

ORDINANCE NO. 1539

**AN ORDINANCE OF THE CITY OF LLANO TEXAS AMENDING CHAPTER 86 – STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES BY ADDING ARTICLE VI SPECIAL EVENTS; REGULATING AND PROVIDING FOR A PERMIT PROCESS FOR SPECIAL EVENTS, INCLUDING THE TEMPORARY USE OF CITY PROPERTY AND PUBLIC RIGHTS-OF-WAY; PROVIDING FOR PENALTIES; PROVIDING FOR A REPEALER AND SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Llano, Texas, is a Type A general-law municipality; and

WHEREAS, Section 51.001 of the Texas Local Government Code authorizes the City of Llano to adopt ordinances that the City Council deems are 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 Llano; and

WHEREAS, the City Council of the City of Llano has determined that the regulations in this Ordinance regarding the regulation of the temporary use of City property and public rights-of-way is necessary to protect the health, safety, and general welfare of the citizens of the City of Llano;

WHEREAS, the City desire to adopt regulations concerning Special Events; and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LLANO, TEXAS, THAT:**

**SECTION 1. AMENDMENTS**

Chapter 86; Streets, Sidewalks, and Other Public Places of the Code of Ordinances of the City of Llano, Texas is amended by adding Article VI to read as follows:

**ARTICLE VI – SPECIAL EVENTS**

**§ 86-201 DEFINITIONS**

“Applicant” means a Person who has filed an application for a Special Event Permit.

“City” means the City of Llano, Texas.

“City Manager” means the City Manager of the City or the designated representative of the City Manager.

“City Secretary” means the City Secretary of the City or the designated representative of the City Secretary.

“Permittee” means the Person to whom a Special Event Permit is granted pursuant to this Article.

“Person” means any individual, assumed named entity, partnership, association, corporation, or organization.

“Special Event” means a planned temporary aggregation of people or attractions for a common purpose, including but not limited to, street fairs, arts and crafts shows, carnivals, circuses, rallies, block parties, public entertainments, parades, or other similar events or attractions, that:

1. are conducted primarily outdoors; and
2. interfere with the normal flow or regulation of pedestrian or vehicular traffic; or
3. require special City services, including, but not limited to: street closure; provisions of barricades; park closures; refuse services; stages; special parking arrangements; special electrical services; or special police services or protection.

“Special Event Permit” means the approval from the City Council for a Special Event.

“Street” means the entire width between the boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular traffic.

### **§ 86-202 PERMIT REQUIRED**

It shall be unlawful for any Person to conduct a Special Event without first having obtained a Special Event Permit from the City of Llano.

### **§ 86-203 APPLICATION FOR PERMIT; FEE**

A person seeking a Special Event Permit shall file an application with the City Secretary upon forms provided by the City, which shall be accompanied with a non-waivable application fee of Fifty Dollars (\$50.00).

### **§ 86-204 SPECIAL EVENT FILING PERIOD**

Applications for a Special Event Permit shall be filed not less than 45 days before the Special Event is to begin, no more than 12 months in advance of the event.

### **§ 86-205 CONTENTS OF APPLICATION**

The application for a Special Event Permit shall include, at a minimum, the following information:

- (1) The name, date, and type of Special Event.

- (2) The name, address, and email address of the Applicant seeking to conduct the Special Event.
- (3) If the Special Event is to be held for or by an organization, the name, address and telephone number of the headquarters of the organization; the approximate number of people who will be attending and, if applicable, the number and types of animals and vehicles which will constitute such Special Event.
- (4) The location/address of the Special Event.
- (5) The start and end time for the Special Event.
- (6) If the entity is a non-profit organization or for-profit organization.
- (7) Whether the Special Event will require police security, traffic control, and/or trash receptacles.
- (8) An Emergency Operations Plan must be attached to the application.
- (9) A map or sketch showing – the proposed location and parking areas, all streets to be used or blocked, assembly area, plan of evacuation, trash receptacles, tents, traffic control devices, the location, size and number of stages, seating, tents, awnings, canopies, food service booths, first aid stations, portable restrooms or other temporary structures shall be shown.
- (10) Any other information the City of Llano finds necessary under the standards for issuance.
- (11) If food or beverages will be served or sold, include copies of any required licenses or permits which must be available upon request at the Special Event.
- (12) Details for any planned signage for the Special Event including locations for signs shall be included.
- (13) If any portion of the Special Event is to be held on private property, including parking, written permission for the holding of the Special Event or parking from the owner of the property or his authorized representative.
- (14) If required as set forth in § 86-221, a copy of a certificate of insurance that complies with the requirements set forth in such section.

#### **§ 86-206. STANDARDS FOR ISSUANCE**

A Special Event Permit will be issued if, upon review, the City of Llano finds that the Applicant has secured the police protection, if any, required under § 86-226 and that the Special Event will be conducted in such a way that:

- (1) it will not substantially interrupt the safe and orderly movement of traffic near its location or route;

- (2) it will not require the diversion of so great a number of police officers to properly police the Special Event location or line of movement and the adjacent areas as to unduly interfere with the normal protection for the City;
- (3) it will not require the diversion of so great a number of fire protection or emergency medical services (EMS) personnel so as to unduly interfere with the provision of these services to portions of the City other than that to be occupied by the Special Event and adjacent areas;
- (4) it will not unduly interfere with the efficient response movement of firefighting equipment and services in route to a fire;
- (5) the concentration of people, animals, and vehicles at assembly points and during the event will not unduly interfere with proper fire, EMS, and police protection to areas near such Special Event;
- (6) it is not likely to cause injury to persons or property;
- (7) there will be adequate sanitation and other required health facilities made available in or adjacent to any public assembly areas; and
- (8) there are sufficient parking places on the site of the Special Event to accommodate the number of vehicles reasonably expected to be parked in accordance with § 86-211 or the Applicant has made adequate arrangements for off-site parking and transfer of attendees.

## **§ 86-207 DENIAL OR REVOCATION**

The City of Llano may deny a Special Event Permit if:

- (a) the Special Event will conflict in time and location with another Special Event, parade or assembly for which a permit has already been granted;
- (b) the Applicant fails to comply with or the Special Event will violate an ordinance of the City or any other applicable law;
- (c) 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;
- (d) the Applicant has been convicted of violating this Ordinance, has had a Special Event Permit revoked within the preceding twelve (12) months, or has failed to pay any additional costs assessed by the City for a previous Special Event within the previous two (2) years;
- (e) the Applicant fails to provide proof of a license or permit required by this Ordinance or another City ordinance or by state law;
- (f) the Special Event, would unduly hinder or compromise the delivery or performance of normal services, including previously scheduled construction or maintenance services, or emergency services or constitutes a public threat;

- (g) the Applicant is unable or unwilling to provide any required insurance that may be required under this Ordinance;
- (h) the Applicant is unable or unwilling to pay any additional costs as may be required by the City of Llano;
- (i) the Applicant fails to submit a complete application or fails to provide any additional information requested by the City Secretary; or
- (j) the proposed date or time for the Special Event or the location of the Special Event or parking for such Special Event would unduly interfere or disrupt the educational activities of a school when such school is in session.

### **§ 86-208 NOTICE OF DENIAL; APPEALS**

The City of Llano shall act upon a complete application for a Special Event Permit at the next available City Council Meeting after the filing thereof. If the City of Llano does not approve the application, the City Manager shall mail to the Applicant a notice of this action stating the reasons for the denial of the application. Any person aggrieved shall have the right to appeal the denial to the City Council by filing a notice of appeal with the City of Llano within five (5) days after receipt of the notice of denial. The City Council shall hear the appeal as soon as practicable, and its decision shall be final.

### **§ 86-209 DURATION OF PERMIT**

The duration of the Special Event Permit granted under the terms of this Article shall not exceed a period of five (5) days.

### **§ 86-210. NOTICE TO ABUTTING PROPERTY OWNERS**

The City of Llano shall have authority to require that the Permittee send notices of the Special Event to the abutting property owners when, in the City of Llano judgment, the Special Event is of a scope and nature that will impact those owners.

### **§ 86-211. APPLICANT PARKING REQUIREMENTS**

The City shall have the authority, when reasonably necessary as determined by the police department, to prohibit or restrict the parking of vehicles along a street or highway or part thereof adjacent to the site of the Special Event. The City shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

- (1) Applicant shall submit evidence that sufficient parking will be available to accommodate the projected number of users with a ten (10) percent surplus. If said parking is to be on

private property adjacent to the Special Event, written evidence that the Applicant has a right of possession of said property through ownership, lease, license, or other property interest must be provided. When the location is not an established parking area, a plan shall be submitted which will show how the needed parking will be achieved and arranged. The number of parking spaces and layout of the parking area, including aisle widths, size of parking spaces and whether parking attendants will be provided, shall be included in the submittal.

(2) When adequate parking is not available at or immediately adjacent to the site of the Special Event, off-site parking may be used. Plans shall be submitted which will show how off-site parking and the transfer of attendees will be accomplished.

### **§ 86-212 AMUSEMENT RIDES**

1. Rides and/or attractions associated with a Special Event shall conform to the statutory rules and regulations set forth in Chapter 21, article 21.53 of the Texas Insurance Code, designated the Amusement Ride Safety Inspection and Insurance Act, as may be amended.
2. Rides and/or attractions associated with a Special Community Event shall conform to the statutory rules and regulations Chapter 2151 of the Texas Occupations Code, designated the Amusement Ride Safety Inspection and Insurance Act, as amended.

### **§ 86-213 HOURS OF OPERATION**

A Special Event may be conducted only between the hours of 7:00 a.m. and 10:00 p.m. daily. The Police Department shall be responsible for enforcing this provision. The City of Llano may waive the time limit on certain Special Events when good cause is demonstrated by the Applicant. Appeals of time limit restrictions may be made under § 86-208.

### **§ 86-214 TENTS AND TEMPORARY STRUCTURES**

Any Special Event which includes the use of a stage, seating, tent, canopy, or other temporary structure shall meet the requirements of the City's Fire Code and Building Code except that a separate permit is not required when a Special Event Permit has been obtained. 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 Marshall.

### **§ 86-215 FOOD AND BEVERAGE SERVICE**

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

## **§ 86-216 SANITARY FACILITIES**

An adequate number of portable type sanitary facilities must be provided on the premises of the Special Event. The number of facilities required is determined by the City of Llano.

## **§ 86-217 ANIMAL WASTE**

Waste from animals used in any such Special Event shall be removed daily from the grounds. Should animals be kept within the City limits at night, they shall be kept not less than three hundred (300) feet from any developed residential or commercial districts.

## **§ 86-218 WASTE COLLECTION AND SOLID WASTE DUMPSTER**

Applicant shall make appropriate arrangements for the collection of all waste resulting from such Special Event and commercial solid waste dumpsters must be provided on-site at all outdoor Special Events. The applicant shall make arrangements for the provision of such dumpsters with a commercial solid waste disposal company currently having a franchise agreement with the City.

## **§ 86-219 LOUDSPEAKERS**

When loudspeakers will be used in conjunction with the Special Event, the location and orientation of speakers shall be indicated along with the planned hours of use. Speakers which are positioned so as not to adversely affect an adjacent residential district may be used between the hours of 7:00 a.m. and 10:00 p.m. when a Special Event Permit has been obtained. The City of Llano may modify the time limit for use of such speakers when good cause is demonstrated by the Applicant.

## **§ 86-220 SIGNAGE**

Signage used in accordance with the Special Event shall comply with the applicable sign regulations of the City.

## **§ 86-221 LIABILITY INSURANCE**

1. When a Special Event is partially or fully contained on the City rights-of-way or other City owned property, the applicant for a Special Event Permit shall furnish the City of Llano with a certificate of insurance with \$1,000,000 coverage.

2. The City of Llano shall have the right to increase the public liability insurance limits based upon the type of Special Event, equipment, machinery, location, number of people or animals involved, and other pertinent factors or risks associated with the Special Event.
3. If a mutually agreeable insurance limit cannot be agreed upon, the Application shall be considered denied.

### **§ 86-222 INDEMNIFICATION**

When a Special Event or parking attendant to such Special Event is partially or fully contained on City property or right-of-way, Applicant shall sign an agreement to indemnify and hold harmless the City, its officers, employees, agents, and representatives against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of the Special Event or show the City as additional insured.

### **§ 86-223 POLICE PROTECTION; ADDITIONAL COSTS**

1. The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the Special Event for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the Special Event, and the need to detour or preempt citizen travel and use of the streets and sidewalks. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the Special Event. If additional police protection for the Special Event is deemed necessary by the Chief of Police, he shall inform the Applicant for the Special Event Permit. The Applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police.
2. In the event the City of Llano determines, upon a review of the Application, that a Special Event may require the special attention and involvement of City personnel or facilities, the City Secretary shall notify the Applicant. In such an event, prior to the issuance of a Special Event Permit, the Applicant and the City of Llano shall agree upon the cost of policing, and cleaning, and the closure of roads, and the Applicant shall pay that amount to the City upon application. Prior to the issuance of a Special Event Permit, the Applicant shall agree in writing to pay any additional costs to the City incurred as a result of the Special Event within five (5) days of the date upon which the City informs the Permittee of the amount of such additional costs. Should the Permittee not pay such additional costs, no future Special Event Permits shall be issued to the same Permittee for a period not to exceed two (2) years. Nothing herein shall preclude the City from enforcing any legal or equitable remedy against the Permittee for recovery of such additional costs.

## **§ 86-224 OFFENSES AND PENALTY**

1. A person commits an offense if the person commences or holds a Special Event without a Special Event Permit or with a Special Event Permit that has expired or been revoked.
2. A culpable mental state is not required for the commission of an offense under this Article.
3. Any person violating or failing to comply with any of the provisions of this Article shall upon conviction be subject to a penalty not to exceed \$500.00. Each day that a violation exists or is allowed to continue shall constitute a separate offense.

## **§ 86-225 APPLICATION OF SECTION; EXEMPTIONS**

1. All Special Events, except those set forth in subsection (2) below must conform to all applicable provisions of this Article.
2. The following events are exempt from the provisions of this Article:
  - a. events which require the approval or sanctioning of, or are officially sponsored by, the City, Chamber of Commerce, Llano Independent School District, or Llano County shall be exempted from obtaining a Special Event Permit;
  - b. 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; and
  - c. funeral processions.

### **SECTION 2 REPEALER**

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

### **SECTION 3 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 4 EFFECTIVE DATE**

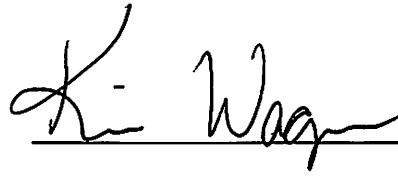
This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

ATTEST:

A stylized, cursive handwritten signature in black ink, appearing to read 'Marion Bishop', positioned above a horizontal line.

Marion Bishop, Mayor

A cursive handwritten signature in black ink, appearing to read 'Kim Wagner', positioned above a horizontal line.

Kim Wagner, City Secretary