and \$1,000,000.00 for each single occurrence for bodily injury or death and \$500,000.00 for each single occurrence for injury to or destruction of property; and
- (d) if applicable, providing Liquor Liability coverage, in at least the amount of \$1,000,000.00 for each person and \$1,000,000.00 for each single occurrence for bodily injury or death and \$500,000.00 for each single occurrence for injury to or destruction of property

The City reserves and shall have the right to require coverage in excess of the above stated minimum limits after consideration of risk factors attendant to or associated with the special event.

Section 15-3-14: Nuisances to be controlled by city, state and federal regulations.

Noise, glare, odor and other nuisances attendant to a special event shall be controlled as set out in applicable sections of the City Code of Weatherford and shall not be in violation of any other local, state or federal law.

Article 4: OFFENSE; PENALTY

(a) A person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this ordinance shall be deemed to have committed an offense.

(b) A person, firm or corporation found to have violated any provision of this ordinance shall, upon conviction, be fined in an amount not to exceed the sum of \$500.00. The imposition of a fine shall be in addition to any and all other remedies provided in this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

Open Meeting. The City Council finds and determines that the meeting at which this ordinance was passed was open to the public as required by law and that public notice of the time, place and purpose of said meeting was duly given in compliance with the provisions of the Texas Open Meetings Act.

Resolution of Conflicting Ordinances. This ordinance shall be cumulative of all provisions of ordinances and the City Code of Weatherford, Texas, save and except where the provisions of this ordinance are in direct conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City of Weatherford, the provisions of this ordinance shall control.

Savings Clause. All rights and remedies of the City of Weatherford are expressly saved as to any and all provisions of any prior ordinance affecting fees of the City of Weatherford and as to any rights or privileges thereunder which existed or had accrued as of the effective date of this ordinance; and, as to such accrued fees, rights or privileges, both civil and criminal, whether pending in court or not, under such prior ordinances, same shall not be affected by this ordinance but are preserved and may pursued until final disposition by a court of competent jurisdiction.

Severability. It is the express intent of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance be and they are severable and, if any phrase, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance as the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, that invalidity shall not affect other provisions or application of this ordinance which can be given effect without the invalid provision and, to this end, the provisions of this ordinance are hereby declared to be severable.

Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accord with the provisions of the Texas Local Government Code.

**PASSED AND APPROVED BY A VOTE OF _____ AYES AND _____ NO'S ON THE
_____ DAY OF _____, 20_____.**

THE CITY OF WEATHERFORD, TEXAS

Mayor of the City of Weatherford

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney