

ARTICLE XIII-A

SPECIAL EVENTS

SECTION 1 **PURPOSE**

- (a) The City Manager shall be authorized to approve special events permits based on following the procedures and regulations provided below.

SECTION 2 **DEFINITIONS**

- (a) Applicant. A person who has filed a written application for a special event permit.
- (b) Block Party. The use of a residential street for a neighborhood function in where traffic control is required.
- (c) Building Official. The Building Official of the City of Duncanville or his designee.
- (d) City. The City of Duncanville, Texas.
- (e) City Manager . The City Manager of the City of Duncanville or his designee.
- (f) Demonstration. A public display of the attitude of assembled persons toward a person, cause, issue, or other matter.
- (g) Director of Public Works. The Director of Public Works or his designee.
- (h) Fee. Application fee that is established by resolution of the City Council from time to time.
- (i) Fire Chief. The Fire Chief of the City of Duncanville or his designee.
- (j) Permitee. The person to whom a Special Event Permit is granted pursuant to this ordinance.
- (k) Person. An individual, firm, partnership, corporation, association, or other legal entity.
- (l) Police Chief. The Police Chief of the City of Duncanville or his designee.
- (m) Reimbursable Costs. All costs and expenses incurred by the city for activities associated with staging of the event, including, without limitation, the following:
 - (1) Utilities services provided to the special event including all of the costs of installation, maintenance, connection, and removal.

- (2) Food services inspection.
 - (3) Repair, maintenance and removal of facilities in the event of a failure of promoter.
 - (4) Repair of streets, alleys, sidewalks, parks, and other public property.
 - (5) Police protection.
 - (6) Fire protection.
 - (7) Emergency medical service.
 - (8) Garbage disposal and cleanup.
 - (9) Traffic control and/or barricades.
 - (10) Other direct costs associated with the special event.
- (n) Sidewalk. That portion of a street between the curb lines, or lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- (o) Special Event. A temporary event, or gathering, including a special event parade, using either private or public property, which involves one or more of the following activities, except when the activity is for construction or house moving purposes only.
- (1) closing a public street;
 - (2) blocking or restriction of public property;
 - (3) a gathering of more than 250 persons on public property;
 - (4) sale of merchandise, food, or beverages on public property or on private property where otherwise prohibited by ordinance;
 - (5) erection of a tent on public property, or on private property where otherwise prohibited by ordinance;
 - (6) installation of a stage, band shell, trailer, van, portable building, amusement rides, grandstand or bleachers on public property, or on private property where otherwise prohibited by ordinance;
 - (7) placement of portable toilets on public property, or on private property where otherwise prohibited by ordinance; or

- (8) placement of temporary "No-Parking" signs in a public right-of-way.
- (p) Special Event Parade. The assembly of three or more persons whose gathering is for the common design of traveling or marching in procession from one location to any other location for the purpose of advertising, promoting, celebrating, or commemorating a thing, person, date, or event.
- (q) Special Event Permit. Written approval from the City Manager or his designee to hold a special event or special event parade.
- (r) Street. The entire width between the boundary lines (right-of-way line to right-of-way line) of every street, alley or other legal rights-of-way publicly maintained, when any part thereof is open to the use of the public for the purposes of vehicular traffic.

SECTION 3 ENFORCEMENT

- (a) The provisions of this article shall be administered by the City Manager or his designee and enforced by the Building Official, his designee, or any police officer/fireman.
- (b) The City Manager or his designee has the sole authority to issue a special events permit that authorizes one or more of the activities described in Section 2(o) when requirements of this article have been met.
- (c) Application for a special events permit authorizes appropriate city departments to issue permits for the activities described in Section 2(o) in locations where the activity would otherwise be prohibited by ordinance.

SECTION 4 ARTICLE CUMULATIVE

The provisions of this article are cumulative of all city ordinances. Tent permits, building permits, electrical permits, food establishment permits, alcoholic beverage licenses, and all other permits required by ordinance or other law for specific activities to be conducted in conjunction with or as part of the special event must be applied for separately in accordance with the application ordinance or law. Licensed contractors must be validated by the Building Inspection Department. No alcoholic beverages shall be permitted for sale or consumption on public property.

SECTION 5 EXEMPTIONS

The provisions of this article do not apply to:

- (a) special events conducted by the City;
- (b) garage sales;

- (c) league play or tournaments by athletic associations sanctioned by the city;
- (d) block parties - permit required, but fees shall be waived; or
- (e) the City Manager may authorize, upon appeal in special cases, such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, the literal enforcement of the Ordinance will result in unnecessary hardship and so that the spirit of this Ordinance shall be observed and substantial justice done.

SECTION 6 APPLICATION; ISSUANCE

- (a) A person desiring to hold a special event shall apply for a special event permit by filing with the City Manager a written application upon a form provided for that purpose. Each application must be accompanied by a non-refundable application fee. An application must be filed not less than fifteen (15) working days before the special event is to begin.
- (b) An application must contain the following information:
 - (1) the name, address, and telephone number of the applicant and of any other persons responsible for the conduct of the special event;
 - (2) a description of the special event and requested dates and hours of operation for the event;
 - (3) the estimated number of persons to participate in the special event;
 - (4) a sketch showing the area or route to be used during the special event, along with proposed structures, tents, fences, barricades, signs, banners, and restroom facilities;
 - (5) letter or contract of permission for use of the property from the landowner, if different from applicant;
 - (6) provisions for parking with a designation of where "No Parking" signs will be used;
 - (7) details of how applicant proposes to provide security and traffic control;
 - (8) the time and location of street closings, if any are requested;
 - (9) details of the sale of merchandise or the sale or serving of food or alcoholic beverages at the special event, designating any street vendors or peddlers involved;

- (10) description of animals to be used in the special event, if any;
 - (11) details of how the applicant will clean up the area used after the special event, if on public property;
 - (12) proof that the applicant possesses or is able to obtain all licenses and permits required by this code or other city ordinance or by state law for the conduct of the special event;
 - (13) proof of technician's license and insurance for pyrotechnic displays (fireworks), or
 - (14) other information as stipulated by the reviewing departments.
- (c) Upon receipt of the completed application the City Manager shall forward a copy of the application to the departments of police, fire, building inspection, public works, business development center, and community services. Each department or director, as the case may be, shall review the application and return it, with any comments, to the City Manager within five (5) working days of receipt.
 - (d) The departments and the City Manager may prescribe licenses and permits required by other city ordinances or applicable law, restrictions, regulations, costs for city services, safeguards, and other conditions necessary for the safe and orderly conduct of a special event, to be incorporated into the permit before issuance.
 - (e) A deposit of one-half of the estimated reimbursable costs required to be paid to the city as a result of a special event must be received by the City Manager not less than seven (7) working days before the date of the special event as shown on the special event permit. Prior to the issuance of the permit the applicant shall agree in writing to pay such deposit and the balance of the reimbursable costs within thirty days after the special event. A bond for the balance of the estimated costs or the sum of two hundred dollars (\$200.00), whichever is greater, shall also be received by the City Manager not less than seven (7) working days before the date of the special event shown on the special event permit.
 - (f) After reviewing the application and department comments, the City Manager shall issue the special event permit unless denial is required by Section 8. A special event permit will be issued for a period not to exceed 14 consecutive days. A special event application and permit is required for each 14 day period during which a special event will be conducted.

SECTION 7 INDEMNIFICATION

An applicant for a special permit must execute a written 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.

SECTION 8 DENIAL OR REVOCATION

- (a) The City Manager shall deny a special permit if,
- (1) a special event permit has been granted for a special event at the same place and time;
 - (2) the proposed special event will occupy any part of a federal highway;
 - (3) 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;
 - (4) the applicant fails to adequately provide for;
 - (A) the protection of event participants;
 - (B) maintenance of public order in and around the special event location;
 - (C) crowd security, taking into consideration the size and character of the event; or
 - (D) emergency vehicle access.
 - (5) the applicant fails to comply with, or the proposed special event will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this article;
 - (6) the applicant makes a false statement of material fact on an application for the special event permit, or other permits as required;
 - (7) the applicant fails to provide proof that he 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;
 - (8) the applicant has had a special event permit revoked within the preceding 18 months;

- (9) the applicant has committed, within the preceding 18 months, two or more violations of a condition or provision of a special event permit or this article;
 - (10) the applicant fails to pay any outstanding reimbursable costs owed to the city for a past special event; or
 - (11) the applicant fails to submit the required deposit and/or fails to agree in writing to reimburse the city for the estimated costs for the proposed special event.
- (b) The City Manager shall revoke a special event permit if.
- (1) the applicant fails to comply with or the special event is in violation of a condition or provision of the special event permit, an ordinance of the city, or any other applicable law; or
 - (2) the permit holder made a false statement of material fact on an application for a special event permit, or other permits as required.

SECTION 9 APPEAL FROM DENIAL OR REVOCATION OF SPECIAL EVENT PERMIT

- (a) The decision of the City Manager may be reviewed by the City Council upon an appeal by any person who disagrees with the decision of the City Manager. Such appeal shall be filed with the City Secretary within 7 days from the date of the decision of the City Manager. The City Secretary shall schedule a hearing of such appeal to the City Council at the next timely meeting of the City Council. The City Council may either grant or deny the permit. (Ord. No. 1537, § 2, 5-5-98)