

ORDINANCE NO. 5380

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, AMENDING PORTIONS OF THE CODE OF ORDINANCES, CHAPTER 31, "SPECIAL EVENTS", TO REVISE THE REGULATIONS PERTAINING TO SPECIAL EVENTS AND TO ENHANCE PUBLIC SAFETY AND SECURITY; PROVIDING A PENALTY; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR A PENALTY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Denison, Texas (the "City") 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 Local Government Code; and

WHEREAS, the City has previously adopted regulations for the holding of special events within the City as provided in Chapter 31 of the City's Code of Ordinances; and

WHEREAS, the City Council desires to enhance public safety and security measures and other desirable edits the Chapter 31; and

WHEREAS, the City Council, after due and careful consideration, considers it desirable and in the best interest of the health, safety, morals and general welfare of the citizens to amend the regulations and fees related to solid waste and recycling services within the City.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment. The City of Denison, Texas Code of Ordinances, Chapter 31, "Special Events", is hereby amending and restated to read as reflected in **Exhibit A** hereto.

SECTION 3: Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate

any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5. Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance, as may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Five Hundred and No/100 Dollars (\$500), except that a violation affecting the public health and safety shall be fined a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Denison from filing suit to enjoin the violation. Denison retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 6: Open Meetings. That it is hereby found and determined 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 given, all as required by Article 551.041 of the Texas Government Code.

SECTION 7: Effective Date. This Ordinance shall become effective upon its passage and publication as required by law.

AND IT IS SO ORDERED.

On Motion by Mayor Pro Tem Adams, seconded by Council Member Thomas, the above and foregoing ordinance was passed and approved by the following vote:

Ayes: Adams, Courtright, Crawley, Redwine and Thomas

Nays:

Abstentions:

Absent: Thorne and Massey

At regular meeting March 3, 2025.



ROBERT CRAWLEY, Mayor

ATTEST:



Christine Wallentine, City Clerk



EXHIBIT A

Chapter 31 SPECIAL EVENTS¹

ARTICLE I. GENERAL PROVISIONS

Sec. 31-1. Purpose.

The City recognizes the need to encourage and promote events for the greater good and for contribution to the cultural, economic, social welfare, civic promotion and cultural diversity of the City. Some gatherings and organized activities, due to their size and special requirements, may place unique demands on public resources, facilities, infrastructure, or pose a danger to public health, safety and welfare. In order to plan for these demands on public resources and ensure that public health and safety is protected, it is necessary that the City receive advance notice of these events. The provisions of this Chapter are intended to address those concerns and are not intended to place an unnecessary burden on any right of association or freedom of expression.

(Ord. No. 4931, § 2, 2-19-18)

Sec. 31-2. Definitions.

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

Applicant shall mean a person, as defined herein, who has filed a written application for a Special Event Permit.

City shall mean the City of Denison, Texas.

City Clerk shall mean the City Clerk of the City of Denison, Texas.

City Council shall mean the City Council of the City of Denison, Texas.

City Manager shall mean the City Manager of the City of Denison, Texas, or their designee.

City Park means any property in the City designated as a park, playground, recreational facility, swimming pool or hike and bike path, and shall include buildings, parking lots and driveways in such areas.

City Property shall mean a City park, street, public right-of-way, or other property owned or held by the City.

City-Sponsored Event shall mean either:

- (i) An event sponsored in whole or in majority part by the City, a department of the City, or
- (ii) An event conducted by or with a non-profit organization, and for which the City pays all or a majority (i.e. greater than fifty percent) of costs for holding a Special Event; or
- (iii) An event that is supported financially and logistically hosted by the City of Denison, and meet the criteria of support by the Fine Arts Board, Parks and Recreation Department, or any other city governed entity, board, or body, and involves City interdepartmental work efforts to enhance economic vitality, strengthen commercial corridors, promote tourism, promote arts and cultural activities, or are organized and operated to promote efforts of the City's Comprehensive Plan(s).

¹Editor's note(s)—Ord. No. 4931, § 2, adopted Feb. 19, 2018, enacted provisions designated as ch. 31, §§ 31.101—31.103, 31.201—31.208, 31.301—31.307, 31.401, 312.402. In order to maintain the style of the Code, said provisions have been renumbered as §§ 31-1—31-3, 31-21—31-28, 31-31—31-37, and 31-41, 31-42, at the discretion of the editor.

Downtown Entertainment District shall mean an area within downtown Denison, Texas as designated and more particularly set forth in Chapter 21, Article VI—"Entertainment Districts", Section 21-121 of the Code of Ordinances of the City of Denison, Texas.

Downtown Partner shall mean a business, organization, Non-Profit, individual, or other legal entity that either (i) operates or is established within the Downtown Entertainment District, or (ii) has a successful and established history of applying for, obtaining Special Event Permits, and hosting, sponsoring, or co-sponsoring Special Events, whether as a primary sponsor, co-sponsor or other significant role) in the Downtown Entertainment District.

Fire Department shall mean the Fire Department of the City of Denison, Texas.

First Amendment Activity means all expressive and associative activity on public streets that is protected by the United States and Texas Constitutions, including constitutionally protected speech as recognized by the Supreme Court of the United States, press, assembly and the right to petition, but does not include commercial advertising and non-constitutionally protected speech as recognized by the Supreme Court of the United States. An event where the sole or principal objective is to showcase or express a First Amendment Activity will be referred to as a First Amendment Event.

Force Majeure shall mean and includes fire, casualty, strikes, lockouts, labor trouble, inability to procure materials or supplies, failure of power, governmental authority, inclement weather, acts of God, war or terrorism or the potential or actual threat thereof, public safety or public welfare considerations, contagion or plague, riots, or local, national or international emergencies, or other reason of like or substantially similar nature.

Main Street Department shall mean the Main Street Department of the City of Denison, Texas.

Non-Profit Organization means an organization or entity that is exempt from the payment of taxes pursuant to section 501(c) of the Internal Revenue Code, either directly or through a parent organization.

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

Permittee means the person to whom a Special Event Permit is granted pursuant to this Chapter.

Person means any individual, entity, association, organization, non-profit group, or other legally recognized entity or organization.

Police Department shall mean the Police Department of the City of Denison, Texas.

Public Works Department shall mean the Public Works Department of the City of Denison, Texas.

Seasonal Special Event means an event that occurs in a specific season and is scheduled throughout the season on non-sequential days, using a single Special Event Permit.

Special Event means a temporary event, gathering, or organized activity, including but not limited to, Parades, bike races, marathons, walk-a-thons, fireworks displays, celebrations, concerts, carnivals, other types of races and festivals, circus, First Amendment Events, and Seasonal Special Events which involves one or more of the following activities during the entire or partial duration of the Special Event:

- (1) Complete or partial closure of a public street;
- (2) Complete or partial blocking or restricting of access to City Property (including public rights of way);
- (3) Complete or partial blocking or restricting access to City Parks unless otherwise authorized by the City Parks and Recreation Department;
- (4) Sale of merchandise, food, or beverages on City property (including public rights of way) or on private property where otherwise prohibited;
- (5) Sale of alcoholic beverages on City Property or private property where otherwise prohibited;

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- (6) Erection of a tent, canopy, or other similar type of temporary structure equal to or greater than 200 square feet in an area on City Property;
 - (7) Installation of a stage, band shell, grandstand, bleachers, portable building, trailer, van, sound and/or lighting scaffolding, or other similar type of temporary structure or vehicle on City Property, or on private property where otherwise prohibited by ordinance;
 - (8) Equipment to amplify and transmit sound, or assist in the amplification and/or transmission of sound, such as but not limited to, traditional speakers, amplifiers, line array speakers, stage monitors, standalone monitors, subwoofers, wireless transmission devices or equipment for sound transmission, etc., and any associated wiring (electrical, coaxial, analogue, fiber optic, etc.) thereof;
 - (9) Temporary lighting and/or security lighting to be used at the location(s) or site(s) of the Special Event; or
 - (10) Placement of portable toilets on City Property; or
 - (11) Placement of temporary informational and/or regulatory signs including, but not limited to, no-parking, directional, or identification, special event signs or banners in, on or over City Property, within a City Park, over any public right-of-way, or on private property where otherwise prohibited by ordinance.

Special Event Permit means the City's written authorization to hold a Special Event or a Seasonal Special Event, which permit may impose terms and conditions and is subject to the guidelines therein.

Special Event Permit Application means the Special Event Permit Application provided by the City.

Special Events Review Team ("SERT") means a team established by the City consisting of representatives from various City departments as designated by the City Manager, including but not limited to, Police, Fire, Public Works, Emergency Management, Finance, Development Services, Parks and Recreation, Main Street, Marketing and Tourism, City Clerk, and City Manager's Office.

Special Event Rules and Regulations means the guidelines, rules, regulations, policies and procedures developed and adopted by the City for the health, safety and welfare of citizens and Special Event attendees, Special Event Rules and Regulations may include, but are not limited to, the following: processes; procedures; cost recovery for public safety, sanitation and public works or transportation personnel; safety regulations; resource requirements; and surety and insurance requirements.

(Ord. No. 4931, § 2, 2-19-18)

Sec. 31-3. Exemptions.

At the discretion of the City Manager an event may be considered exempt from the Special Event Permit process or Seasonal Special Event Permit process if: (1) the activity proposed utilizes one (1) of the City's Park facilities for the parks intended purpose(s), and (2) the event does not require the support from additional departments other than the sponsoring department. While an event may meet the criteria for a Special Event exemption, the event may still be considered a Special Event if organized formation of an activity proposed to occur affects the public's ordinary use of rights-of-way or City Parks, including but not limited to athletic activities, runs/walks, fairs, dances, recreation programs, community awareness activities, and other similar events. All Special Event and Seasonal Special Event exemptions require written approval by the City Manager. Notwithstanding the foregoing, the following are exempt from the operation, rules, and regulations of this chapter:

- (1) A private party held on private property and to which the public is not invited, to the extent the party does not impact the operation of public rights-of-way, necessitate street closures, or impede the ebb and flow of pedestrian or vehicular traffic on public rights-of-way, or involve activities or facilities not permitted by applicable zoning regulations;

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- (2) A private party held in a City Park and to which the public is not invited, to the extent such party does not impact the operation of public rights-of-way, necessitate street closures, or impede the ebb and flow of pedestrian or vehicular traffic on public rights-of-way, or involve activities or facilities not permitted by applicable zoning regulations (e.g., family function or reunion);
 - (3) An event wholly contained on property specifically designed or suited for the event and that holds a certificate of occupancy for such use including adequate parking (e.g., a hotel ballroom, a lawfully operating banquet hall, etc.);
 - (4) Funeral processions;
 - (5) An event held in the Downtown Entertainment District subject to Chapter 21, Article VI, entertainment districts, of the City of Denison Code of Ordinances;
 - (6) Activities under the control of the City's Parks and Recreation Department conducted on City Property that does not affect public rights-of-way;
 - (7) Unorganized gatherings that involve less than 100 people; and
 - (8) A First Amendment Event conducted entirely on city sidewalk, public parks, or right-of-way organized solely to express participants' rights protected by the First Amendment, which does not unreasonably block pedestrian or vehicular traffic, interfere with the reasonable use of public open space, or involve a crowd of over 100 people sidewalks, in public parks, or on private property.

(Ord. No. 4931, § 2, 2-19-18; Ord. No. 4993, § 2, 4-1-19)

Secs. 31-4—31-20. Reserved.

ARTICLE II. SPECIAL EVENT PERMITS

Sec. 31-21. Permit required.

- (a) It shall be unlawful for any Person to hold a Special Event, sponsor a Special Event, or cause a Special Event to be held within the City without first obtaining a Special Event Permit. Special Event Permits are issued by the City Clerk. A Special Event Application may be obtained from the City's website or by contacting the City Clerk. All Special Event Applications shall be reviewed and decided upon on a case-by-case basis by SERT.
- (b) Except as otherwise provided in this Chapter and notwithstanding other requirements as promulgated in the City's Code of Ordinances, a Special Event Application must be completed and submitted to the City Clerk at least forty-five (45) days prior to a proposed Special Event, excluding First Amendment Events. The City Manager may waive the above requirements if the Special Event Application can be processed in a shorter time period, taking into consideration the nature and scope of the proposed event and the number and types of permits required to be issued in conjunction with the Special Event Permit.
- (c) The issuance of a Special Event Permit grants permission to use public property proposed to be used in connection with the Special Event and/or authorizes the use of private property in a manner not otherwise permitted by the City's Code of Ordinances in connection with the Special Event. The use shall be solely for the purpose of constructing, installing, operating, and maintaining the Special Event, and for such other purposes consistent with promoting and conducting the Special Event as SERT authorizes in writing.

Regarding the sale or distribution of services or goods on public property, notwithstanding other provisions of this Chapter and other requirements as promulgated in the City's Code of Ordinances, the SERT may issue a Special Event Permit to enable the holder to sell or distribute services or goods on public property during the Special

Event. The Permittee shall comply with and ensure compliance with all of the specifications, including location of uses and uses authorized as listed in the permit.

- (d) The issuance of a Special Event Permit authorizes the City to issue permits for activities in connection with the authorized event in locations where such activities would otherwise be prohibited by ordinance.
- (e) Additional authorization is required when a tent structure, canopy, or other similar temporary structure has an area in excess of two hundred (200) square feet. Uses involving smaller tents ten (10) feet by ten (10) feet, or other similar types of temporary structures, when located directly adjacent to one another will require additional review.
- (f) Setup is allowed no earlier than the day immediately preceding the day of the event and must be completely removed before noon on the next succeeding business day after the event, unless otherwise determined.
- (g) The City and its officials, officers, employees, and agents shall not be liable for any damage to or loss of any such property or facilities sustained during removal or storage of such property, equipment, tents or other facilities and the permittee shall indemnify the City, its officials, officers, employees, and agents against all claims for any such damage or loss.
- (h) Issuance of a Special Event Permit does not authorize removal or alteration of City Property and any such removal or alteration is strictly prohibited.
- (i) In addition to complying with all conditions of the Special Event Permit and all applicable City ordinances, regulations, rules, policies and guidelines, the Permittee must comply with all applicable federal, state and county laws, rules, and regulations.
- (j) A Permittee is not transferrable and may only be used by the person or entity to which ti permit was issued.
- (k) No rights granted by a Special Event Permit shall create rights in anyone other than the Permittee. Such rights granted by a Special Event Permit shall be revocable at the discretion of the City.
- (l) No more than two (2) Special Event Permits may be obtained by a special event holder, organizer, or primary sponsor to one location within a 12-month period, unless the event is a City-Sponsored Event, or a Special Events permit is applied for in the same location by a Downtown Partner, which may be evaluated and is at the discretion of the SERT.
- (m) Every Permittee having a Permit issued under this Chapter or required to have a Special Events Permit and conducting business within the City, or any individual listed on a Special Events Permit shall display the Special Events Permit in an area that is readily accessible and visible to the public and upon the request of the City. Failure to do so shall result in being deemed a violation of this Chapter.

(Ord. No. 4931, § 2, 2-19-18)

Sec. 31-22. Application process.

- (a) Prior to submitting an application, if the Special Event will be held in the Downtown Entertainment District, including Heritage Park and Katy Plaza, the Applicant shall contact the Main Street Department to discuss availability and event details. If a Special Event is planned to be held in a City Park, the Applicant shall contact the Parks and Recreation Department to discuss availability and reservations.
- (b) The Applicant must complete in full the City's Special Event Permit Application. In addition to the information furnished on the Special Event Permit Application, the Applicant shall provide the following information:
 - Overall Special Event layout and site plan;
 - Proposed size(s) and location(s) of parking lot(s) and other designated parking areas, if any;

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- The number of expected attendees;
 - Location of:
 - First Aid Stations;
 - Generators and/or other sources of power;
 - Tents, canopies, and other temporary structures;
 - Party rentals (bounce houses, rock walls, climbing walls, etc.);
 - Food vendors;
 - Bars/Drink stations;
 - Lighting equipment and placement;
 - Stage and sound equipment and placement;
 - Portable restrooms and handwashing stations;
 - Temporary signage;
 - Security station(s);
 - Emergency Operations Plan for events with expected attendees to number 50 persons or more.
- (c) Applicant shall contact the City Clerk to discuss desired or available dates for the Special Event, except as set forth above. A Special Event returning to the Downtown Entertainment District or other location within the City for a successive year (a "Returning Event") may be given priority consideration for the same time period in which it was held in the previous year(s).
- (d) At minimum, and in addition to the information required in this Article II, the Special Event Application must contain the following information, which may be considered public information subject to the Texas Public Information Act and other applicable law:
- (1) *Applicant information.* Applicant's name, organization name, type of organization; a representation that the Applicant and organization are in good standing under the laws of the state and the United States; address, including city, state, zip code, e-mail address and web site address; 24-hour emergency telephone number; mobile telephone number; telephone number; facsimile number; driver's license number and state; date of birth; and on-site contact name and mobile telephone number. If the Applicant is a corporation, copies of a current certificate of account status issued by the respective state comptroller's office and a current certificate of existence issued by the respective state secretary of state's office, or, if the corporation is not incorporated in or holding a certificate of authorization in the state, copies of similar current certificates from the state in which the corporation is incorporated;
 - (2) *Special Event information.* Event name; dates and times requested; type of Special Event; any previous dates such Special Event has been held; previous attendance; expected attendance; whether the Special Event will be open to the public; admission fee; estimated budget; proposed Special Event area; setup dates; teardown dates; Special Event sponsors; and Special Event beneficiaries;
 - (3) *Special Event special features.* Plans for sound amplification; stage, grandstand, bleacher, bandshell, scaffolding, and other staging; dance floor; food and beverage service, including participating concessionaires and caterers; sale or distribution of alcohol; open flames; pyrotechnics; cooking (whether involving on-site, off-site, and/or involving mobile food units); road closures and/or traffic flow modification measures; tents, canopies, or other similar types of temporary structure; temporary fencing, barricades, bollards, etc.; restrooms; sinks; showers or wash stations; dumpsters; trash containers; trash collection; electrical service; rentals; professional parking/valet; carnival or amusement rides or attractions; climate control; seating; animals; bicycles; decorations; golf carts; inflatables;

security; transportation; signage; ticket sales; emergency plan; overall event layout and any other special features planned for or in conjunction with the Special Event;

- (4) *Insurance.* The Permittee shall, at its own expense, procure, pay for and maintain the following insurance written by companies approved by the state and acceptable to the City. The Permittee shall furnish to the City certificates of insurance executed by the insurer or its authorized agent stating coverages, limits, expiration dates and compliance with all applicable required provisions:
- a. Commercial general liability insurance, including, but not limited to premises/operations, personal and advertising injury, products/completed operations, independent contractors and contractual liability, with minimum combined single limits of one million dollars (\$1,000,000.00) per occurrence, two million dollars (\$2,000,000.00) products/completed operations aggregate, and two million dollars (\$2,000,000.00) general aggregate. Coverage must be written on an occurrence form. The general aggregate shall apply on a per project basis. The City of Denison shall be listed as an additional insured on all insurance policies.
 - b. Liquor liability insurance, either endorsed onto the above policy or written on a "stand alone" basis, if any of the following applies:
 1. The Applicant is in the business of manufacturing, selling, or distributing alcoholic beverages;
 2. The Applicant serves or furnishes alcoholic beverages for a charge, whether or not such activity requires a license or is for the purpose of financial gain or livelihood; or
 3. The Applicant serves or furnishes alcoholic beverages without a charge, if a license is required for such activity.
 - c. Business automobile liability insurance covering owned, hired and non-owned vehicles, with a minimum combined bodily injury and property damage limit of one million dollars (\$1,000,000.00) per occurrence.

The insurance requirements for Special Events involving expressive activity which enjoy protection under the United States or Texas constitutions may be waived by the City Manager if the First Amendment Activity involving expressive activity poses no substantial risk of public liability or property damage;

- (5) *Advertising and promotion.* Listing of types of advertising and promotion, including radio, television, print ads, press releases, fliers, posters, direct mail, social media, etc. Any signage, posters, or other posted materials must be in accordance with City ordinances; and
- (6) *Reimbursement for services; fees.* Permittee shall reimburse the City for any costs incurred by the City within thirty (30) days of being invoiced. Fees for services to be rendered or requested must be submitted with the Special Event Application and is required for each Special Event Permit, which Special Event Permit shall extend only to those dates requested in the Special Event Application and which are approved by SERT. If the Special Event is for a First Amendment Event, the application fee may be reduced to a nominal fee or waived if hardship is applicable.
- (c) Fees must be in the form of a check, money order or credit card in the name of the organization stated on the application and shall be made payable to the City. Any amounts invoiced by the City must be paid within thirty (30) days from the date of the invoice.
- (d) SERT shall review the Special Event Application and make its determination within SERT. After a complete Special Event Application, including all required fees and licenses and/or permits, has been submitted to the City Clerk, Applicant shall be scheduled to present their Special Event to SERT.

If the City Clerk determines that clarification or additional information is necessary for proper consideration of a Special Event Application, this time period may be extended an additional ten (10) days from the date clarification or additional information is provided. SERT may approve, approve with conditions, or deny a Special Event

Application. The City Manager or SERT may also direct the City Clerk to revoke a permit if it determines at any time after approval that the Special Event is not in compliance with the Special Event Permit or with this Chapter or determined that misrepresentations were made on the application.

In making a final determination to approve a Special Event Application, each of the following factors shall be considered:

- (1) Whether the Special Event Application establishes that there will be ample opportunity to properly plan and prepare for the Special Event;
 - (2) Whether the proposed dates or location conflict with another Special Event or activity;
 - (3) Whether the Applicant has previous professional experience with hosting a Special Event of the nature or scope proposed;
 - (4) Whether the proposed Special Event has been held within the City on a previous occasion;
 - (5) Whether police, fire, or other City services will be unduly burdened or adversely affected by the Special Event;
 - (6) Whether the Special Event is reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance; and
 - (7) Such other factors or considerations as SERT may deem necessary or important in evaluating a Special Event Application.
- (e) SERT shall notify an Applicant in writing of their decision to approve, approve with conditions, or deny a Special Event. If a Special Event Permit Application is approved, the notification must advise the Applicant of the minimum staffing levels for the Special Event, any specific requirements imposed pursuant to Article III of this Chapter, and the time frame for completing such requirements.
- (f) A Special Event cancelled or postponed by the City taking place on City Property due to a Force Majeure may be rescheduled within ninety (90) days following its original date subject to availability of the scheduled location.

(Ord. No. 4931, § 2, 2-19-18)

Sec. 31-23. Compliance with Provisions of the City Code of Ordinances or Other Applicable Law.

The Permittee shall comply with the guidelines and with all other applicable rules, regulations, and directives of the City within the City's Code of Ordinances as may be issued.

(Ord. No. 4931, § 2, 2-19-18)

Sec. 31-24. Force majeure.

- (a) The City may, in its sole discretion, postpone, cancel, suspend, or close any Special Event or revoke a Special Event Permit for any Force Majeure event.
- (b) The City shall have no liability for such postponement, cancellation, suspension, or closing. Further, the City shall have no liability for failure to postpone, cancel, suspend, or close a Special Event for a force majeure event or any other reason.

(Ord. No. 4931, § 2, 2-19-18)

Sec. 31-25. Denial, revocation, and cancellation .

- (a) SERT shall deny a Special Event Permit, unless an exemption is obtained, if:
- (1) A Special Event Permit has been granted for another Special Event at the same place and time or overlaps with another Special Event during the same place and time;
 - (2) An established Special Event is customarily held at the same place and time as the proposed Special Event;
 - (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 plan for:
 - a. The protection of Special Event participants and spectators;
 - b. Maintenance of public order in and around the Special Event location;
 - c. Crowd security, taking into consideration the size of the Special Event;
 - d. Emergency vehicle access;
 - e. Emergency Operations Plan for events with expected attendees to number 50 persons or more;
 - f. Portable restroom facilities for the Special Event as required by SERT; or
 - g. Removal of waste, rubbish, and other materials resulting from participants, spectators, and/or animals in and around the Special Event.
 - (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 Chapter;
 - (6) The Applicant makes a false statement of material fact on a Special Event Application for a Special Event Permit or fails to properly complete a Special Event Application;
 - (7) The Applicant fails to provide proof that the Applicant possesses or is able to obtain a license or permit required by another 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 fourteen (14) months;
 - (9) The Applicant has committed, within the preceding fourteen (14) months, two (2) or more violations of a provision of a Special Event Permit of this Chapter;
 - (10) The Applicant fails to pay any outstanding fees assessed under this Chapter for the proposed Special Event or for a past Special Event;
 - (11) The Applicant has conducted or sponsored two (2) Special Events at one location within the last twelve (12) months, notwithstanding any exemptions provided for within section 31-21;
 - (12) The Chief of the Police Department or the Chief of the Fire Department determines that the Special Event would pose a serious threat to the public health, safety, or welfare;
 - (13) The Applicant or any other person responsible for the conduct or sponsorship of the Special Event is overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon the Applicant;
 - (14) The Applicant has a history of conducting or sponsoring Special Events in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner;

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- (15) A Special Event has been previously scheduled for the same time or overlapping time on property described in this Chapter that is adjacent to the location of the proposed Special Event; or
 - (16) The Applicant, if it is a corporation, fails to provide copies of a current certificate of account status and current certificate of existence as required by Section 31-22 of this Chapter.
- (b) SERT may revoke, whether issued properly or in error, a Special Event Permit if:
- (1) The Permittee fails to comply with or the Special Event is in violation of any provision of the Special Event Permit, a City ordinance, or any other applicable law;
 - (2) The Permittee made a false statement of material fact on a Special Event Application or failed to properly complete a Special Event Application for a Special Event Permit;
 - (3) The Chief of the Police Department or the Chief of the Fire Department determines that the Special Event poses a serious threat to the public health, safety, or welfare;
 - (4) The Permittee failed to pay any outstanding fees assessed under this Chapter for the proposed Special Event or for a past Special Event;
 - (5) The Permittee or any other person responsible for the conduct of the Special Event is overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon the Permittee or such other person;
 - (6) The Permittee, if it is a corporation, failed to provide copies of a current certificate of account status and current certificate of existence as required by Section 31-22 of this Chapter; or
 - (7) The Permittee is found guilty or pleads guilty or no contest to a citation alleging a violation of this Chapter.

(Ord. No. 4931, § 2, 2-19-18)

Sec. 31-26. Appeal from denial or revocation of a Special Event Permit.

If SERT denies the issuance of a Special Event Permit or revokes a Special Event Permit, SERT shall issue written notice of the denial or revocation and of the right to an appeal. The Applicant or Permittee may appeal the decision of SERT to the City Manager, in writing, within five (5) days after the date of the denial or revocation. If such appeal is not made within this five-day period, the decision of SERT shall be final. The appeal shall be decided by the City Manager within ten (10) days after the date of a timely filed appeal.

(Ord. No. 4931, § 2, 2-19-18)

Sec. 31-27. Appeal of Special Event Permit conditions.

A Permittee who disagrees with the requirements imposed by SERT on a Special Event Permit issued under this Chapter may appeal the to the City Manager, in writing, setting forth the specific condition contested and the basis for the appeal within five (5) days of the date of Special Event Permit approval. The City Manager shall issue their decision within ten (10) days and the decision of the City Manager shall be final.

(Ord. No. 4931, § 2, 2-19-18)

Sec. 31-28. Right of entry.

The City through its officials, employees, agents, and representatives shall have the right at all reasonable times to enter upon all permitted premises for the purpose of inspecting the permitted premises, for observing the

performance of obligations under this Chapter, and for the doing of any act or thing which the City may be obligated to or have the right to do under the Special Event Permit, this Chapter, or other applicable City ordinance, rule or regulation.

(Ord. No. 4931, § 2, 2-19-18)

Secs. 31-29, 31-30. Reserved.

ARTICLE III. SPECIAL PROVISIONS AND REQUIREMENTS

Sec. 31-31. City services.

To best serve the safety and welfare of the public, the following services may be provided by the City as required (as determined by SERT) in conjunction with a Special Event. The Applicant shall reimburse the City for the cost of the following services in accordance with the City's Comprehensive Fee Schedule:

- (1) Police protection, security and crowd control.
- (2) Fire protection, emergency medical services, and emergency management services.
- (3) Park maintenance.
- (4) Public works: street closures and water services.
- (5) Traffic and parking control.
- (6) Development services: building inspections, environmental health compliance, code, et al.

(Ord. No. 4931, § 2, 2-19-18)

Sec. 31-32. Street closure plan.

An Applicant requesting street closure(s) for a Special Event shall submit for approval a traffic control plan approved by the Public Works Department and by SERT showing the layout of all barricades and signs at the time of Special Event Application. SERT shall consider such request in evaluating the Special Event Application and may recommend additional or fewer street closures. If a street closure affects business owners adjacent to the street being closed, the City may require written consent of each business and/or property owner adjacent to the affected area. Should street closures be approved, the City's Public Works Department shall place all barricades and signs on public streets or on any public rights-of-way and shall remove all barricades and signs at the conclusion of a Special Event. Fees associated with street closures shall be in accordance with the City's Comprehensive Fee Schedule. City-partnered Special Events may be exempt from any fees related to street closures. At no time shall a street closure restrict access to emergency vehicles.

(Ord. No. 4931, § 2, 2-19-18)

Sec. 31-33. Outdoor activities.

- (a) Any outside area to be occupied by persons attending the Special Event must be completely enclosed by a temporary (during the term of the Special Event only) interlocking fence if alcohol is served or allowed to be consumed in such area. If required fencing crosses a fire lane, a twenty-foot-wide emergency gate must be utilized and kept closed. The gate must be kept closed, but unlocked, at all times to accommodate public safety

vehicles and provide an emergency exit. The fencing set-up must ensure that customers are not forced to re-enter an adjacent structure, if any, in order to vacate the area in case of an emergency.

- (b) All outdoor activities and entertainment must be confined to the area (and if fencing is required by paragraph (a) of this section, then such activities and entertainment must be confined to the area within the fencing).
- (c) All fire lanes throughout the property on which the Special Event takes place must be kept completely unobstructed by vehicular traffic.
- (d) All fire hydrants shall not be blocked at any time and a clearance of at least six (6) feet around fire hydrants must be maintained.

(Ord. No. 4931, § 2, 2-19-18)

Sec. 31-34. Parking.

- (a) The Applicant shall provide a parking plan, which, at a minimum, identifies the number of parking spaces, each entrance and each exit to the parking area.
- (b) If parking needs for the Special Event are expected to exceed the area(s) owned by or assigned to the host establishment(s), appropriate parking arrangements must be made with affected properties or establishments.
- (c) Any required handicapped parking space affected by the outdoor fencing for the event must be temporarily replaced using a space(s) outside the fenced area that is as close as practicable to the entrance to the establishment. Such temporary space must meet all requirements for handicapped spaces including the required "clear zone" on the driver's side of the vehicle and appropriate signage.

(Ord. No. 4931, § 2, 2-19-18)

Sec. 31-35. Alcoholic beverages.

- (a) Any Special Event serving alcohol shall require at least two actively licensed private security officers, as approved by the City, or two off-duty active and in good standing Texas Commission on Law Enforcement (TCOLE) licensed Peace Officers. If Denison Police Officers' services are utilized through the City, they shall be compensated in accordance with the City's Comprehensive Fee Schedule.
- (b) Access points into the area where alcohol is being served must be constantly manned to prevent patrons from entering or exiting with alcoholic beverages.
- (c) A copy of the Special Event Permit to use public property must be provided to the Texas Alcoholic Beverage Commission ("TABC") or its successor agency.
- (d) Any required permit or letter of approval from the TABC and the City must be posted where the Special Event takes place and must be posted in an area that is accessible for inspection, if required.
- (e) A copy of a current permit from TABC authorizing the Permittee to sell, dispense, or otherwise serve alcohol at the location must be submitted twelve (12) days prior to the Special Event.
- (f) In accordance with Chapter 3, Section 3-7, of the City of Denison Code of Ordinances, as amended, no person shall consume or have in his possession any alcoholic beverage while on City Park property, except as specifically allowed for in Chapter 3-.

(Ord. No. 4931, § 2, 2-19-18)

Sec. 31-36. Noise.

No loud, excessive, or unusual noise is allowed between the hours of 11:00 p.m. and 7:00 a.m. during setup, operation, or teardown of a Special Event. Failure to comply with a request from SERT or the Chief of Police concerning noise levels may result in the immediate revocation of the Special Event Permit. Outdoor music must be provided at a volume level that is not exceed standards established in either Chapter 13, Article V of the Code of Ordinances, or the terms of the Permit, which can be reasonably distracting to drivers on adjacent or nearby streets and that is not disturbing to residents or adjacent businesses. Permittee shall adhere to the noise regulations in Chapter 13, Article V of the City of Denison Code of Ordinances, as amended.

(Ord. No. 4931, § 2, 2-19-18)

Sec. 31-37. Signs.

- (a) All signs used in connection with a Special Event shall be professionally executed and must comply with all applicable ordinances, rules, and regulations of the City, and be approved in writing by SERT.
- (b) Written permission from the City must be obtained prior to placing signs on City Property. Signs placed on City Property must be approved by the City. Signs placed on City Property must be designed and constructed such that they do not leave adhesive residue when removed. Inflated signs anchored to the ground, a building, or other structure are prohibited.
- (c) Permanent, existing signs on City Property shall not be removed or covered.
- (d) The City's Public Works Department shall place all directional signs placed on public streets.
- (e) The City shall authorize any signs placed on public streets or rights-of-way related to the Special Event.
- (f) The City or the SERT may require a separate sign permit, if such a sign or sign require a separate permit under Chapter 19 of the City's Code of Ordinances.

(Ord. No. 4931, § 2, 2-19-18)

Secs. 31-38—31-40. Reserved.

ARTICLE IV. ENFORCEMENT

Sec. 31-41. Offenses.

- (a) A person commits an offense if the person commences or conducts a Special Event:
 - (1) Without a Special Event Permit; or
 - (2) In violation of any provision of a Special Event Permit, this Chapter, or any other City ordinance or applicable law, rule, standard, or regulation.
- (b) For offenses punishable by a fine not to exceed five hundred dollars (\$500.00), a culpable mental state is not required for the commission of an offense under this Chapter.

(Ord. No. 4931, § 2, 2-19-18)

Sec. 31-42. Penalty.

- (a) A person who violates a provision of this Chapter or a requirement of a Special Event Permit is guilty of a separate offense for each day or part of a day during which the violation is committed or continues.
- (b) Each offense is punishable by a fine not to exceed:
 - (1) Two thousand dollars (\$2,000.00) for a violation of a provision of this Chapter or a requirement of a Special Event Permit governing fire safety, zoning, or public health and sanitation, including dumping or refuse; or
 - (2) Five hundred dollars (\$500.00) for all other violations of this Chapter or requirements of a Special Event Permit.
- (c) The penal provisions imposed under this Chapter shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

(Ord. No. 4931, § 2, 2-19-18)