

**ORDINANCE NO. 2495**

**AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS, CHAPTER 5 BUSINESS REGULATIONS” BY ADDING SECTION 16, "SPECIAL EVENTS," 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.**

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

**Section 1:**

That the Code of Ordinances of the City of Terrell, Texas Chapter 5 Business Regulations is hereby amended by adding Section 16, "Special Events," which shall read as follows:

**SPECIAL EVENTS**

**Sec. 16-1 Definitions.**

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

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

*Block Party* means the use of a residential street for a neighborhood social function where traffic control is required.

*Carnival* means an event that includes amusement activities, rides, merry-go-rounds, booths for the conduct of games of skill, food dispensary facilities, and side-shows and/or a combination thereof.

*Circus* means an event that includes performers, animals or other such means of entertainment and is performed in the open, in a tent, or in any other temporary structure, but does not include performances held inside a permanent building or on government-owned property.

**City** means the City of Terrell, Texas.

**City sponsored special event or Parade** means a special event or Parade that the City Council, by resolution, has:

- (1) declared the City a sponsor or cosponsor of the event; and
- (2) committed the City to significantly sharing in planning, initiating, financing, supporting, and conducting the event.

**Committee Review** means a parade or special event application that requires evaluation by the Special Event Review Committee to determine if City services, permits and follow-up inspections will be required.

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

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

**Neighborhood Block Party** means the use of a residential street for a neighborhood social function where traffic control is required.

**Neighborhood Block Party permit** means approval from the City or its designated representative for a social function.

**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, a “motorcade” or organized procession containing 25 or more vehicles, 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 for the purpose of advertising, promoting, celebrating, or commemorating a thing, person, date, or event or point of view 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 Terrell's agreement giving the applicant/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:

- (1) Utilities services provided to the special event, including all of the costs of installation, maintenance, and connection.
- (2) Barricades and cones.
- (3) Special Event parking.
- (4) Food services inspection.
- (5) Repair, maintenance and removal of facilities in the event of a failure of applicant/promoter.
- (6) Repair of streets, alleys, sidewalks, parks and other public property.
- (7) Police protection, as assessed by the department.
- (8) Fire protection, as assessed by the department
- (9) Emergency medical service.
- (10) Garbage disposal and cleanup.
- (11) Traffic control, as assessed by the department
- (12) Other direct costs associated with the special event or parade.

Reimbursable Costs, when available, shall be taken from <http://www.fema.gov/government/grant/pa/eqrates.shtm>. Other associated cost shall be based on current industry standard.

**Sidewalk** means that portion of a street intended for the primary 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 or a neighborhood block party, using either private or public property, including a circus, carnival, fair, or other event, display or sale of objects, art, Christmas tree sales, and/or performance of music or celebration of event on a political, religious or social issue

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which involves one or more of the following activities, except when the activity is for construction or house moving purposes only:

- (1) closing a public street;
- (2) blocking or restriction of public property, limiting the use of parks by the general public, and streets;
- (3) offer of merchandise, food, or beverages on public property or on private property where otherwise prohibited by ordinance;
- (4) erection of a tent on public property, or on private property where otherwise prohibited by ordinance;
- (5) 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;
- (6) placement of portable toilets on public property, or on private property where otherwise prohibited by ordinance;
- (7) placement of temporary no parking signs in a public right-of-way; or
- (8) a fee or donation is charged for attendance or participation.

***Special Event Permit Coordinator-***

The Police Chief or his designee, will act as the Special Events Permit Coordinator and be responsible for reviewing the initial special event or parade application, coordinating meetings between the applicant/promoter and City representatives, collecting special event permit fees, and enforcing the Special Events Ordinance. The Special Event Permit Coordinator shall chair the Special Event Review Committee.

***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: Municipal Development, Fire Marshal, Police, Public Works and additional City staff as determined by the Special Event Permit Coordinator upon review of the Special Event application. The Special Event Review Committee will meet as deemed appropriate by the Special Event Coordinator. The Special Event Review Committee shall review the parade or special event application and procure from the applicant/promoter

such clarifications and additional information necessary for the approval, denial or revocation of the permit using the outlines within this ordinance.

**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. 16-2 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, but all safety/security requirements may apply 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, and the forces of the police and fire departments acting within the scope of their duties.
2. a City sponsored special event or parade
3. 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 internment.
4. a peaceful demonstration at a fixed location, which is not a street.
5. 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.
6. Annual Heritage Jubilee
7. Annual 4<sup>th</sup> of July event held at Ben Gill Park.
- 8 Terrell annual Fly-in
9. Terrell annual Christmas Parade.
10. TISD Sponsored Events.

**Sec. 16-3 Application for Special Event or Parade.**

(a) A person desiring to hold a parade or special event shall apply for a permit by filing with the Police Department a written application upon a form provided for that purpose. The filing location for the application is the Police Department Records Section. Each parade and special event permit application shall be accompanied by a non-refundable application fee of two hundred dollars \$200.00. An application for a parade or special event regulated under this Article shall be made not less than sixty (60) calendar days prior to the date and time of the commencement of the parade or special event. The Special Event Permit Coordinator and/or the Special Event Review Committee may waive the sixty (60) calendar day filing requirements for a parade or special event if the Special Event Permit Coordinator and/or the Special Event Review Committee determines that the application can be processed in less than sixty (60) calendar 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 additional expedited review fee of one hundred dollars (\$100.00) may be required.

(b) An application for which a permit is required must contain the following information:

1. the name, address, telephone number, date of birth, driver's license number and email address of the applicant/promoter, 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;
4. the time and location of street closings, if any;
5. details of the offer of merchandise or serving of food or alcoholic beverages at the special event;
6. details of how the applicant/promoter 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, 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;
9. application fees required by the City;
10. documentation of prior approval by the Parks & Recreation Department to use park facilities for a special event, if applicable;
11. proof of non-profit status, if applicable; and
12. a copy of contract, agreement, or details outlining arrangement between applicant and promoter, if any.

#### **Sec. 16-4 Approval of Plans**

(a) When considering approval of an application, the Special Event Coordinator or Special Event Review Committee may consider (without limitation) the following factors:

1. whether the application allows for ample opportunity to properly plan and prepare for the special event; or
2. whether, police, fire and other City services will be unduly burdened or adversely affected by the special event; and
3. whether the special event is reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.

(b) No person shall be discriminated against on the grounds of race, color, national origin or disability.

(c) Permit shall be subject to the applicant/promoter receiving approval from the Special Event Coordinator or Special Event Review Committee prior to the start of the special event for (without limitations) the plans described below.

(d) The City, by approving such plans, assumes no liability or responsibility thereof.

(e) In addition to the application, each applicant shall submit the following detailed plans:

1. Facilities: a comprehensive set of plans and specifications relating to all temporary facilities to be constructed or utilized for the special event. All required permits relating to the temporary use of real property, buildings and structures must be obtained from the Building Inspections Department.
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 and approved by the office of the Fire Marshal.
3. Food and Beverage Service: a comprehensive plan to provide food and beverage concessions. The City Health Officer or designee shall approve the plan.
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 and approved by Fire Rescue Administration.
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 and approved by the Terrell 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 Municipal Development 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. This plan shall be coordinated through and approved by the City Health Officer or designee.
9. Emergency Services Staffing Plan: Emergency Medical Service, Police Protection, and Fire Protection levels as deemed necessary to ensure safety for the

event by the Chief of Police, the Fire Chief, or their designee, at the applicant/promoter's expense.

10. Comprehensive communication plans for communicating with Police, Fire and emergency Medical Services personnel.

### **Sec. 16-5 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 Permit Coordinator shall schedule the event with the Special Event Review Committee.

(b) The Special Event Review Committee shall meet as needed, 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. The Committee reserves the right to limit the number of days for the special event.

(c) Should the application 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 occupancy area within the public right-of-way or City owned property.

(d) Should an approved parade or special event be canceled by the City due to exigent circumstance, inclement weather, not caused or to fault of the applicant/promotor, an applicant may reapply for a new date and the fee may be waived unless the City canceled/revoked the permit, with cause, under (e).

(e) The Special Event Review Committee shall determine whether or not to issue a parade permit and may deny a parade or special event permit when said event for which the permit is requested would:

1. take place at the same location 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/promoter receives approval from the adjacent City where the parade or special event begins or ends.

5. In no event shall an approved parade route be allowed on any street in which the speed limit exceeds 30 MPH;

6. in no event shall an approved parade route be conducted across or utilize any street where the posted speed limit exceeds 35 MPH;

7. in no event shall an approved parade route be allowed on any Texas Department of Transportation (TxDOT) controlled roadway unless the applicant has provided with the application an authorization from TxDOT to use the roadway for that purpose.

(f) In addition, the Special Event Review Committee may deny a parade or special event permit if:

1. the applicant/promoter 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/promoter fails to provide a Certificate of Liability Insurance naming the City of Terrell as additional insured in the amount designated by the Human Resources/Risk Management representative to the Special Event Review Committee. Applicant/promoter 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/promoter 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/promoter makes a false statement of material fact on an application for a parade or special event permit;
5. the applicant/promoter 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/promoter fails to notify the businesses affected by the parade or special event, in writing, of street closures ten days (10) prior to the event;
7. the applicant/promoter has had a parade or special event permit revoked within the preceding twelve months or the applicant/promoter 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/promoter fails to pay any outstanding costs owed to the City for past parade or special event permits;
9. the applicant/promoter 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.

(g) 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/promoter has had a parade or special event permit revoked within the preceding twelve months or the applicant/promoter 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/promoter 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/promoter failed to provide a Certificate of Liability Insurance and endorsement agreement naming the City of Terrell as additional insured in the amount designated ten days prior to the event;

5. the applicant/promoter 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 Permit Coordinator, or their designees;
7. If the permit holder otherwise violates this Article or fails to comply with the conditions contained in such permit.

(h) Parades shall be limited to no more than two per location or organization per year.

(i) A promoter or organization shall be limited to no more than two special events at a location per year.

(j) The Special Event Review Committee may review 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.

(k) The Special Event Review Committee shall provide the Special Event Permit Coordinator the estimated cost for City services provided by their respective department to ensure the safe and orderly operation of the special event. The Special Event Permit Coordinator will prepare and provide the applicant/promoter 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/promoter no less than 30 days after the special event.

#### **Sec. 16-6 Appeal of Denial or Revocation of Permit**

If the Special Event Coordinator or the Special Event Review Committee denies the issuance or revokes a permit, the Special Event Permit Coordinator shall send to the applicant/promoter 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/promoter or permit holder appeals the decision within three business days of receipt of the notification 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. 16-7 Contents of Permit**

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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. 16-8 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 (but not the obligation) 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 only be allowed to conduct one stationary performance at a specified and approved location during the parade route.

(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 Street Manager 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 Terrell 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 or participants.

(n) All floats or decorated vehicles shall carry a 2A: 10BC fire extinguisher with a current inspection tag.

(o) Float length shall not exceed 55 feet, including the tow vehicle, nor shall the width or height exceed 14 feet.

(p) 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 12 years of age, able to control the animal in crowded situations, and have

adult supervision if under the age of 16. 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. 16-9 INDEMNIFICATION**

An applicant/promoter 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. 16-10 Application for Neighborhood Block Party**

(a) A person desiring to hold a neighborhood block party shall apply for a permit by filing with the Police Department Records Section a written application upon a form provided for that purpose. Each neighborhood block party permit application shall be accompanied by a non-refundable application fee of two hundred dollars 200.00. An application for a neighborhood block party shall be made not less than 30 calendar days prior to the date and time of the commencement of the neighborhood block party.

(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 neighborhood block party;
2. a plat map of the neighborhood containing the street requesting the permit.
3. signatures of ALL of the owners whose property abuts the portion of the street to be closed and the portion of the street to be closed shall be designated on the application. Homes which are not occupied must be noted and verified through Utility Billing.

### **Sec. 16-11 Issuance, Denial and Revocation of a Neighborhood Block Party Permit**

(a) Upon receipt of an application for a neighborhood block party permit, the Police Department Records Section shall forward the permit to the following departments for approval:

**Public Works Department**

**Fire Department**

**Police Department**

(b) Applications shall be reviewed by the Chief of Police, Fire Chief and Director of Public Works or their designees and no permit shall be granted except upon the certification by the Chief of Police, the Fire Chief and the Director of Public Works to the effect that such temporary street closing will not interfere with necessary traffic circulation, fire and police emergency vehicle routes.

(c) The Chief of Police is authorized to require that off duty police officers be hired by the applicants to direct traffic around the closed area if it is deemed necessary to prevent traffic congestion in the area, according the current department off-duty rate of pay.

(d) The Director of Public Works is authorized to charge a reasonable fee for delivery and pickup of barricades to close off the street. The applicant shall be responsible for setup and disassembly of barricades.

(e) After the application has been reviewed by the Public Works, Fire and Police Departments, the Police Records Section will issue or deny a neighborhood block party permit based on the recommendations received from the reviewers.

### **Sec. 16-12 Appeal of Denial or Revocation of Permit**

If the issuance of a permit is denied or if it is revoked by one of the approving departments, the Police Records Section shall send to the applicant/promoter 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 Police Chief, Fire Rescue Chief and Public Works Director or their designees is final unless the applicant/promoter or permit holder appeals the decision within three business days of receipt of the notification 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. 16-13 Contents of Permit**

Each Neighborhood Block Party 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 event.

### **Sec. 16-14 Offenses**

A person commits an offense if he knowingly:

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 Ordinance.
2. participates in a parade or special event for which a permit has not been granted.
3. conducts a neighborhood block party without the appropriate permits or fails to comply with any requirement or condition of a permit or this Ordinance."

### **Section 2**

That all provisions of the Ordinances of the City of Terrell 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 Terrell 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 Terrell, 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 will take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

**Passed and Approved on this the 2<sup>nd</sup> day of August, 2011.**

**Passed and Adopted on this the 16<sup>th</sup> day of August, 2011.**

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HAL RICHARDS, MAYOR

ATTEST:

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JOHN ROUNSAVALL, CITY SECRETARY

APPROVED AS TO FORM:

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MARY GAYLE RAMSEY, CITY ATTORNEY