

ORDINANCE NO. 050205 SE

AN ORDINANCE PROVIDING FOR REGULATIONS RELATED TO SPECIAL EVENTS; PROVIDING FOR A REPEALER AND SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Niederwald, Texas is a Type A general-law municipality; and

WHEREAS, Section 51.001 of the Texas Local Government Code authorizes the City of Niederwald to adopt an ordinance that the City Council deems is for the good government, peace or order of the City; and

WHEREAS, the City Council desires to protect the health, safety, and general welfare of the citizens of the City of Niederwald;

WHEREAS, the City Council of the City of Niederwald has determined that the regulations in this Ordinance regarding the regulation of special events are necessary to protect the health, safety, and general welfare of the citizens of the City of Niederwald;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NIEDERWALD, TEXAS, THAT:

Section 1. Purpose.

The City recognizes that it is desirable to accommodate occasional temporary activities within the city. This Ordinance is intended to provide a mechanism to permit special events that are not specifically addressed in other ordinances.

Section 2. Definition.

For the purpose of this Ordinance, the following definition shall apply unless the context clearly indicates or requires a different meaning:

“Special events”: Temporary activities that are abnormal to the specific site when needs of traffic, parking, restrooms, crowds, zoning and the like exceed the original design and intent of the site.

Section 3. Exceptions.

This Ordinance does not apply to temporary activities occurring on property appropriately zoned to permit the activity. In the event that provisions contained in this Ordinance conflict with other provisions regulating temporary activities, the provisions contained in this Ordinance shall govern.

Section 4. Permit required; fee.

(A) It shall be unlawful for any person to conduct a special event without first having obtained a permit from the office of the Mayor and paying the prescribed fee.

(B) The fee for a special event permit is fifty dollars (\$50.00).

Section 5. Application for permit.

A person seeking a special event permit shall file an application with the City Secretary upon forms provided by the City at least 30 days before the date of the special event. This 30-day period may be waived or reduced by action of the City Council.

Section 6. Sign permit.

Temporary signage will be allowed without permits; however, all off-site signage must comply with City ordinances governing temporary signs.

Section 7. Special use permit; insurance and inspection required.

Traveling circuses, carnivals, amusement rides and large entertainment events will be allowed on private property by a special use permit even if in conjunction with a special event permit. Each amusement ride will provide the insurance and inspection certificate as required by the State Board of Insurance.

Section 8. Revocation of permit.

At any time the Mayor may, after notice to the applicant, revoke the permit on a finding that the preparations for the event have not been carried out as stated in the application or the conditions imposed by the permit have not been met.

Section 9. Duration of permit; exception.

Special events are limited to two per calendar year for a site. The permit granted under the terms of this Ordinance shall not exceed a seven-day period.

Section 10. Location.

Special events will be allowed on property that is used for nonresidential uses.

Section 11. Use of public right-of-way prohibited; exceptions.

(A) Any use of the public right-of-way is prohibited except as approved by City Council after a public hearing. The following shall be provided by the applicant:

1. Written agreement to indemnify the City for claims of injury or damage supported by a policy of insurance for \$500,000.00 of general liability.
2. All costs for preparation, implementation and clean-up related to the event.
3. Traffic impact analysis which includes, at a minimum, the following:

- a. Alternate traffic routes and detours.
 - b. Parking plan.
 - c. Provision for alternate site access for adjacent property or permission of property owner and occupant to block access.
 - d. Expected vehicle volume for event and rerouted traffic.
 - e. Traffic Control Officer scheduling.
 - f. Duration and scheduling of event.
3. Any other information requested on the application forms promulgated by the City.
- (B) The request will be processed by the City Secretary upon receipt of a complete application and the payment of the appropriate fees. The city shall mail notice to all property owners within 200 feet of the street area to be closed at least 15 days before the public hearing.

Section 12. Outside display.

Outside display and activities currently prohibited by the zoning ordinance will be not allowed.

Section 13. Food handling.

A separate food permit is not required. Temporary food guidelines will be provided by the County Health Department to the special event permit holder. The permit holder, however, will distribute guidelines to each food vendor.

Section 14. Sanitary facilities.

Adequate facilities shall be provided to accommodate the estimated attendance of the special event.

Section 15. Enforcement.

- (A) City of Niederwald shall have the power to administer and enforce provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for ordinance violations.
- (B) Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2000.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense.
- (C) Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including but not limited to the following:
 1. injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance;
 2. a civil penalty up to one thousand dollars (\$1000.00) a day when it is shown that the defendant was actually notified of the provisions of

3. this Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance;
and other available relief.

Section 16. Repealer.

All provisions of the ordinances of the City of Niederwald in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Niederwald, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 17. Severability.

It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section 18. Effective Date.

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 2nd DAY OF May, 2005.

HON. SHIRLEY WHISENANT, MAYOR

ATTEST:

ANGIE SCHULZE, CITY SECRETARY