

ORDINANCE NO. 2011-28

AN ORDINANCE BY THE TOWN OF PROVIDENCE VILLAGE TO ESTABLISH PROCEDURES AND REQUIREMENTS FOR CONDUCTING SPECIAL EVENTS IN THE TOWN IN ORDER TO PROPERLY PROVIDE FOR TRAFFIC AND CROWD CONTROL, FOR STREET, PARK, AND PROPERTY MAINTENANCE, FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE; AND TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, the Town of Providence Village has the authority to provide for the health, safety and welfare of its citizens; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, the establishment of a special events ordinance is in the best interest of the public and will assist in law enforcement and maintaining order in the town; and

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROVIDENCE VILLAGE, TEXAS:

SECTION 1 - DEFINITIONS

A. ***Ambient (background) sound pressure level*** means the all-encompassing sound associated with a given environment, being usually a composite of sounds from all sources, excluding the alleged offensive sound, at the location and approximate time at which a comparison with the alleged offensive sound is to be made.

B. ***Amplified sound*** means music, speech or sound projected or transmitted by artificial means, including but not limited to, amplifiers, loud speakers, or any similar devices which emit sound distinctly discernible at a distance of more than one hundred feet (100') beyond the property line of the premises where the equipment is located.

C. ***Carnival*** means a temporary event that is characterized by, among other things, mechanical rides, games of skill or chance, entertainment or food.

D. ***Circus*** shall mean a temporary entertainment event that is characterized by, among other things, the performance of acrobats, trained or exotic animals, or clowns.

E. ***Concession*** means a temporary food establishment where food is offered to the public that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single circus, carnival, special event, celebration or sales, seasonal or temporary.

F. **Exotic animal** means any non-domesticated animal, other than livestock, that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad. The term “exotic animal” specifically includes, but is not limited to, animals such as lions, tigers, jackals, dingoes, leopards, elephants, pandas, camels, antelope, anteaters, kangaroos, chimpanzees, gorillas, orangutans, water buffalo, and species of foreign domestic livestock requiring state or federal permits.

G. **Special event** means an event or gathering that requires a temporary exception to otherwise applicable rules or requirements, including, but not limited to:

- (1) the temporary complete or partial closure of a public street;
- (2) the temporary closure or restriction of access to public property;
- (3) the temporary offer of merchandise, food, or beverages on public property or on private property where not otherwise permitted by the Town or the applicable certificate of occupancy;
- (4) the temporary erection of a tent on public property or on private property where not otherwise permitted by the Town or the applicable certificate of occupancy;
- (5) the temporary erection of a stage, band shell, portable building, grandstand, or bleachers on public property or on private property where not otherwise permitted by the Town or the applicable certificate of occupancy;
- (6) the temporary use, for other than storage, of a trailer or van on public property or on private property where not otherwise permitted by the Town or the applicable certificate of occupancy;
- (7) the temporary use of equipment to amplify and transmit sound, which exceeds ambient (background) sound pressure levels at the property lines;
- (8) the placement of portable toilets on public property or on private property where not otherwise permitted by the Town or the applicable certificate of occupancy; or
- (9) activities such as, among others, a carnival, circus, fireworks displays, runs, events not wholly contained on Town parks or building sites or school districts.
- (10) Block Parties:
 - (a) barricades will be delivered to the applicants address the business day prior to the event and picked up the following business day. Applicant is responsible for contacting the Providence HOA and setting out barricades and removal after the event.
 - (b) applicant shall provide an attendant at least 18 years of age, and competent to move barricades in the event of an emergency requiring access to/or from the area at all times during the street closure.
 - (c) No vehicles or anything other than the barricades provided by Providence HOA may be used or situated to block traffic from the area.

- (d) Any items placed in the street including but not limited to chairs, tables, coolers, etc., shall be placed on (1) side of the street leaving the other side open for emergency travel.
- (e) Applicant shall notify all residents within the area of the road closure.
- (f) Applicant shall indemnify and hold harmless the Town of Providence Village, and all Town officers, employees, agents and representatives, from any claims (including costs of defending such claims) or damages that may arise from the occurrence of the event or from related events.
- (g) Applicant shall certify that they have read and understood all of the conditions and procedures that are required in order to obtain the permit and shall agree to comply with each of those conditions and procedures.

SECTION 2 – APPLICATION REQUIREMENTS

- A. Application. A legible and complete application for a permit shall be completed and submitted to the Town Secretary at least twenty-one (21) days prior to the date of such special event commencement operation.
- B. Insurance. Proof of public liability insurance with minimum combined limits of One Million Dollars (\$1,000,000) could be required for large events. Check with Town Secretary for compliance.

SECTION 3 – EXEMPTIONS

The following events are not considered a Special Event and are, therefore, exempt from this Ordinance.

- A. Events which do not require the approval or sanctioning of, or are officially sponsored by, the Town or school districts and:
 - (1) the event is wholly contained on a Town park or building site or school district property;
 - (2) the impact on traffic and surrounding neighborhoods was evaluated and found insignificant by the Sheriff Department before approval for the event was granted by the Town or school district; and
 - (3) the event conforms to the other general criteria of this Ordinance.
- B. Private parties to which the public is not invited.
- C. An event wholly contained on property specifically designed or suited for said event and which holds a certificate of occupancy for such use, including but not limited to, adequate parking.
- D. Funeral Processions.

SECTION 4 – TRAFFIC AND SAFETY REQUIREMENTS

1. Safe and orderly movement of normal traffic shall not be substantially, as solely determined by the Town, interrupted. The Town may require the permit holder to provide additional signage for traffic control and safety-related issues. If any Temporary Outdoor Seasonal Sale or Special Event is located adjacent to a TXDOT-controlled road, a TXDOT sign permit must be obtained, and signs must be in place before a seasonal sale or event permit is issued. (The specific requirement for TXDOT signs may be waived if staff determines that sufficient traffic control measures are currently in place.) Denton County Sheriff will review the event traffic flow and parking plan and may require the event holder hire an off duty officer to direct traffic.

2. The temporary use shall not impede the movement of any public safety equipment.
3. Waste from animals shall be removed and properly disposed of daily from the premises. Animals shall not be kept closer than three hundred feet (300') to any residence, commercial establishment or food establishment.
4. The application shall be reviewed and approved by the Sheriff Dept, Aubrey Fire Dept, Town or designees of these individuals, for traffic control, security, fire, medical, safety, and other related issues if applicable.

SECTION 5 – PERMITS & APPROVALS

1. The permit for a Special Event will be valid for a maximum period of seven (7) days. Each Temporary Outdoor Seasonal Sale permit will be valid for a maximum of thirty-five (35) days during one period of four weeks before and one week after the Valentine's Day, Halloween, Easter, or Christmas holidays.
2. All signs must conform with the Town's sign code except that signs adjacent to a TXDOT controlled road will be limited to two (2) signs not to exceed twenty (20) square feet.
3. A permit of a Temporary Outdoor Seasonal Sale or Special Event permit may be denied by the Town if:
 - (a) a permit has been granted for another Temporary Outdoor Seasonal Sale or Special Event at the same place and time; or
 - (b) the proposed Temporary Outdoor Seasonal Sale or Special Event will unreasonably, as solely determined by the Town, disrupt the orderly flow of traffic and no reasonable, as solely determined by the Town, means of rerouting traffic or otherwise meeting traffic needs is available; or
 - (c) the application is incomplete; or
 - (d) the applicant fails to comply with or the proposed Temporary Outdoor Seasonal Sale or Special Event will violate a Town code, ordinance, rule, regulation or other applicable law, unless the prohibited conduct or activity would be allowed under Ordinance.
 - (e) the applicant makes a false statement of material fact on an application for a Temporary Outdoor Seasonal Sale or Special Event permit; or
 - (f) the applicant has had a Temporary Outdoor Seasonal Sale or Special Event permit revoked within the preceding twelve (12) months or the applicant has committed two (2) or more violations of a condition of a provision of a Temporary Outdoor Seasonal Sale or Special Event permit or of this section within the preceding twelve (12) months; or
 - (g) as solely determined by the Town, the proposed Temporary Outdoor Seasonal Sale or Special Event would unduly burden Town services or unreasonably disrupt the public order.

4. A permit of a Temporary Outdoor Seasonal Sale or Special Event permit may be revoked by the Town if:

- (a) applicant fails to comply with or the Temporary Outdoor Seasonal Sale or Special Event violates a condition or a provision of the permit, an ordinance, rule or regulation of the Town, or any other applicable law; or
- (b) the permit holder made any false statements on an application for a Temporary Outdoor Seasonal Sale or Special Event permit; or
- (c) as solely determined by the Town, the Temporary Outdoor Seasonal Sale or Special Event unduly burdens Town services or unreasonably disrupts the public order.

5. All federal, state and local rules, regulation, codes and ordinances will be adhered to by all participants and applicants. The provisions of this ordinance are cumulative of all other Town ordinances, rules and regulations. Tent permits, building permits, electrical permits, food establishment and handling permits, sign permits and all other permits and licenses required by the Town or other law for specific activities conducted in conjunction with or as a part of the Temporary Outdoor Seasonal Sale or Special Event must be applied for in a form satisfactory to the Town. The granting of a special event permit does not relieve the applicant, operator, or property owner from complying with all other provisions of the Town Code.

6. A person commits an offense if he/she:

- (a) Commences or conducts a Temporary Outdoor Seasonal Sale or Special Event without the appropriate permits or fails to comply with any requirement or condition of a permit or Ordinance.
- (b) Participates in a Temporary Outdoor Seasonal Sale or Special Event for which a permit has not been granted.

SECTION 6 – ENFORCEMENT

Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of FIVE HUNDRED DOLLARS (\$500.00), unless the violation relates to fire safety, zoning or public health and sanitation, including dumping and refuse, in which the fine shall not exceed the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the Town from filing suit to enjoin the violation. The Town retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 7 - CODE CONFLICTS

If any provision of this Ordinance shall be interpreted as conflicting with or being contrary to a provision in any of the codes adopted by this Ordinance, the more stringent requirement shall govern. If it in case of a conflict it is not easily discernible which provision is more stringent, the requirements stated in the text of this Ordinance shall govern.

SECTION 8 - REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 9 - SEVERABILITY

In the event any clause, phrase, provision, sentence, or any part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provisions hereof other than the part declared to be invalid or unconstitutional; and the Town Council of the Town of Providence Village, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 10 - NOTICE BY PUBLICATION

The Town Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the Town; the Ordinance to take effect upon publication.

READ, CONSIDERED, PASSED AND APPROVED on first reading, as revised, by the Town Council at a regular meeting the 24th day of October, 2011, at which a quorum was present.

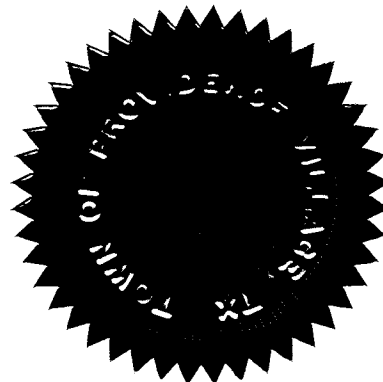
READ, CONSIDERED, PASSED AND APPROVED on second and final reading by the Town Council at a regular meeting the 14th day of November, 2011, at which a quorum was present.

PASSED AND APPROVED on second and final reading this 14th day of November, 2011.

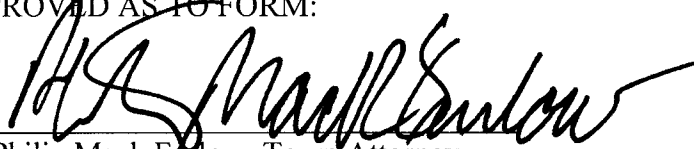
By: 
Brian D. Roberson, Mayor

ATTEST:

By: 
Connie S. Hansen, Town Secretary



APPROVED AS TO FORM:

By: 
Philip Mack Furlow, Town Attorney



**TOWN OF
PROVIDENCE
VILLAGE**

Special Event Permit Application

An application for a Special Event Permit must be submitted to the Town Secretary a minimum of twenty-one (21) days prior to the date of the special event for submission to the Town Council for approval. The permit fee described by the fee schedule shall accompany the permit application. A deposit **MAY BE REQUIRED** and will be returned after the event and once all the property is back to the original state.

Date of Application: _____ Permit # (to be completed by Town staff): _____

Name and full description of event: _____

Address/Location of event: _____

Start Date: Hours of Operation: _____

End Date: Hours of Operation: _____

Organization/Sponsor: _____

Organization Address: _____

Phone: _____

Fax and E-mail: _____

Name of Applicant: _____

Phone and E-mail: _____

Please respond to all applicable questions:

1. How many people are expected to attend the event? _____

2. Will an admission be charged? _____

3. Describe any types of food and beverage that will be consumed at the event. _____



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4. Will any street closures be necessary? _____ If yes, provide the name and desired location of barricades? _____

5. Describe the location of permanent restrooms that will be accessible during the event. _____ If permanent restrooms are not accessible, describe the number of portable restrooms that will be provided. _____

6. Will any vehicles be used for the event? _____

A sketch of showing the location of the following items must be provided:

- The general location of the event
- Parking areas/spaces
- Tents, booths, or other structures to be used
- Location of food or beverage serving areas (A separate Food Permit application and fee may be required for food vendors.)
- Restrooms
- Loudspeaker
- Extra Lighting
- Signs or Banners (separate permits are required)
- Barricades (A permit from the Texas Department of Transportation (TXDOT) may be required if the event is located adjacent to a state road.)
- Animals, Rides, Bounce Houses, or other Recreational Activities
- If being held at a Town/HOA park, written permission must be obtained from the Town and the HOA.
- This application must be approved by all necessary entities including Sheriff Department, Code Enforcement, HOA, Building Inspections and the Town.

ACCEPTANCE AND AGREEMENT

Upon acceptance of this permit, it shall be construed that the provisions of this permit are acceptable to Permittee and that it is his/her sincere intention to adhere to all of the requirements and conditions contained herein. Permittee agrees to bear all costs associated with the operation and maintenance of the special event.

SIGNATURE OF APPLICANT _____ DATE _____



**TOWN OF
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FOR STAFF USE ONLY

EFFECTIVE PERMIT DURATION

Date of Application: _____ Permit #: _____

Deposit Amount (if applicable): _____

Name and Full Description of Event: _____

Address/Location of Event: _____

Start Date: Hours of Operation: _____

End Date: Hours of Operation: _____

Verified by: _____ Completion Date: _____

REVIEWED AND SIGNED BY (if applicable):

SHERIFF: _____ Date: _____

FIRE: _____ Date: _____

CODE: _____ Date: _____

TOWN: _____ Date: _____

HOA: _____ Date: _____