

ORDINANCE NO. 152

AN ORDINANCE PROVIDING FOR REGULATIONS RELATED TO SPECIAL EVENTS; PROVIDING FOR A REPLEAER AND SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Uhland, TX a Type A general-law municipality; and

WHEREAS, Section 51.001 of the Texas Local Government Code authorizes the City of Uhland to adopt an ordinance that the City Council deems is for the good government, peace or order of the City; and

WHEREAS, the City Council desires to protect the health, safety, and general welfare of the citizens of the City of Uhland;

WHEREAS, the City Council of the City of Uhland has determined that the regulations on this Ordinance regarding the regulation of special events are necessary to protect the health, safety, and general welfare of the citizens of the City of Uhland;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UHLAND, TX, THAT:

Section 1. Purpose.

The City recognizes that it is desirable to accommodate occasional temporary activities within the city. This ordinance is intended to provide a mechanism to permit special events that are not specifically addressed in other ordinances.

Section 2. Definition.

For the purpose of this Ordinance, the following definition shall apply unless the context clearly indicates or requires a different meaning:

“Special events” Temporary activities that are abnormal to the specific site when needs of traffic, parking, restrooms, crowds, zoning and the like exceed the original design and intent of the site.

Section 3. Exceptions.

This Ordinance does not apply to temporary activities occurring on property appropriately zoned to permit the activity. In the event that provisions contained in this Ordinance conflict with other provisions regulation temporary activities, the provisions contained in this Ordinance shall govern.

Section 4. Permit required; fee.

Park Use Permit:

No person, group or organization shall be entitled to exclusive use of the park or recreational facility or part thereof owned or operated by the City of Umland unless such person, group or organization shall first obtain a permit for such exclusive use from the city manager or his designate.

Standards for issuance.

Any person, group or organization applying for a park use permit shall make payment of an application fees and deposit as established by resolution by the city council. When it is determined by the city manager or his designee that the city will sponsor or partly sponsor an event, such fees shall not collected. Applicable deposits shall not be refunded when it is determined by the city manager or his designee that park damages or littering or theft has occurred as a result of such event. Fees collected shall cover the cost of processing the application and any preparation of the designated area for the use of the applicant. Collection of such fees shall entitle the applicant assurance of such permit unless the city manager or his designee shall affirmatively find any of the following:

1. The park or recreational facility is to be used for any unlawful purpose; or
2. The time, place or manner of use of the facility is likely to cause substantial disturbance to persons occupying property adjoining the facility; or
3. The time, place or manner of use of the facility is likely to result in damage to city property; or
4. If the application for the permit is made such that there is not sufficient time to make the above determinations; or
5. The failure to clean a facility to the satisfaction of the city manager or his designate after a prior use of such facility, regardless of whether such prior use was under a permit provided for herein or not.

Contents of park use permits.

The park use permit shall contain the following information

1. The name, address and telephone number of the person, group or organization issued such permit; and
2. The dates and times for which such permit is effective; and
3. The facility or part of the facility which the permitted is authorized to use; and

4. The activity for which the permit is issued; and
Such other conditions as the city manager or his designate may deem appropriate to minimize disturbance to surrounding property, avoid traffic congestion, and to avoid destruction of city property.

5. The items mentioned above are not the only items which the city manager or his designate may include in such permit but are the items which must be contained in such permit.

Permission required to use any playing fields.

1. No person, group or organization shall be entitled to the exclusive use of, or shall play any game on, or otherwise make use of any baseball, football, soccer, or other field belonging to the city and provided with equipment for artificial lighting (whether such lighting equipment is to be used or not), unless written permission for using the field at the designated time is first obtained from the city manager or his designate.
2. In granting or refusing such permission the city manager or his designate shall be guided by the following standards:
3. Whether the field has already been reserved or applied for by someone else for approximately the same time;
4. Whether the field is in proper condition for use;
5. Whether the person applying for the field is of sufficient age and responsibility to exercise reasonable care in its use;
6. Whether the proposed use and the hours requested are such that other users of the park or residents of the neighborhood will not be subjected to undue inconvenience;
7. Any other factor which may reasonably bear upon the matter.

It shall be unlawful for any person to conduct a special event without first having obtained a permit from the office of the City of Umland and paying the prescribed fees.

City Park (all day)

\$500.00 Deposit (refundable, if area cleaned properly)

Fee (per day)

Non-Profit Organization **\$250.00**

For-Profit Organization **\$500.00**

Film Friendly fees:

1. Application Processing Fee **\$50.00**

2. Total or disruptive use (regular operating hours of a public building, park, right-of-way or public area). **\$500.00** per calendar day
3. Partial non-disruptive use of a public building, park, right-of-way or public area. **\$250.00** per calendar day
4. Total closure or obstruction of public streets or right-of-way, including parking lots and on-street parking (for filming purposes) **\$500.00** per calendar day.
5. Partial closure or obstruction of public streets or right-of-way, including parking lots and on-street parking (for filming purposes) **\$250.00** per calendar day.
6. Use of City parking lots, parking areas and City streets (for the purpose of parking film trailers, buses, catering trucks and other large vehicles) **\$500.00** per calendar day.
7. Special Event/Film coordinator is responsible for State authorized traffic control.

Section 5. Application for permit.

A person seeking a special event permit shall file an application with the City Secretary upon forms provided by the City at least 30 days before the date of the special event. This 30-day period may be waived or reduced by action of the City Council

Section 6. Sign permit.

Temporary signage will be allowed without permits; however, all off-site signage must comply with City ordinances governing temporary signs.

Section 7. Special use permit; insurance and inspection required.

Traveling circuses, carnivals, amusement rides and large entertainment events will be allowed on private property by a special use permit even if in conjunction with a special event permit. Each amusement ride will provide the insurance and inspection certificate as required by the State Board of Insurance.

Section 8. Revocation of permit.

At any time the City of Umland, may, after notice to the applicant, revoke the permit on a finding that the preparations for the event have not been carried out as stated in the application or the conditions imposed by the permit have not been met.

Section 9. Duration of permit; exception.

Special events are limited to two per calendar year for a site. The permit granted under the terms of this Ordinance shall not exceed a seven-day period.

Section 10. Location.

Special events will be allowed on property that is used for nonresidential uses.

Section 11. Use of public right-of-way; exceptions.

- (A.) Any use of the public right-of-way is prohibited except as approved by City Council after a public hearing. The following shall be provided by the applicant;
1. Written agreement to indemnify the City for claims of injury or damage supported by a policy of insurance for \$500,000.00 of general liability.
 2. All costs for preparation, implementation and clean-up related to the event.
 3. Traffic impact analysis which includes, at a minimum, the following:
 - a. Alternate traffic routes and detours.
 - b. Parking plan.
 - c. Provision for alternate site access for adjacent property or permissions of property owner and occupant to block access
 - d. Expected vehicle volume for event and rerouted traffic
 - e. Traffic Control Officer scheduling
 - f. Duration and scheduling of event.
 4. Any other information requested on the application forms promulgated by the City.
- (B.) The request will be processed by the City Secretary upon receipt of a complete application and the payment of the appropriate fees. The city shall mail notice to all property owners with 200 feet of the street area to be closed at least 15 days before the public hearing

Section 12. Outside display.

Outside display and activities currently prohibited by the zoning ordinance will be not allowed.

Section 13. Food handling.

A separate food permit is not required. Temporary food guidelines will be provided by the County Health Department to the special event permit holder. The permit holder, however, will distribute guidelines to each food vendor.

Section 15. Enforcement.

- (A.) City of Umland shall have the power to administer and enforce provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for ordinance violations
- (B.) Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2000.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense.
- (C.) Nothing in this Ordinance shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including but not limited to the following:
1. Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance;

2. A civil penalty up to one thousand dollars (1000.00) a day when it is shown that the defendant was actually notified of the provisions of this Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance;
3. And other available relief.

Section 16. Repealer.

All provision of the ordinances of the City of Umland in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Umland, are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 17. Severability.

It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

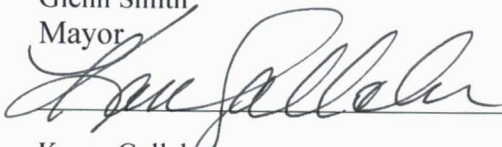
Section 18. Effective Date.

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE _____ DAY OF _____ 2014



Glenn Smith
Mayor



Karen Gallaher
City Administrator

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