**ORDINANCE NO. 2024-11-18-008**

# AN ORDINANCE OF THE CITY OF CAMERON, TEXAS, PROVIDING FOR SPECIAL EVENT PERMITTING AND PROVIDING STANDARDS AND PROCESSES THEREFORE; PROVIDING FOR DENIALS AND REVOCATIONS OF SAID PERMITS; MAKING CERTAIN FINDINGS; PROVIDING FOR APPEALS; PROVIDING FOR INSURANCE AND INDEMNITY; ESTABLISHING FEES; PROVIDING A PENALTY FOR VIOLATIONS OF THIS ORDINANCE IN AN AMOUNT NOT TO EXCEED $2,000 PER VIOLATION; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS,** the City of Cameron recognizes the need to encourage and promote events for the greater good, cultural diversity and promotion of the City; and

**WHEREAS,** some gatherings and organized activities, due to their size and special requirements, may place unique demands on public resources or pose a danger to public health, safety and welfare; and

**WHEREAS,** to plan for these demands on public resources and ensure that public health and safety is protected, it is necessary that the City receive advance notice of these events; and

**WHEREAS**, the provisions of this ordinance are intended to address the above stated concerns and are not intended to place unnecessary burden on any right of association or freedom of expression.

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

# SECTION 1. Findings. The recitals above are hereby found to be true and correct and are hereby adopted by the City Council and made part hereof for all purposes as finding of fact.

# SECTION 2. Definitions. In this ordinance, the following terms shall have the meaning herein ascribed:

*Applicant* means a person who has filed a written application for a Special Event Permit.

*City* means the City of Cameron, Texas.

*City Manager* means the City Manager of the City or his/her designee.

*City-owned Property* means any property in the City designated as a park, playground, recreational facility, swimming pool or hike and bike path, and shall include buildings, parking lots, streets, event center, gathering areas, malls, land, and/or driveways in such areas.

*First Amendment Activity* means all expressive and associative activity on public streets that is protected by the United States and Texas Constitutions, including speech, press, assembly and the right to petition, but does not include commercial advertising.

*First Amendment Event* means an event where the sole or principal object is First Amendment Activity.

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

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

*Person* means any individual, entity, association or organization.

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

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

1. Fully or partially closing or re-routing a public street;
2. Blocking or restricting City-owned Property;
3. Blocking or restricting access to City-owned Property unless otherwise authorized by the City;
4. Sale of merchandise, food or beverages on City-owned Property;
5. Erection of a tent equal to or greater than two hundred (200) square feet in area on City-owned Property;
6. Installation of a stage, band-shell, trailer, van, portable building, grandstand, bleachers, or other structures for entertainment purposes on City-owned Property;
7. Placement of signs or portable toilets on City-owned Property;
8. Re-routing traffic on City streets or roads;
9. Organized runs or sporting events;
10. Use of recreational vehicles, campers, or tents for overnight stays;
11. Placement of temporary no-parking signs in a public right-of-way or on City-owned Property; or
12. Placement of pedestrian boundary markers on City-owned Property.

*Special Event Permit* means written authorization from the City Manager or designee to hold a Special Event.

*Special Event Permit Application* includes the Preliminary Special Event Permit Application and the Final Special Event Permit Application.

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

**SECTION 3.** **Permit Required.**

(a) It shall be unlawful for any Person to hold a Special Event, sponsor a Special Event or cause a Special Event to be held without first having obtained a Special Event Permit from the City.

(b) No Special Event Permit shall be denied, nor shall the Applicant be given less favorable consideration as to time, manner, or place based upon:

1. race, color, creed, religion, gender, domestic relationship status, parental status, sexual orientation, transgender, gender identity or gender expression, national origin, or political affiliation of the Applicant and/or the participants of the Special Event;
2. the message of the Special Event, or the identity or associational relationships of the Applicant and/or participants; or
3. any assumption or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the Special Event, provided that reasonable accommodation as to time, manner, and place may be required in order for the City to provide the resources necessary for police, fire and emergency services to preserve and protect public health, safety and welfare.

(c) A Special Event Permit is not required for:

1. An event conducted entirely on the property of a religious institution, educational institution, college or university campus. City streets or parking lots for multi-tenant buildings, regardless of location, shall not be considered part of a religious institution, educational institution, college or university campus;
2. Property owned or controlled by the City subject to a contract, lease or management/operating agreement with a private party where the agreement addresses events on the property or the event is included within the permitted uses in the agreement;
3. Processions of vehicles operated in compliance with ordinary traffic laws or a procession of pedestrians along or upon public sidewalks, public parks, or private property;
4. First Amendment Activity conducted entirely on sidewalks, in public parks or on private property; or
5. Events conducted under the supervision of or with the permission of a governmental entity on property owned, leased, or operated by a governmental entity other than the City, if the event does not require the closing or rerouting of a public street, the entity employs certified peace officers to provide security for the event, and the entity adopts and provides to the City, a written plan addressing emergency services, crowd, traffic and parking control.

**SECTION 4.** **Application for Permit**. A Special Event Permit shall not be issued until a completed Special Event Permit Application, together with any additional information requested, and payments of all applicable fees are received by the City. The Special Event Permit Application must comply with this ordinance, the Special Event Rules and Regulations, and other applicable law.

**SECTION 5.** **Permit Application Requirements.**

(a) Applicant shall file a Special Event Permit Application with the City upon forms provided by the City.

(b) The Special Event Permit Application shall set forth at a minimum the following information:

1. The name, address and telephone number of the Applicant and the name, address and telephone number of Applicant’s designated representative if Applicant is an entity, association or organization.
2. The name, address and telephone number of the Person conducting the Special Event if different from the Applicant with a written statement from the Person conducting the Special Event showing Applicant’s authority to make the Special Event Permit Application.
3. The name, address and telephone number of the person who will be the event representative and who will be responsible for conducting the Special Event.
4. The proposed location(s) for the Special Event.
5. The purpose of the Special Event.
6. The date(s) and time(s) the Special Event will start and terminate.
7. The time at which on-site activities in preparation for the Special Event will begin.
8. The date when cleanup of the property will be complete.
9. The proposed parking areas and number of parking spaces provided.
10. The approximate number of persons who are attending per day for the duration of Special Event.
11. The number and types of animals and vehicles that are part of the Special Event.
12. The location and size of tents, awnings, canopies, food service booths, or other temporary structures shall be shown on a map.
13. Details for all signage shall be included.
14. The location and orientation of loud speakers and any other amplification devices shall be shown on a map.
15. Details regarding food service including planned cooking.
16. Details regarding whether alcohol will be sold or allowed.
17. Details for planned amusement rides.
18. Details regarding any traffic control plan.
19. Map(s) showing streets and pedestrian ways that are impacted as well as site setup indicating all equipment that will be used by the Special Event.
20. Proof of insurance for the Special Event.
21. For Parades also include:
    * A route map.
    * Approximate number of participants and type of participants (ex. animals, floats, etc.).
    * Proof that all property owners adjacent to the Parade route have been notified of the route, date and duration of the Parade.
22. Any other information which the City Manager or designee find necessary under the Standards for Issuance of Special Event Permit set forth in Section 9.

**SECTION 6.** **Fees and Costs.**

(a) The City Council authorizes the City Manager or designee to establish Special Event Permit Fees.

(b) Applicant shall pay all required fees with the Special Event Permit Application. Applicant shall also be required to pay all fees and costs required by other City ordinances to conduct specific activities in conjunction with or as part of a Special Event.

(c) If the City determines that a Special Event may require the special attention and involvement of City personnel or City facilities, the City shall notify the Applicant. Prior to issuance of a Special Event Permit:

1. Applicant and City shall agree upon the additional costs the City will incur as a result of the Special Event and Applicant shall pay those costs to the City; and
2. Applicant shall agree in writing to pay any additional costs to the City incurred as a result of the Special Event within five (5) days of the date upon which the City informs the Applicant of the amount of such additional costs.

**SECTION 7.** **Timeframes and Deadlines.**

(a) A Special Event Permit Application shall be filed no less than 14 days, nor more than 365 days, before the commencement of the proposed Special Event.

(b) The City Manager or designee may consider a Special Event Application that is filed less than 14 days before the commencement of the proposed Special Event where good and compelling cause is shown and applicable late fees are paid with the application.

(c) When a timeframe or deadline established in this Section resulted in an Application being due on a weekend, holiday or a day the City is closed for business, the Application shall be due on the business day immediately following said weekend, holiday or closed business day.

**SECTION 8.** **Application Process and Review.**

The Special Event Permit Application will be processed and reviewed pursuant to the Special Events Rules and Regulations. The City Manager or designee may appoint an events committee or an individual designee responsible for the application process.

**SECTION 9.** **Standards for Issuance of Special Event Permit.**

A Special Event Permit will be issued only if the City Manager, or designee, finds that the following standards for issuance of Special Event Permit are met:

1. The Special Event will not unnecessarily interrupt the safe and orderly movement of traffic near its location or route.
2. The Special Event will not require the diversion of a number of police officers to properly police the Special Event locale or line of movement and the adjacent areas as to prevent adequate police protection for the City.
3. The concentration of people, animals, and vehicles at assembly points will not unduly interfere with proper fire and police protection or ambulance service to areas near such assembly points or the City.
4. A Parade is scheduled to move from its point of origin to its point of termination without unreasonable delays in route.
5. Other licenses and permits, restrictions, regulations, fees for the City services, safeguards or other conditions deemed necessary by individual City departments for the safe and orderly conduct of a Special Event are requested, submitted, and approved (i.e. health permit applications, agreement with police department for police coverage, agreement with public works department regarding cost associated with street closure, trash collection, etc.).
6. The Special Event is not likely to cause injury to persons or property.
7. There will be adequate sanitation and other required health facilities made available in or adjacent to the Special Event location.
8. There are sufficient parking spaces on the site of the Special Event to accommodate the number of vehicles reasonably expected to be parked or adequate arrangements for off-site parking and transfer of attendees have been made.
9. Adequate clean-up will be provided at the end of the Special Event that ensures the return the City-owned Property to pre-Special Event conditions.

**SECTION 10.** **Denial or Revocation of a Permit**

(a) The City Manager or designee shall deny issuance of a Special Event Permit for one or more of the following reasons:

1. The Special Event will conflict in time or location with another Special Event or event.
2. The Applicant fails to comply with, or the Special Event will violate, the Special Event Rules and Regulations, any City ordinance or any other applicable law.
3. The Applicant makes or allows the making of a false or misleading statement or omission of material fact on a Special Event Application.
4. The Applicant has violated this ordinance or has had a Special Event Permit revoked within the preceding twelve (12) months.
5. The Applicant fails to provide proof of a license or permit required by any City ordinance or by other applicable law for the Special Event.
6. The Applicant fails to provide proof that the insurance requirements for the Special Event have been met.
7. The Special Event would severely hinder the delivery of normal or emergency public services or constitutes a public threat.
8. The Special Event is a nuisance that disturbs the well being or health of the City’s citizens.
9. The Applicant is unable or unwilling to pay any additional costs as may be required by the City Manager.
10. The proposed date or time for the special event or the location of the special event or parking for such special event would unduly interfere or disrupt the educational activities of a school when such school is in session.

(b) If the City Manager or designee determines that the Special Event Permit shall be denied, the City Manager or designee shall consider alternatives to the time, place or manner of the Special Event that would allow the Special Event to occur.

(c) A Special Event Permit shall be revoked upon the following conditions:

1. If the police chief, building official or other City official, or their designated representatives, find that any of the provisions of this ordinance, another City ordinance, Special Event Rule or Regulation, or other applicable law is being violated, they shall immediately notify the City Manager or designee and based on that information, the City Manager or designee shall determine whether the Special Event Permit shall be revoked.
2. When, in the judgment of any of the above-named City officials, a violation exists which requires immediate abatement, the City official shall have authority to revoke a Special Event Permit in the absence or unavailability of the City Manager or designee.
3. The Applicant made or allowed to be made a false or misleading statement or omission of material fact on a Special Event Application that was not discovered until after the Special Event Permit was issued.

**SECTION 11.** **Appeal**. If the City Manager or designee denies the issuance of a Special Event Permit, or if the City revokes an issued Special Event Permit, the Applicant shall be notified in writing within 15 days after the denial or revocation. Such written notice shall include the reasons for the decision to deny or revoke the Special Event Permit. The aggrieved Applicant or Permittee may appeal the decision by filing a notice of appeal with the City Secretary within five days after receipt of the denial. Receipt of denial is presumed to occur three days after notice of the denial is placed in the possession of the United States Postal Service. Appeals shall be considered by the Mayor who shall promptly make a ruling on the appeal.

**SECTION 12.** **Special Event Rules and Regulations**. The City Council authorizes the City Manager or designee to develop and adopt Special Event Rules and Regulations consistent with, and to further the purpose of, this ordinance.

**SECTION 13.** **Permit to be Maintained on Premises**. The Special Event Permit shall be maintained at all times on the premises and shall be made available to any police officer or other authorized city employee or representative.

**SECTION 14.** **Notice to Abutting Property Owners**. The City Manager shall have authority to require that Permittee send notices of the Special Event to abutting property owners when, in the City Manager's judgment, the special event is of a scope and nature that will impact those owners.

**SECTION 15.** **Hours of Operation**. A Special Event may be conducted only between the hours of 7:00 a.m. and 10:00 p.m. daily. The police department shall be responsible for enforcing this provision. The City Manager may alter the time limit on certain special events when good cause is demonstrated by the Applicant. Appeals of time limit restrictions may be made in the same manner as a denial or revocation under Section 11.

**SECTION 16.** **Liability Insurance.**

1. When a Special Event is partially or fully contained on the City-owned Property, the Applicant for a special event permit shall furnish the City Manager with a certificate of insurance complying with standards and liability insurance limits established by the City Manager.
2. The City Manager shall have the right to lower, waive, or increase the public liability insurance limits based upon the type of special event, equipment, machinery, location, number of people or animals involved, and other pertinent factors or risks associated with the special event.
3. An applicant shall have the right to show cause why the insurance requirement should be reduced or waived, and to present such request to the City Manager in writing. The City Manager shall respond to an Applicant's request for lower liability insurance limits or waiver within five days from date of request.
4. If a mutually agreeable insurance limit cannot be agreed upon, the Application shall be considered denied.

**SECTION 17.** **Indemnification.** When a Special Event or parking attendant to such Special Event is partially or fully contained on City-owned Property, an Applicant shall sign an agreement to indemnify and hold harmless the city, 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 special event.

**SECTION 18. Penalty**.

* + 1. It is hereby determined that this section governs fire safety and public health and, therefore, any person violating or failing to comply with any of the provisions of this ordinance shall be subject to the penalty not to exceed $2,000.00 per offense. Each day a violation of this ordinance exists shall be considered a different offense.
    2. A culpable mental state is not required for the commission of an offense under this ordinance.

**SECTION 19. Severability**.If any clause or provision of this ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the ordinance, which shall continue to have full force and effect.

**SECTION 20. Repealed**.All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

**SECTION 21. Effective Date.** This ordinance shall become effective immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code and the City Charter. However, only one reading of this ordinance is required for this ordinance to become effective.

**SECTION 22. Open Meeting.** It is hereby officially found and determined that the meeting in which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, and Texas Government Code.

**FIRST READING** held on the 4th day of November 2024.

**SECOND AND FINAL READING** by the City Council of Cameron on the 18th day of November 2024.

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Nathan Fuchs, Mayor

Attest:

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Amy Harris, City Secretary