

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING AND REVISING THE CITY OF JOHNSON CITY CODE OF ORDINANCES BY REPEALING ARTICLE 1.12 *EVENT PERMIT* AND AMENDING ARTICLE 4.03 *PEDDLERS, SOLICITORS, PUBLIC VENDORS, AND SPECIAL EVENTS*; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Johnson City ("City") on May 2014 enacted Ordinance 14-0501, the "Special Events Ordinance", codified in the City's Code of Ordinances ("Code") at Chapter 4 *Business Regulations* as Article 4.03 *Peddlers, Solicitors, Public Vendors and Special Events*, Division 3. *Special Events*, Sections 4.03.061 through 4.03.109; and

**WHEREAS**, the City Council on March 2019 enacted Ordinance 19-0302, the "Event Permit Ordinance", codified in the Code at Chapter 1 *General Provisions* as Article 1.12 *Events*, Sections 1.12.001 through 1.12.008; and

**WHEREAS**, the City Council finds in that both articles relate to public community and civic events conducted in the City on public municipal property, it is appropriate and suitable to revise the articles for efficiency and administrative purposes, to-wit: a combination of the two articles into a revised and renamed Division 3. *Events*; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Johnson City:

**ARTICLE I. FINDINGS OF FACT.** The foregoing recitals are adopted as facts and are incorporated fully herein.

**ARTICLE II. REPEAL OF ARTICLE 1.12 *EVENTS* OF THE CODE OF ORDINANCES.** The City Council of the City of Johnson City hereby repeals in its entirety Article 1.12 *Events* of the City's Code of Ordinances, Chapter 1 *General Provisions*.

**ARTICLE III. AMENDMENT, ADOPTION, AND ENACTMENT OF ARTICLE 4.03, DIVISION 3. *EVENTS* OF THE CODE OF ORDINANCES.**

A. Revised Ordinance. The City Council of the City of Johnson City hereby amends Division 3. *Special Events*, Sections 4.03.061 through 4.03.109 of the City's Code of Ordinances, by revising it in its entirety, and enacts as revised and amended, Division 3. *Events*, Sections 4.03.061 through 4.03.069, as depicted in "Attachment A", attached hereto and incorporated fully herein for all intents and purposes, and to read as contained therein.

B. Article Heading. The following heading in the City's Code of Ordinances is amended to read as follows (strikethrough is deleted text):

**ARTICLE 4.03 PEDDLERS, SOLICITORS, PUBLIC VENDORS AND ~~SPECIAL~~  
EVENTS**

**ARTICLE IV. REPEALER AND SEVERABILITY**

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**ARTICLE V. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and approval.

**PASSED AND APPROVED** this, the 2<sup>nd</sup> day of November 2021, by a majority vote of the City Council of Johnson City, Texas.

CITY OF JOHNSON CITY, TEXAS

\_\_\_\_\_  
Rhonda Stell, Mayor

**Attest:**

\_\_\_\_\_  
Whitney Walston  
City Secretary

## ARTICLE 4.03 PEDDLERS, SOLICITORS, PUBLIC VENDORS, AND EVENTS

### DIVISION 3. EVENTS

#### Sec. 4.03.061. Definitions.

- Applicant:* A person, group, business, or entity submitting an application for a permit for an event.
- CAO:* The Chief Administrative Officer of the City.
- City:* The City of Johnson City, Texas.
- Event:* A planned occasion or activity that occurs on and impacts a City public right-of-way, such as a street, sidewalk, alley, walkway, or other City public-owned facility, such as a municipal park, pool, or community building, during a particular interval of time; an event includes a parade, rally, public rally, or recreational street use.
- Parade:* Any march or procession consisting of people, animals, vehicles (motorized or nonmotorized), floats, or a combination thereof, except funeral processions, upon any public street or alley which does not comply with the normal or usual traffic controls and which may reasonably require and necessitate special traffic control and/or rerouting, special police protection, and/or crowd control or other prior planning, and which is organized for a common purpose, theme, or cause.
- Permit holder; permittee* A person to whom an event permit has been issued.
- Person:* Any person, firm, partnership, association, corporation, company, or organization of any kind.
- Rally; public rally:* A mass meeting of three or more people making a political protest or showing support for a cause, such as occasioned by recent news or current affairs, and that is conducted solely on City right-of-way or a City public-owned facility.
- Recreational street use:* The use of a public street or alley for an event that would involve closing a portion of a street, including, but not limited to, block parties, festivals, and similar recreational events, both charitable and noncharitable, which do not comply with normal or usual traffic controls.
- Repeat Event:* One event, the same which is repeated on a regular basis throughout a calendar year, *e.g.*, “Market Days”.

*Road closure:* Closing a highway, street, or portion of a highway or street to all vehicular traffic, except for event participants, for the duration of an event.

**Sec. 4.03.062. Permit required; Exemptions.**

- (a) Permit required. It shall be unlawful for a person to conduct an event without obtaining an event permit from the City.
- (b) Permit application required. A person promoting or sponsoring an event involving the use of a public street, public facility, or public property, including City parks, City public right-of-way, such as a street, sidewalk, alley, or walkway, or other City public-owned facility, such as a municipal park, pool, or community building, shall apply for and obtain an event permit for such activity from the City prior to the event.
- (c) Exemptions. The following events are exempt from the provisions, including permit requirements, of this Article:
  - (1) A funeral procession;
  - (2) An event by a government agency acting within the scope of its function, provided advance notice and detailed information of the agency event is given to the City; or
  - (3) An event of which the City and/or Blanco County is a sponsor, provided advance notice and detail information of the event is given to the City.
- (d) Non-transferable. An event permit is not transferable.

**Sec. 4.03.063. Application for permit.**

- (a) Filing. An Applicant shall submit for each event a permit application and a permit application fee.
- (b) Deadlines. An application must be submitted with the City not less than 15 days, nor more than 120 days, before the date of the event. A permit application for an event for which the primary purpose is to express free speech rights, such as a rally, may be submitted not less than five days before the proposed event date. Where good cause is shown, applications submitted after the deadline may be accepted.
- (c) Repeat event. For a repeat event, only one permit application and fee are required to be submitted to be applied to the event as repeated in a calendar year. A permit for a repeat event shall be valid through the end of the calendar year, *i.e.*, December 31<sup>st</sup>.
- (d) Contents. A permit application form must include the following information:
  - (1) Name, address, and telephone number of the Applicant; in addition, for a sponsored event, written authorization to file by the individual responsible for the conduct of the event;
  - (2) The date and time of the event; for a parade, the start and end time;

- (3) Whether the event is a repeat event, as defined in this Article;
  - (4) The location and layout of the event; for a parade or rally, the route to be traveled with the starting point and the termination point, and the streets or public right-of-way to be traversed by the parade;
  - (5) The size, location, and layout of performance stages, booths, tents, and other temporary structures or shelters, if applicable;
  - (6) If any portion of the event is to be held on private property, including parking, written permission from the owner of the property or authorized representative;
  - (7) For a parade, the approximate number of persons in the parade; the number and type of animals, vehicles, and/or floats in the parade; the minimum and maximum speeds, if applicable; the maximum interval of space, if applicable, to be maintained between the units of the parade; and the maximum length of the parade in miles or fractions thereof, if applicable;
  - (8) A description of planned activities and estimated number of participants;
  - (9) A request for street closure, if applicable, for Mayor, Chief of Police, and CAO approval;
  - (10) Medical and evacuation plans, as prescribed and in a format approved by the Chief of Police or designee.
  - (11) A security plan, as prescribed and in a format approved by the Chief of Police or designee;
  - (12) A description of proposed traffic control, as prescribed and in a format approved by the Chief of Police or designee;
  - (13) General liability and, if alcohol is to be sold, liquor liability insurances in an amount not less than \$1,000,000.00, naming the City as additional insured, for each event located on public property; the requirement of general liability insurance may be waived for a public rally;
  - (14) Liquor license information if alcohol is to be sold at the event;
  - (15) If food is to be served or sold, copies of licenses or permits issued by the appropriate agencies;
  - (16) A Peddler Permit for each individual vendor participating in the event. An application for a Peddler Permit may be submitted and a Peddler Permit issued at the same time as the event application;
  - (16) A signed Indemnity and Hold Harmless Agreement in a form prescribed by the City indemnifying the City and 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 event; and
  - (17) Any additional information deemed reasonably necessary by the City for a determination as to whether a permit should be issued.
- (e) Fee. An application fee shall be paid at the time of filing an application. The fee amount shall be as prescribed in the most recent adopted fee schedule passed and approved by the City Council. The fee shall be non-refundable. The fee shall be waived for a public rally.
- (f) Additional Costs; Deposit.
- (1) Expenses or costs incurred by the City for items related to the event, or for each occurrence of a repeat event, shall be charged by the City to the Applicant for immediate payment

upon receipt of invoice. These may include:

- i. Electricity and water;
  - ii. Police security;
  - iii. Sanitation;
  - iv. Personnel;
  - v. Use of City equipment or other resources;
  - vi. Restoration costs related to damage to public property incurred during the event; and
  - vii. Clean-up.
- (2) Prior to issuance of a permit, an Applicant shall agree in writing to pay any additional costs and to provide full reimbursement for such costs to the City within 60 calendar days of the conclusion of the event. The assessed reimbursement amount may be appealed to the City Council. Should the permit holder fail to pay, no future permits shall be issued to the permit holder. The City may pursue legal remedies for recovery of costs.
  - (3) A refundable deposit for estimated costs per event may be required. The deposit may be applied toward payment of City costs. Said deposit may be forfeited for nonpayment of City costs.
  - (4) Costs, other than reimbursement for damages and clean-up, shall be waived for a public rally.

**Sec. 4.03.064. Standards for issuance; Denial and Appeal.**

- (a) Action on application. Decision on approval or denial of a permit shall be made by the Mayor, Chief of Police, and CAO within 15 business days of receipt of a completed permit application. For a public rally or event for which time is of the essence, the timeframe may be accelerated.
- (b) Compliance standards. The City shall issue a permit upon determinations of satisfactory compliance by the Applicant with the duties and requirements of this Article, and of the following:
  - (1) The conduct of the event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its site or route;
  - (2) Setup and conduct of the event shall not prevent or interfere with normal police, fire, or emergency medical service protection nor interrupt the efficient response of these services to the event site or to areas contiguous to the event site or route;
  - (3) Adequate and sufficient police and patrol services will be provided and available during the event, and event activities will not unduly interfere with the normal police protection for the City;
  - (4) Adequate on-site and off-site parking is provided, and the transfer of attendees and participants to such parking is available;
  - (5) The conduct of the event is not reasonably likely to cause injury to persons or property, provoke disorderly conduct, constitute a public threat, or create a disturbance;
  - (6) For a parade, movement from the start to the finish shall be conducted expeditiously and without unreasonable delays en route;
  - (7) The event is not to be held for the sole purpose of advertising or sale of any product,

- goods, or services;
- (8) The event will not conflict in time and location with another event for which a permit has already been issued;
  - (9) The event will not substantially interfere or disrupt the educational activities of a school when such school is in session;
  - (10) The event will not unduly hinder or compromise the delivery or performance of normal City services, including scheduled construction or maintenance services;
  - (11) The Applicant has not been convicted of violating this Ordinance, has not had a permit revoked within the preceding 12 months, or has not paid additional costs assessed by the City for a previous event within the previous two years;
  - (12) The application fee and an agreement for payment of costs, if applicable, has been submitted;
  - (13) The statements made by the Applicant in the application are true and correct; and
  - (14) Arrangements for compliance with any other special conditions will be met by the Applicant.
- (c) Notice of denial. If an application is disapproved, the Applicant shall be notified in writing of the reasons for denial within twenty business days after the date of filing.
- (d) Appeal. An Applicant denied a permit may appeal a denial by submitting in writing to the City a notice of appeal within ten business days after the date of the notice of denial. The City Council shall act upon the appeal within 30 days after receipt. A decision by the City Council is final. For a public rally or event of immediate occurrence, the timeframes may be accelerated.
- (e) Alternate permit for parade. The City, in denying an application for a permit for a parade, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that designated by the Applicant. An Applicant accepting an alternate permit shall, within ten business days after notice of the City's action, file a written notice of acceptance of the alternate permit with the CAO. An alternate permit shall conform to the requirements of and shall have the effect of an event permit under this Article.

**Sec. 4.03.065. Duties of permittee.**

- (a) Compliance. A permittee shall comply with all permit directions and conditions, and with all applicable laws and Ordinances.
- (b) Possession. The permit holder shall carry the event permit upon his person during the conduct of the event and shall present an issued permit on demand to any City official or police officer.
- (c) Traffic Control and Signs. The permit holder shall be responsible for traffic control which shall meet the standards contained in the Manual on Uniform Traffic Control Devices (MUTCD) Part 6, and/or the requirements contained herein, whichever is most stringent and to the extent there is no conflict.
- (d) Use of City Logo or Name. The words "City of Johnson City," or the City's logo or a

combination thereof in any manner that would imply an official endorsement of the event by the City shall not be used without written authorization by the City.

- (e) Temporary Structures. The permit holder shall setup and use a stage, seating, tent, canopy, or other temporary structure in conformance with the City's fire and building code requirements. Fire lanes for emergency equipment must be provided.
- (f) Sanitary Facilities. The permit holder shall secure portable type sanitary facilities, if required by the City.
- (g) Clean-up. The permit holder shall perform and be responsible for all clean-up upon the conclusion of the event or shall be charged for any clean-up costs if incurred by the City;
- (h) Animal Waste. The permit holder shall arrange to have waste from animals removed immediately after the event.
- (i) Water and/or Electric Usage; Disposal of Wastewater.
  - (1) An Applicant desiring use of electricity or water from a City line or faucet must submit a deposit, as determined by the City, and will be billed accordingly for such use.
  - (2) An Applicant shall submit a plan for the disposal of wastewater for City approval.
- (j) Solid Waste Collection. The permit holder shall make arrangements for the collection of all waste resulting from the event, including the use of commercial solid waste dumpsters, if determined to be necessary.
- (k) Loudspeakers. The permit holder shall not permit loudspeakers to be positioned so as to adversely affect an adjacent residential area, and shall schedule use only between the hours of 9:00 a.m. and 9:00 p.m. The time may be modified when good cause is shown by the Applicant.
- (l) Police Services and Private Security.
  - (1) The City shall determine whether and to what extent police services are reasonably necessary for traffic control and public safety. The preferred ratio is one off-duty police officer for every ten motorized or nonmotorized vehicles or floats in a parade, or for every 100 persons expected to attend the event. The permit holder must secure at its expense any additional police services.
  - (2) If additional security is provided by the City, the permit holder may be required to provide and pay all costs for security incurred by the City. Security costs are waived for a public rally.
  - (3) If the permit holder desires to use private security officers for personal security or property security, he shall be required to furnish, prior to issuance of a permit, written evidence from a state certified security agency that arrangements have been made to furnish such security officers at the ratio set forth in this Section.
- (m) Street Closures. The permit holder shall demonstrate the measures to be taken in compliance



with safety (fire, police, EMS) guidelines related to street closures.

**Sec. 4.03.066. Parade regulations.**

- (a) Obstruction. No person shall hamper, obstruct, impede, or interfere with any parade assembly or with any person, vehicle, or animal participating or used in a parade.
- (b) Driving. No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
- (c) Parking. The City shall have the authority to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the route of a parade or event location. 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. No person shall be liable for parking on a street in violation of this Section where prohibited or restricted parking is not visibly posted.

**Sec. 4.03.068. Public nuisance; Penalties; Revocation of permit.**

- (a) Violation declared. An unauthorized event is declared by the City to be a public nuisance and a threat to the health, safety, and welfare of the public. A person who violates this Article commits an offense and is subject to prosecution for criminal violations as well as suit for injunctive relief.
- (b) Criminal and Civil Penalties.
  - (1) Criminal Fines. An offense under this Article is a misdemeanor. A person violating any provision of this Article on conviction, shall be fined a sum of \$500.00, and up to \$2,000.00 if the violation also involves fire safety, zoning or public health and sanitation including dumping of refuse. Each day of the violation shall constitute a separate offense.
  - (2) Civil Penalties. Nothing in this Article shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Article and to seek remedies as allowed by law, including, but not limited to, the following:
    - i. injunctive relief to prevent specific conduct in violation or to require specific conduct that is necessary for compliance; and
    - ii. a civil penalty up to \$500.00 a day when it is shown that the defendant was actually notified of the provisions of the Article and after receiving notice committed acts in violation or failed to take action necessary for compliance; and
    - iii. other available relief.
- (c) Authority to disburse. The Johnson City Police Department shall have the authority to disburse or abate all unauthorized occurring events.
- (d) Revocation of permit. A permit may be revoked:

- i. by the Mayor, CAO, or the Chief of Police upon a declaration of immediate public emergency involving a serious and/or imminent threat to the health, safety, and welfare of the public;
- ii. by the Mayor, CAO, or the Chief of Police upon a finding that a violation of State law or City ordinance is occurring; or
- iii. by the CAO upon a finding that there has been a material change in circumstances in the standards for issuance of the permit since approve of the permit.

Revocation of an event permit may be appealed in the manner provided herein.

## ARTICLE 4.03 PEDDLERS, SOLICITORS, PUBLIC VENDORS, AND EVENTS

### DIVISION 3. EVENTS

#### Sec. 4.03.061. Definitions.

**Applicant:** A person, group, business, or entity submitting an application for a permit for an event.

**CAO:** The Chief Administrative Officer of the City.

**City:** The City of Johnson City, Texas.

**Event:** A planned occasion or activity that occurs on and impacts a eCity public right-of-way, such as a street, sidewalk, alley, or walkway, or other eCity public-owned facility, such as a municipal park, pool, or community building, during a particular interval of time; an event includes a parade, rally, public rally, or recreational street use.

**Parade:** Any march or procession consisting of people, animals, vehicles (motorized or nonmotorized), floats, or a combination thereof, except funeral processions, upon any public street or alley, which does not comply with the normal or usual traffic controls and which may reasonably require and necessitate special traffic control and/or rerouting, special police protection, and/or crowd control or other prior planning, and which is organized for a common purpose, theme, or cause.

**Permit holder; permittee** A person to whom an event permit has been issued.

**Person:** Any person, firm, partnership, association, corporation, company, or organization of any kind.

**Rally; public rally:** A mass meeting of three or more people making a political protest or showing support for a cause, such as occasioned by recent news or current affairs, and that is conducted solely on eCity right-of-way or a eCity public-owned facility.

**Recreational street use:** The use of a public street or alley for an event that would involve closing a portion of a street, including, but not limited to, block parties, festivals, and similar recreational events, both charitable and noncharitable, which do not comply with normal or usual traffic controls.

**Repeat Event:** eOne event, the same which is repeated on a regular basis throughout a calendar year, e.g., "Market Days" of the City Chamber of Commerce.

**Road closure:** Closing a highway, ~~or~~ street, or portion of a highway or street to all vehicular traffic, except for event participants, for the duration of an event.

**Sec. 4.03.062. Permit required; Exemptions.**

- (a) Permit required. It shall be unlawful for a person to conduct an event without obtaining an event permit from the City.
- (b) Permit application required. A person promoting or sponsoring an event involving the use of a public street, public facility, or public property, including ~~e~~City parks, ~~e~~City public right-of-way, such as a street, sidewalk, alley, or walkway, or other ~~e~~City public-owned facility, such as a municipal park, pool, or community building, shall apply for and obtain an event permit for such activity from the City prior to the event.
- (c) Exemptions. The following events are exempt from the provisions, including permit requirements, of this Article:
  - (1) A funeral procession;
  - (2) An event by a government agency acting within the scope of its function, provided advance notice and detailed information of the agency event is given to the City; ~~or~~
  - (3) An event of which the City and/or Blanco County is a sponsor, provided advance notice and detail information of the ~~county~~ event is given to the City; ~~or~~
  - (4) ~~"Lights Spectacular", the "Spangle Dangle Parade", and the "Blanco County Association Fair and Rodeo Parade", provided advance notice and detail information of the particular event is given to the City.~~
- (d) Non-transferable. An event permit is not transferable.

**Sec. 4.03.063. Application for permit.**

- (a) Filing. An Applicant shall submit for each event a permit application and a permit application fee.
- (b) Deadlines. An application must be submitted with the City not less than 15 days, nor more than 120 days, before the date of the event. A permit application for an event for which the primary purpose is to express free speech rights, such as a rally, may be submitted not less than five days before the proposed event date. Where good cause is shown, applications submitted after the deadline may be accepted.
- (c) Repeat event. For a repeat event, only one permit application and fee are required to be submitted to be applied to the event as repeated in a calendar year. A permit for a repeat event shall be valid through the end of the calendar year, *i.e.*, December 31<sup>st</sup>.
- (d) Contents. A permit application form must include the following information:
  - (1) Name, address, and telephone number of the Applicant; in addition, for a sponsored

event, written authorization to file by the individual responsible for the conduct of the event;

- (2) The date and time of the event; for a parade, the start and end time;
- (3) Whether the event is a repeat event, as defined in this Article;
- (4) The location and layout of the event; for a parade or rally, the route to be traveled with the starting point and the termination point, and the streets or public right-of-way to be traversed by the parade;
- (5) The size, location, and layout of performance stages, booths, tents, and other temporary structures or shelters, if applicable;
- (6) If any portion of the event is to be held on private property, including parking, written permission from the owner of the property or authorized representative;
- (7) For a parade, the approximate number of persons in the parade; the number and type of animals, vehicles, and/or floats in the parade; the minimum and maximum speeds, if applicable; the maximum interval of space, if applicable, to be maintained between the units of the parade; and the maximum length of the parade in miles or fractions thereof, if applicable;
- (8) A description of planned activities and estimated number of participants;
- (9) A request for street closure, if applicable, for ~~City Council~~ Mayor, Chief of Police, and CAO approval;
- (10) Medical and evacuation plans, as prescribed and in a format approved by the Chief of Police or designee.
- (11) A security plan, as prescribed and in a format approved by the Chief of Police or designee;
- (12) A description of proposed traffic control, as prescribed and in a format approved by the Chief of Police or designee;
- (13) General liability and, if alcohol is to be sold, liquor liability insurances in an amount not less than \$1,000,000.00, naming the City as additional insured, for each event located on public property; the requirement of general liability insurance may be waived for a public rally;
- (14) Liquor license information; if alcohol is to be sold at the event;
- (15) If food is to be served or sold, copies of licenses or permits issued by the appropriate agencies;
- (16) A Peddler Permit for each individual vendor participating in the event. An application for a Peddler Permit may be submitted and a Peddler Permit issued at the same time as the event application;
- (17) A signed Indemnity and Hold Harmless Agreement in a form prescribed by the City indemnifying the City and 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 event; and
- (18) Any additional information deemed reasonably necessary by the City for a determination as to whether a permit should be issued.

(e) Fee. An application fee shall be paid at the time of filing an application. The fee amount shall be as prescribed in the most recent adopted fee schedule passed and approved by the City Council. The fee shall be non-refundable. ~~The application fee may be waived for a qualified local civic organization as determined by the Chief Administrative Officer (CAO) or Designee.~~

The fee shall be waived for a public rally.

(f) Additional Costs; Deposit.

- (1) Expenses or costs incurred by the City for items related to the event, or for each occurrence of a repeat event, shall be charged by the City to the Applicant for immediate payment upon receipt of invoice. These may include:
  - i. Electricity and water;
  - ii. Police security;
  - iii. Sanitation;
  - iv. Personnel;
  - v. Use of City equipment or other resources;
  - vi. Restoration costs related to damage to public property incurred during the event; and
  - vii. Clean-up.
- (2) Prior to issuance of a permit, an Applicant shall agree in writing to pay any additional costs and to provide full reimbursement for such costs to the City within 60 calendar days of the conclusion of the event. The assessed reimbursement amount may be appealed to the City Council. Should the permit holder fail to pay, no future permits shall be issued to the permit holder. The City may pursue legal remedies for recovery of costs.
- (3) A refundable deposit for estimated costs per event may be required. The deposit may be applied toward payment of City costs. Said deposit may be forfeited for nonpayment of City costs.
- (4) Costs, other than reimbursement for damages and clean-up, shall be waived for a public rally.

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**Sec. 4.03.064. Standards for issuance; Denial and Appeal.**

- (a) Action on application. Decision on approval or denial of a permit shall be made by the Mayor, Chief of Police, and CAO-CAO or designee within 15 business days of receipt of a completed permit application. For a public rally or event for which time is of the essence, the timeframe may be accelerated.
- (b) Compliance standards. The City shall issue a permit upon determinations made by the CAO or designee, in conjunction with the Chief of Police, of satisfactory compliance by the Applicant with the duties and requirements of this Article, and of the following:
  - (1) The conduct of the event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its site or route;
  - (2) Setup and conduct of the event shall not prevent or interfere with normal police, fire, or emergency medical service protection nor interrupt the efficient response of these services to the event site or to areas contiguous to the event site or route;
  - (3) Adequate and sufficient police and patrol services will be provided and available during the event, and event activities will not unduly interfere with the normal police protection for the City;

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- (4) Adequate on-site and off-site parking is provided, and the transfer of attendees and participants to such parking is available;
  - (5) The conduct of the event is not reasonably likely to cause injury to persons or property, provoke disorderly conduct, constitute a public threat, or create a disturbance;
  - (6) For a parade, movement from the start to the finish shall be conducted expeditiously and without unreasonable delays en route;
  - (7) The event is not to be held for the sole purpose of advertising or sale of any product, goods, or services;
  - (8) The event will not conflict in time and location with another event for which a permit has already been issued;
  - (9) The event will not substantially interfere or disrupt the educational activities of a school when such school is in session;
  - (10) The event will not unduly hinder or compromise the delivery or performance of normal City services, including scheduled construction or maintenance services;
  - (11) The Applicant has not been convicted of violating this Ordinance, has not had a permit revoked within the preceding 12 months, or has not paid additional costs assessed by the City for a previous event within the previous two years;
  - (12) The application fee and an agreement for payment of costs, if applicable, has been submitted;
  - (13) The statements made by the Applicant in the application are true and correct; and
  - (14) Arrangements for compliance with any other special conditions will be met by the Applicant.
- (c) Notice of denial. If an application is disapproved, the Applicant shall be notified in writing of the reasons for denial within ~~ten~~twenty business days after the date of filing.
- (d) Appeal. An Applicant denied a permit may appeal a denial by submitting in writing to the City a notice of appeal within ten business days after the date of the notice of denial. The City Council shall act upon the appeal within 30 days after receipt. A decision by the City Council is final. For a public rally or event of immediate occurrence, the timeframes may be accelerated.
- (e) Alternate permit for parade. The City, in denying an application for a permit for a parade, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that designated by the Applicant. An Applicant accepting an alternate permit shall, within ten business days after notice of the City's action, file a written notice of acceptance of the alternate permit with the ~~City Secretary~~CAO. An alternate permit shall conform to the requirements of and shall have the effect of an event permit under this Article.

**Sec. 4.03.065. Duties of permittee.**

- (a) Compliance. A permittee shall comply with all permit directions and conditions, and with all applicable laws and Ordinances.
- (b) Possession. The permit holder shall carry the event permit upon his person during the conduct of the event and shall present an issued permit on demand to any ~~e~~City official or police officer.

- (c) Traffic Control and Signs. The permit holder shall be responsible for traffic control which shall meet the standards contained in the Manual on Uniform Traffic Control Devices (MUTCD) Part 6, and/or the requirements contained herein, whichever is most stringent and to the extent there is no conflict.
- (d) Use of City Logo or Name. The words "City of Johnson City," or the City's logo or a combination thereof in any manner that would imply an official endorsement of the event by the City shall not be used without written authorization by the City.
- (e) Temporary Structures. The permit holder shall setup and use a stage, seating, tent, canopy, or other temporary structure in conformance with the City's fire and building code requirements. Fire lanes for emergency equipment must be provided.
- (f) Sanitary Facilities. The permit holder shall secure portable type sanitary facilities, if required by the City.
- (g) Clean-up. The permit holder shall perform and be responsible for all clean-up upon the conclusion of the event or shall be charged for any clean-up costs if incurred by the City;
- (h) Animal Waste. The permit holder shall arrange to have waste from animals removed immediately after the event.
- (i) Water and/or Electric Usage; Disposal of Wastewater.
- (1) An Applicant desiring use of electricity or water from a City line or faucet must submit a deposit, as determined by the City, and will be billed accordingly for such use.
  - (2) An Applicant shall submit a plan for the disposal of wastewater for City approval.
- (j) Solid Waste Collection. The permit holder shall make arrangements for the collection of all waste resulting from the event, including the use of commercial solid waste dumpsters, if determined to be necessary.
- (k) Loudspeakers. The permit holder shall not permit loudspeakers to be positioned so as to adversely affect an adjacent residential area, and shall schedule use only between the hours of 9:00 a.m. and 9:00 p.m. The time may be modified when good cause is shown by the Applicant.
- (l) Police Services and Private Security.
- (1) The City shall determine whether and to what extent police services are reasonably necessary for traffic control and public safety. The preferred ratio is one off-duty police officer for every ten motorized or nonmotorized vehicles or floats in a parade, or for every 100 persons expected to attend the event. The permit holder must secure at its expense any additional police services.
  - (2) If additional security is provided by the City, the permit holder may be required to provide and pay all costs for security incurred by the City. Security costs are waived for a public

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- (3) If the permit holder desires to use private security officers for personal security or property security, he shall be required to furnish, prior to issuance of a permit, written evidence from a state certified security agency that arrangements have been made to furnish such security officers at the ratio set forth in this ~~s~~Section.

(m) Street Closures. The permit holder shall demonstrate the measures to be taken in compliance with safety (fire, police, EMS) guidelines related to street closures.

**Sec. 4.03.066. Parade regulations.**

- (a) Obstruction. No person shall hamper, obstruct, impede, or interfere with any parade assembly or with any person, vehicle, or animal participating or used in a parade.
- (b) Driving. No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
- (c) Parking. The City shall have the authority to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the route of a parade or event location. 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. No person shall be liable for parking on a street in violation of this Section where prohibited or restricted parking is not visibly posted.

**Sec. 4.03.068. Public nuisance; Penalties; Revocation of permit.**

- (a) Violation declared. An unauthorized event is declared by the City to be a public nuisance and a threat to the health, safety, and welfare of the public. A person who violates this Article commits an offense and is subject to prosecution for criminal violations as well as suit for injunctive relief.
- (b) Criminal and Civil Penalties.
- (1) Criminal Fines. An offense under this Article is a misdemeanor. A person violating any provision of this Article on conviction, shall be fined a sum of \$500.00, and up to \$2,000.00 if the violation also involves fire safety, zoning or public health and sanitation including dumping of refuse. Each day of the violation shall constitute a separate offense.
- (2) Civil Penalties. Nothing in this Article shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Article and to seek remedies as allowed by law, including, but not limited to, the following:

- i. injunctive relief to prevent specific conduct in violation or to require specific conduct that is necessary for compliance; and
- ii. a civil penalty up to \$500.00 a day when it is shown that the defendant was actually notified of the provisions of the Article and after receiving notice committed acts in violation or failed to take action necessary for compliance; and

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iii. other available relief.

(c) Authority to disburse. The Johnson City Police Department shall have the authority to disburse or abate all unauthorized occurring events.

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(d) Revocation of permit. A permit may be revoked: The Mayor, CAO, or the Chief of Police of the City may revoke an issued event permit:

- i. by the Mayor, CAO, or the Chief of Police upon a declaration of immediate public emergency involving a serious and/or imminent threat to the health, safety, and welfare of the public;
- ii. by the Mayor, CAO, or the Chief of Police upon a finding of that a violation of State law or City ordinance is occurring; or
- iii. by the CAO upon a finding that there has been a material change in circumstances in the standards for issuance of the permit since approve of the permit. as set forth herein.

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Revocation of an event permit may be appealed in the manner provided herein.

**Sec. 4.03.069. Temporary Event Signs**

The City may authorize the temporary placement and maintenance of a sign in the public right-of-way for an event. In the case of conflict with the City's standard sign regulations, these provisions shall control:

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(1) Sign design and placement. A sign shall not:

- i. exceed 16 square feet if placed on the roadside to inform the traveling public;
- ii. exceed four square feet if used to guide participants;
- iii. extend more than three feet past the pavement edge if the sign is a banner;
- iv. imitate or resemble any official traffic sign, signal, or device; or
- v. be located at a site in violation of Texas Department of Transportation rules and regulations for placement.

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(2) Sign material. A sign shall be constructed of heavy cardboard, plastic, fabric mesh, or plywood no thicker than 1/4 inch. Sign supports shall be approved by the City.

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(3) Sign location. A sign location will be allocated on a first come, first served basis. A sign shall not be placed more than 24 hours before the event. A banner sign announcing an event may be installed no more than 30 days before the event. A sign shall be placed as far from the edge of the pavement as possible, and shall not be placed:

- i. in a location where it may prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic;
- ii. on any roadway appurtenance, including, but not limited to, bridges, traffic control devices, official signs, sign supports, light standards, poles and delineators;
- iii. on any tree or other natural feature less than 18.5 feet above the pavement if the sign is a banner placed over the pavement; or
- iv. closer to the pavement edge than official highway signs, except when used to guide participants in a bicycle or pedestrian parade or event, which shall be placed no less than one foot from the edge of the pavement.

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(4) Text of the sign. A sign should not contain commercial advertising but may

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identify the event sponsor by name and the sponsor's trademark displayed less conspicuously than the activity.

(5) ~~Lighting.~~ Lighted signs may be displayed only at the entrance and exit to the event.

(6) ~~Banner supports.~~ A banner not placed on existing utility poles shall be placed on supports which comply with the safety standards of the Texas Manual on Uniform Traffic Control Devices and the barricade and construction standard sheets, and must be approved by the City before installation.

(7) ~~Sign removal.~~ All signs shall be removed within 24 hours after the event. Banners should be removed within seven days. A sign not removed is subject to removal by City and the permittee shall be liable for removal and disposal costs. If a sign becomes a hazard due to inclement weather, inadequate maintenance, accidental damage, or other cause, the City will remove the sign immediately and the permittee shall be liable for the removal and disposal costs.

(8) ~~Maintenance.~~ The sign shall be maintained by the permittee. Signs not maintained may be removed by the City and the permittee shall be liable for removal and disposal costs.

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