

ORDINANCE NO. 2004-06-18

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF LANCASTER, TEXAS; PROVIDING FOR THE REGULATION OF PARADES AND SPECIAL EVENTS; PROVIDING FOR A PERMIT AND EXEMPTIONS; PROVIDING FOR THE REVOCATION, TERMINATION AND APPEAL OF PERMIT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATION OF THIS ORDINANCE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS:

SECTION 1. That the Code of Ordinances of the City of Lancaster, Texas is hereby amended to read as follows:

“ARTICLE 6.500 – SPECIAL EVENTS

Sec. 6-5-1 DEFINITIONS.

The following words and phrases, when used in this Article, shall, for the purpose of this article, have the meanings respectively ascribe to them in this section;

Applicant means a person who has filed a written application for a special event.

City means the City of Lancaster, Texas.

Concession means a facility at a special event where food or drink is offered to the public.

Licensee means the promoter or person to whom the parade or special event permit has been issued.

Non-Profit means not maintained or organized for profit, as recognized by the State of Texas and the Federal Tax Code.

Parade means the assembly of three or more persons whose gathering is the common design and purpose of traveling or marching in procession from one location to another location on a public thoroughfare or right-of-way to express feelings and beliefs on political, religious or social issues. Parade shall include runs, walks, relays, marathons, or similar events.

Person means any individual, assumed name entity, partnership, association, corporation or other organization.

Permit shall mean the City of Lancaster's agreement giving the Promoter permission to hold the Special Event, on the terms and conditions stated in the Permit and subject to the rules, regulations, and requirements of this Ordinance.

Promoter means the person seeking to hold the special event, including the Promoter's employees, agents, affiliates, successors, permitted assigns, and other persons controlled by the Promoter.

Reimbursable Costs means all costs and expenses incurred by the City for activities associated with staging of the event, including, without limitation, the following:

- Utilities services provided to the special event, including all of the costs of installation, maintenance, and connection.
- Barricades and cones.
- Special Event parking.
- Food services inspection.
- Repair, maintenance and removal of facilities in the event of a failure of promoter.
- Repair of streets, alleys, sidewalks, parks and other public property.
- Police protection.
- Fire protection.
- Emergency medical service.
- Garbage disposal and cleanup.
- Traffic control.

- Other direct costs associated with the special event.

Sidewalk means that portion of a street intended for the use of pedestrians that is located between the curb lines, or lateral lines of a roadway, and the adjacent property lines.

Special Event means a temporary event or gathering, other than those events defined in this ordinance as a parade, using either private or public property, which involves one or more of the following activities:

- (a) closing a public street; or
- (b) blocking or restriction of public property and streets; or
- (c) offer of merchandise, food, or beverages on public property or on private property where otherwise prohibited by ordinance; or
- (d) erection of a tent on public property, or on private property where otherwise prohibited by ordinance; or
- (e) installation of a stage, band shell, trailer, van, portable building, grandstand or bleachers on public property, or on private property where otherwise prohibited by ordinance; or
- (f) placement of portable toilets on public property, or on private property where otherwise prohibited by ordinance; and or
- (g) placement of temporary no parking signs in a public right-of-way.

No special event application or permit required where otherwise allowed by ordinance.

Special Event Coordinator shall mean the city employee, as designated by the City Manager, responsible for reviewing the initial special event application, coordinating meetings between the applicant and city representatives, collecting special event permit fees, and enforcing the Special Events Ordinance.

Special event/parade permit means approval from the City or its designated representative for a parade or special event.

Special Event Review Committee shall mean a committee consisting of a representative from each of the following city departments: Building Inspections, Emergency Management, Fire, Risk Management, Parks & Recreation, Police, Streets, and additional city staff as determined by the

Special Event Coordinator upon review of the Special Event application. The Special Event Coordinator shall head this committee. The Special Event Review Committee will meet on a monthly basis.

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

Sec. 6-5-2 PERMIT REQUIRED; EXEMPTIONS

- A. A person commits an offense if he engages in, participates in, aids, or commences a parade or special event within the city without first making written application for and receiving a permit from the City.
- B. No permits shall be required under this article for the following:
 - 1. the Armed Forces of the United States of America, the military forces of the State of Texas, political subdivisions of the State of Texas, e.g., City I.S.D. and County, and the forces of the police and fire departments acting within the scope of their duties.
 - 2. a funeral procession proceeding by a vehicle under the most reasonable route from a funeral home, church, or residence to the place of service or place of interment.
 - 3. a peaceful demonstration at a fixed location which is not a street.
 - 4. a sidewalk procession which observes and complies with the traffic regulations and traffic control devices, using that portion of a sidewalk nearest the street, but at no time using more than one-half of the sidewalk.
- C. City recognized HOA and Neighborhood Association/Political Subdivisions that meet the following conditions with special event application, will be subject to refund and/or permit.
 - 1. cleanup – leave all public property in neat orderly working condition.
 - 2. must return all city property in condition is was obtained.
 - 3. must have completed HOA/Neighborhood City registration form.

4. must be in compliance with all federal, state, and municipal codes.

Exempt from application and permit fee. Must place a \$25.00 deposit.

Sec. 6-5-3 APPLICATION

- A. A person desiring to hold a parade or special event shall apply for a permit by filing with the Special Event Coordinator a written application upon a form provided for that purpose. Each parade and special event permit application shall be accompanied by a non-refundable, except where otherwise noted, application fee in the amount determined and set out in the City's Master Fee Schedule approved by City Council. An application for a parade or special event shall be made not less than thirty days prior to the date and time of the commencement of the parade or special event. The Special Event Coordinator and/or the Special Event Review Committee may waive the thirty-day filing requirements for a parade or special event if the Special Event Coordinator and/or the Special Event Review Committee determines that the application can be processed in less than thirty days, taking into consideration the type of parade or special event. If the application is submitted later than the required time as stated above, an expedited review fee may be required, the amount shall be included in the City's Master Fee Schedule approved by City Council.
- B. An application must contain the following information:
 1. the name, address, telephone number, email address, date of birth, and driver's license number of the applicant, and, of any other persons responsible for the conduct of the parade or special event;
 2. a description of the parade or special event and the requested dates and hours of operation of the parade or special event;
 3. the estimated number of persons participating in the parade or special event and a set of detailed plans showing the area or route to be used during the parade or special event including proposed structures, tents, fences, barricades, signs, banners, and restroom facilities; which will include Americans with Disabilities Act (ADA) accountability;

4. the time and location of street closings, if any are requested;
5. details of the offer of merchandise or serving of food or alcoholic beverages at the special event;
6. details of how the applicant will clean up the area used after the parade or special event;
7. the parade's commencement and termination time, the specific route to be traveled, and the starting and termination points;
8. the estimated number of persons to participate in the parade;
9. the estimated number, if any, of animals, animals and riders, animal-drawn vehicles, floats, motor vehicles, motorized displays, and marching units or organizations such as, but not limited to bands, color guards, and drill teams;
10. application fees required by the City. All City of Lancaster sponsored events shall be exempt from fees;
11. prior approval by the Parks & Recreation Department to use the trail system or park facilities for a special event, if applicable;
12. proof of non-profit status, if applicable; and
13. copy of contract, agreement, or details outlining arrangement between applicant and promoter.
14. Applicant must also provide the Certificate of Liability Insurance and an Endorsement Agreement not less than ten days prior to the date of the parade or special event.

Sec. 6-5-4 APPROVAL OF PLANS

- A. A permit shall be subject to the promoter receiving City approval prior to the start of the Special Event for (without limitations) the plans described below.
- B. The City, by approving such plans, assumes no liability or responsibility therefor.

- C. The following plans shall be required:
1. Facilities: a comprehensive set of plans and specifications relating to all temporary facilities to be constructed or utilized for the special event. A building permit from the Building Inspections Department is required.
 2. Fire Protection: a comprehensive 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. The fire protection plan shall be coordinated through the office of the Fire Marshal.
 3. Food and Beverage Service: a comprehensive plan to provide food and beverage concessions. The Community Development Department shall approve the plan. Food permits may be required.
 4. Emergency Medical Service: a comprehensive plan to provide adequate emergency medical services at the parade or special event. The plan shall be coordinated through the Lancaster Fire Department.
 5. Parking, assembly or disassembly of parade participants: a comprehensive plan to provide adequate parking for the proposed parade or special event, including written permission by all of the owners of land to be used for the parade or special event.
 6. Police Protection: a comprehensive plan providing for adequate safety, security, traffic and crowd control in connection with the parade or special event. The plan shall be coordinated through the Lancaster Police Department.
 7. Promotional: if applicable, comprehensive plan to promote, market, and advertise the parade or special event. Signs and banners shall be permitted through the Building Inspection Department.
 8. Sanitation Plan: a comprehensive plan to insure that the highest standards of cleanliness and sanitation are maintained at the special event including adequate restroom facilities and appropriate refuse containers to accommodate

refuse generated by its patrons and operations and a plan to empty the containers frequently so as to prevent overflow.

9. Emergency Medical Service, Police Protection, and Fire Protection beyond that level normally provided will be supplied by the appropriate City department as deemed necessary by the Chief of Police, the Fire Chief, or their designee, at the Applicant's expense.

Sec. 6-5-5 ISSUANCE, DENIAL AND REVOCATION OF A PARADE OR SPECIAL EVENT PERMIT

- A. Upon receipt of an application for a parade or special event permit, the Special Event Coordinator shall schedule the event on the appropriate Special Event Review Committee monthly agenda.
- B. The Special Event Review Committee shall meet on a monthly basis to review pending Special Event Permit applications. If required, specially called Special Event Review Committee meetings may be scheduled. The Committee shall make findings deemed appropriate and approve or deny the application.
- C. Should the applicant for a parade or special event permit reveal that the route requested would interfere with the orderly flow of vehicular and pedestrian traffic, the Special Event Review Committee shall have the authority to establish a reasonable alternate route and regulate the width of the event.
- D. The Special Event Review Committee may deny a parade or special event permit when said event for which the permit is requested would:
 1. take place at the same place and/or time as a previously approved parade or special event ; or
 2. begin during, or within two hours of the start or after the end of a parade or special event for which a permit has been granted and follow a route that passes within one-half mile of any point of the route of the parade or special event for which a permit has been granted; or
 3. unreasonably disrupt the orderly flow of traffic and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available; or

4. begin and/or end outside the city limits, unless or until the applicant receives approval from the City Council and the adjacent City where the parade or special event begins or ends.
 5. applicant does not ensure all electrical work is installed by licensed electrician in accordance with current version of National Electrical Code
- E. The Special Event Review Committee may deny a parade or special event permit if:
1. the applicant fails to adequately provide for:
 - (a) the protection of event participants; or
 - (b) maintenance of public order in and around the special event location; or
 - (c) crowd security; taking into consideration the size and character of the event; or
 - (d) emergency vehicle access; or
 - (e) safe sanitary conditions for preparation or operation of food concessions.
 2. the applicant fails to provide a Certificate of Liability Insurance naming the City of Lancaster as additional insured in the amount designated by the Human Resources/Risk Management representative to the Special Event Review Committee. Applicant must also provide the Certificate of Liability Insurance and an Endorsement Agreement not less than ten days prior to the date of the parade or special event;
 3. the applicant fails to comply with, or the proposed parade or special event will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this article;
 4. the applicant makes a false statement of material fact on an application for a parade or special event permit;

5. the applicant fails to provide proof that he possesses or is able to obtain all licenses and/or permits required by this code or other city ordinances or by other applicable law for the conduct of all activities included as part of the parade or special event;
6. the applicant fails to notify the businesses affected by the parade or special event, in writing, of street closures ten days prior to the event;
7. the applicant has had a parade or special event permit revoked within the preceding twelve months or the applicant has committed two or more violations of a condition or provision of a parade or special event permit or of this article within the preceding twelve months;
8. the applicant fails to pay any outstanding costs owed to the City for past parade or special event permits;
9. the applicant fails to submit the required fees and agree in writing to reimburse the City for the estimated costs for the proposed parade or special event;
10. the proposed parade or special event would unduly burden City services;
11. after evaluation by the Special Event Committee members, it is determined the City of Lancaster, or its citizens, would not benefit from the parade or special event.

F. The City may revoke a parade or special event permit if:

1. the permit holder made a false statement of material fact on an application for a parade or special event permit.
2. the applicant has had a parade or special event permit revoked within the preceding twelve months or the applicant has committed two or more violations of a condition or provision of a parade or special event permit or of this article within the preceding twelve months.
3. the applicant fails to comply with or the parade or special event is in violation of a condition or a provision of the parade or special event permit, an ordinance of the city, or any other applicable law, or

4. the applicant failed to provide a Certificate of Liability Insurance and endorsement agreement naming the City of Lancaster as additional insured in the amount designated ten days prior to the event;
 5. the applicant failed to pay any outstanding fees or estimated costs owed to the City for the parade or special event permit;
 6. the parade fails to begin in a timely manner as determined by the Police Chief, Fire Chief, Special Event Coordinator, or their designates.
- G. Parades shall be limited to no more than two per location or organization per year.
- H. The Special Event Review Committee 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 the safe and orderly conduct of a parade or special event, to be incorporated into the permit before issuance.
- I. The Special Event Review Committee shall provide the Special Event Coordinator the estimated cost for city services provided by their respective departments to ensure the safe and orderly operation of the special event. The Special Event Coordinator will prepare and provide the applicant with an invoice detailing these estimated costs. Payment will be required not less than five days prior to the date of the parade or special event. If the actual costs for city services are less than estimated, the City will issue a refund to the special event applicant no less than two weeks after the special event.

Sec. 6-5-6 APPEAL OF DENIAL OR REVOCATION OF PERMIT

If the Special Event Review Committee denies the issuance or revokes a permit, the Special Event Coordinator shall send to the applicant or permit holder, by certified mail, return receipt requested, written notice of the denial or revocation, and of the right to an appeal. The decision of the Special Event Review Committee is final unless the applicant or permit holder appeals the decision within three business days to the City Manager, in writing. The City Manager shall, within three business 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. The decision of the City Manager shall be final.

Sec. 6-5-7 CONTENTS OF PERMIT

Each parade or special event permit application shall state the date(s), starting time, ending time, location, and other special conditions or requirements necessary for the safe and orderly conduct of the parade or special event.

Sec. 6-5-8 OPERATING PROCEDURES

- A. A parade or special event shall not substantially interrupt the safe and orderly movement of traffic near the parade or special event.
- B. The City has the right to postpone, cancel or close early the parade or special event because of hazardous weather or other acts of God or for public safety and welfare. The City shall have no liability for such postponement, cancellation, or closure. Further, the City shall have no liability from the failure to postpone, cancel, or close early the parade or special event under such conditions.
- C. A parade shall move from its point of origin to its point of termination without unreasonable delays en-route.
- D. Each marching unit, organization or entry in the parade will conduct stationary performances only at approved location(s) and for a specified time period.
- E. A parade or special event shall not interfere with proper fire and police protection of, or ambulance service to, areas near the parade or special event or unreasonably require the diversion of police and fire protection and ambulance service from other parts of the City.
- F. A permit holder shall comply with all directions and conditions contained within the permit and with all city ordinances and other applicable laws.
- G. The City, when reasonably necessary, may prohibit or restrict the parking of vehicles along a street or highway or part thereof on a parade route or part thereof or on the approach to a parade or special event. The City shall post notice to such effect; and it shall thereafter be unlawful for any person to park, leave, or strand any unattended vehicle in violation thereof.
- H. The City, when reasonably necessary, may temporarily close or restrict the use of City streets or other public property for a parade or special event. The Director of Public Works is authorized to

install temporary traffic control devices for the temporary closure or restriction of City streets and public property for parades or special events. It shall be unlawful for any person to disregard or disobey any such temporary traffic control device.

- I. The driver of any vehicle or animal shall obey the instruction of any traffic control device applicable thereto placed in accordance with the City of Lancaster Code of Ordinances or the Texas Transportation Code, unless otherwise directed by a police officer.
- J. Speeds greater than 15 miles per hour are not reasonable and prudent. A person operating a parade float or other parade vehicle at a speed greater than 15 miles per hour is subject to removal from the parade by a police officer or other parade official.
- K. Operators of parade floats and other parade vehicles will make every attempt to keep a maximum of 30 feet between their float and the float operated directly in front of them. Operators of parade floats and other parade vehicles that continually lag behind the steady course of the parade may be removed from the parade by a police officer or other parade official.
- L. Operators of specialized vehicles or performance-enhanced vehicles in the parade shall be mindful of Texas Transportation Code Section 545.420(a)(5); "a person may not participate in any manner in an exhibition of vehicle speed or acceleration." Any operator of a vehicle participating in an exhibition of acceleration will be cited by law enforcement officers and immediately removed from the parade.
- M. The throwing, tossing, or distribution of candy, beads, or other material from a parade float or other vehicle is specifically prohibited. Candy, beads, or other material may be distributed to spectators by walkers adjacent to parade floats or other vehicles provided that such distribution does not interfere with the orderly movement of the parade and no spectators are required to move into the parade path to retrieve said material. Any violation of this provision will result in the parade float or vehicle removal from the parade.
- N. The spraying of water or any other liquid is specifically prohibited.
- O. All floats or decorated vehicles shall carry a 2A:10BC fire extinguisher with a current inspection tag.

- P. Float length shall not exceed 55 feet, including the two vehicle, nor shall the width or height exceed 13 feet.
- Q. Each equestrian/animal unit shall provide their own clean-up crew and equipment. The clean-up crew shall be positioned directly behind the unit. Equestrian riders shall be a minimum of twelve years of age, able to control the animal in crowded situations, and have adult supervision. Any rider or handler showing an inability to control their animal will be deemed unsafe by a law enforcement officer or parade official, and shall be removed from the parade.

Sec. 6-5-9 INDEMNIFICATION

An applicant for a parade or special event permit must execute a written agreement to indemnify the City and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the special event. This indemnification shall include the following statement:

“LICENSEE shall defend, protect and keep CITY forever harmless and indemnified against and from any penalty, or any damage, or charge, imposed for any violation of any law, ordinance, rule or regulations arising out of the use of the property by the LICENSEE, whether occasioned by the neglect of LICENSEE, its employees, officers, agents, contractors, or assigns or those holding under LICENSEE. LICENSEE shall at all times defend, protect, and indemnify and it is the intention of the parties hereto that LICENSEE hold CITY harmless against and from any and all loss, cost, damage, or expense, including attorney’s fees, arising out of or from any accident or other occurrence on or about the property causing personal injury, death or property damage resulting from use of property by LICENSEE, its agents, employees, customers and invitees, except when caused by the negligence or willful misconduct of CITY, its officers, employees or agents, and only then to the extent of the proportion of any fault determined against CITY for its willful misconduct. LICENSEE shall at all times defend, protect, indemnify and hold CITY harmless against and from any and all loss, cost, damage, or expense, including attorney’s fees arising out of or from any and all claims or causes of action resulting from any failure of LICENSEE, its officers, employees, agents, contractors or assigns in any respect to comply with and perform all the requirements and provisions hereof.”

Sec. 6-5-10 OFFENSES

A person commits an offense if he:

1. commences or conducts a parade or special event without the appropriate permits or fails to comply with any requirement or condition of a permit or this article or starts at wrong time or date.
2. participates in a parade or special event for which a permit has not been granted.”

SECTION 2. That all provisions of the ordinances of the City of Lancaster in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Lancaster not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

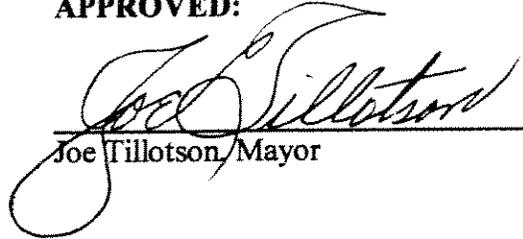
SECTION 4. An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. That any person, firm or corporation violation any of the provisions of this ordinance or of the Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day said violation is continued shall constitute a separate offense.

SECTION 6. This ordinance shall take effect from and after its passage and the publication of the caption as the law and charter provide.

DULY ADOPTED by the City Council of the City of Lancaster, Texas on the
14th day of June 2004

APPROVED:



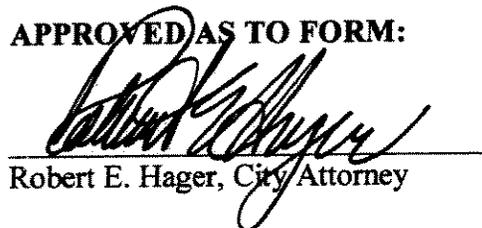
Joe Tillotson, Mayor

ATTEST:



Dolle K. Shane, City Secretary

APPROVED AS TO FORM:



Robert E. Hager, City Attorney