

ORDINANCE NO. 10-03-04-08

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CORINTH, TEXAS BY ADDING CHAPTER 116 “SPECIAL EVENTS” TO THE CODE; PROVIDING FOR THE REGULATION OF SPECIAL EVENTS AND BLOCK PARTIES; PROVIDING FOR A PERMIT AND EXEMPTIONS; PROVIDING FOR THE REVOCATION, TERMINATION AND APPEAL OF PERMIT; AMENDING THE MASTER FEE SCHEDULE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, from time to time, the residents in Corinth desire to hold block parties and other special events; and

WHEREAS, in order to plan for and protect the health and safety of participants and spectators, City staff should to be adequately informed of the details of special events; and

WHEREAS, the adoption of a permit requirement to conduct a special event provides for the safety and protection of the health and safety of Corinth residents.

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

SECTION 1.

That the Code of Ordinances of the City of Corinth, Texas is hereby amended by adding Chapter 116 (Special Events) thereto, which shall be and read as follows:

**“CHAPTER 116
SPECIAL EVENTS**

§ 116.01 PURPOSE

The purpose of this chapter is to secure the general health, safety and welfare for the residents of the City by regulating the manner in which special events are conducted and requiring compliance with minimum standards to ensure the safety of the attendees and the residents of Corinth.

§ 116.02 DEFINITIONS

1. **Applicant** means a person who has filed a written application for a special event permit.
2. **Block Party** means the use of a street for a residential neighborhood function or event which involves the temporary barricading of one or more streets.
3. **City** means the City of Corinth, Texas.
4. **City-Sponsored Event** means an event sponsored in whole or in part by the City, conducted by or with a non-profit organization, and for which the City pays all or a portion of the costs of the event.
5. **Concession** means a facility at a special event where food or drink is offered to the public.
6. **Director of Planning and Development** means the City's Director of Planning and Development or the Director's designated representative.
7. **Non-Profit Organization** means an organization or entity that is exempt from the payment of tax pursuant to section 501(c) (3) of the Internal Revenue Code.
8. **Permanent structure** means a structure for which a certificate of occupancy has been issued.
9. **Person** means any individual, assumed name entity, partnership, association, corporation or other organization or entity.
10. **Promoter** means the person seeking to hold a special event, including the promoter's employees, agents, affiliates, successors, permitted assigns and other persons controlled by the promoter.
11. **Reimbursable Costs** means costs incurred in the staging of the event, including, without limitation, the following:
 - a. Utility services provided to the special event, including all of the costs of installation, maintenance and connection.
 - b. Food services inspection.
 - c. Repair, maintenance and removal of facilities in the event of a failure of promoter.
 - d. Repair of streets, alleys, sidewalks, parks, and other public property.
 - e. Police protection.
 - f. Emergency medical service.
 - g. Fire protection.
 - h. Garbage disposal and cleanup.
 - i. Traffic control.
 - j. Equipment, including but not limited to bleachers, sound equipment, tents, tables and chairs.
 - k. Other direct costs associated with the special event.
12. **Permit** means written approval from the city or its designated representative for a special event.
13. **Special Event** means a temporary event or gathering, including a block party, carnival or neighborhood garage sale sponsored by a homeowner's association,

using either private or public property, for which more than 200 persons are expected to attend and which involves one or more of the following activities:

- a. closing a public street;
- b. blocking or restricting access to public property and streets;
- c. offering of merchandise, concessions on public property or on private property where otherwise prohibited by ordinance;
- d. erecting a tent on public property, or on private property where otherwise prohibited by ordinance;
- e. installing a stage, band shell, van, trailer, portable building, grandstand or bleachers on public property;
- f. installing a stage, band shell, portable building, grandstand or bleachers on private property where otherwise prohibited by ordinance;
- g. placing portable toilets on public property, or on private property where otherwise prohibited by ordinance; or
- h. placing of temporary "no parking" or "parking" signs in a public right-of-way.

§ 116.03 PERMIT REQUIRED; EXEMPTIONS

1. A person engaging in or sponsoring a special event shall apply for and receive a special event permit from the City, and pay all fees as applicable.
2. No permit shall be required under this Chapter for the following:
 - a. the armed forces of the United States of America, the military forces of the State of Texas, political subdivisions of the State of Texas, and the forces of the police and fire departments acting within the scope of their duties;
 - b. a peaceful demonstration at a fixed location which is not a street;
 - c. sporting and special events sponsored by either the Denton or Lake Dallas Independent School District.
 - d. City sponsored events.
 - e. A special event to be held on private property, and which event (i) is a permitted use, or an accessory use authorized by the City's Comprehensive Zoning Ordinance, as amended, (ii) the site will accommodate the required parking of cars for attendees on-site, and (iii) if the event involves one of the activities identified in Section 116.01 (d), (e), (f) or (g), it is to be conducted at least 200 feet from the property line of the adjacent property.
 - f. An event to be held in a permanent structure designed, constructed and approved by the Fire Marshal for the occupancy load of the event, with sufficient permanent sanitary facilities, as required by the Uniform Building Code, and sufficient parking facilities, as required by the Zoning Ordinance.

§ 116.04 APPLICATION

1. A person desiring to hold a special event shall apply for a special event permit by filing with the Planning and Development Department a written application upon a form provided for that purpose.
2. An application for a permit for a block party or special event shall be made not less than 60 days prior to the date and time of the commencement of the event.
3. An application must contain the following information:
 - a. the name, home address and telephone number, office address and telephone number, date of birth, and driver's license number of the applicant, the promoter, and of any other persons responsible for the conduct of the special event;
 - b. The name and address of the owner of the place where the event is to be held, and a statement describing the terms and conditions of the agreement whereby the promoter is authorized to use the land
 - c. A description of the place where the event is to be held which will provide a physical description of the location upon which the event is to be held and a description which will adequately locate the property within the City limits.
 - d. The following general information:
 - (1) a description of the special event;
 - (2) requested date, location, and hours of operation;
 - (3) use of structures, including tents, fences, barricades, signs, banners and restroom facilities;
 - (4) the estimated number of persons participating in the special event;
 - (5) details of how applicant proposes to provide security and traffic control;
 - (6) the time and location of street closings, if any are requested;
 - (7) if applicable, details of the offer of merchandise or service of concessions at the special event, designating any street vendors or peddlers involved;
 - (8) if applicable, a description of animals to be used with proof of vaccinations or health status records;
 - (9) details of how the applicant will clean up the area used after the special event; and proof that the applicant possesses or is able to obtain all licenses and permits required by city ordinance or by state law for the conduct of the special event;
 - (10) the estimated number of spectators, participants or guests;
 - (11) if applicable, proof of notification and consent signed by each owner and tenant of the properties in the area affected by a block party;
 - (12) proof of any type of insurance or hold harmless agreement as required by the City and in the amounts determined appropriate by the City.

4. An application must also contain either a performance bond or security deposit in the amount of \$1,000. Applicants for City-sponsored events are not required to post either a performance bond or a security deposit.

§ 116.05 REQUIRED FEE

1. An applicant for a special event permit shall pay a permit fee at the time the application is submitted, and if required, shall submit a bond.
2. The application fee shall be in the amount as established by the City Council
3. Special events sponsored by the City, block parties, and special events held by non-profit organizations shall be exempted from the requirements to pay a permit fee.
4. A copy of the fee schedule is available from the Planning and Development Department.

§ 116.06 REVIEW OF PLANS AND APPLICATIONS

1. The City, by reviewing and/or approving plans submitted with an application, assumes no liability or responsibility thereof.
2. The following plans shall be required where applicable to the proposed special event:
 - a. Facilities: a set of plans and specifications relating to all temporary Facilities to be constructed or utilized for the special event.
 - b. Fire Protection: a plan for prevention of fires and for adequate protection of persons and property in the event of a fire, including, without limitation, adequate exits, fire extinguishers, adequate access for fire trucks and emergency vehicles.
 - c. Concession Service: a plan to provide food and beverages.
 - d. Emergency Medical Service: a plan to provide adequate emergency medical services at the special event.
 - e. Parking: a plan to provide adequate parking for the proposed special event including written permission in the form provided by the City executed by all of the owners of the land to be used for the special event.
 - f. Police Protection: a plan providing for adequate safety, security, traffic and crowd control in connection with the special event, which addresses the location of booths, stage and event structures, several weather shelters, location of security staff, location of assembly area and approximate occupancy.
 - g. Promotional: if applicable, the plan to promote, market and advertise the special event.
 - h. Sanitation Plan: a plan to insure that the highest standards of cleanliness and sanitation are maintained at the special event, including adequate restroom facilities, and a plan to empty refuse containers frequently so as to prevent overflow.

- i. Emergency Medical Service, police protection and fire protection beyond that level normally provided will be supplied, at the applicant's expense, by the appropriate City department as deemed necessary by the Chief of Police and Fire Chief.
3. In considering whether to approve a permit, the City shall consider the following:
 - a. whether there is convenient and safe access for the ingress and egress of pedestrians and vehicular traffic;
 - b. whether sufficient traffic control personnel is proposed to insure safety to all members of the traveling public, including pedestrians, along all public roadways in the proximity of the proposed event and/or along which the public is likely to travel to reach the site;
 - c. If the proposed event is at night, whether sufficient illumination will be provided to protect the safety of the persons assembled.
 - d. Whether the site is so arranged to provide sufficient space for persons assembled, vehicles, sanitary facilities and appurtenant equipment;
4. City Staff shall determine whether the application and plans meet City safety and other requirements, and an applicant may be requested to modify an application to meet these requirements. Should any of the submitted plans fail to give, and after notice, the applicant is unable to provide for, adequate assurances that the plans will be implemented and carried out, the permit application may be denied.

§ 116.07 MINIMUM REQUIREMENTS FOR SPECIAL EVENT

1. All public safety services shall be provided by the City of Corinth Police and Lake Cities Fire Department personnel. Crowd management requires a minimum of two officers for each 500 participants.
2. Food preparation, service and storage will be provided for pursuant to the Texas Department of Health, Denton County, and the City.
3. An adequate safe supply of potable water, meeting the requirements of the Texas Department of Health shall be provided.
4. Toilet facilities will be provided for pursuant to the requirements of the City building code.
5. Refuse shall be collected, stored and transported in a manner that protects against odor, infestation of insects, and/or rodents;
6. Refuse and recycling containers shall be clearly marked and readily accessible.
7. Electrical systems shall be installed and maintained in accordance with the provisions of the applicable state standards and City regulations.

8. The promoter shall ensure that adequate communication between local law enforcement, fire prevention and emergency personnel and any private security personnel is provided.

§ 116.08 ISSUANCE, DENIAL AND REVOCATION OF SPECIAL EVENT PERMIT

1. The application for a special event permit shall be denied if the permit application does not contain the information and plans required by this Chapter.
2. Upon receipt of an application for a special event which contains all required plans, the Director shall forward a copy of the application to each City department. The Departments shall review the plans and application and shall notify the Director of their approval or denial of the application within 30 days of receipt.
3. Upon receipt of the findings of the Departments, the Director shall notify the applicant if the application is to be approved.
4. The City departments and the City may prescribe licenses and permits required by other city ordinances or applicable law, restrictions, regulations, cost for city services, safeguards, and other conditions necessary for safe and orderly conduct of a special event, to be incorporated into the permit before issuance.
5. The City shall advise the applicant of the estimated cost for city services, safeguards, and other conditions necessary for the safe and orderly conduct. Prior to the issuance of the permit, the applicant shall agree in writing to pay the deposit at least 10 days prior to the event.
6. If applicable, a deposit of one half of the estimated cost of reimbursable expenses required to be paid to the City as the result of a special event must be received by the City not less than 10 days before the date of the special event.
7. The City may deny an application for a special event permit if:
 - a. a special event permit has been granted for another special event at the same place and time or within two hours of the end of a previously permitted special event;
 - b. the proposed special event will unreasonably disrupt the orderly flow of traffic and no reasonable means of re-routing traffic or otherwise meeting traffic needs is available;
 - c. 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 ordinance;
 - d. the applicant makes a false statement of material fact on an application;

- e. the applicant has had a special event permit revoked within the preceding 12 months or the applicant has committed two or more violations of a condition or provision of a special event permit or of this article within the preceding 12 months.
- f. the applicant fails to adequately arrange for:
 - (1) the protection of event participants;
 - (2) maintenance of public order in and around the special event location;
 - (3) crowd security; taking into consideration the size and character of the event;
 - (4) emergency vehicle access; or
 - (5) safe sanitary conditions for preparation or operation of food concessions.
- g. the applicant fails to provide proof that the applicant 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;
- h. the applicant fails to pay any outstanding costs owed to the City for a past special event permit;
- i. the applicant fails to submit the required deposit (if charged) and agree in writing to reimburse the City for the estimated costs for the proposed special event;
- j. the proposed special event would unduly burden City services; or
- k. the special event begins or ends outside the city limits, unless the applicant supplies proof of approval of any other affected governmental entity.

§ 116.09 SPECIAL CONDITIONS

In determining whether to grant an application for a permit, the City may establish specific conditions for traffic safety and protection of health.

§ 116.010 REVOCATION OF PERMIT

The Director may revoke a special event permit issued pursuant to this Chapter upon finding of one or more of the following:

1. That the promoter has violated one or more of the provisions of the permit;
2. That the permit was obtained by fraud or misrepresentation; or
3. That the preparations for the special event will not be completed prior to the planned commencement of the special event.

§ 116.11 APPEAL OF DENIAL OR REVOCATION OF PERMIT

If the City staff denies the issuance or revokes a Permit, it shall send to the applicant by certified mail, return receipt requested, written notice of denial or revocation and of the right to an appeal. The applicant must appeal the decision within three days to the City Manager in writing. The City Manager, or the City Manager's designated representative, shall, within three working days after the appeal is filed, consider all the evidence in support of or against the action appealed and render a decision either sustaining or reversing the denial or revocation.

§ 116.12 OPERATING PROCEDURES

1. A special event shall not substantially interrupt the safe and orderly movement of traffic near the special event.
2. A special event shall not interfere with proper fire and police protection of, or ambulance service to, areas near the special event or unreasonably require the diversion of police and fire protection and ambulance service from other parts of the City.
3. The promoter shall control the level of sound emanating from the site in compliance with the Texas Penal Code and the City's noise ordinance.
4. The site shall be adequately lighted, but the lighting shall not unreasonably reflect beyond the boundaries of the event unless adjacent properties are uninhabited.
5. The promoter shall comply with the laws of the State of Texas regulating the sale of consumption of alcoholic beverages.
6. A permit holder shall comply with all directions and conditions contained within the permit and with all city ordinances and other applicable laws.
7. For events held on City property, the promoter shall return the property to at least as good a condition as before the event. The grounds and immediate surrounding property shall be cleared of refuse within 24 hours following a mass gathering event. The promoter shall be liable for the costs of any damage to property or waste removal not performed by the promoter at the conclusion of the event.
8. For events held on City property, the promoter shall furnish evidence of insurance coverages at least 10 days prior to the event. The insurance policies shall name the City, its officers, and employees as an additional insured and shall contain a provision that the insurance shall not be canceled or modified without written notice to the City. The insurance shall be furnished by an insurance company licensed to do business in the state of Texas and have a Best rating of at least A. Comprehensive General Liability insurance with bodily injury limits of not less than

\$500,000 for each occurrence and not less than \$500,000 in the aggregate, and with property damages limits of not less than \$250,000 for each occurrence.

§ 116.13 INDEMNIFICATION

An applicant for a special event permit shall 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.

§ 116.14 OFFENSES

A person commits an offense if the person:

1. Commences or conducts a special event without the appropriate permits or fails to comply with any requirement or condition of a permit of this Chapter.
2. Participates in a special event for which a permit has not been granted.”

SECTION 2: FEES

A fee of \$50 shall be charged for an application for a Special Event Permit.

SECTION 3: PENALTY PROVISION

Any person, firm, corporation, business or non-profit entity that violates this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not exceeding \$500. Each continuing day's violation shall constitute as a separate offense. The penalty provisions imposed under this Ordinance shall not preclude the City of Corinth from filing suit to enjoin the violation. The City of Corinth retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4: SEVERABILITY

Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City of Corinth hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof regardless of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 5: EFFECTIVE DATE

This ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

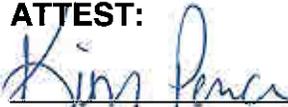
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS ON THIS 4 DAY OF March, 2010.



PAUL RUGGIERE, MAYOR



ATTEST:



KIM PENCE, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:



DEBRA A. DRAYOVITCH, CITY ATTORNEY