

ORDINANCE NO. 16.01

SPECIAL EVENT, OR BLOCK PARTY ORDINANCE

AN ORDINANCE OF THE CITY OF MERTZON, TEXAS PROVIDING REGULATIONS FOR ISSUANCE OF PERMITS FOR SPECIAL EVENTS, OR BLOCK PARTIES; FOR THE REVOCATION OF PERMITS ISSUED FOR CAUSE OR THE DENIAL OF PERMITS; PROVIDING A REPEALING CLAUSE; REQUIRING A TWO HUNDRED FIFTY (\$250.00) DEPOSIT; AND PROVIDING A SEVERABILITY CLAUSE.

Whereas, from time to time the citizens or persons wishing to celebrate a special event or happening wish to make use of City streets and rights of way, public parks or grounds,

Whereas it is the desire of the Mayor and City Council to provide a process and mechanism for applicants to arrange to make use of the streets and public areas in a safe and appropriate manner,

Whereas it is the belief of the City Council that such events are to be encouraged and provide a benefit to the citizens of Mertzon, Texas when they can be conducted safely without undue hardship to the community or damage to the property,

Now, Therefore the City Council of the City of Mertzon, Texas does hereby adopt the following ordinance to authorize the request for a permit from the City to hold such events, the conditions under which such a permit may be approved and the penalty for violation of any of the conditions of the permit or of this ordinance.

Special Event and Block Party Ordinance

§ 1.01 Definitions.

The following words and terms, when used in this ordinance, have the following meanings, unless the context clearly indicates otherwise:

Applicant. A person who has filed a written application for an event permit.

Block party. A small social or recreational gathering for which a public street, alley or sidewalk is temporary closed to vehicular or pedestrian traffic within a residential district and the participants either reside within the area of the street closing or are guest of such a resident.

Event. A cumulative term that means and refers to any or all of a block party, special event, motorcade, race, or any combination thereof.

Event permit. A written authorization from the City of Mertzon, Texas to hold the requested event.

Permittee. A person to whom an event permit is granted.

Race. A competition or series of competitions of speed or endurance between humans, motorized or other vehicles, or animals over a specified course or distance.

Special event. A preplanned, single gathering event or series of related gatherings of people or attractions for a common purpose, including but not limited to street fairs, arts

and crafts shows, carnivals, circuses, rallies, public entertainments, or other similar events. Special events are conducted primarily outdoors in public locations and may interfere with normal flow or regulation of pedestrian or vehicular traffic, and may require special City services, including but not limited to street closure, provision of barricades, special parking arrangements, special electrical services or special police or emergency services. The term does not include events held in residential structures, licensed premises, or buildings not owned or controlled by the City, or gatherings for athletic events that are held in facilities designed for athletic events.

§ 1.02 Permit required.

It shall be unlawful for any person to hold an event, as defined in section **1.01** without first having obtained an event permit from the City.

§ 1.03 Exceptions to permit requirement.

The following events are exempt from the permitting process:

- (1)** An event conducted entirely on the property of an educational institution;
- (2)** An event wholly contained on property specifically designed or suited for the event and which holds a certificate of occupancy for such use including adequate parking;
- (3)** Funeral processions;
- (4)** Athletic events that are held in facilities designed for athletic events;
- (5)** City-sponsored events;
- (6)** First Amendment activity conducted entirely on sidewalks, in public parks or on private property that does not prevent the use of public property by the public.

§ 1.04 Application for permit; deposit.

Applicants seeking a permit shall file an application with the City upon forms provided by the City, an approved application shall require a deposit of **Two Hundred Fifty Dollars (\$250.00)**. Deposits shall be paid with cash or by credit card. If the area of the special event or block party is left with excess trash or debris, the deposit will be forfeited to the city. If the area of the special event or block party is left in the state it was reserved in, a cash or check of the original deposit shall be returned to the applicant.

§ 1.05 Timeframes and deadlines for filing permit application.

Applications shall be filed with the City according to the following timeframes and deadlines:

- (1)** The application shall be filed not more than 365 days before the commencement of the proposed event.

(2) Applications for special event, race, or motorcade permits shall be filed not less than **thirty (30)** days prior to the event.

(3) Applications for block party event permits shall be filed not less than **fifteen (15)** days prior to the event.

(4) The City may consider event applications submitted after filing deadlines where good cause is shown.

§ 1.06 Standards for issuance of permit.

An event permit will be required and approved by the City, based upon the following considerations:

(1) The event will not unnecessarily interrupt the safe and orderly movement of traffic near its location or route.

(2) The concentration of people, animals, and vehicles at assembly points will not unduly interfere with proper fire and police protection or ambulance service to areas near such assembly points or the City.

(3) It is not likely to cause injury to person or property.

(4) There will be adequate sanitation facilities and parking spaces available in or adjacent to any public assembly area for the estimated number of event attendees.

(5) The application adequately demonstrates awareness and intent to comply with all applicable local, state, or federal requirements is demonstrated.

(6) The application provides for sufficient security and management personnel to maintain order and contain activities to the appropriate area.

§ 1.07 Denial or revocation of permit.

(a) The City shall deny issuance of an event permit if:

(1) The event will conflict in time or location with another previously permitted event;

(2) The applicant fails to comply with, or the event will violate, any City Ordinance or any other applicable law;

(3) The applicant makes or allows the making of a false or misleading statement or omission of material fact on an application;

(4) The applicant has violated this article or has had an event permit revoked within the preceding twelve (12) months;

(5) The applicant fails to provide proof of a license or permit required by any City ordinance or by other applicable law for the event;

(6) The event would severely hinder the delivery of normal or emergency public services or constitutes a public danger;

(7) The applicant refuses to agree to, abide by, or to comply with all conditions of the permit and refuses to pay any additional costs as may be required by the City to provide services that would be required for a safe event.

(b) An event permit shall be revoked if the Mayor or City Administrator finds that any of the provisions of this ordinance, another City ordinance, or other applicable law is being violated and the permittee or participants fail to immediately remedy the violation or if any of the following occurs:

(1) The applicant made or allowed to be made a false or misleading statement or omission of material fact on an application that was not discovered until after the permit was issued;

(2) When, by reason of disaster, public calamity, riot or other emergency, the Mayor or City Administrator determines that the safety of the public or property requires such revocation;

(c) No event permit shall be denied nor shall the applicant be given less favorable consideration as to time, manner, or place based upon:

(1) Race, color, creed, religion, gender, domestic relationship status, parental status, sexual orientation, transgender, gender identity or gender expression, national origin, or political affiliation of the applicant or the participants of the event;

(2) The message of the event, or the identity or associational relationships of the applicant or participants; or

(3) Any assumption or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the event, provided that reasonable accommodation as to time, manner, and place may be required in order for the City or County to provide the resources necessary for police, fire and emergency services to preserve and protect public health, safety and welfare.

§ 1.08 Action on permit application; appeal of denial.

The City, by and through its Mayor, shall act upon a complete event application within **ten (10)** working days after the filing thereof. If the application is not approved, the applicant will be notified via mailed letter or electronic communication notification of the reason for the permit denial. Applicants may appeal a denied permit application to the City Council if within **five (5)** days of receipt of denial notification a written request to appeal is received by the City. Upon such appeal, the City Council may reverse, affirm, or modify in any regard the determination of the Mayor. The Council will hear the appeal at the next

available City Council regularly scheduled Council meeting unless at least two members of the Council request the Mayor hold a special meeting for the appeal.

§ 1.09 Posting of permit.

The event permit shall be maintained at all times on the premises of the event or at the starting point of any parade or motorcade, and shall be made available to any City official or law enforcement personnel upon request.

§ 1.10 Notice to abutting property owners.

The City may require the applicant send notices, and provide proof of notification, of the event to abutting property owners when, in the City's judgment, the special event is of a kind that may have an impact on those owners or their property.

§ 1.11 Interference.

No person shall knowingly join or participate in an event conducted under permit from the City in violation of any terms of said permit, nor knowingly join or attempt to participate in any permitted event without the consent and over the objection of the permittee, nor in any manner interfere with its progress or orderly conduct.

§ 1.12 Events requiring additional City services.

In the event that the City upon a review of the application, determines that an event may require the involvement of City personnel or facilities, the applicant shall be notified of the associated cost prior to approval of the permit.

(1) The City shall determine whether and to what extent additional police or security services are reasonably necessary for events for traffic control and public safety. The decision will be based on:

- (A) Size, location, duration, time and date of the event;
- (B) History of the particular event;
- (C) Need to detour or preempt citizen travel and use of streets and sidewalks;
- (D) Presence of alcohol at the event.

(2) If possible without disruption to ordinary law enforcement activities in the community or otherwise compromising public safety, a permit may be approved without requiring additional police or security presence. The City, after consultation with appropriate law enforcement officials in the community shall make this determination prior to approval of the application. In the event an application is denied due to this requirement the applicant may appeal the decision to the City Council.

(3) In the event it is determined, upon review of the application, that an event may require the special attention and involvement of City personnel or facilities which cause the City to incur additional expenses, the applicant shall be notified. Prior to the issuance of an event permit, the applicant shall pay the estimated charges associated with the additional City expenses to the City and shall agree to pay any additional costs which may arise to the City as a result of the event within **five (5)** working days of the date upon which the City informs the applicant of the amount of such additional charges. Should the applicant not pay such additional cost, no future event permits shall be issued to the same applicant, organization, or group for a period not to exceed a period of **two (2)** years. Nothing herein shall preclude the City from enforcing any legal or equitable remedy against the applicant for recovery of such additional costs.

§ 1.13 Events with alcohol.

(a) Any event providing for alcohol sales or consumption shall have a valid permit or license to sell or serve alcoholic beverages issued by the Texas Alcoholic Beverage Commission (TABC) and shall follow all TABC rules and regulations associated with the permit.

(b) At any such event the event sponsor shall designate an area for the use of members of the public who elect to bring their own beer or wine to the event and do not purchase beer or wine from the licensee. Members of the public of lawful age may bring beer or wine to special events provided that no glass containers are permitted and no alcohol consumption is permitted in the City's parks or in playgrounds.

§ 1.14 Agreement by applicant to comply with terms of permit.

The applicant, in tendering its application and receiving a permit, agrees and contracts with the City that it will comply with all of the terms of the permit for the purpose of maintaining and assuring the health, safety and welfare of the residents of the City. Violation of any of the conditions of the permit or the requirements of this ordinance shall constitute a violation of this ordinance for which a citation may be issued and a complaint filed in the Municipal Court. The City is hereby specifically authorized to, in addition to any criminal penalties which may be assessed, pursue such civil remedies as may be necessary.

§ 1.15 Insurance.

(a) No event permit shall be issued for a special event, or race until the applicant has filed a certificate of insurance, indicating that any required insurance has been obtained to repair or replace any damage to property within or adjacent to the event. The insurance policy shall be in force and effect during the period of time of the event and list the City as an additional insured. Such insurance policy must be in the face amount

of not less than **one hundred thousand dollars (\$100,000.00)**, and issued by a company licensed to issue such policy in Texas. This provision may be satisfied by either a special policy issued solely for the event or by a standing liability policy maintained by the applicant year-round, so long as it meets the requirements of this subsection. Applicants have the right to show cause when the insurance requirement should be reduced or waived, and to attach such request with the submitted permit application. The City will review requests and may increase, lower, or drop the insurance requirement based upon review of the event application.

(b) An applicant may be required to furnish additional liability insurance based upon the type of event, equipment, machinery, location, alcohol-related exposures, number of people involved, and other pertinent factors or risks associated with the event. Final determination of the amount of additional insurance necessary will be made by the City.

§ 1.16 Parking.

The applicant shall submit evidence that sufficient parking will be available to accommodate the projected number of event participants. The number of spaces deemed sufficient will be determined by the nature of the event, number and age of people attending, and event staff during peak times. When adequate parking is not available at or immediately adjacent to the site, off-site parking with attendee transportation plans may be submitted.

§ 1.17 Amusement rides and attractions.

Rides or attractions with special events shall conform to all associated local, state, and federal statutory rules and regulations.

§ 1.18 Hours of operation.

An event may be conducted only between the hours of 7:00 a.m. and 10:00 p.m.. The City may waive the time limitations on certain special events when good cause is demonstrated by the applicant and the request is made prior to the awarding of the event permit.

§ 1.19 Tents and temporary structures; fire prevention and fire lanes.

Any permitted event which includes the use of a stage, seating, tent, canopy, or other temporary structure shall comply with all applicable fire and building codes or requirements. Fire lanes for emergency equipment must be provided and the site prepared in a manner so as not to be a fire hazard as determined by the fire chief, fire marshal or State Fire Marshal. Staking tents on City property is not permitted without prior approval.

§ 1.20 Food and beverage service.

Where food or beverage service is provided, said operators shall be in compliance with all provisions of the food and beverage establishment ordinances of the City, as well as all other applicable state and local laws.

§ 1.21 Duration of permit; time between events.

No event shall be operated under a permit authorized herein for more than three calendar days or forty-five (45) hours during a calendar year. City-sponsored events are exempt from length of permit restrictions. Another permit shall not be granted to the same permittee for the same location until at least 90 days have elapsed from the expiration of the previous permit. The City may waive the time limits on certain events when good cause is demonstrated.

§ 1.22 Inspection policy.

Any City employee or official may enter any area that is open to the public at any time to inspect any part or area of a permitted function. Should an issue be identified the City shall notify the permittee as soon as is reasonable under the circumstances and require abatement of any dangerous condition or violation of the permit requirements.

§ 1.23 Indemnification.

An Applicant and the sponsors, and or any other individual or entity reasonably required by the City must execute a written indemnity agreement, in the form and substance required by the City, indemnifying and holding harmless, the City and its officers and employees and parties in interest with the City against all claims, damages, or causes of action arising from the permitted event resulting in injury, damage or death to persons or property, whether public or private. The applicant shall take all reasonable measures necessary to protect the participants.

Repealing Clause

All Ordinances and all provisions of any Ordinance of the City of Mertzon, Texas, in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed to the extent necessary to allow for the enforcement of this Ordinance.

Severability Clause

If any word, phrase, paragraph, section or phrase of this Ordinance to be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part of provision thereof other than the part so decided to be unconstitutional, illegal or invalid.

The above Ordinance was introduced before the Mertzon, Texas City Council first on the 14 th day of September, 2024.

This Ordinance was PASSED, APPROVED AND ADOPTED on the 14 th day of September, 2024.



Aubrey Stewart, Mayor

ATTEST:



Michele Rabenaldt, City Administrator