

ATTACHMENT #4

**ADDITIONAL TEXAS CITIES PARADE PERMIT
INFORMATION**

(136 Pages)

ODESSA TX PARADE ORDINANCE

ARTICLE 1-15 SPECIAL EVENTS AND PARADES

Division 1. Generally

Sec. 1-15-1 Definitions

In this article, the following words shall have the following meaning:

Applicant. A person who has filed a written application for a special event permit pursuant to section 1-15-61.

Chief of police. The chief of police of the city, or the chief's designated agent in the city police department.

Day. Calendar day.

Demonstration. A public display of the attitude of assembled persons toward a person, cause, issue, or other matter.

First amendment parade. The assembly of ten or more pedestrians that will require special traffic controls, or five or more vehicles that will be operating at reduced speeds or require special traffic controls, for the common design and purpose of traveling or marching or otherwise traveling in procession from one location to any other location to express feelings and beliefs on current political, religious, or social issues. "First amendment parade" and "parade," as referred to in division 3 of this article, are the same.

Parade applicant. A person who has filed a written application for a parade permit pursuant to section 1-15-151.

Person. An individual, firm, partnership, corporation, association, or other legal entity.

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

Special event. A temporary event or gathering which involves one (1) or more of the following activities:

- (1) Any occurrence which takes place wholly or partially on city property or right-of-way and could cause an interruption of traffic or require special attention and involvement of city personnel such as closing a street, directing traffic, or placing barriers or other safety signs or devices;
- (2) Any occurrence on any property in the city that will affect the owners and users of other property in the following ways:

- (A) Use of loudspeakers or sound amplifiers in a place that is not completely enclosed in a building, and is within one hundred fifty (150) feet of a single-family, duplex or multiple-family (multifamily) dwelling;
 - (B) Provide a fireworks display;
 - (C) Disrupt traffic or parking on city streets in such a way that it is necessary to assign police officers to the event, place safety cones or other safety signs or equipment on a city street, or close off a street;
- (3) A circus which 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; or
- (4) A carnival which provides amusement rides, as defined in chapter 2151 of the Occupations Code, which includes mechanical rides or devices, but not coin-operated rides or nonmechanical playground equipment, and is not provided totally within a permanent building or on government-owned property.

Special event parade. The assembly of ten (10) or more pedestrians that will require special traffic controls, or five (5) or more vehicles that will be operating at reduced speeds or require special traffic controls, for the common design of traveling or marching or otherwise traveling in procession from one location to any other location for the purpose of advertising, promoting, celebrating, or commemorating a thing, person, date, or event that is not directly related to the expression of feelings and beliefs on current political, religious, or social issues. A special event parade is distinguishable by definition from a first amendment parade. All provisions that apply to a special event also apply to a special event parade.

Street. 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.

(Ordinance 96-67, sec. 1, adopted 10/22/96; Ordinance 98-06, sec. 1, adopted 1/27/98; 1957 Code, sec. 15D-1)

Sec. 1-15-2 Penalty

- (a) A person who violates a provision of this article or a requirement of a special event permit or a parade permit is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.
- (b) Each offense is punishable by a fine not to exceed two thousand dollars (\$2,000.00).

(Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-87)

Sec. 1-15-3 Offenses

- (a) A person commits an offense if that person:
- (1) Commences or conducts a special event, including a special event parade, without a special event permit;
 - (2) Fails to comply with any requirement or provision of a special event permit or this article;
 - (3) Commences or conducts a first amendment parade without a first amendment parade permit;
 - (4) Fails to comply with any requirement or provision of a first amendment parade permit or this article;
 - (5) Obstructs, impedes or interferes with any first amendment parade or special event, or with any person, vehicle or animal participating in a first amendment parade or special event;
 - (6) Drives a vehicle in front of or between the persons or vehicles comprising a first amendment parade or special event parade once the first amendment parade or special event parade has begun;
 - (7) While riding in or on a parade vehicle, float or animal or otherwise being a part of a first amendment parade or special event parade, throws, drops, hands out or otherwise gives out any candy, other food articles, toys, souvenirs or similar items to persons situated along the parade route; or
 - (8) Commences or conducts a parade of any type that takes place wholly or partially on city property or right-of-way and causes an interruption of traffic or requires special attention and involvement of city personnel such as closing a street, directing traffic, placing barriers, or other safety signs or devices without a special event permit or first amendment parade permit.
- (b) If conduct that would otherwise violate this section consists of speech or other communication, in a gathering with others to hear or observe such speech or communication, or in a gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political, or religious questions, the person must be ordered to move, disperse, or otherwise remedy the violation prior to the person's arrest or citation.
- (c) The order required by subsection (b) of this section may be given by a peace officer, a person with authority to control the use of the premises, or any person directly affected by the violation.
- (d) It is a defense to prosecution under subsection (a) that:
- (1) In circumstances in which this section requires an order, no order was given;

- (2) An order, if given, was manifestly unreasonable in scope; or
- (3) An order, if given, was promptly obeyed.

(e) The provisions of this article are adopted in part for the purpose of fire safety, public health and sanitation.

(Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-86)

Secs. 1-15-4 through 1-15-30 Reserved

Part II. Permit

Sec. 1-15-61 Filing of application; application fee

A person desiring to hold one or more special events at one or more locations shall apply for a special event permit or permits by filing with the chief of police one (1) written application upon a form provided for that purpose. An application must be accompanied by a nonrefundable application fee of twenty-five dollars (\$25.00). The twenty-five-dollar fee shall cover all permits requested in the one application. An application must be filed not less than twenty-one (21) days before the first special event is to begin. The chief of police may waive the twenty-one-day filing requirement if the chief of police determines that the application can be processed in less than twenty-one (21) days, taking into consideration the applicable requirements to be imposed, number of agencies and other departments involved and whether or not a similar event has previously been permitted. If the decision is against waiver, the applicant may appeal to the city manager. If the city manager does not approve a waiver, the applicant may appeal to the city council. (Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-25)

Sec. 1-15-62 Contents of application

An application must contain the following information:

- (1) The name, address, and telephone number of the applicant and of any other persons responsible for the conduct of the special event;
- (2) A description of the special event and requested dates and hours of operation for the event;
- (3) The estimated number of persons and vehicles to participate in the special event;
- (4) A sketch showing the area or route to be used during the special event, along with proposed structures, stages, tents, fences, barricades, signs, banners and restroom facilities and location of loudspeakers and amplifiers;
- (5) Provisions for parking with a designation of where "no parking" signs will be used;
- (6) Details of how the applicant proposes to provide security;
- (7) The time and location of street closings, if any are requested;
- (8) Description and number of animals to be used in the special event, if any;
- (9) Details of how the applicant will clean up the area used after the special event, if on public property;
- (10) Proof that the applicant possesses or is able to obtain all licenses and permits required by this code or other city ordinance or by state law for the conduct of the special event; and
- (11) All other information required herein, if applicable, for use of loudspeakers and amplifiers, streets, food, trailers, amusement rides, tents, water, sanitation, dumpsters, carnivals and circuses and special event parades.

(Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-26)

Sec. 1-15-63 Notice to city and county departments

Upon receipt of the completed application, the chief of police shall forward a copy of the application to the departments of fire, public works, sanitation, inspection and planning and the Ector County health department. If any part of the event is to be held on or adjacent to park property, the chief of police shall also forward a copy of the application to the director of parks and recreation. Each department shall review the application and return it, with any comments, to the chief of police within five (5) working days of receipt, or as otherwise required by the chief of police if the twenty-one-day filing period has been waived. (Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-27)

Sec. 1-15-64 Conditions

The department directors and the chief of police may prescribe conditions required by other city ordinances or applicable law, restrictions, regulations, costs for special city services, safeguards, and other conditions necessary for the safe and orderly conduct of a special event to be incorporated into the permit before issuance. The director of parks and recreation may also adopt special rules for city parks, taking into consideration their location and existing facilities. Such special rules may be appealed by the applicant to the city council. Such rules shall supersede, to the extent of any conflict, the provisions set forth herein and in article 1-13 of this chapter, subject to appeal to the city council. (Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-28)

Sec. 1-15-65 Issuance

After reviewing the application and departmental comments, the chief of police shall issue the special event permit or permits unless denial is required by the provisions of this division. A special event permit will be issued within a period not to exceed ten (10) consecutive days. A separate permit is required for each location where a special event will be conducted. The permit will be issued prior to the event and reference all conditions to be applied. (Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-29)

Sec. 1-15-66 Indemnification agreement

An applicant for a 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, including claims of the city for damage to city parks and other city property. (Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-30)

Sec. 1-15-67 Payment of costs for city services

The chief of police and directors of affected departments are authorized to each develop a schedule of actual costs for city personnel, equipment and supplies that are needed in conducting special events and that must be reimbursed by applicants. Once approved, and prior to the issuance of a special event permit, the applicant shall be advised of the city's cost required for reimbursement. The applicant shall pay such cost or provide security for payment considered adequate by the chief of police. If the applicant disagrees with such cost or security requirements, it may appeal to the city manager, and then to the city council. In the alternative, if the applicant can provide the required services by other means, approved by the chief of police, the permit shall be approved on that basis. (Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-31)

Sec. 1-15-68 Grounds for denial or revocation

(a) Grounds for denial of a permit are as follows:

- (1) A special event permit has been granted for another special event at the same place and time or [the event is to be held] at a place and/or time that will directly conflict with another special event already permitted that disallows existing city resources or other comparable resources to reasonably accommodate both events.
- (2) The proposed special event will unreasonably disrupt the orderly flow of traffic and no other reasonable means of rerouting traffic or otherwise meeting traffic needs is available.
- (3) The applicant fails to adequately provide for:
 - (A) The protection of event participants;
 - (B) Public health and sanitation;
 - (C) Crowd security, taking into consideration the size of the event;
 - (D) Emergency vehicle access; or
 - (E) Traffic and pedestrian safety and parking.
- (5) The applicant fails to comply with or the proposed special event will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this division.
- (6) The applicant makes a false statement of material fact on an application for a special event permit.
- (7) The applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by city ordinance or other applicable law for the conduct of all activities included as a part of the special event.
- (8) The applicant has had a special event permit revoked within the preceding fourteen (14) months.
- (9) The applicant has committed, within the preceding fourteen (14) months, two (2) or more violations of a special event permit or this article.
- (10) The applicant fails to pay any outstanding costs or damages owed to the city for a past special event.
- (11) The applicant has failed to comply with insurance requirements contained in section 1-15-91(7).
- (12) The applicant for a special event parade has applied for less than ten (10) pedestrians, or less than five (5) vehicles. (If activities specified in subsections (1)

and (2) of the definition of “special event” in section 1-15-1 do not occur, a special event permit is not required.)

(b) The grounds for revocation of a permit are as follows:

(1) The applicant fails to comply with or the special event is in violation of a condition or provision of the special event permit, an ordinance of the city, or any other applicable law.

(2) The permit holder made a false statement of material fact on an application for a special event permit.

(3) A special event parade fails to begin within thirty (30) minutes or more of the appointed time of commencement, and it would not be reasonable to start the parade taking into consideration night conditions or other conflicting events that would impact traffic conditions.

(Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-32)

Sec. 1-15-69 Appeal of denial or revocation

(a) If the chief of police denies the issuance of a permit or revokes a permit, the chief of police shall send to the applicant or permit holder by personal delivery or by a police officer with appropriate documentation or by certified mail, return receipt requested, written notice of the denial or revocation and of the right to an appeal. The applicant or permit holder may appeal the decision of the chief of police to the city manager. If the city manager denies the appeal, the applicant may appeal to the city council. The city council may also consider on appeal a written request for a special exception based on special circumstances.

(b) When, in the judgment of the chief of police, a violation exists which requires immediate abatement because of danger to property, sanitation, health or safety of citizens, the chief shall have authority to revoke a permit immediately.

(Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-33)

Secs. 1-15-70 through 1-15-90 Reserved

Part III. Specific Requirements

Sec. 1-15-91 Use of streets or other city property

If the special event permit requires the use of city streets or other city property for an event, the following conditions shall be applicable:

(1) No permanent improvements of any kind shall be placed upon said property by the applicant, and any temporary structures, such as barricades, shall be removed

upon termination of the license so that the property licensed shall be returned to the city in the same condition as it existed prior to the granting of the license by the city.

(2) The applicant shall maintain and keep the property clean of any unreasonable accumulation of trash, or any other condition that would be a nuisance to the city.

(3) The applicant shall submit a specific description of the property to be used and the hours and dates to be effective. The applicant shall not unduly deny or restrict access to any business or owner in the area.

(4) The applicant shall only enter and exit the licensed property by ways approved by the chief of police.

(5) With regard to streets, the applicant shall make arrangements to barricade such licensed area from other areas available to the general public and erect any safety equipment, including lighting, that is reasonable and necessary and required by the chief of police and [as] assisted by the department of public works.

(6) The applicant and its agents, employees and contractors shall perform all acts in a safe manner and in compliance with all laws of the city, state and federal government.

(7) The applicant shall provide liability insurance in a reasonable amount, taking into consideration the number of people and the risk involved, the time of the event, and the cost of the insurance, to cover the activities licensed herein, and in a form and in an amount found to be adequate by the director of risk management and naming the city and its officers and employees as additional insureds. The applicant shall also provide a certificate of insurance, showing such required insurance, to the director of risk management within a reasonable time prior to the scheduled event. If the applicant is of the opinion that the amount or form is not reasonable, the applicant may appeal to the city manager and then to the city council.

(8) The applicant shall obtain the consent and permission of any property owner, if required by law, and indemnify the city, its officers and employees from any claim filed by owners of property affected by the closure of the streets or other city property.

(Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-45)

Sec. 1-15-92 Parking of vehicles

The city shall have the authority, when reasonably necessary as determined by the police department based on traffic safety, to prohibit or restrict the parking of vehicles along a street or highway or part thereof adjacent to the site of the special event. The city shall post signs, at the applicant's cost, that it shall be unlawful for any person to park or leave unattended any vehicle in such areas. (Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-46)

Sec. 1-15-93 Trailers

Trailers or other vehicles may be temporarily occupied as living quarters at the site of such events provided the location is in compliance with any required hookups or other sanitation requirements. Such vehicles and trailers shall be parked not less than three hundred (300) feet from any residential district and located so as to not impede vehicular or pedestrian traffic. (Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-47)

Sec. 1-15-94 Amusement rides

Rides and/or attractions associated with special events shall conform with the statutory rules and regulations set forth in chapter 2151 of the Texas Occupations Code, designated the Amusement Ride Safety Inspection and Insurance Act. (Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-48)

Sec. 1-15-95 Tents and temporary structures

Any special event which includes the use of a tent, canopy, or temporary structure, including a stage, shall meet the requirements in the fire code, except that a separate permit is not required when a special event permit has been obtained. Fire lanes for emergency equipment must be provided and the site prepared in a manner so as not to be a fire hazard as determined by the fire chief. The tent or temporary structure must also be properly anchored and supported for purposes of public safety. (Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-49)

Sec. 1-15-96 Food service

Where food service is provided, said operation shall be in compliance with all provisions of the health and sanitation code. (Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-50)

Sec. 1-15-97 Sanitary facilities

The chief of police, and the director of parks and recreation in park areas, with advice from the department of health, shall establish the requirements for portable type sanitary facilities based on the estimated number of people, other available facilities in the area and the term of the event. (Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-51)

Sec. 1-15-98 Animals

The applicant shall make arrangements to remove all waste from animals used in any such event from the grounds. Should animals be kept within the city limits at night, they shall be kept not less than three hundred (300) feet from any developed residential districts. Animals in parks are subject to park rules. Animals are also subject to chapter 2 of the city code. (Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-52)

Sec. 1-15-99 Use of city water

Any special event or related activity desiring use of water from the city water system must coordinate with the utility department to obtain a temporary meter. The deposit for the meter and payment for water used shall be in accordance with ordinances of the city. (Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-53)

Sec. 1-15-100 Solid waste dumpsters

The director of public works or solid waste superintendent shall establish the requirements for solid waste dumpsters based on the estimated number of people, the type of event, other facilities in the area and the term of the event. (Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-54)

Sec. 1-15-101 Loudspeakers and amplifiers

The use of loudspeakers and amplifiers for special events shall be in accordance with article 8-2 of the city code. (Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-55)

Sec. 1-15-102 Notification of residents; meetings with chief of police

An applicant shall comply with the following special requirements:

- (1) Notify any residents whose access to their own property will be limited or restricted by reason of the special event; and
- (2) Meet with the chief of police, or designated agent, on a timely basis prior to the special event, at a time and place designated by the chief of police.

(Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-56)

Secs. 1-15-103 through 1-15-130 Reserved

Division 3. First Amendment Parades

Part I. In General

Secs. 1-15-131 through 1-15-150 Reserved

Part II. Permit

Sec. 1-15-151 Required; exceptions; filing of application

(a) A person commits an offense if that person engages in, participates in, aids, or commences a parade, as defined in section 1-15-1, upon the streets of the city without making written application for and receiving a parade permit from the chief of police.

(b) Application for a parade permit for a parade of twenty-five (25) or more persons or five (5) or more motor vehicles shall be made not less than five (5) administrative working days prior to the date and time of the commencement of the parade. Application for a parade permit for a parade of ten (10) to twenty-five (25) persons shall be made not less than forty-eight (48) hours prior to the time of the commencement of the parade.

(c) No parade permit shall be required under this division for the following:

(1) The armed forces of the United States of America, the military forces of the state, and the forces of the police and fire departments acting within the scope of their duties.

(2) A funeral procession proceeding by vehicle under the most reasonable route from a funeral home, church, or residence of a deceased 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 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.

(5) A special event parade, as defined in section 1-15-1 of this code, for which a special event permit has been issued.

(6) Construction activity.

(7) House moving.

(8) Events covered by an interlocal contract between the city and another governmental entity.

(9) Peddlers and mobile and other street vendors subject to the provisions in article 4-6 of the city code.

(Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-69)

Sec. 1-15-152 Contents of application

The application for a parade permit shall contain the following information and be signed by the parade applicant before an officer authorized to administer oaths:

(1) The name, address, and telephone number of the parade applicant and of any other person, organization, firm, or corporation on whose behalf the application is made.

- (2) The date and time of day requested for the parade.
- (3) The parade's commencement time, the specific route to be traveled, and the starting and termination points.
- (4) The estimated number of persons and vehicles to participate in the parade and the estimated number of animals that will be used.

(Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-70)

Sec. 1-15-153 Issuance

- (a) Upon receipt of an application for a parade permit of twenty-five (25) or more persons or five (5) or more motor vehicles, the chief of police shall furnish to the parade applicant within three days, excluding Saturdays, Sundays, and legal holidays, appropriate approval or denial of the permit. For a parade of ten (10) to twenty-five (25) persons, the permit shall be approved or denied prior to the start of the parade.
- (b) Should the application for a parade permit reveal that the parade route requested will interfere with the orderly flow of vehicular and pedestrian traffic, the chief of police shall have authority to establish a reasonable alternate route and regulate the width of the parade.

(Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-71)

Sec. 1-15-154 Grounds for denial

The grounds for denial of a parade permit are as follows:

- (1) The parade will begin during, or within two (2) hours after the end of or start of, a parade 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 for which a permit has been granted.
- (2) The parade will unreasonably disrupt the orderly flow of traffic and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available.
- (3) The parade will be for less than ten (10) pedestrians or less than five (5) vehicles. (If pedestrians do not require special traffic controls, and vehicles will not be operating at reduced speeds or require special traffic controls, a permit is not required.)

(Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-72)

Sec. 1-15-155 Grounds for revocation

The grounds for revocation are as follows:

(1) The parade fails to begin within thirty (30) minutes or more of the appointed time of commencement and it would not be reasonable to start the parade taking into consideration night conditions or other conflicting events that would impact traffic conditions.

(2) The information contained in the application for a parade permit is found to be false in any material detail.

(Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-73)

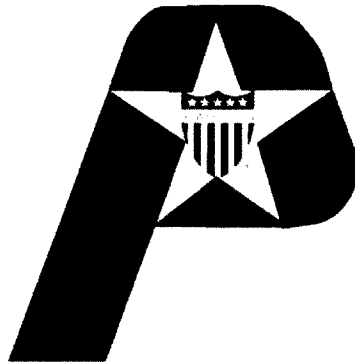
Sec. 1-15-156 Appeal of denial or revocation

If the chief of police denies or revokes a parade permit, this action shall be final unless the parade applicant shall, within five (5) days after the receipt of notice of the denial or revocation, file with the city manager a written appeal. The city manager shall, within twenty-four (24) hours 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. (Ordinance 96-67, sec. 1, adopted 10/22/96; 1957 Code, sec. 15D-74)

PLANO TX PARADE ORDINANCE

The City of Plano Parade Planning Guide

pop. 261,350



Provided As A Community Service
By The City of Plano
Risk Management Department

1 TABLE OF CONTENTS

- 1 Table of Contents 1**
- 2 Parade Guide Revision History 3**
- 3 Introduction to Parades..... 4**
 - 3.1 GUIDE SPONSORSHIP 4
 - 3.2 AUDIENCE 4
 - 3.3 SAFETY INTRODUCTION 5
 - 3.4 SAFETY TRAINING 5
 - 3.5 SPECTATOR SAFETY 5
 - 3.6 PARADE GUIDELINES VS. LAW 5
 - 3.7 COMMUNICATION OF RULES AND LAWS 5
 - 3.8 PARADE CANCELLATION..... 5
 - 3.9 ACCOUNTABILITIES 5
 - 3.10 SUPPORTING DOCUMENTATION 5
- 4 Getting Started 5**
 - 4.1 TIME LINES 5
 - 4.2 PERMIT(S) - GENERAL 5
 - 4.3 PRELIMINARY AND FINAL PERMIT APPLICATION PROCESS 5
- 5 Parade Insurance and Hold Harmless Requirements 5**
 - 5.1 PARADE INSURANCE COVERAGE..... 5
 - 5.2 HOLD HARMLESS..... 5
- 6 General Guidelines..... 5**
 - 6.1 PARADE STAGING PRE-SUNRISE 5
 - 6.2 PARADE STAGING 5
 - 6.3 PARADE START 5
 - 6.4 PARADE PROGRESS 5
 - 6.5 PARADE ZONES..... 5
 - 6.6 END OF PARADE DEMARCATION 5
 - 6.7 ENTRY LIMITATIONS..... 5
 - 6.8 PROHIBITIONS & RESTRICTIONS 5
 - 6.9 SAFETY RECOMMENDATIONS - OPERATIONAL 5
 - 6.10 WEATHER 5
- 7 Apparatus (Floats, Trailers, etc.) Specifications and Requirements..... 5**
 - 7.1 DEFINITION 5
 - 7.2 DIMENSIONS 5
 - 7.3 WEIGHT AND LOADING – GENERAL 5
 - 7.4 TRAILERS..... 5

7.5 VEHICLE/TOW VEHICLE SPECIFICATIONS 5

7.6 MECHANICAL SPECIFICATIONS 5

7.7 FIRE SAFETY REQUIREMENTS 5

8 Animal Entrants..... 5

8.1 GENERAL GUIDELINES - ANIMALS 5

8.2 EQUESTRIAN ENTRANTS 5

8.3 WILD/PROHIBITED ANIMALS 5

8.4 ANIMAL TREATMENT 5

8.5 WASTE REMOVAL 5

9 Emergency Planning..... 5

9.1 SCOPE 5

9.2 PLANNING 5

10 Appendix - Organizer/Parade Planner Acknowledgement..... 5

11 Appendix – Time Line 5

12 Appendix – Reference & Contact Information 5

13 Appendix – Checklist..... 5

14 Appendix – Release & Hold Harmless Agreement 5

15 Glossary 5

16 Parade Guide Index 5

3 INTRODUCTION TO PARADES

3.1 Guide Sponsorship

This guide is presented by the City of Plano Risk Management Department. The City of Plano (referred to as the “City”) recognizes that “Parades” are special events held within the City and are subject to ordinances drafted specifically for “Events.” The guidelines contained herein address the subject of parades on public lands and do not attempt to address parades on private lands or the broader subject of all special events.

3.2 Audience

Audiences and readership of this material are typically individuals who have either volunteered or been selected by their organizations or associations for which they are members or enjoy an affiliation. Parades and parade organization are significant activities and require careful planning to successfully manage the event. As with all challenging endeavors, certain risks must be managed and laws adhered to in order to achieve a safe event that does not overly burden parade participants or spectators. You will need assistance to properly coordinate your parade. This guide identifies the resources available to you through the City; parade organizers will no doubt require assistance from within their own organizations.

3.3 Safety Introduction

These guidelines are tools to be used by parade organizers in planning a safe and interesting event for everyone involved. The information contained within not only addresses those issues that will contribute to a safe event but also addresses many of the issues of parade planning and participation that should be avoided. Let it be known that if there is a prohibition or recommendation stated in this document, City ordinance or other governmental document relating to a parade the reader should consider these restrictions purposeful and the reasoning self-evident. Ignoring any guideline or law only serves to expose the permit holder to significant liability and participants or spectators to personal injury or death.

Underestimating safety exposures can result in unimaginable consequences. The permit holder is strongly urged to follow the guidelines, follow the law, and get serious about safety.

It is recommended that parade leadership should designate a safety leader who is responsible for setting the tone regarding safety with the participants and maintains this tone up until completion of the parade. Monitoring how often and how vigorously the safety message is delivered will benefit everyone involved. Participants will conform to parade leadership requirements; make safety the first highlight during every discussion or memo. Praise those who conform and sideline those who don't. Remember, it's either

safe or it isn't and parade planner/organizers been given guidelines to follow to make the parade safe. The planner/organizer is the executor of these guidelines and overseer of compliance.

Additionally, you will need to understand exactly how a parade entrant intends to participate in the parade. For example: Where will the people be located on the "float" or vehicle? What if the vehicle brakes suddenly, what will happen? Is the add-on construction safe? Is it bolted to the trailer decking? Is the decking bolted to the trailer? Can you confirm that the bolts are in place? What is the wind forecast for parade day? Does the float appear to be safe in 10mph winds? What if wind speeds rise to 40mph during the arrival of a weather front? Will the float disintegrate and who will be in danger? What if it starts to storm (with lightening) 30 minutes into the event, what is the contingency plan? Will out-walkers hand items to spectators? What kind of items? How exactly do out-walkers replenish supplies? Are they going to approach a moving vehicle to be re-supplied? What if they trip or become entangled with the vehicle? Do out-walkers understand the difference between throwing and handing an item to someone? Have replacement or additional people been added to the entry at the last minute? Is a rules restatement needed to remind and protect everyone?

The above sample questions are real management issues. On the day of your parade everyone who intends to participate in the event should already have mitigated risks at your direction by taking steps to address the exposures. It's up to the parade leadership to ask the right questions and check for compliance. It's also up to parade leadership to develop a "don't tell me, show me" safety and communication mindset. Risk will always be present but through a controlled set of communications and management principles both written and spoken, much can be done to mitigate these risks.

The safety of parade participants and spectators rests solely with the permit holder. The City of Plano does not, under any circumstances, ultimately determine the safety and well being of participants or spectators.

3.4 Safety Training

1. The City recommends that a Parade Safety Training Meeting be held well in advance of the event. Guidelines presented in this manual and pertinent information from the City of Plano Special Events Ordinances should be the main agenda items. Permittees may elect to facilitate the meeting themselves, delegate to their safety coordinator, and/or invite experts to assist with the dissemination of information. The Fire Department, Risk Management, Police Department, etc. should all be considered for inclusion in this activity. As always, documenting the meeting agenda items is key.
2. In some cases, certain participants have built a knowledge base and gained enough experience that they may be considered local experts. These participants may also have access to specialty tools and may be willing to donate their time to assist other entrants in the design and construction of their apparatus. If these individuals exist, the Permittee should consider utilizing them as subject matter experts for their parade.
3. The City recommends a trailer/vehicle inspection before any parade-specific modifications have begun. A checklist of considerations is included in Appendix 13 of this document.

3.5 Spectator Safety

1. Significant spectator safety information should be distributed through utility flyers announcing the parade event and/or through local media outlets providing intermittent or continuous coverage of the parade.
2. A well designed parade route and a thorough familiarization with the route will assist planners in protecting the public from unnecessary risk. Work with the City Police department to obtain their input and recommendations; doing so will assist planners in reducing risk but not eliminating it entirely.

3.6 Parade Guidelines vs. Law

As the person primarily responsible for the success of your parade, the City of Plano is providing you with a complete planning guide to assist in the execution of your event. This guide is not a directive or mandate, it is only a guide and should be viewed with this in mind.

Note that the City of Plano Special Event Ordinance is in effect along with all stated or implied laws used to govern the City of Plano. If a conflict between this document and any other City of Plano ordinance, law, or other legally executed governmental document, it is the lawfully executed document that will supersede these guidelines.

Parade organizers, planners and participants are expected to be familiar with state statutes and to know and understand the full content of the law regardless of what is written in this guide. State statute information can be obtained through resources available to all citizens by the State of Texas. It is the intent of this guide to call attention to existing law and to assist parade planners by highlighting this information. It is not the intent of this guide to define, interpret, or all inclusively quote state or local law, such issues are well beyond the scope of this document. The organizer agrees to abide by all local, state and federal laws that are in effect at the time of the parade.

3.7 Communication of Rules and Laws

Communication to participants, that is, the actual people who will have some sort of physical presence and purpose within the parade, will occur in various forms up until the procession begins moving away from the staging area. This single issue may be the most important task you perform as a parade organizer.

As the organizer/planner of the parade you are required to distribute the City of Plano Parade Planning Guide to the personnel participating in or acting in a support capacity for the parade.

As with any group, delivery of the parade planner's directives to participants and ensuring that the planner's message has been understood is a challenge for any leader or leadership body. To help meet this challenge it is recommended that the planner develop a method for tracking directives or even casual conversations. Additionally, planners should document when they've communicated specific information and to whom the information was delivered to. Documenting statements and actions may serve the planner very well should the unthinkable happen or perhaps use the documented information simply for reference to help track project progress. Under-communicating and a lack of documentation raises risks for everyone and over-communicating the right information tends to mitigate those same risks.

Successful parade organizers envision potential problems before they occur, transform risk mitigation into actionable items and assign the tasks and monitor them for completion. Strong communication and supporting documentation is the vehicle that propels the preparatory phase forward.

Reference the City of Plano Ordinance: Article VIII. Special Events, Division 1, General

3.8 Parade Cancellation

The City of Plano assumes no liability should the parade be postponed, delayed, or otherwise cancelled for any reason either due to a determination by the City of Plano or other outside influence. Additionally, the City assumes no liability for any costs that may be incurred by the permit holder, participants, parade staff, vendors, etc. as a result of a postponement or cancellation regardless of whether the City was responsible for the delay or cancellation. Any expenses incurred by the City of Plano are the responsibility of the permit holder regardless of a delay, postponement or cancellation even if the City is the entity that by its good judgment is responsible for the interruption.

3.9 Accountabilities

The following table clarifies accountabilities and establishes ownership of significant actions that accompany every parade. Note that the Permittee and/or Applicant is/are assumed to be knowledgeable with regard to the laws of the land. Regardless, Permittees and/or Applicants are the responsible parties relating to law and are entrusted with disseminating information to all parade participants. Without exception, state and local laws apply to every participant before, during, and after the parade.

Area of Accountability	Parade Permittee and/or Applicant	City of Plano
Calendar Management – Abides by City Deadlines for Permit or Other Processing	X	
Permit Review and Acceptance or Rejection.		X
Insurance Review, Acceptance, Rejection or Request for Additional Information.		X
City Departments – Assists with Coordination.		X
Parade Planning & Execution.	X	
Risk and Hazard Mitigation.	X	
Knowledge of State, Local Laws & Ordinances.	X	
Dissemination of Safety and Legality Information to Parade Participants.	X	

3.10 Supporting Documentation

A number of tables, checklists, and other supporting documentation can be found in the appendix of this guide. Use these documents as control points either in the preparatory phase of your parade project, during the actual event or both.

Due to the nature of parades, the infinite variables involved with themes, the creative imagination of the participants and the cross section of people that attend parade events, planners to start narrowing some of these broad concepts to get started.

4 GETTING STARTED

4.1 Time Lines

Your parade is calendar driven and certain deadlines must be managed in order to meet City requirements among many other considerations. Note that a Time Line table has been provided in Appendix 10 and should help you track critical City deadlines and other important time dependent tasks.

4.2 Permit(s) - General

The City of Plano Parks and Recreation Department is responsible for reviewing all Special Events Parade Permit applications and there is no fee associated with performing this function. The Event Supervisor is responsible for processing the details of the actual permit application and working with you toward successful completion of the permitting process. Your permit application will be presented to a designated City Special Events Committee where your request will be carefully considered. The Special Events Committee is comprised of City management and other ranking City officials who work as a collaborative team when reviewing your permit application.

4.3 Preliminary and Final Permit Application Process

During parade permit review sessions, Committee members attempt to identify the various City departments that should be involved in your parade based on the description provided by the Applicant. In all cases, the Special Events Committee works toward maximizing success and attempts to identify risks present in a given parade. In addition to a thorough description of the parade itself, Applicants should carefully note on their application all activities and the use of equipment (generators, amplification systems, tents, etc.), if any, which will be used during the parade on their application.

A "Preliminary Application for a Special Event" (obtained from the City Parks and Recreation web site, <http://www.planoparks.org>) is completed at least 30 days prior to the event and submitted to the Event Supervisor. The preliminary application serves the purpose of starting the permitting process even if all details of the parade are not yet known. Once clarified, an "Application for Special Event Permit" is required and includes any details previously omitted. This application is also submitted to the Event Supervisor after it has been completed.

The Applicant's signature on the "Application for Special Event Permit" is evidence that they agree to all laws and will abide by those laws and the decisions of the City Special Events Committee. Further, the signature on the permit application indicates the Applicant agrees that the City Special Events Committee, the City of Plano, and their associates, employees and agents, are released from any and all responsibility for loss, damage, or injury to any person or property relating in any way to participation or consultation regarding the parade.

A parade permit will be provided to the applicant prior to the parade date. Permit holders should make this information available to all parade entrants. Along with this information the permit holder should coordinate entrant positioning within the parade, establish arrival times, start & end times and any other coordination information needed by those who are involved.

Note that it is possible the parade route may be established and confirmed in advance of the permit being issued. Note that the act of establishing the parade route is not a substitution for the parade permit itself. The parade permit is the actual document that establishes City permission to hold the parade.

To start the permitting process, due diligence is required at the following web site: <http://www.planoparks.org>. Review the preliminary and final permit applications and contact the Plano Parks and Recreation Department Event Supervisor. The City of Plano staff will assist you with the preliminary planning for your parade. Partnering with the City is the first step in successfully managing a safe and well-run parade.

5 PARADE INSURANCE AND HOLD HARMLESS REQUIREMENTS

5.1 Parade Insurance Coverage

Before your parade permit will be issued, a Certificate of Insurance naming the City, as an ***Additional Insured*** evidencing the following coverages will be required. The City Risk Manager is responsible for ensuring the appropriate insurance coverages exist for the parade in question. In general (and subject to change without notification), the following minimum coverages are needed for a parade held within City limits:

1. **Commercial General Liability**: \$1,000,000 per occurrence. \$2,000,000 aggregate including completed operations and product liability and personal injury liability insurance. Coverage shall include parade participants and spectator liability coverage and shall include a minimum of \$5000 medical payment coverage.
2. **Automobile Evidence of Financial Responsibility**: \$1,000,000 Combined Single Limit for Owned, Non-owned and Hired Vehicles if using a motorized vehicle in the special event or parade. Note that vehicle owners participating in a parade can be held personally liable for injuries or damage to property as a result of their actions. All parade participants are required to provide evidence of financial responsibility as required by the State of Texas to operate a motor vehicle on a state roadway. The vehicle owner is responsible for providing proof of financial responsibility to the event organizer prior to the beginning of the parade. Additionally, this insurance should include coverage for spectator liability should a spectator be injured by a parade participant operating a motor vehicle.
3. **Statutory Workers Compensation, Disability and Employer's Liability Insurance** for all employees. *(Please note that for this coverage, the City shall not be named as an Additional Insured but will be provided with a waiver of subrogation).* This insurance coverage applies to those entities that supply personnel, in their employ, for the purpose of parade setup, take-down, or other preparatory or finishing tasks. Not-for-profit organizations are not required to provide Workers Compensation insurance.

Insurance coverages shall indicate that the coverage begins from the time the parade organizer assumes control of the physical space (usually the staging area) to the time they release control of the physical space.

The certificate naming the City as ***Additional Insured*** must provide a ten (10) day notification clause for cancellation, termination, or material change in conditions.

The **Permit Applicant** acknowledges that failure to obtain such insurance on behalf of the City of Plano constitutes a material breach of the agreement to execute a Parade. A lack of insurance as stated will result in a denial to hold a parade and subjects the permit Applicant to liability for damages, indemnification and all other legal remedies available to the City.

The **Permit Applicant** is to provide the City with a Certificate of Insurance naming the City as *Additional Insured* prior to the issuance of any permit. The failure to object to the contents of the certificate of insurance or the absence of same shall not be deemed a waiver of any and all rights held by the City.

In the event that the **Permit Applicant** utilizes a Subcontractor for any portion of the services outlined within the scope of activities stated on the permit application, the Subcontractor shall provide insurance of the same type or types and to the same extent of coverage as that provided by the **Applicant**. The Subcontractor shall name the City as an *Additional Insured* for all activities performed within its scope of work and/or contract.

At least 15 days in advance of the parade Certificates of Insurance (including those insurances required by Subcontractors hired by the Permit Applicant) containing all signatures should be mailed to the City of Plano Risk Management Department, to the attention of the Risk Manager. Failure to submit the required proofs of insurance in a timely fashion will result in the denial of the permit request.

5.2 Hold Harmless

1. Parade Organizers/Planners – The City of Plano requires a Hold Harmless agreement signed by representatives of the sponsoring organization. A copy of the hold harmless agreement can be found in Appendix 14. This document should be mailed to the City of Plano Risk Management Department, to the attention of the Risk Manager along with all Certificates of Insurance.
2. It is recommended that the organizer/planner obtain a signed hold harmless agreement from each of the parade entrants naming The City of Plano and the sponsoring organization held harmless. Such Hold Harmless agreements are to be turned in to the City of Plano at least one week prior to the parade.
3. Parade Participants - The hold harmless agreement shall be signed by a designated individual from each of the participating groups that will be active in the parade route. This individual will represent each group participating in the parade.

6 GENERAL GUIDELINES

6.1 Parade Staging Pre-Sunrise

1. Pre-staging for some parades may occur before sun up. Parking lots may not have artificial lighting active during the pre-staging activities. This presents a visibility safety issue that must be managed.
2. A team of attendants should have been organized well before the event and high visibility reflective vests, flashlights, and communications equipment (if used) should be distributed.
3. Place attendants with suitable high visibility reflective vests, traffic cones and directional signs at all entry points into the staging lot. The lack of natural light will be disorienting to parade participants and they will require direction from knowledgeable staff as they enter the staging area and attempt to find their designated staging position.
4. If a command post will be used for registering and general administration, a gas powered generator and lighting capable of being mounted on stands may be helpful. Any temporary structures should be secured with adequate weights and/or tie down points. Electrical cords intersecting walkways shall be taped to the walkway surface.

6.2 Parade Staging

1. For larger parades, numeric signs laid out in a grid pattern should be installed well before any pre-staging activities begin and correlate to place numbers that have been given to parade participants.
2. Parade event staff should be easily identifiable by vests, ID badges or both and establish a constant presence during the event by continually walking the line to resolve last minute safety issues such as a trailer to tow vehicle connections, large float structures, participant seating, etc.
3. Some organizations will supply a limited number of golf carts or four-wheel-drive utility vehicles to facilitate inspections and maintain a presence. The vehicles themselves are typically marked with parade organizational verbiage. Their presence and safe usage is the responsibility of the sponsoring organization.
4. If entry fees will be collected at the registration desk a system must be put into place by the sponsors to manage and secure the payments.

5. If donations will be collected from parade participants the logistics of collecting the items, storing them for a brief period and then loading and transporting them must be considered.
6. Coordinating the installation of a predetermined number of portable toilets within the staging area is absolutely essential and should be coordinated for delivery and pickup well in advance.
7. The presence of several hundred to a thousand people within the staging area will create the need for trash receptacles. Determine the need, placement and servicing frequency of the receptacles. The importance of the receptacles increases if food or drink of any type are to be served during the staging process.

6.3 Parade Start

1. Tow vehicles shall have all windows on the vehicle in the down position. Communication with the driver is essential and rolling all windows down will facilitate this communication. Note that amplified music either from within or outside the tow vehicle may be competing for the tow vehicle driver's attention.
2. The City recommends that signs restating the following minimum information be printed and installed at the exit to the parade staging area. Ensure they are highly visible as parade entrants move out onto the parade route:
 - a) No Throwing of Items
 - b) Stay Seated
 - c) Fasten Seat Belts
 - d) Think Safety
 - e) Tow Vehicles – Roll Windows Down
3. At least one parade support individual shall be stationed at the exit of the parade staging area. His or her responsibility is to examine, identify and effect change to parade floats/apparatus exhibiting dangerous behavior, dangerous setup or other visibly obvious configuration issues.
4. The City of Plano recommends that the parade staging area be closed at least 15 minutes prior to the start of the parade to facilitate street closures. Ensure that all participants are aware of this requirement and schedule them accordingly. Entrants should be well aware of parade line up and assume their positions in advance of the parade start time. Publishing a guide containing a basic map and early road closures with key entry and exit points is recommended.

5. City workers involved with the parade will be expecting the parade to begin on time and that the staging area is being managed in an orderly fashion with all participants aware of and maintaining their place in line.

6.4 Parade Progress

1. Parades should be “all forward motion” events with no planned stoppages. Performing groups should choreograph routines to maintain forward motion at the parade pace. Parade staff members designated by the Permit holder have the authority to request that a parade entry speed up or slow down to manage the gap between parade entrants.
2. Other than mechanical breakdown or other obvious apparatus problems, all entries will complete the parade route once the parade has started. In the case of a mechanical breakdown, every effort must be made to move the apparatus away from the central parade route, to a shoulder or side street.
3. Vehicles or apparatus left on City streets or having the appearance of being abandoned will be removed by the City at the owner’s expense.
4. A minimum distance of 15 feet between parade entries should be maintained at all times.
5. The maximum speed of any vehicle during the parade is limited to 5 mph and lower gears should be used on vehicles equipped with automatic transmissions.
6. Fuel tanks should be topped off just prior to the beginning of the parade; this includes any support equipment used during the parade such as generators. Spare gas cans, full or empty, cannot accompany vehicle apparatus on the parade route.
7. Drivers within the parade procession should pay particular attention and keep watch for spectators entering the parade thoroughfare, either accidentally or intentionally.

6.5 Parade Zones

1. The parade zone is defined as the street surface between curbs, curbs and shoulders or shoulders. The parade zone includes the assembly area and the dispersal area at the beginning and end of the parade route.
2. Spectators or the general public are not allowed in the parade zone. Parade staff are authorized to order spectators out of the parade zone.
3. Spectators are not permitted to place chairs or coolers in the parade zone; spectators are not permitted to stand in the parade zone.
4. The City of Plano Police Department may erect moveable barricades at intersecting streets to restrict vehicular traffic from crossing the parade route. The Police Department, with the cooperation of the Special Events Committee will determine when and where the barricades, if any, will be placed prior to the start of the parade. Reference the Uniform Manual of Traffic Control Requirements for Parades to obtain additional information relating to this issue.
5. At the determination of the Police Department and/or the Special Events Committee, high visibility caution or other demarcation materials may be placed to clearly identify the parade zone in safety risk areas where participant crowds are likely to gather.

6.6 End of Parade Demarcation

1. Arrangements should be made with the Plano Police Department to have at least one patrol car, with warning lights active, follow the last parade entrant from the staging area to the selected ending site. Doing so may prevent adult and child spectators from entering the street before the parade has ended.
2. If possible, consider designing the parade route so that the initial staging area before the start of the parade also serves as the staging area for the end of the parade. In many cases logistics will not allow for this route design but some benefits may be realized and this option should be considered.

6.7 Entry Limitations

1. Only 1 motor vehicle per entry is permitted, the exceptions being car and motorcycle clubs who may have up to 12 motor vehicles per entry.
2. Equestrian entries are limited to 12 horses per entry.
3. It is recommended that a maximum of 12 out-walkers accompany any parade apparatus and should be equally divided on either side of the apparatus.

4. All entrants must conform to the activities description stated on the permit application. Any changes to the activities description of the permit request must be resubmitted to the City of Plano Parks and Recreation department. The extent and timing of the change(s) will be considered by the City Special Events Committee where the changes will be approved, conditionally approved, or rejected.
5. Entries depicting violence, drugs, illegal activities, or that are otherwise deemed inappropriate by City staff (Police, etc.) will not be allowed to participate.
6. All entry themes are reviewed by the Special Events Committee and the committee reserves the right to refuse the participation of any entry. No obscene, vulgar, violent displays, unbecoming conduct, or vulgar language by either spoken or written word will be allowed.
7. Parade entrants are responsible for the security of their apparatus up to, during, and after the parade.

6.8 Prohibitions & Restrictions

1. Parade entrants may not throw any item or items from their unit, apparatus, float or automobile (per City ordinance). Out-walkers may hand parade relevant trinkets, food, candy, etc. or literature to the audience at the street curb.
2. Furthermore, to hand and not throw an item to a spectator the item never experiences “hang-time” and is always in contact with either the parade participant, the spectator or both until the hand-off to the spectator is complete.

Anyone observed throwing items to parade spectators may be subjected to citation for the offense, removed from the parade (the entire entry and all associated personnel) or both. This issue is non-negotiable and the City maintains a zero tolerance attitude toward violators. The permit holder should carefully coach participants on the seriousness of this issue to avoid negative repercussions during the parade.

3. Children under the age of 5 and less than 36” in height must be transported in a child safety seat and properly restrained according to the safety seat manufacturer’s instructions.
4. Parade participants should in no way encourage spectators to leave the curb or move into the street for any reason.
5. Participants may not ride on those vehicles or trailers equipped with side-boards or end-boards. The exception being City emergency or waste management vehicles/equipment with trained personnel occupying the side-boards or end-boards.
6. Participants may not ride on, rest on, or otherwise use a trailer tongue to support a person’s body at any time for any reason.
7. Participants may not ride perched on top of pick-up truck bed sides.
8. Operators of other motorized or non-motorized vehicles including motorcycles, bicycles, etc. shall not participate in handing out candy, literature, trinkets or other like party favors to parade spectators.
9. Riding on truck gates in the down position in any manner is prohibited.
10. Trucks equipped with bed gates shall have them in the closed/locked position when pulling trailers.

11. A person commits an offense if the person operates an open bed pick up truck or an open flatbed truck or draws an open flatbed trailer when a child younger than 18 years of age is occupying the bed of the truck or trailer. There are a number of exceptions listed for this statute, the ones being of relevance to the subject of parades are for parades themselves and hayrides or hay riders. Note that the exceptions apply only while the parade procession is underway and provide no defense to prosecution if the driver illegally transports under-aged people to or from the beginning and ending parade staging areas. If an offense is observed the driver will be cited for the infraction.
12. It is unlawful for any person to ride in a drawn trailer, the exception being for the purposes of a parade. Note that the exception applies only while the parade procession is underway and provides no defense to prosecution if the driver illegally transports people to or from the beginning and ending parade staging areas. If an offense is observed the driver will be cited for the infraction.
13. No discharging of firearms or simulated types of noise or fireworks are allowed per City ordinance.
14. Drivers of float vehicles are required to operate their vehicles in the center of the pre-established parade zone; operators are restricted from weaving or swerving towards bystanders to increase drama, visual effect or excitement.
15. Drivers and passengers of vehicles equipped with seat belts are required to wear the restraints.
16. By law, drivers of any and all vehicles in the parade must have a valid driver's license and class rating suitable for the vehicle being driven. They must also have the means necessary to meet the state Requirement of Financial Responsibility mandate. Failure to show proof (to parade organizers) of Evidence of Financial Responsibility or proof that they meet the Exceptions to Financial Responsibility will result in the vehicle being removed from the parade. Drivers of parade vehicles must be at least 18 years of age.

17. It is recommended that the Permittee implement a no-alcoholic beverage rule for all participants before and during the parade event. Permit approval may require various alcoholic compliances per City ordinance and state laws will apply. Participants consuming alcohol prior to or during the parade will be removed from the event if blood alcohol is below the legal limit and arrested if it is over the legal limit.
18. All state and local laws apply to the transportation of participants, regardless of the number, to and from the event. In no case will transporting participants in trailers or other similar devices be allowed and those observed doing so will be cited for the infraction. There are no special circumstances or waivers for which participants can be transported on state highways or city streets. All laws are in effect.
19. Per state law, no persons should be allowed to ride by sitting, standing or kneeling on any external portion of a trailer or other vehicle. Foot-steps, trailer tongues, trailer fenders, truck bed gates etc. are not suitable riding platforms.
20. For children riding parade apparatus it is recommended that children age 7 and younger have a 1:1 ratio of supervising adult (children under 5 years of age shall be placed in a child safety seat and restrained according to the seat manufacturers instructions). The recommended adult supervision ratio for children ages 8 to 13 is 1:5. Children age 14 and over are not required to have adult supervision. The supervising adult shall be situated in close enough proximity to children so that a conversation held at normal speaking volume can be achieved.

6.9 Safety Recommendations - Operational

1. It is suggested that children under the age of 6 years old refrain from walking as a parade participant. Making arrangements for them to ride in parade vehicles or float trailers may be a more suitable alternative.
2. The City recommends that a pre-inspection of all entrants and their apparatus be performed prior to the date of the parade. A final inspection of all parade entries should be made at the staging site prior to the beginning of the parade. A careful and controlled walk-through of the parade participants and their apparatus, utilizing the checklist in Appendix 13 of this guide can be a useful exercise. Obvious safety hazards should be considered and the risks mitigated. Until unsafe issues are resolved the entrant should be removed from the processional line-up.
3. Once the on-site safety inspection has been completed the vehicle and/or apparatus shall not leave the staging area.

4. The City prohibits participants from jumping onto or off of any parade apparatus, moving or stopped, during the course of the parade.
5. Participants should not interfere with the progress of any parade entry.
6. Parade participants on bicycles, unicycles, skateboards, in-line skates, Segways, Razors, or other wheeled equipment should refrain from excessive weaving or swerving to avoid losing control. Bicycle helmets are required by law. It is highly recommended that participants using the other aforementioned devices use all safety or protective equipment available to the general public. These participants shall at all times maintain a buffer zone of at least 6' from spectators.
7. In some cases the Permittee may choose to enact Breathalyzer blood alcohol screenings for all drivers of vehicles or apparatus prior to the beginning of the parade.
8. Any entry that produces loud and startling noises that could cause an equestrian entry to panic should not be permitted. Vehicles that backfire, either intentionally or otherwise, should not be allowed.
9. It is suggested that participants refrain from using cell phones, iPods, MP3 players, camcorders or other like-devices during the parade. Under no circumstances are drivers of any vehicle, tractor or other equipment allowed to operate the vehicle while simultaneously using the previously described electronic devices.
10. Drivers or participants shall not operate any type of water gun or aerosol propellant (silly-string or similar product) while participating in the parade.

6.10 Weather

1. The Plano Police Department is the final authority and will make a determination relating to weather conditions before the parade begins. The City of Plano Police Department also has the authority to stop or otherwise alter parade progress if weather conditions deteriorate while the parade procession is underway.
2. It is the parade permit holder's responsibility to have a foul weather contingency plan in place. This plan should include, among other things, a communication plan to confer with Plano Police as well as all parade participants of immediate directives relating to foul weather.
3. In the event that the Plano Police Department or other designated City of Plano official stops or otherwise alters a parade procession due to weather considerations the City of Plano will not be held financially responsible for loss or damage by the permit holder, parade participants, vendors etc.

7 APPARATUS (FLOATS, TRAILERS, ETC.) SPECIFICATIONS AND REQUIREMENTS

7.1 Definition

1. A parade apparatus or “float” is any decorated unit, with a vehicle, designed or constructed for use in conjunction with a parade. It is not limited to only those units that depict the parade theme. A vehicle may also be considered a “float” or apparatus in this definition and they themselves may be decorated to enhance the effect of an entry.

7.2 Dimensions

1. During the parade, the maximum width of any apparatus is 10 feet and includes foldout decks and/or outriggers. 8.5 feet is the specification for one standard City traffic lane and participants must comply with all state and local laws when transporting their apparatus from its place of origin to the parade event. There are no special parade circumstances or waivers for which an apparatus can be transported on state highways or city streets. All laws are in effect and violations are subject to citation.
2. The maximum apparatus length is 40 feet and includes the tow vehicle, trailer, temporary supports and decoration. Maximum height for any part of the apparatus is 12 feet. Traffic lights and signs may overhang the parade route; care should be taken not to exceed the height limit.
3. Minimum ground clearance for all apparatus is 10 inches and includes the physical components of the apparatus in addition to any add-on decoration. Floats with “skirts” or loose fabric that touches the ground is prohibited. All such decorations shall meet a minimum ground clearance of 10 inches and the decoration(s) shall be unable to touch moving parts such as tires, etc. when stretched to the fullest extent.

7.3 **Weight and Loading – General**

* Vehicle load information can usually be found on the driver's side door-jam of most vehicles. These ratings may or may not apply to vehicles that have been substantially modified.

1. The gross load capacity of the vehicle should not be exceeded when fully loaded.
2. The gross load capacity of the trailer should not be exceeded when fully loaded.
3. The gross load capacity of the vehicle's ability to tow a trailer apparatus when fully loaded should not be exceeded.
4. Trailer tongue weights should not exceed either the trailer or tow vehicle's maximum tongue weight specifications. Attention to the loading and weight distribution of participants and gear should be considered.
5. The trailer and/or tow vehicle apparatus shall by all appearances be capable of carrying its load for the duration of the parade. There shall be no sagging of components, trailer wheels should be 90° to the road surface, etc.
6. Vehicles exhibiting a bumper mounted towing ball should be examined with extreme care to avoid overloading. Additionally, these vehicles are not typically equipped with transmission coolers making them prone to overheating under certain circumstances. The parade pace of 0-5mph may also affect the tow vehicle's operation or performance relating to the ambient temperature.

7.4 **Trailers**

1. The trailer shall be registered and bear the appropriate markings of current registration.
2. Trailers shall be road-worthy and of legal status to travel on all streets, roads and highways of Texas.
3. Trailers shall be equipped with fenders that adequately cover the tires of both single and double axel configurations. It is recommended that trailers be equipped with guards on the leading edge of trailer wheels that will assist with displacing people or objects that fall within the trailer travel path.
4. Tires shall be in good condition and properly inflated. No bulging, imbedded foreign objects, cords showing, or other obvious hazards. Tire manufacturers typically recommend increasing tire air pressure when loads are added. Most tires state this information on the sidewall of the tire.

5. Wheel bearings must show no sign of overheating or other malfunction (grease spatter, etc.).
6. Trailer brakes, if equipped shall be fully functional and meet tow vehicle brake specifications described in this guide.
7. All trailer lighting shall be operational and visibility shall not be limited by participants, decorations or other obstructions. Lighting lens shall be intact with no cracked, broken or missing components. Electrical wiring shall be of sound construction with no obvious wear points, loose or hanging harnesses, and allow for full range of motion at the hitch without binding.
8. Trailer decking shall be of sound construction with no obvious hazards present. Decking should not deflect unreasonably when fully loaded. The trailer support bracing shall be of a type that supports the decking and cross-members should not be missing, damaged or exhibit excessive corrosion. All decking shall be permanently affixed to the trailer apparatus. Trailer seating should be securely attached to the apparatus. Those participants riding parade apparatus are to be seated at all times and it is recommended that they be secured by seat belts. Standing on apparatus or in moving vehicles is not permitted.
9. Trailer tie-down points shall be of sound construction and appear to be of appropriate materials for the task at hand.
10. Trailer safety chains shall be present and properly attached to the trailer and tow vehicle. Chains shall be of proper length and provisioned for the full turning radius of the vehicle with no excessive length or tensioning of the chains.
11. The trailer must not rest at inappropriate angles when hitched and loaded. The trailer shall be level or nearly level to the road surface.
12. Tow vehicle trailer hitch balls sizes and load ratings shall match that of the corresponding trailer connection points.
13. Trailer hitch mechanisms shall be friction pinned or locked in the closed position when attached to the tow vehicle.
14. Tow vehicles exhibiting a receiver style hitch shall have the ball mechanism pinned or locked to the receiver. Furthermore, the receiver pin itself shall be friction pinned or locked.

15. A trailer shall be equipped with a tongue jack thereby allowing for the safe detachment and support of the trailer from the tow vehicle. Some smaller trailers may not, by design, be equipped with a tongue jack and are engineered to be physically lifted from the tow vehicle hitch. In this case, and provided the load does not prevent reasonable physical removal, the trailer shall be exempt from this requirement.
16. A parade participant or driver associated with the trailer shall have a key or combination necessary to remove all locking devices on demand.

7.5 Vehicle/Tow Vehicle Specifications

1. Driver vision to the front and sides (180 degree field of view) must be unimpeded. A more sensible approach also provides for rearward and side mirror viewing.
2. An obvious means for driver and/or participant exit must be provided. Care should be taken not to encase the driver or participant and impede his or her entry or exit from any portion of the vehicle(s) or apparatus.

7.6 Mechanical Specifications

1. All lights originally installed on the vehicle and/or trailer by the manufacturer shall be functional in all respects.
2. For automatically shifted vehicles - an operational neutral safety switch shall be in place; limiting the vehicle's ability to start in Park or Neutral only.
3. For manually shifted vehicles - an operational anti-start mechanism shall be in place. The vehicle can only be started with the clutch depressed.
4. The vehicle should be fully operational and run without continual intervention, (restarting etc.) or under-hood manipulation.
5. No excessive smoking or foul odor shall be produced by the vehicle.
6. Vehicles shall have no excessive oil leaks, pavement puddling, etc.
7. Carbureted vehicles shall have a minimum of 2 throttle return springs installed.
8. There shall be no gasoline or diesel fuel seepage, leakage, or odor from any part of the vehicle.
9. Fuel lines, hoses, or other components shall be routed well away from obvious sources of heat.

10. Alternative fuels that have been designed and installed by the manufacturer are allowed. Mechanical fuel system modification such as nitrous oxide are also permitted, however, the operator of the vehicle shall not purge the system or operate a vehicle with NOS being fed to the engine during the parade.
11. A cooling system radiator shall be in place and equipped with an overflow reservoir. There shall be no sign of leakage and the vehicle should not overheat.
12. Ensure that cooling system (fan) airflow is unobstructed.
13. The vehicle must move under its own power and there should be no obvious power train problems.
14. Tires shall be in good condition and properly inflated for the load being carried. No bulging, imbedded foreign objects, cords showing, or other obvious hazards. Tire manufacturers typically recommend increasing tire air pressure when loads are added. Most tires state this information on the sidewall of the tire.
15. Hydraulic or air brakes must be able to stop the vehicle within a prudent distance and be capable of overriding the engine moving in a forward direction at idle speed. Emergency brakes are not a substitute for the aforementioned systems.
16. There shall be no undue brake squealing and no grinding. Brake hoses and lines should be in reasonable condition.
17. The brake pedal cannot bottom-out at the floor-board without first stopping the vehicle. The driver cannot build hydraulic brake pressure by pumping the brake pedal.
18. The emergency brake shall be operational if equipped and hold the vehicle with the gear selector in drive at engine idle speed.
19. The vehicle should prudently ventilate and/or channel exhaust gas away from the vehicle.
20. The exhaust system shall not create an obvious fire hazard; particularly relating to decorative materials or other parade modifications. A 12" relief space shall be maintained between flammable materials and exhaust components.
21. The exhaust system should not be excessively noisy due to poor maintenance or worn or missing parts.

22. The exhaust system should be braced and/or suspended from the vehicle and hangers should not allow for undue movement, swaying, dragging, banging etc.
23. All vehicles shall be operational with current registration and display the markings of having passed state mandated vehicle inspection.

7.7 Fire Safety Requirements

1. All other non-flammable or flame resistant material shall have at least a 12” space of relief around or near any mechanical device that produces heat as a byproduct, electricity, spark or other potential ignition source. In all cases parade leadership should consider and inspect the proximity of decorative material to exhaust outlets.
2. Each parade apparatus, excluding unmodified vehicles with no trailer in tow, shall be provided with a minimum of at least 1 portable fire extinguisher rated Type A, B, C. The extinguisher shall be readily accessible to the operator or other parade staff. The extinguisher shall appear to be in working order with all handles, hoses and pull-pins intact and a pressure gauge indicating the device is fully charged.
3. Open flame devices are prohibited on parade floats. The use of fuel fired torches, candles, grills or similar devices that serve as a potential ignition source are prohibited. The discharge of fireworks is prohibited per City ordinance.
4. Apparatus containing heat-producing electrical lighting must maintain the 12” relief specification from flammable materials as previously identified.
5. Generators may be used to support a parade entry, however, the physical generator cannot be placed on the apparatus such as a trailer or trailer/float. Generators shall be located away from any combustible material with a minimum of 12” relief. Generators shall be placed in the bed of tow vehicles or securely mounted to the front bumper of a tow vehicle. In all cases, exhaust gas shall be routed away from the participants of the apparatus or tow vehicle. Temporary wiring shall appear, by its gauge and coating, to have the capacity to perform as designed without overheating. Temporary wiring shall be secured in a manner that will prevent dragging, rubbing, binding, pinching and strain relief shall be provided at the connection points.
6. The generator operator and at least one other person associated with the entry shall be trained to perform generator shutdown on demand.
7. The use of straw or hay is permitted but may not be used on a vehicle carrying a running generator.
8. Spare gas cans, full or empty, cannot accompany vehicle apparatus on the parade route.

8 ANIMAL ENTRANTS

8.1 General Guidelines - Animals

1. Permit Applicants should clearly state the details of parade animal participation on their permit requests.
2. Observance of the City ordinance pertaining to animals shall be in effect at all times during the parade.
3. Domesticated pets shall exhibit current registration and vaccination tags.
4. Animals shall be equipped with restraints (bridle, leash, collar, etc.) suitable for controlling the head or neck of the animal. The restraint shall be of sufficient strength and in all respects be appropriately matched to the size of the animal.
5. Animal participants shall be accompanied by handlers who through training, experience, or both have the capacity to reasonably control the animal.
6. Parade animals shall exhibit a mild/calm disposition when assessed through the eyes of a layperson; those that do not shall be removed from the parade line.
7. Animals riding on parade apparatus must be tethered to the apparatus or held by handler restraints throughout the duration of the parade. A tether of at least 4'-8' in length is adequate. Retractable dog leads may also be used.
8. Parade routes that contain elevation changes during the procession should be considered. Animals should be able to climb an ascending elevation while fully loaded without significant stress. Animals should also be fully capable of stopping while fully loaded on descending grades.
9. Animal handlers should consider high pavement surface temperatures, both at the beginning and end of the parade and how that may affect animals with padded feet.
10. Loads including carts, wagons or other apparatus shall be appropriately matched with the animal(s) to which it is harnessed. Using reasonable judgment through a layperson's eyes the towed vehicle shall neither be overly sized for the animal(s) or contain too great a load for the animal(s) to pull or stop. Animals shall not exhibit signs of stress due to overwork at any time.
11. Based on the length of the parade route and weather conditions animal owners shall make provisions for watering their animals.

12. Problem animals should be led away to any available isolated area and be given time to regain their composure. Animal owners will need to make arrangements to be picked up from the isolation areas and should not reenter the parade procession.

8.2 Equestrian Entrants

1. Tack shall be required for all equestrian entrants being ridden.
2. Horseback riders shall be 12 years old or older to participate in the parade.
3. Stallions are not permitted as equestrian entries.
4. All light and heavy horse hitches shall have an assistant capable of controlling the hitch and shall be located in the front seat of the apparatus next to or near the driver.
5. Single and double horse hitches shall have to two assistants, one on either side of the animal(s). Two assistants shall escort each pair of horses no matter the number of hitches being driven.

8.3 Wild/Prohibited Animals

1. The possession of any wild/prohibited animals without the appropriate permits is illegal in the City of Plano. Regardless, and assuming legal possession, wild/prohibited animals are disallowed from parade participation
2. The participation of non-poisonous animals that would be considered dangerous by a reasonable and prudent person shall be reviewed on a case-by-case basis by the Special Events Committee. In such cases, the Special Events Committee will defer to City ordinance.

8.4 Animal Treatment

1. Animal abuse is against the law in Texas and the City of Plano. Anyone suspected of abuse or witnessed abusing an animal will be reported to the Plano Police Department.

8.5 Waste Removal

1. Equestrian and livestock entrants must provide their own waste removal squad to monitor and remove animal waste along the parade route and in the staging and disbanding areas.

9 EMERGENCY PLANNING

9.1 Scope

1. Planners shall written plan that addresses the management of emergencies before, during and after the end of the parade. The plan shall relate to emergency preparedness for parade spectators that are injured as a result of the parade itself and parade participants.
2. Identify key personnel that will be responsible for acquiring emergency incident information and supplying this to parade leadership. Define a communication plan within the organization and supply this plan to the City Special Events Supervisor.

9.2 Planning

1. Identify key personnel in writing and describe what their roles will be if an emergency is encountered. Include names and cell phone numbers of these individuals along with a brief description of their roles.
2. It is recommended that those individuals within the organization that are authorized to speak to media outlets be identified and informed of their role well in advance of the parade date.

10 APPENDIX - ORGANIZER/PARADE PLANNER
ACKNOWLEDGEMENT

We/I acknowledge receiving a copy (either in electronic or hardcopy format) of the City of Plano Parade Planning Guide. I further acknowledge I will read the document and apply the guidelines contained within it to safely and effectively management my/our special event parade being held within the City of Plano.

Furthermore, I will distribute copies of the City of Plano Parade Planning Guide to the participants within my special event parade.

Functional Title: _____

Address: _____

Phone Number: _____

Printed Name: _____

Signature: _____

Functional Title: _____

Address: _____

Phone Number: _____

Printed Name: _____

Signature: _____

11 APPENDIX – TIME LINE

Timeline Event Description	Event +/- Days	Suggest or Required	Instruction
Obtain all required insurance coverages and Hold Harmless documents. Include subcontractor insurance certificates.	-30	Required	Contact the City of Plano Risk Manager at www.planotx.org for review and approval of your insurance coverages.
Preliminary Application for Special Events	-30	Required	Obtain the form from www.planoparks.org and submit the document to the Plano Parks and Recreation Department.
Final Special Event Permit Application	-20	Required	Obtain the form from www.planoparks.org and submit the document to the Plano Parks and Recreation Department.
Parade Permit mailed to the Applicant from the City.	-18	Required	Parade orders described the parade route and other pertinent information.
Float Safety Training Meeting	-14	Suggested	Review all guidelines and ordinance issues.
Distribution of the "General Guidelines – All Parade Participants" section of this manual	-14	Required	A leader for each Parade Entrant should be identified and acts as a responsible party for the dissemination of information and coordination for their entry.
Entrant apparatus pre-inspection	-7	Suggested	It is recommended that Permittee review the build plans or other preparatory work being performed by entrants to ensure there are no obvious safety risks. It is imperative that the Permittee understand what plans are being laid by others to ensure permit compliance, lawful activities are a part of the plan and that safety risks have been mitigated.
Final Review of Parade Guidelines with Participants	-0	Suggested	Communication with the participants is crucial and a restatement of rules is highly recommended.
Entrant apparatus final inspection	-0	Suggested	A final inspection of all parade entries should be made prior to the beginning of the parade.

DALLAS TX PARADE ORDINANCE

SEC. 28-187. PERMIT REQUIRED; EXCEPTIONS.

(a) A person commits an offense if he engages in, participates in, aids, or commences a pedestrian parade or vehicular parade, or a combination of both, upon the streets of the city without making written application for and receiving a parade permit from the chief of police.

(b) Application for a parade permit for a parade of more than 25 persons or more than three motor vehicles shall be made not less than five days, excluding Saturdays, Sundays, and legal holidays, prior to the date and time of the commencement of the parade. Application for a parade permit for a parade of 25 persons or less and three motor vehicles or less shall be made not less than 48 hours prior to the time of the commencement of the parade.

(c) No parade permit 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, and the forces of the police and fire departments acting within the scope of their duties.

(2) A funeral procession proceeding by vehicle under the most reasonable route from a funeral home, church, or residence of a deceased 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 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.

(5) A special event parade, as defined in Section 42A-1(7) of this code, for which a special event permit has been issued under Chapter 42A of this code. (Ord. Nos. 14584; 19869)

SEC. 28-188. APPLICATION FOR PARADE PERMIT; FEE.

(a) The application for a parade permit shall contain the following information and be signed by the applicant and sworn to before an officer authorized to administer oaths:

(1) The name, address, and telephone number of the applicant and of any other person, organization, firm, or corporation on whose behalf the application is made.

(2) The date and time of day requested for the parade.

(3) The parade's commencement time, the specific route to be travelled, and the starting and termination points.

(4) The estimated number of persons to participate in the parade and the estimated number of animals that will be used.

(5) The estimated number, if any, of animals and riders, animal-drawn vehicles, floats, motor vehicles, motorized displays, and marching units or organizations such as bands, color guards, and drill teams.

(b) An application for a parade permit must be accompanied by a nonrefundable application fee of \$25. The chief of police may waive the application fee if he finds, in response to an affidavit by the applicant, that the applicant is unable to pay the application fee because of indigence. (Ord. Nos. 14584; 19869)

SEC. 28-189. ISSUANCE OF PARADE PERMIT.

(a) Upon receipt of an application for a parade permit, the chief of police shall furnish to the applicant within three days, excluding Saturdays, Sundays, and legal holidays, appropriate approval or denial of the permit.

(b) Should the application for a parade permit reveal that the parade route requested will interfere with the orderly flow of vehicular and pedestrian traffic, the chief of police shall have authority to establish a reasonable alternate route and regulate the width of the parade. (Ord. Nos. 14584; 19869)

SEC. 28-190. DENIAL OF PARADE PERMIT.

The chief of police shall deny a parade permit when the parade for which the permit is requested would:

- (1) cross or use as a route, or as part of a route, any of the following:
 - (A) Central Expressway
 - (B) Central Expressway (Elevated Bypass)
 - (C) Pearl Expressway
 - (D) C. F. Hawn Freeway
 - (E) John W. Carpenter Freeway
 - (F) Julius Schepps Freeway
 - (G) Lyndon B. Johnson Freeway
 - (H) Marvin D. Love Freeway
 - (I) R. L. Thornton Freeway
 - (J) Stemmons Freeway

(K) Walton Walker Boulevard

(L) Any street on which a parking ban is imposed, during the enumerated hours of the parking ban;

(2) begin during, or within two hours after the end of, a parade 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 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. (Ord. Nos. 14584; 15194; 19869)

SEC. 28-191. REVOCATION OF PARADE PERMIT.

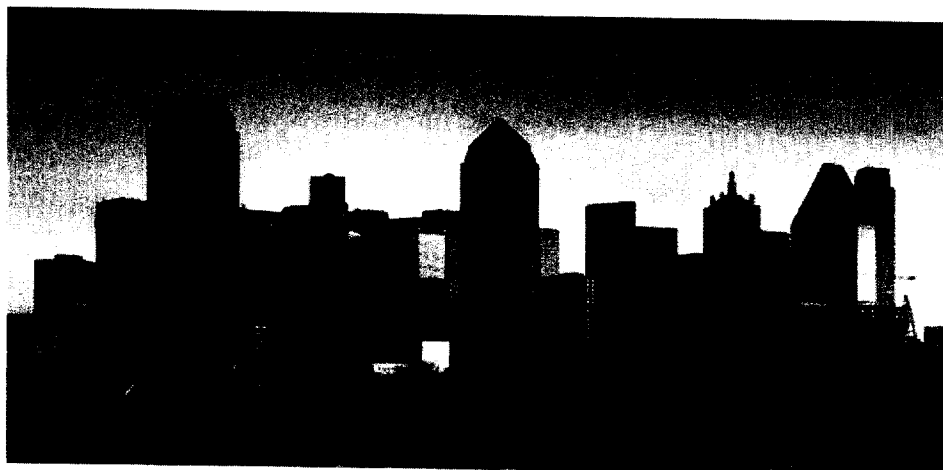
The chief of police shall revoke a parade permit if:

(1) the parade fails to begin within 30 minutes of the appointed time of commencement;
or

(2) the information contained in the application for a parade permit is found to be false in any material detail. (Ord. Nos. 14584; 19869)

SEC. 28-192. APPEAL OF DENIAL OR REVOCATION OF PARADE PERMIT.

If the chief of police denies or revokes a parade permit, this action shall be final unless the applicant or permittee shall, within two days after the receipt of notice of the denial or revocation, file with the city manager a written appeal. The city manager shall, within 24 hours 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. (Ord. Nos. 14584; 19869)



Parade Guidelines

Definitions:

Mega event- defined at a minimum 20,000 expected attendance and occur in CBD (expected attendance as estimated by the Dallas Police Department)

Large parade- defined between 2,000-20,000 expected attendance (expected attendance as estimated by the Dallas Police Department)

Small parade- under 2,000 expected attendance (expected attendance as estimated by the Dallas Police Department)

Guidelines:

1. An experienced Parade Marshall for managing the parade must be hired or designated.
2. The Parade Marshall must secure approval of the proposed parade route from the Dallas Fire Rescue Department and Dallas Police Department (usually parade routes are not permitted to cross Dart Rail lines due to rail traffic schedules). All route approvals will be coordinated through the Office of Special Events.
3. The Parade Marshall must ensure an adequate number of volunteers/assistants along the route who are easily identifiable.
4. The Parade Marshall should complete information contained in the special event application at least 45 days prior to the event date.
5. The Parade Marshall should meet with participants prior to the parade to discuss all requirements and restrictions.
6. The Parade Marshall should ensure that the presence of media organizations on the parade route should not interfere with, slow, or stop the routine progress of a parade.
7. An Event Plan must be created and submitted to the Office of Special Events. This plan will be distributed through the Office of Special Events to the appropriate city departments for review.
8. The Event Plan must contain a Crowd Management/Emergency Contingency review provided and approved by the Police Department and the office of Emergency Preparedness.
9. For all large and mega parades, planners should provide (through established media vehicles) an awareness program to include broadcast of event schedule, parade route, first aid locations, public transport locations, restroom facilities, handicap areas and parade 'rules' no less than 24 hours prior to the parade.
10. All sports celebration parades will occur on a weekday.

56

City of Dallas, Office of Special
Events | 650 S. Griffin Street,
Dallas, Texas 75202 | (214)
939-2701

11. If there is school age appeal, the parade organizer must involve DISD and other area school districts in the planning process to alleviate school absences and encourage on-campus participation.
12. The parade participants will not have squirt guns, silly string and other items that could lead to crowd control issues.
13. No candy or materials may be thrown from parade participants to spectators along the parade route. The distribution of gifts, merchandise, literature or other materials along the parade route is prohibited.
14. Parade participants will not jump from or onto a float or motorized vehicle.
15. All owners and drivers of parade-related vehicles, and all other parade participants must sign 'hold harmless' agreements protecting the City of Dallas and/or the parade organization.
16. No tandem trailers or other trailers, where the wheels are in the center of the trailer, are allowed for units that have people on them. All materials used for parade floats must be flame retardant and in compliance with City ordinance and parade codes and standards.
17. The use of flatbeds, trucks, buses, or floats are recommended for any mega or large parades where crowd attendance is anticipated to be such that visibility and security are a reasonable concern.
18. Metal interlocking barricades when required by permit along the parade route, should be positioned at street level and not on public sidewalks.
19. The hitch used to attach the float to the pulling vehicle will be factory 'receiver' type or welded pickup style bumper. No "bolt-on" type hitches will be allowed. When using a large truck a 'drop-hitch' must be used and should be at least 12" from hitch to the ground.
20. Generators or other equipment that use flammable fuel will not be allowed on the float itself, unless approved in writing by the Dallas Fire Rescue Department. Generators used to supply electricity to the float should be put in the bed of the pickup or hauling devices at least three feet from the float body.
21. If horses are entrants in the parade, the parade organizer must assign pooper-scooper to clean up behind the horses.
22. The parade route should be planned to spread spectators over a larger number of blocks to reduce any over-crowding situation along the route.
23. Trash maintenance service must be provided by the parade organizer during and immediately following the hours of the parade.
24. Portable restrooms and trash containers to meet the anticipated attendance at parade must be provided by parade organizer.
25. All drivers of floats or motorized vehicles must provide proof of vehicle liability insurance and a valid Texas Drivers license 48 hours before the parade to the Parade Marshall. The Dallas Fire Rescue Department will inspect all vehicles in the parade.
[Dallas Fire Department Web Site](#)
26. A float can be no wider than 12 feet while in the parade or 8 feet while being towed without permit and police escort anywhere else in the City of Dallas. In height, the tallest part of the deck people can stand on is to be no taller than 4 feet from the ground. No prop or item added to the deck can be taller than 12 feet from the top of the highest point to the ground (due to the high voltage DART rail wire throughout the Central Business Area).
27. All float participants standing on floats or any other motorized vehicles must wear safety belts, have hand holds or vertical stanchions, mounted to the float chassis, with a u-shaped piece welded to the top bracket, or back supports securing them in place while the float or vehicles are in motion.

57

28. Color coded credentials that are large enough to view from 10 feet away are to be worn by all event staff, dignitaries, parade participants, and media to gain access to any restricted areas.

29. No ticker tape or confetti to be used on the actual parade route by parade participants during the parade due to the creation of fire hazards, engine air-intake problems and clean-up costs.

30. The Dallas Police Department and Dallas Fire Rescue Department may exercise the authority to 'veto' any aspect of the parade that they feel poses an unreasonable risk of injury or danger to the public. While exercise of this veto should be prudent, and certainly permit event producers to revise any objectionable part of a plan, public safety must ultimately be the responsibility of the police department and fire rescue department, and related public agencies.

31. At least one type ABC (2A20BC) fire extinguisher is to be located within easy access on each float. The fire rescue department will inspect floats before the parade. If there are no fire extinguishers on board, or the float is made of flammable non-approved materials, or there is some other violation the float will be red tagged and not allowed in the parade until these items are corrected.

32. The Command Post must be established for all mega parades. This Command Post may contain the following staff and equipment:

- Two- way communications on all DPD and local police safety channels
- A designated communications dispatcher
- No less than two mobile telephones and two fixed telephone lines or a total of four working telephone lines are needed.
- A representative of DART- if DART is to be involved or provide transportation
- A clear channel to parade (or event) producers
- Copies of parade line-by-line scripts or other production documents
- Lists of local emergency contact numbers including hospitals, FCC, FAA, EPA, airport control towers, any area military bases, all Federal law enforcement officials, home and work numbers of key DPD officials, and key utility officials
- A least one command level DPD and DFRD official
- A representative of other involved public safety agencies
- A list of appropriate building managers and security department telephone numbers when a large event is to take place well within the CBD.

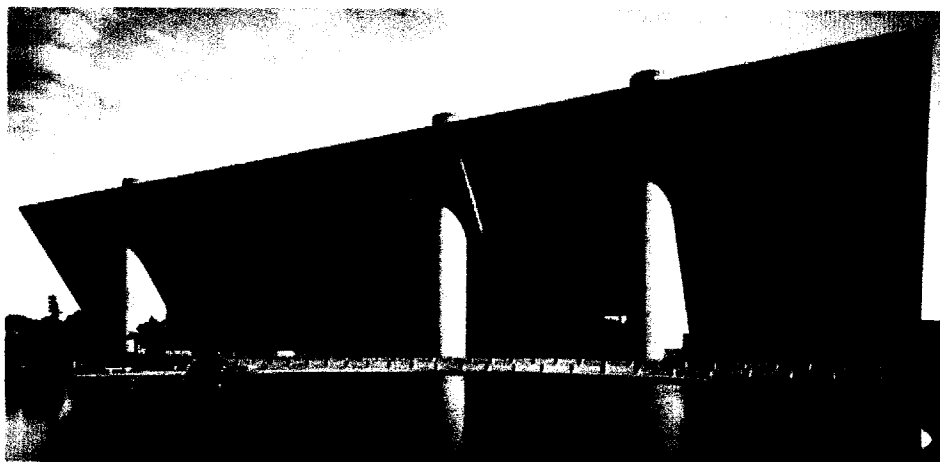
33. If the DPD believe that the environment predicated, aerial spotters on buildings and in aircraft may be added to the detail. They will also need to be in communication with the Command Post.

34. A sufficient number of police motorcycle officers must be hired to continuously 'ride the barricades' to enforce keeping the parade route clear of spectators.

35. Most medium and large parades should have a Dallas Fire Rescue Department engine as the last unit in the parade, followed only by a police car, if it is found such a follow-car is necessary.

36. The Dallas Police Department, as part of its planning for large events, will review a crowd disbursement plan in addition to routine security anticipation.

58



Special Event Permit Procedures

When is a Special Event Permit Required?

A special event permit is required for most temporary events with an estimated number of participants and spectators of 75 or more during any day of the event and involves one or more of the following activities on public property or on private property, where otherwise prohibited by law:

1. Closing of a street, not including Block Parties
2. Blocking or restriction of public property
3. Sale of merchandise, food or beverage
4. Erection of a tent 400 square feet or larger
5. Installation of a stage, band shell, trailer, van, portable building or toilet, grandstand, or bleacher for public use
6. Placement of temporary no-parking, directional, over-size or identification signage or banners
7. Use of the City Hall Plaza
8. Block Parties in a residential area are permitted through Street Services, go to our Resource Page.

Applications are required no less than 45 business days prior to the event. Submission of an application under this timeline does not guarantee a permit.

How do I Apply for a Special Event Permit?

Apply online to the Office of Special Events.

[Special Event Application \(click here\)](#).

Application Process:

1. Complete the application in its entirety and submit the application with the applicable processing fee **no less than 45 business days** prior to the event date. **Incomplete applications will not be processed and applications submitted under the 45 business day timeline.**
2. A Preliminary permit / Letter will be sent to the applicant outlining the requirements for the event.
3. Upon receipt of the completed application, the Office of Special Events staff forwards a department review sheet to various city departments for final review and approval.

4. According to Dallas City Code, the citywide departments are required to have no less than 10 business days to submit their approval/denial of the permit request.
5. Depending on the type of event, the applicant may be required to obtain additional permits or licenses. Contact information for other permitting agencies is available [here](#).
6. Upon final approval and review by the Special Events Manager, a permit is issued and includes certain conditions and/or restrictions for which the applicant will be responsible to meet.

Exemptions:

A Special Events Permit is not required for events at the Dallas Convention Center, the Farmers Market, or Fair Park, and property under the sole control of the park and recreation board. However, if an event takes place in a park and requires a street closure, a Special Events Permit is required.

Application:

The submission of the Special Event Permit Application must be online and required **no less than 45 business days** prior to the event date. **Applications submitted under this timeline will not be processed.**

Office of Special Events

650 S. Griffin Street Dallas, TX 75202
214-939-2701 Main
214-939-2709 Fax

To utilize City Hall Plaza, located at 1500 Marilla Street, you must complete the Special Event Permit Application and submit to the Office of Special Events. You may use the City Hall Plaza diagram and attach to your special event permit application as your event site plan. All diagrams are available [here](#).

Fees:

All processing fees and charges are listed on the application and are due upon receipt of the application to the Office of Special Events.

All fees must be in the form of a Money Order or Check made payable to the Office of Special Events. Credit/Debit Cards are also accepted either by phone or in person at our office. **Permit fees are non-refundable once the application has been submitted.** The Application must be submitted no less than 45 days before event. **Submission of application does not guarantee permit issuance.** Changes to the event information will only be accepted by either the primary contact or emergency contact listed on application. **No changes will be made to the permit application within 14 days of scheduled event date and must be made in writing.** A \$40.00 change fee is assessed for **each change** made to the application/event during the 45-day processing period. Applications missing information cannot be processed which may delay and/or prevent the actual issuance of this permit.



Special Event Application

Important Application Information Below

Please read carefully before proceeding to the Event Application.

City-Licensed Vendors

The City of Dallas authorizes the sale of food, beverages, goods or services at or within a specific location or area in the city to a limited number of vendor applicants. The Office of Special Events will work with the applicant to notify each city-licensed vendor lawfully operating at or within a location or area in which your special event will be conducted with basic event information and any special requirements that must be followed to operate at the special event, including: (1) The date, hours, location and event layout; (2) specific locations from which the vendor is prohibited from operating (please indicate locations on event layout map (3) food, beverage, or product brand sponsors; and, (4) price categories and payment procedures for the sale of food, beverage, merchandise or other products.

Public Notifications

If the estimated number of participants and spectators exceed 500 during any day of the special event, the applicant shall, at least 30 days before the special event begins, deliver written notice to all owners or occupants of real property abutting the boundaries of the area in which the special event will be conducted, including all owners or occupants of real property abutting the route of a progressive event such as a special event parade or run/walk event. The notice must include the following information: (1) event date, time and location; (2) an application for a special event permit has been filed; (3) interested persons may contact the Office of Special Events at 650 S. Griffin Street, Dallas, Texas 75202, (214) 939-2701.

Insurance

If the estimated number of participants and spectators exceeds 2,500 during any day of the special event, the applicant shall procure and keep in full force and effect for the duration of the event insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. **All provisions of each policy must be acceptable to the city and name the city and its officers and employees as additional insured. An original certificate of insurance must be submitted along with special event permit application.**

Commercial General Liability Insurance: Must be provided with combined single limits of liability for bodily injury and property damage of not less than \$500,000 for

each occurrence if the estimated attendance is between 2,501 and 4,999, and \$1,000,000 for each occurrence if the estimated attendance is 5,000 or more.

City of Dallas, Office of Special
Events | 650 S. Griffin Street,
Dallas, Texas 75202 | (214)
939-2701

Liquor Liability Insurance: If any alcoholic beverage is sold, served, or otherwise made available at the special event, Liquor Liability Insurance must be provided by the alcoholic beverage license holder in an amount of not less than \$1,000,000 for each claim.

Fireworks / Special Effects: If any fireworks or other special effects are used then minimum limits of a)1,000,000 per occurrence; b)2,000,000 general aggregate; c) 250,000 fire legal liability is required.

If a special event includes **vehicles, aircraft, or other equipment, devices or activities that are excluded from coverage in the general liability insurance policy**, then separate additional liability insurance coverage for the applicable exclusion(s) must be provided with the same combined single limits of liability for bodily injury and property damage as outlined in the paragraph above for commercial general liability insurance.

Special Event Banners on Street Light Poles: Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence.

Security, Crowd Control, & Traffic Control

The applicant may be required to provide police officers for security, crowd control, and traffic control at the special event. The total number of police officers working at the special event is determined by the Office of Special Events, and in some cases, the Dallas Police Department, using planning variables, including: (1) the estimated number of participants and spectators; (2) the availability of alcoholic beverages; (3) topography and size of the event location; (4) weather conditions; (5) the time of day during which the special event is conducted; (6) the need for street closures or rerouting of vehicular or pedestrian traffic; and, (7) the history of the particular special event.

Denial or Revocation

The Office of Special Events shall deny or revoke a special event permit if the applicant makes a false statement of material fact on the application or fails to comply with or the special event is in violation of any provision of the special event permit, Chapter 42A, "Special Events" of the Dallas City Code, or any other applicable law.

The special event permit shall also be denied or revoked if the special events manager, chief of police department, or the chief of the fire department determines the special event poses a serious threat to public health, safety or welfare.

If a special event permit is denied or revoked, the Office of Special Events shall send to the applicant by certified mail, return receipt requested, notice of the denial or revocation and of the right to an appeal and instructions on how to file an appeal with the Permit and License Appeal Board.

Offenses or Penalties

An applicant/person commits an offense if he/she commences or conducts a special event without a special event permit or in violation of any provision of the special event permit, Chapter 42A, "Special Events" of the Dallas City Code, or any other applicable law.

Each offense is punishable by a fine not to exceed \$2,000 for each violation of a provision governing fire safety, zoning, public health, sanitation, including dumping of refuse; and \$500 for each violation of all other provisions.

Idemnification

As a condition of a Special Event Permit being issued, the permit holder agrees to indemnify, defend and hold harmless the City of Dallas and all of its officers and

employees against any and all suits, causes of action or claims for injuries, damages, costs and expenses to persons or property, whether public or private, that may arise out of, or be constituting a part of the special event, or any activity constituting a part of the special event, or any act, omission or misconduct of the permit holder or his agents, representatives, contractors, or employees. The permit holder agrees to discharge any and all judgments that may be rendered against the City of Dallas or its officers and employees in connection with any suit, cause of action, or claim after the judgment becomes final and unappealable.

Click the link underlined below to continue to the Event Application.

By clicking the link you agree that you have read and understand the legal text above and assume full responsibility for the application process.

I agree to these terms and would like to continue to the Event Application.
Applications are required no less than 45 business days prior to the event.
Submission of an application under this timeline does not guarantee a permit.

63

FORT WORTH TX PARADE ORDINANCE



Applying for a permit? Follow these instructions:

1. Complete the application and attach all the supporting documents as outlined on the form.
 - a. If you want to complete the PDF form by using pen or typewriter, print the form first.
 - b. If you want to complete the PDF form on your computer, first save the file to your computer. Here's how:
 - i. On the File menu, click "Save As"
 - ii. In the "Save In" field, select a folder or "Desktop"
 - iii. Click "Save"
 - iv. Type your information as needed in the blue-shaded fields
 - v. When complete, print the form
 - vi. Complete the next steps to submit in person or by postal mail
2. Attach all fees. Checks or credit cards are accepted.
3. Submit application, supporting documents and fees:

In person or by postal mail:

City of Fort Worth
Transportation and Public Works Department
Special Events and Street Permit Center
311 W. 10th Street
Fort Worth, TX 76102

4. For information or questions call 817-392-6594.



CITY OF FORT WORTH
TEMPORARY STREET USE APPLICATION

TYPE OF REQUEST:

- STREET USE FOR UTILITY CONSTRUCTION
- STREET USE FOR PARKWAY CONSTRUCTION
- TPW CONSTRUCTION SERVICES STREET USE
- TEMPORARY STREET, SIDEWALK, LOADING ZONE, PARKING LANE CLOSURE

Application Date: _____

Applicant/Contractor: _____

Contact Name: _____ Title: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax Number#: _____ E-mail: _____

24-hr Emergency Contact and Phone Number: _____

Purpose: _____

CHECK ALL THAT APPLY:

- SIDEWALK LIST NUMBER OF TRAVEL LANES TO BE USED _____
- LOADING ZONE FULL STREET CLOSURE _____
- PARKING LANE
- TRAFFIC LANE(S)

1ST STREET/LANE TO BE CLOSED (LIMITS) FROM TO (BEGIN & END) DATE AND TIME OF CLOSURE

2ND STREET/LANE TO BE CLOSED (LIMITS) FROM TO (BEGIN & END) DATE AND TIME OF CLOSURE

3RD STREET/LANE TO BE CLOSED (LIMITS) FROM TO (BEGIN & END) DATE AND TIME OF CLOSURE

CLOSURE TIME COMMENTS:

- Three (3) business days required to process street use permit.
- \$75 permit fee due with application.
- A certificate of insurance naming the City of Fort Worth as an additional insured in the amount of \$1 million general commercial liability and \$1 million for any auto is required.
- All affected businesses and or residents must be provided access to and from their property during street closure.
- Adequate traffic control devices such as advanced warning signs, standard barricades and/or traffic cones are required at applicant's expenses during street use.

Authorized Signature _____ Date _____

TRANSPORTATION AND PUBLIC WORKS DEPARTMENT
STREET PERMIT CENTER
311 W. 10TH ST.
FORT WORTH, TX 76102
(817) 392-6594 FAX (817) 392-8941

Office Use Only

Received _____ Approved _____ Permit # _____ Denied _____





TPW/TRAFFIC ENGINEERING DIVISION
STREET MANAGEMENT SECTION

BASIC INSURANCE REQUIREMENTS
STREET USE PERMITS

The following items represent basic insurance requirements. Exceptions to the insurance requirements may be permitted, depending on the risk exposure in regards to respective services, products procured, or contractual terms, to name a few. The only non-negotiable item is number 3, Statutory Limits of Workers' Compensation, which is required for all public projects.

1. Commercial General Liability (CGL) Insurance Policy

\$1,000,000 Each occurrence
\$2,000,000 Aggregate limit

2. Automobile Liability Insurance Policy

\$1,000,000 Each accident on a combined single limit basis

A commercial business policy shall provide coverage on "Any Auto"

3. Policy Endorsements as follows:

- The City of Fort Worth, its Officers and Employees named as an Additional Insured
- Thirty (30) days notice of cancellation or non-renewal. It would be advantageous to the City to require the following clause:

"This insurance shall not be cancelled, limited in scope or coverage, cancelled or non-renewed, until after thirty (30) days prior written notice has been given to the City of Fort Worth."

- Waiver of rights of recovery (subrogation) in favor of the City of Fort Worth.

4. The insurers for all policies must be licensed/approved to do business in the State of Texas and have minimum rating of A: VII in the current A. M. Best Key Rating Guide or have reasonably equivalent financial strength and solvency to the satisfaction of the Risk Manager.
5. The deductible or self-insured retention (SIR) affecting required insurance coverage shall be acceptable to the Risk Manager of the City of Fort Worth in regards to asset value and stockholders' equity. In lieu of traditional insurance, alternative coverage maintained through insurance pools or risk retention groups must also be approved.

ORDINANCE NO. 19255-08-2010

AN ORDINANCE AMENDING CHAPTER 20, "LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS" OF THE CODE OF THE CITY OF FORT WORTH, BY ADDING ARTICLE XII ENTITLED, "OUTDOOR EVENTS," TO REGULATE THE CONDUCT OF OUTDOOR EVENTS WITHIN THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND NAMING AN EFFECTIVE DATE.

WHEREAS, the citizens of Fort Worth often engage in outdoor events on City-owned property and private property, including festivals, parades, and neighborhood parties; and

WHEREAS, it is recognized that these outdoor events enhance the Fort Worth lifestyle and provide benefits to citizens and visitors that are not normally provided as part of governmental services; and

WHEREAS, it is also recognized that events in neighborhoods provide a venue for neighbors to get to know one another and helps build strong and safer neighborhoods throughout our City; and

WHEREAS, outdoor events offered to the general public often attract a large gathering of people, which may cause parking, traffic and crowd management concerns and the need to involve City services to address public health and safety conditions; and

WHEREAS, outdoor events and parades require careful and effective planning and coordination to provide necessary public health, safety and welfare services for the participants and attendees in order to hold enjoyable, successful events and avoid undue disruption of ongoing business, recreational, social or other endeavors in the community; and

WHEREAS, the intent of the following regulations is to provide a coordinated and comprehensive process for the regulation of outdoor events on public or private property between the City of Fort Worth and the event in order to ensure the health and safety of the participants, spectators and attendees; and

WHEREAS, it is also the intent of the City Council to protect the rights of its citizens to engage in protected free speech expression activities with the least restrictive and reasonable time, place and manner regulations of those activities, while addressing the impacts upon public facilities and services and public health and safety; and

WHEREAS, it is advisable to update and incorporate the current special events policy into the City's Code to provide a more systematic approach to planning and permitting such events and activities to allow proper allocation and provision of essential but limited public health and safety services and careful expenditures of public funds that the demand from these events is likely to create.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

The Code of Ordinances of Fort Worth, Texas is hereby amended by adding a new article, Article XII, "Outdoor Events," to Chapter 20, "Licenses and Miscellaneous Business Regulations," comprised of Sections 20-401 through 20-443 which read as follows:

ARTICLE XII. OUTDOOR EVENTS

DIVISION 1. GENERAL PROVISIONS

Sec. 20-401. Scope

This Article is intended to be the framework within which all outdoor events held in the City are approved and regulated. This Article shall apply to all outdoor events, as defined herein, located within the City, regardless of whether the events are located on private or public property. This Article does not apply to events that are held exclusively indoors. Neighborhood events and neighborhood parades, as defined herein, will be governed by Division 9 of this Article.

Sec. 20-402. Purpose and Intent

- (a) The City recognizes the need to encourage and promote events for the greater good, cultural diversity and promotion of the City.
- (b) The City finds that there are an increased number of demands upon City resources and infrastructure from applications to hold outdoor events in the City streets, sidewalks and parks and for large outdoor events on private property. In order to conserve and allocate City resources and to adequately protect the public safety of the event participants, neighboring property owners, residents and businesses, it is necessary to regulate the use of the City's parks, streets and public areas by those desiring to hold outdoor events on public property and to regulate large outdoor events on private property.
- (c) The intent of this Article is to ensure that the City will have adequate advance notice of outdoor events and the ability to plan and allocate the City services that will be needed while recouping the City's costs associated with outdoor events, such as personnel, equipment, utilities, maintenance and administrative costs.

Sec. 20-403. Responsible City Department

The Public Events Department shall be responsible for overseeing the issuance of all permits for Special Events, First Amendment Events, Parades, Neighborhood Events, Neighborhood Parades and events in General Worth Square. Unless otherwise provided, events occurring in the City's public parks shall be the responsibility of the Parks and Community Services Department; events in the Water Gardens shall be the responsibility of the Public Events Department; and events in Burnett Park shall be the responsibility of Downtown Fort Worth, Inc., as contracted with the City. Unless otherwise provided, the Applicant shall submit all information related to an event to the Public Events Department. The Outdoor Events Manager, as designated by the Public Events Department, shall be responsible for processing the application, issuing the permit and assuring compliance with the requirements of this Article.

Sec. 20-404. Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Annual Permit means the written authorization from the City allowing an Applicant to hold a series of planned events for the next calendar year in the defined Outdoor Events Districts and in neighborhoods.

Appeals Hearing Committee means the Committee composed of the Director of Public Events Department, the Director of Transportation and Public Works Department, the Fire Chief, the Police Chief and a representative from the City Manager's Office designated by the City Manager to hear appeals from the denial of the Events Calendar Committee to place a requested event on the events calendar or the denial or revocation of a Special Event or Parade Permit. The City Attorney or his designee shall serve in a non-voting capacity to advise the Committee on any legal issues.

Applicant means the Person who has filed a written application for a Special Event, Parade, First Amendment Event, Neighborhood Event or Neighborhood Parade permit that is responsible for conducting the event and the responsible organization, corporation or other group on whose behalf the individual is requesting the permit.

Block means one side of a rectangular area surrounded by streets and usually containing buildings, measured from corner to corner.

Chief of Police means the individual designated to that position by the City Manager of the City of Fort Worth, Texas together with all Deputy Police Chiefs and such other individuals as may be designated by the Chief of Police.

City means the City of Fort Worth, Texas.

City Traffic Engineer means the individual designated to that position by the Director of the Department of Transportation and Public Works.

Cultural District means that area between Montgomery Street, Camp Bowie Boulevard, University Drive and Harley Street.

Downtown Outdoor Events District (DOED) means that area between Jones Street, Henderson Street, Belknap Street and Lancaster Street.

Emergency Services and Fire Safety Plan means a plan submitted by the Applicant setting forth its plans for providing emergency services and evacuation, including fire prevention and fire suppression on Public and Private Property used for the event, and emergency medical services to performers, entertainers, exhibitors, speakers, attendees or other persons at the Event, as defined herein.

Established Event means an event with an attendance of 1,000 or more that has been permitted for the past five consecutive years.

Established Neighborhood Event means a Neighborhood Event sponsored by a neighborhood association that has been held for two or more consecutive years at the same location.

Established Neighborhood Parade means a Neighborhood Parade sponsored by a neighborhood association that has been held for two or more consecutive years at the same location.

Event means a Special Event, First Amendment Event or Parade.

Event Area means the area or areas, not necessarily contiguous to each other, which are central to the Event and which are erected and/or utilized by the Applicant for the production of the Event, including, but not limited to, areas open to attendees, stages, barricades, parked vehicles, booths, tents, or other temporary or permanent structures and including the area immediately surrounding those items or locations.

Event Site Plan means the scaled schematic drawing indicating the placement of stages, vendors, booths, seating, amplifiers, bleachers, tents, toilets, generators, propane tanks, barricades, signage, dumpsters and other information required by the Outdoor Events Manager.

Events Calendar Committee means the necessary representatives from City staff as determined by the City Manager, two at-large members from residents of the City of Fort Worth as designated by the Director of Public Events and one representative from each of the following organizations: The T, The Fort Worth Convention and Visitors Bureau, Sundance Square, Downtown Fort Worth, Inc., the Cultural District, Near Southside and the Stockyards that meet to set the calendar of Events in the City.

Fees (where the term is not specified as being a particular type of fee) means the amount of money required to be paid to the City by an Applicant pursuant to this Article for the issuance of a permit in order for the City to recover the direct and indirect costs associated with the event.

Fire Chief means the individual designated by the City Manager and confirmed to that position by the City Council of Fort Worth, Texas; together with all Deputy Fire Chiefs and such other individuals as may be designated by the Fire Chief.

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.

First Amendment Event Permit means the written authorization from the City allowing an Applicant to hold a First Amendment Event on public rights-of-way, but does not include sidewalks.

Gated Event means an outdoor gathering that is gated, thereby closing a portion of Public Property to the public and excluding members of the public.

Goods mean food, drinks, wares, personal property, merchandise or any other similar item.

Intersection, for the purpose of a Parade, means the junction of any two streets within the Parade route, but shall not include any staging or disbanding area.

National Night Out means the annual nationwide community-police awareness event to promote neighborhood spirit and police-community partnerships to generate support for, and participation in, local anticrime programs.

Near Southside Outdoor Events District (NSOED) means that area between Evans Avenue and Kentucky Street on the east, FW&W RR and UP RR on the west, Vickery Blvd. on the north, and Morphy Street on the South.

Neighborhood Event means outdoor gatherings or celebrations with less than 500 attendees at any one time on a residential street, as defined by the City's current Master Thoroughfare Plan, that are sponsored by a Neighborhood Association or by persons living on the block that require the use, occupation or full or partial closure of a street, sidewalk or public right-of-way. Neighborhood tours, such as home or garden tours, shall not be considered a Neighborhood Event.

Neighborhood Event Permit means the written authorization from the City allowing an Applicant to hold the Neighborhood Event as defined herein.

Neighborhood Parade means a procession of less than 500 pedestrians, vehicles or animals or any combination thereof, traveling in unison along or upon a residential street, as defined by the City's current Master Thoroughfare Plan, and organized, conducted and sponsored by a Neighborhood Association or by persons living on the block for the purposes of attracting the attention of the attendees and/or expressing or celebrating views or ideas by use of verbal, visual, literary or auditory means of communication.

Neighborhood Parade Permit means the written authorization from the City allowing an Applicant to hold the Neighborhood Parade as defined herein.

Non-incoming Producing Events means those events held on private property in the Stockyards Outdoor Events District and the Near Southside Outdoor Events District that are not fenced and do not charge admission.

Outdoor Events Manager means the person designated by the Public Events Department Director to implement, administer, and enforce this Article.

Parade means a procession of pedestrians, vehicles or animals or any combination thereof, traveling in unison along or upon a street, road, or highway, organized and conducted for the purposes of attracting the attention of the general public and/or expressing or celebrating views or ideas by use of verbal, visual, literary or auditory means of communication. Parade shall not mean a Neighborhood Parade, funeral procession or a procession of vehicles operated in compliance with ordinary traffic laws or a procession of pedestrians along or upon public sidewalks, public parks, or Private Property.

Parade Permit means the written authorization from the City allowing an Applicant to hold a Parade as defined herein.

Parking Plan means a written proposal for the operation and regulation of parking on Private and Public Property.

Permit means the written authorization from the City allowing an Applicant to hold an Event as defined herein or perform the function for which he/she filed an application.

Person means an individual, firm, partnership, corporation, limited liability company, joint venture, organization, contractor, subcontractor, affiliate, agent, representative, association or other legal entity of any kind, any lawful trustee, successor, assignee, transferee, heir or personal representative, but shall not mean the City.

Police Services Plan means a plan to provide traffic, crowd and parking control, public security and service calls, including not only the street or streets to be closed but any other streets or public areas in the close proximity that may be utilized for alternative routes or for parking of vehicles of persons attending the Event.

Pre-Event Committee means the necessary representatives from City staff as determined by the City Manager, and one representative from each of the following organizations: The T, Med Star, Texas Alcoholic Beverage Commission and The Fort Worth Convention and Visitors Bureau that will conduct the pre-event meetings for compliance with this Article. The designated representative to the Event Calendar Committee from Sundance Square, Downtown Fort Worth, Inc., the Cultural District, Near Southside District and the Stockyards shall attend as a Committee member only when the proposed Event is in that representative's designated Event District or area.

Private Property means all property that is located within the boundaries of the City, except for property that is owned by the City, Public Property, as defined herein, or by another governmental entity.

Public Property means any dedicated or undedicated public land, outdoor park and outdoor recreational facilities, streets, highways, municipal parking lots, parkways or alleys, public spaces and rights-of-way within the City.

Religious Institution means private property utilized on a regular basis, but in no case less than a weekly basis, for conducting religious classes and/or worship services.

Special Event means a single temporary daily outdoor gathering or a temporary celebration or series of related consecutive outdoor daily gatherings or celebrations, sponsored by a Person that is expected to draw five hundred (500) or more attendees at any one time held on Public Property or Private Property that includes one or more of the following: 1) partial or full closure of a public street; 2) blocking or restricting access to Public Property; 3) blocking or restricting access to Private Property of others; 4) use of pyrotechnics or special effects; 5) use of open flame, explosions or other potentially dangerous displays or actions as outlined in the City's Fire Code; 6) sale or distribution of merchandise, food, or beverages on Public Property or on Private Property; 7) erection of a tent on Public Property, or on Private Property; 8) installation of a stage, band shell, truck, trailer, van, portable building, booth, grandstand, or bleachers on Public Property or Private Property; 9) placement of portable toilets on Public Property or on Private Property; or 10) placement of temporary no-parking, directional, oversize or identification signs or banners in or over a public right-of-way, or on Private Property where otherwise prohibited by ordinance.

Special Event Holiday means any holiday proclaimed by the Mayor as a special community celebration.

Special Event Permit means the written authorization from the City allowing an Applicant to hold the Special Event as defined herein or perform the function for which he/she filed an application.

Stockyards Outdoor Events District (SOED) means that area between Packers Street, North Main Street, Stockyards Blvd. and 23rd Street.

Supplemental Services Fee means actual costs incurred by the City to provide City services to the Event, to include the salaries of the responding police, fire and emergency officers and City employees, at the salary then in effect for each classification of each individual officer, for the amount of time actually spent in responding to or remaining at the Event; appropriate overhead; the actual costs of any medical treatment to injured officers or employees; and the cost of repairing any damaged City equipment or property.

Traffic Control Plan means a written proposal for the operation and regulation of traffic control devices used to facilitate vehicular and pedestrian traffic safely and efficiently through a temporary traffic control zone.

Walks, Runs and Races means their usual and customary usage and shall be treated as a Special Event unless otherwise stated in this Article.

Sec. 20-405. Permit Required

- (a) It shall be unlawful for any person to hold, sponsor or cause to be held an Event without first having obtained the applicable Permit from the Public Events Department or Parks and Community Services Department. All Events in public parks shall be subject to Division 6 of this Article.
- (b) This section shall apply to all aspects of permitting Events in the City.
 - (1) No Permit shall be denied nor shall the Applicant be given less favorable treatment as to time, manner, or place based upon 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 event.
 - (2) No Permit shall be denied nor shall the Applicant be given less favorable treatment as to time, manner, or place based upon the message of the event, nor based on the identity or associational relationships of the Applicant and/or participants.
 - (3) No Permit shall be denied nor shall the Applicant be given less favorable treatment as to time, manner, or place based upon 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 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 protection.
- (c) No Permit shall be issued until a completed application, together with any additional information requested, is received by the Outdoor Events Manager. The application must be in compliance with the regulations and requirements of this Article.
- (d) The closure of any rights-of-way shall require a street closure permit from the Transportation and Public Works Department.

Sec. 20-406. Exceptions

The provisions of this Article do not apply to:

- (a) 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;
- (b) Property owned or controlled by the City subject to a contract, lease or management/operating agreement with a private party where the agreement addresses outdoor events on the property;
- (c) Events conducted entirely on property containing an occupied private residence;
- (d) Funeral processions;
- (e) Sports facilities located on City property (including but not limited to ball fields, golf courses, tennis courts, swimming pools);
- (f) House moving, demolition and construction activities;
- (g) An activity conducted that is held in compliance with the zoning of the property and in accordance with its Certificate of Occupancy and if applicable, the City Council has approved the partial or full closure of a street, road or highway;
- (h) Events held at Texas Motor Speedway;
- (i) Events held for National Night Out;
- (j) Neighborhood tours, such as home or garden tours;
- (k) Special Event Holidays;
- (l) First Amendment Activity conducted entirely on sidewalks, in public parks or on Private Property; or
- (m) 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.

Sec. 20-407. Rules and Regulations

Additional Event operating guidelines, policies and procedures may be developed and adopted administratively by the City Manager, which may include but not be limited to, processes, cost recovery for public safety, sanitation and transportation personnel, resources, surety and insurance requirements. Such rules and regulations shall be based on due regard for public health, safety and welfare of citizens and event attendees.

Sec. 20-408. Fees

- (a) Fees for Permits shall be adopted by the City Council. No Permit fees shall be charged for a political march or rally conducted on public sidewalks or in City parks or plazas, or for other non-commercial exercise of rights guaranteed by the First Amendment of the United States and the Texas Constitution.

- (b) An Applicant shall be required to pay all fees for permits and licenses required by other City ordinances to conduct specific activities in conjunction with or as part of an Event.

Sec. 20-409. Timeframes

Where a timeframe or deadline established in this Article results in an item being due on a weekend, holiday or a day the City is closed for business, the item shall be due on the business day immediately following said weekend, holiday or closed business day.

DIVISION 2. SPECIAL EVENTS AND PARADES

Section 20-410. Events Calendar

- (a) The Outdoor Events Manager shall create an Events Calendar for each fiscal year beginning in October for the purpose of setting the City's calendar for upcoming Special Events and Parades in the City.
- (b) A written notice of intent to hold a Special Event or Parade shall be submitted to the Outdoor Events Manager to be placed on the City's yearly Events Calendar no earlier than three hundred sixty-five (365) days prior to a Special Event or Parade. The Events Calendar Committee, at its discretion, may reduce the time frame required for an Applicant to submit and attend an Events Calendar meeting, but not less than one hundred eighty (180) days before the date of the proposed Special Event or Parade.
- (c) The Outdoor Events Manager shall deny the application if the Applicant fails to submit a written notice of intent to hold a Special Event or Parade to be placed on the Events Calendar as required by this ordinance.
- (d) First Amendment Events shall be exempt from this Section.

Sec. 20-411. Events Calendar Committee Meeting

- (a) The Outdoor Events Manager shall be responsible for establishing and publishing the dates, times and location of the Events Calendar Committee meetings and notifying the Committee members and the Applicant of the meetings.
- (b) The Events Calendar Committee shall meet for the purpose of setting the City's Events calendar for upcoming Special Events and Parades in the City. In setting the yearly Events Calendar, the Events Calendar Committee shall review the current submitted notices of intent to hold an event to be placed on the Events Calendar, other activities being held in the City and any conflicts related to dates, times and location, Established Events, City resources, and space capacity for the requested Special Event or Parade
- (c) All Applicants requesting a Permit for a Special Event or Parade must attend an Events Calendar Committee meeting no later than two hundred ten (210) days before the date of the proposed Event. The Events Calendar Committee, at its discretion, may reduce the time frame required for an Applicant to attend an

Events Calendar meeting, but in no event later than one hundred eighty (180) days before the date of the proposed Special Event or Parade.

- (d) In determining whether to accept the Applicant's request to place a Special Event or Parade on the yearly Events Calendar for the requested dates and times, the Committee shall consider:
- (1) Whether there are competing applications or other activities that are substantially for the same time and place where both cannot logistically occur together;
 - (2) When there are competing applications that are substantially for the same time and/or place, each of which requires police, emergency services or fire protection over and above what would normally be provided in that location and the Chief of Police or Fire Chief has determined that there is not a sufficient quantity of personnel to provide adequate coverage for each of the events; and
 - (3) The written comments received from property owners as shown by the current tax roll and residents along all the block faces of the proposed Event as required to be noticed by Section 20-413 and all Religious Institutions, schools and registered neighborhood associations within one fourth (1/4) mile surrounding the proposed Event. The Events Calendar Committee shall consider the failure of a property owner to return written comments as non-opposition to the proposed Special Event or Parade.
- (e) In a case of competing Events for the same time and place, priority shall be given to an Established Event, unless the location requested has been used in the three preceding years by a non-Established Event. For a non-Established Event, priority shall be given to the order in which the written notice of intent to hold an Event or Parade is received by Outdoor Events Manager.
- (f) The Events Calendar Committee shall have the authority to deny the Applicant a specific date and time based on paragraph (e) above, provided however, the Committee shall offer alternative dates, times and/or location for the requested Special Event or Parade. An Applicant desiring to accept the alternative permit shall, within five (5) days after notice of the action of the Outdoor Events Manager, file a written acceptance with the Outdoor Events Manager. If the Applicant refuses the alternate date, time or location offered by the Events Calendar Committee, the Committee shall recommend that the Outdoor Events Manager deny the written notice of intent to hold a Special Event or Parade and application for a Permit.
- (g) The Events Calendar Committee shall recommend that the Outdoor Events Manager deny an application for a Permit for failure of the Applicant to attend a timely Events Calendar Meeting.

Sec. 20-412. Pre-Event Meeting

- (a) The Outdoor Events Manager shall be responsible for establishing the dates, times and location of the Pre-Event meeting and notifying the Committee members and the Applicants of the meetings.

- (b) The Pre-Event Meeting shall be for the purpose of reviewing the application and all required permits for compliance with this Article and any applicable policies approved by the City Manager.
- (c) No Pre-Event Meeting shall be scheduled until a complete application is received by the Outdoor Events Manager.
- (d) All Applicants requesting a Special Event or Parade Permit must attend the Pre-Event Meeting no later one hundred twenty (120) days before the date of Event to review the application.
- (e) Failure of the Applicant to attend the scheduled Pre-Event Meeting shall be grounds for denial of the Permit.
- (f) The Pre-Event Committee shall recommend that the Outdoor Events Manager deny the application if the Applicant is unwilling or unable to comply with all the requirements of the Ordinance.
- (g) First Amendment Event applicants are not required to attend a Pre-Event Meeting.

Sec. 20-413. Notification Requirements

(a) Events Outside the Downtown Outdoor Events District

(1) Notification Prior to the Events Calendar Meeting

- a. Special Events. No later than thirty (30) days prior to the date of the Events Calendar Meeting excluding Parades, Walks, Runs and Races, the Applicant for a Special Event Permit shall provide written notice, at Applicant's expense, to the all registered Neighborhood Associations, Religious Institutions and schools within ¼ mile surrounding the Event, and all owners of property, as shown by the current tax roll, along all the block faces of the Event. Notice shall also be sent to the Outdoor Events Manager. Such notice shall be by depositing the same, properly addressed and postage paid, in the United States mail. The notice must state the date, time and location of the Events Calendar Meeting and Pre-Event Meeting, the type of Event, the dates(s) of Event, the specific street closures and the time the streets will be closed.
- b. Parades, Walks, Runs and Races. Applicants for Parades, Walks, Runs and Races shall provide written notice no later than thirty (30) days prior to the Events Calendar Meeting, at Applicant's expense, to all registered Neighborhood Associations, Religious Institutions and schools within one-fourth (¼) mile surrounding the proposed route and to all property owners around any staging area and any street closure. Notice shall also be sent to the Outdoor Events Manager. Notice may be provided by United States mail, electronic mail, signs posted on private property, publication in one issue of the local section of a newspaper of general circulation in the City, or hand delivery.

- c. For condominiums, hotels or high rise residential buildings, notice may be provided to the property manager or the Homeowners Association.

(2) Notification Prior to Date of Event

- a. Special Events. No later than thirty (30) days prior to the date of a Special Event, excluding Walks, Runs and Races, the Applicant shall provide written notice, at Applicant's expense, to all registered Neighborhood Associations, Religious Institutions and schools within ¼ mile surrounding the Event and all owners of property, as shown by the current tax roll, along all the block faces of the Event. Notice shall also be sent to the Outdoor Events Manager. Notice may be provided by United States mail, electronic mail, signs posted on private property, publication in one issue of the local section of a newspaper of general circulation in the City, or hand delivery. .
- b. Parades. No later than thirty (30) days prior to the Parade, the Applicant, at Applicant's expense, shall provide a notification letter to all affected businesses and/or residents. Notice shall also be sent to the Outdoor Events Manager. A copy of the notification letter and distribution list shall be provided to the City prior to sending the notification letter. Notice may be provided by United States mail, electronic mail or hand delivery.
- c. Walks, Runs or Races. No later than thirty (30) days prior to the Walk, Run or Race, the Applicant, at Applicant's expense shall provide written notice to registered neighborhood associations, Religious Institutions and schools within one-fourth (¼) mile surrounding the proposed walk/run and all property owners around the staging area and any street closure. Notice shall also be sent to the Outdoor Events Manager. Notice may be provided by United States mail, electronic mail, signs posted on private property, publication in one issue of the local section of a newspaper of general circulation in the City, or hand delivery.
- d. For condominiums, hotels or high rise residential buildings, notice may be provided to the property manager or the Homeowners Association.

(b) Events Inside the Downtown Outdoor Events District

(1) Notification Prior to the Events Calendar Meeting and Pre-Event Meeting

- a. Special Events. At least thirty (30) days prior to the date of the Events Calendar Meeting and the Pre-Event Meeting, the Applicant for a Special Event, excluding Walks, Runs and Races,



shall provide written notice, at Applicant's expense, to all registered Neighborhood Associations, Religious Institutions and schools within ¼ mile surrounding the Event The T, the Convention and Visitors Bureau, Sundance Square, Downtown Fort Worth, Inc. and all owners of property, as shown by the current tax roll, along all the block faces of the Event. Such notice shall be by depositing the same, properly addressed and postage paid, in the United States mail. The notice must state the date, time and location of the Events Calendar and the Pre-Event Meeting, the type of Event, the dates(s) of Event, the specific street closures and the time the streets will be closed.

- b. Parades, Walks, Runs and Races. Applicants for Parades, Walks, Runs and Races shall provide written notice at least thirty (30) days prior to the Events Calendar Meeting and Pre-Event Meeting, at Applicant's expense, to all registered Neighborhood Associations, Religious Institutions and schools within one-fourth (¼) mile surrounding the proposed Walk, Run and Race, The T, the Convention and Visitors Bureau, Sundance Square, Downtown Fort Worth, Inc. and all property owners around the staging area and any street closure.. Notice may be provided by United States mail, electronic mail, signs posted on private property, publication in one issue of the local section of a newspaper of general circulation in the City, or hand delivery.
- c. For condominiums, hotels or high-rise residential buildings, notice may be provided to the property manager or the Homeowners Association.

(2) Notification Prior to Date of Event

- a. Special Events. No later than thirty (30) days prior to the date of the Special Event, excluding Walks, Runs and Races, the Applicant shall provide written notice, at Applicant's expense, to all registered Neighborhood Associations, Religious Institutions and schools within ¼ mile surrounding the Event, The T, the Convention and Visitors Bureau, Sundance Square, Downtown Fort Worth, Inc. and all owners of property, as shown by the current tax roll, along all the block faces of the Event. Such notice shall be by depositing the same, properly addressed and postage paid, in the United States mail.
- b. Parades. No later than thirty (30) days prior to the Parade, at Applicant's expense, shall provide a notification letter to all affected businesses and/or residents, The T, the Convention and Visitors Bureau, Sundance Square, and Downtown Fort Worth, Inc. A copy of the notification letter and distribution list shall be provided to the City prior to sending the notification letter. Notice

may be provided by United States mail, electronic mail or hand delivery.

- c. Walks, Runs and Races. No later than thirty (30) days prior to the Walk, Run or Race, at Applicant's expense, shall provide written notice to registered Neighborhood Associations within ¼ mile surrounding the proposed Walk, Run and Race, The T, the Convention and Visitors Bureau, Sundance Square, Downtown Fort Worth, Inc. and all property owners around the staging area and any street closure. Notice may be provided by United States mail, electronic mail, signs posted on private property, publication in one issue of the local section of a newspaper of general circulation in the City or hand delivery.
- d. For condominiums, hotels or high-rise residential buildings, notice may be provided to the property manager or the Homeowners Association.

(c) Posting on the City's Webpage.

The dates and times of the Events Calendar Meeting, the Pre-Event Meeting, Special Events and Parades shall be posted on the City's designated web page by the Outdoor Events Manager at least twenty (20) days, but no more than thirty (30) days, prior to the date of the meeting or Event.

(d) Compliance and Response

- (1) The Applicant shall file an affidavit with the Outdoor Events Manager prior to the Events Calendar Meeting, the Pre-Event Meeting and the Event showing that notice has been provided as required above. Submittal of the affidavit to the Outdoor Events Manager shall be proof of notification required in this Article and the Outdoor Events Manager shall not be responsible for verifying the information submitted by the Applicant.
- (2) At the request of the Outdoor Events Manager, any questions or concerns from residents, business or property owners shall be addressed by the Applicant prior to issuance of a Permit.
- (3) The Outdoor Events Manager shall timely notify the Mayor and the Councilmember for the District in which the Event is being held.

Sec. 20-414. Special Event Permit Process

(a) Permit Required

It shall be unlawful for any person to hold, sponsor or cause to be held a Special Event without first having obtained a Special Event or Parade Permit from the Outdoor Events Manager.

(b) Mandatory Requirements for the Issuance of a Special Event Permit

Compliance with the following shall be required before the Outdoor Events Manager may issue a permit:

- (1) Timely written request to be placed on the Events Calendar;
- (2) Attendance by the Applicant at a timely Events Calendar meeting;
- (3) Submission of a completed application no later than one hundred eighty (180) days prior to a Special Event;
- (4) Payment of all application fees at the time of submission of the completed application;
- (5) Attendance by the Applicant at the Pre-Event meeting;
- (6) Payment of all permitting fees no later than one hundred twenty (120) days prior to the Event;
- (7) Submission of all required plans;
- (8) Notice to surrounding property owners for the Events Calendar and the Pre-Event Meetings as required by this Article;
- (9) Execution of a user agreement; and
- (10) Submission of all insurance and other requirements under this Article.

(c) Application Process

- (1) A person seeking to hold a Special Event shall apply for a Special Event Permit by filing with the Outdoor Events Manager a written application upon a form provided by the City. Each application must be accompanied by a nonrefundable fee as adopted by the City Council. The amount paid for the application fee shall be deducted from the amount required to be paid for the permitting fee if the event is approved.
- (2) An application must be filed no less than one hundred eighty (180) days before the date on which the proposed Special Event shall occur.
- (3) An application must contain at a minimum the following information:
 - a. The name, address, and twenty-four hour telephone number of the person seeking to conduct the Special Event and who will be responsible for its conduct;
 - b. Estimated projected attendance affidavit;
 - c. Execution of user agreement;
 - d. If the Special Event is to be held for, on the behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and the name and address of the authorized responsible representatives of the organization;
 - e. A description of the Special Event, including any historical and promotional information, and requested dates and hours for operation of the event;
 - f. The dates and times when the Special Event is to be conducted, including set up and removal;

- g. A noise mitigation plan that addresses noise impacts on surrounding businesses and residences if the Special Event includes amplified music;
 - h. Proof that the Applicant possesses or is able to obtain all licenses and permits required by the City or by state law for the Special Event;
 - i. The time and type of any entertainment and whether amplification will be used;
 - j. The use of any pyrotechnics display;
 - k. The time streets or sidewalks are to be blocked or closed;
 - l. The number of persons proposed or required to monitor or facilitate the event and provide spectator or participant control;
 - m. Event Site Plan indicating location of generators, tents, stages, booths, utility poles, stands, disbanding areas, signs, banners, vendors, portable toilets, orientation of amplifiers and loudspeakers, lighting, disability access, viewing stands, the name and location of streets or sidewalks to be blocked or closed and the location of any barricades and bleachers;
 - n. If any alcohol is going to be sold or distributed, the vendors and application for license for sale issued by the Texas Alcoholic Beverage Commission;
 - o. Emergency Services and Fire Safety Plans;
 - p. Police Service Plans;
 - q. Traffic Control Plan, Parking Plans and trash/recycling plans;
 - r. Compliance with all City plumbing and electrical code requirements, and sanitation and sewage disposal facilities requirements;
 - s. Details of how the Applicant will clean up the area after the Special Event, if on Public Property;
 - t. Any additional information related to health and safety which the City finds reasonably necessary to make a determination as to whether a permit should be issued; and
 - u. Provide a copy of Events Calendar and Pre-Event Meetings notification letters and distribution list to all affected businesses, property owners and/or residents as required by this Article.
- (4) After submission of the application, the Outdoor Events Manager may request supplemental information.

Section 20-415. Parade Permit Process

(a) Permit Required

- (1) It shall be unlawful for any number of persons, delegations, or associations of persons, or for any company, circus, or group to conduct a Parade along or upon the streets of the City without first obtaining a

permit. No permit shall be required for the use of the sidewalks of the City for any procession or parade.

- (2) It shall be unlawful for any number of persons, delegations, or associations of persons, or for any company, circus, or group to conduct a Parade upon any median, median strip or traffic island designed for the purpose of separating or directing vehicular traffic.
- (3) Only one Parade shall be allowed on the same calendar day in the following areas: 1) the DOED; 2) the Cultural District; 3) the NSOED or 4) the SOED. Outside these locations, permits may be issued for Parades to be conducted on the same calendar day at the same time by the Outdoor Events Manager in consultation with the Chief of Police and the Fire Chief, or their designees in regard to the respective department's available resources. Times shall be conflicting if the Parade starting times are less than four hours apart.
- (4) No permit shall be issued if:
 - a. The Parade would conflict with previously planned Events or programs in the area scheduled for the same time and place;
 - b. The Parade would present an unreasonable danger to the health or safety of the Applicant, participants or citizens of the City;
 - c. The Parade would duly interfere with proper fire and police protection or ambulance service to the area contiguous to the parade route and alternative means of service acceptable to the City is not available; or
 - d. The Parade will place such a burden on the Police, Fire or Emergency Services that they would be unable to provide normal services to the remainder of the City.
 - e. The Parade would interfere with events scheduled at the Fort Worth Convention Center or the Will Rogers Memorial Center.

(b) Mandatory Requirements for the Issuance of a Parade Permit

Compliance with the following shall be required before the Outdoor Events Manager may issue a permit:

- (1) Timely written request to be placed on the Events Calendar;
- (2) Attendance by the Applicant at a timely Events Calendar meeting;
- (3) Submission of a completed application no later than one hundred eighty (180) days prior to the Parade;
- (4) Payment of all application fees at the time of submission of the completed application;
- (5) Attendance by the Applicant at the Pre-Event meeting;
- (6) Payment of all permitting fees no later than one hundred twenty (120) days prior to the Event;
- (7) Submission of all required plans;
- (8) Notice to surrounding property owners for the Events Calendar and the Pre-Event Meetings as required by this Article;
- (9) Execution of a user agreement; and

(10) Submission of all insurance and other requirements under this Article.

(c) Application Process

- (1) A person seeking a permit for a Parade shall file an application in writing on a form to be provided by Outdoor Events Manager. An application for a Parade Permit and all associated fees shall be filed with the Outdoor Events Manager not less than one hundred eighty (180) calendar days before the date of the proposed Parade except for exempt Parades as provided above.
- (2) The contents of the application shall include:
 - a. The name, address and telephone number of the person seeking to conduct a Parade;
 - b. If the Parade is to be held for or by an organization, the name, address, telephone number of the headquarters of such organization and the names and numbers of authorized and responsible heads of the organization;
 - c. The name, address and all telephone numbers of the Applicant responsible for the conduct of the Parade;
 - d. Location, date and time of the Parade;
 - e. A written description of the proposed route to be traveled, the starting point and the termination point of the Parade, including a map illustrating the exact route of the Parade;
 - f. If the Parade will be held in the DOED, then the Applicant shall choose a designated route provided by the Outdoor Events Manager in consultation with the City Traffic Engineer;
 - g. The estimated number of any riders, animals, animal drawn vehicles, floats, motor vehicles, motorized displays and marching units or organizations, such as bands, color guards, and drill teams that will constitute the Parade;
 - h. A statement as to whether the Parade will occupy all or only a portion of the width of the streets proposed to be used;
 - i. The streets that will be partially or completely closed during the Parade;
 - j. The location by streets of any assembly areas for the proposed Parade;
 - k. The time at which units of the Parade will arrive at the assembly area;
 - l. Event Site Plan indicating location of generators, tents, vendors, portable toilets, amplifiers, viewing stands and bleachers, if any;
 - m. Emergency Services and Fire Safety and Traffic Control Plans;
 - n. The estimated attendance at the Event;
 - o. Details of how the Applicant will clean up the area after the Parade, if on Public Property;

- p. Any additional information related to health and safety which the Outdoor Events Manager finds reasonably necessary to make a determination as to whether a permit should be issued; and
- q. No later than thirty (30) days prior to the Parade, provide a notification letter to all affected businesses and/or residents. For condominiums, hotels or high-rise residential buildings, notice may be provided to the property manager or the Homeowners Association. A copy of the notification letter and distribution list shall be provided to the Outdoor Events Manager prior to sending the notification letter.

(d) Issuance of Parade Permit

- (1) The place, duration and manner of use of the public streets and other public ways and places for Parades shall be subordinate to the public safety, comfort and convenience, the maintenance of order and the avoidance of congestion. The Outdoor Events Manager shall issue a permit upon finding:
 - a. The conduct of the Parade will not interfere with the safe and orderly movement of traffic near the Parade route; or
 - b. The Parade is scheduled to move from its point of origin to its point of termination without unreasonable delays; or
 - c. The conduct of the Parade is not likely to cause injury to persons or property, to result in or to provoke disorderly conduct, riot or create a disturbance; or
 - d. The conduct of such Parade will not interfere with the movement of fire-fighting equipment or fire protection activities; or
 - e. The conduct of such Parade will not require the diversion of a number of police officers to properly police the line of movement and areas near the Parade so as to prevent normal police protection to other areas of the City; or
 - f. The conduct of the Parade will not require the diversion of a number of ambulances as to prevent normal ambulance service to other portions of the City; or
 - g. The movement of the Parade will not conflict in time and location with another Parade or Event for which a permit has been granted.

Section 20-416. Parades in the Central Business District

All Parade routes held in the DOED must be on a designated route provided by the Outdoor Events Manager. Except for Parade of Lights, all Parades must not start any earlier than 10 a.m. and must end no later than 2 p.m. All streets must be cleaned and reopened no later than 3 p.m.

DIVISION 3. FIRST AMENDMENT EVENTS

Sec. 20-417. Permit Process

(a) Permit Required

- (1) An application for a First Amendment Event shall be filed with the Outdoor Events Manager not more than three hundred sixty five (365) days before the proposed event.
- (2) If an organization plans a First Amendment Event within thirty (30) calendar days of the proposed event, an application for a First Amendment Event Permit shall be filed with the Outdoor Events Manager within three (3) calendar days of the date on which the event begins but not less than two (2) calendar days before the proposed event. The Outdoor Events Manager and the Applicant shall meet with the Police and Fire Departments prior to the First Amendment Event.
- (3) The Outdoor Events Manager may issue a First Amendment Event Permit for an application filed less than thirty (30) calendar days provided there is adequate time for the City to process the application and to assure that there are adequate traffic, health and safety measures in place for the safe and orderly movement of the event participants and traffic near the route.

DIVISION 4. PUBLIC PARK EVENTS

Sec. 20-418. Permit Process

(a) Permit Required

- (1) Except for Events in General Worth Square, which shall be administered by the Outdoor Events Manager; the Water Gardens, which shall be administered by the Public Events Department; and Burnett Park, which shall be administered by contract with Downtown Fort Worth, Inc., all events with one person or greater that require the use of a park outdoor facility, such as a park pavilion, shall file a facility reservation application with the City's Park and Community Services Department.
- (2) Trinity Park
 - a. Events with an expected attendance of five hundred (500) or more persons shall be required to comply with the provisions of this Article, including placement of the Event on the Events Calendar and attendance at the Pre-Event meeting. The Pre-Event Committee review shall be limited to the impact of the Event outside the park system. Permitting shall be coordinated with the Outdoor Events Manager, the Parks and Community Services Department and the Applicant.
 - b. Events with an expected attendance of less than five hundred (500) persons that are contained within Trinity Park and associated park

system, including Trinity Trails, and do not require a closure of a street exterior to the park shall be administered by the Parks and Community Services Department.

- (3) **Public parks other than Trinity Park**
 - a. Events with an expected attendance of one thousand (1,000) or more persons shall be required to comply with the provisions of this Article, including placement of the Event on the Events Calendar and attendance at the Pre-Event meeting. The Pre-Event Committee review shall be limited to the impact of the Event outside the park system. Permitting shall be coordinated with the Outdoor Events Manager, the Parks and Community Services Department and the Applicant.
 - b. Events with an expected attendance of less than one thousand (1,000) persons that are contained within the park system, including Trinity Trails, and do not require closure of a street shall be administered by the Parks and Community Services Department.
- (4) Any Event requiring a street closure external to the park or park system shall be administered and permitted by the Outdoor Events Manager in coordination with the Parks and Community Services Department.
- (5) This Article shall not apply to Mayfest or Concerts in the Garden.
- (6) The Parks and Community Services Department shall maintain written procedures for obtaining a park facility reservation permit, and said procedures shall be placed in the department's policies and procedures manual, provided to the Outdoor Events Manager, and provided to the public upon request.
- (7) All Gated Events located in a City park shall be regulated by the Department of Parks and Community Services in consultation with the Chief of Police and the Fire Chief. No Gated Event in a public park shall be approved until the Applicant certifies that admission will not be denied based on race, color, creed, religion, gender, parental status, familial status, sexual orientation, national origin, political affiliation or gender identity.
- (8) After a facility reservation application has been processed by the Parks and Community Services Department, the Department, shall forward the processed application and permit, if any, to the Outdoor Events Manager for informational and calendaring purposes and the Outdoor Events Manager shall maintain the file on such Event.
- (9) Other than Events requiring a street closure external to the park or park system, the decision of whether to grant or deny a park permit shall be made by the Director of Parks and Community Services Department, which shall be final. The denial or revocation of a Permit for Events requiring a street closure external to the park or park system may be appealed pursuant to Sec.40-437.

DIVISION 5. OUTDOOR EVENT DISTRICTS

Sec. 20-419. Downtown Outdoor Events District (DOED)

- (a) In addition to the regulations set out in this Section, all Events in the DOED shall be required to comply with this Article and all City policies and procedures.
- (b) There shall be increased fees for all Events in the DOED which will be approved annually by the City Council. A security deposit, as determined by the City Manager, shall be required for all Events in the DOED due to the need to protect enhanced amenities in the downtown area.
- (c) The owners of the Sundance Flying Saucer Lot, Gateway Lot and the Sundance Square Chisholm Trail Lot shall be allowed to submit an application for the next calendar year and receive an Annual Permit for all planned events that do not involve a street closure
- (d) All Events in the DOED shall be placed on the Events Calendar and applicants shall be required to attend all Pre-Event meetings as required by this Article. The Pre-Event Committee may require an enhanced Parking Plan and Traffic Control Plan for Events held on Friday or Saturday nights.
- (e) Other than Events contained entirely on private property, and water and food distributed at the end of Walks, Runs and Races, and to remedy emergency situations, no food or beverage shall be sold, served or distributed, for any Event with an estimated attendance of less than five thousand (5,000) attendees per day. Actual attendance at a prior Event will be used to determine the attendance number.
- (f) Where a street closure is required for the Event, no more than two (2) Events with an estimated attendance of less than five thousand (5,000) attendees shall be allowed within the same two block radius within a three (3) week period.
- (g) No business delivery parking shall be blocked at any time before, during or after an Event.
- (h) For Special Events and Parades occurring in the DOED, no traffic control devices, including signs, barricades, cones or other traffic management elements, may be delivered or stored on public property prior to the date specified on the Special Event or Parade permit.
- (i) No set up shall be allowed prior to twenty-four (24) hours before the start of the Event for Special Events or Parades with an expected attendance of less than 100,000 attendees. For Special Events or Parades with an expected attendance of more than 100,000, no set shall be allowed prior to forty-eight (48) hours before the start of the Event without the approval of the Outdoor Events Manager.
- (j) Barricades must be staffed at all times with a minimum of one person at least eighteen (18) years of age who is wearing a reflective safety vest.
- (k) Other than the Parade of Lights, Parades must not start any earlier than 10 a.m. and must end no later than 2 p.m. All streets must be cleaned and reopened no later than 3 p.m.
- (l) In addition to the requirements of the Outdoor Events Ordinance and all policies and procedures adopted by the City, all events in the DOED shall submit and obtain approval from the Pre Event Committee for the following plans:

- (1) Attendee parking,
 - (2) Support vehicle parking;
 - (3) Trash disposal and nightly pick up; and
 - (4) Noise mitigation (bands, amplifiers, etc)
- (m) All Parade routes held in the DOED must be on a designated route provided by the Outdoor Events Manager. Except for Parade of Lights, all Parades must not start any earlier than 10 a.m. and must end no later than 2 p.m. All streets must be cleaned and reopened no later than 3 p.m.

Sec. 20-420. Near Southside Outdoor Events District (NSOED)

- (a) Except for the permitting exception of non-income producing events on private property in this Section, the NSOED shall be required to comply with all the regulations of this Article and all City policies and procedures.
- (b) Non-income producing Events held on private property in the NSOED that do not involve a street closure shall be allowed to submit an application for all planned Events for the next calendar year and receive an Annual Permit.
- (c) All Events shall be placed on the Events Calendar as required by Sec. 20-410, but the Applicant for a non-income producing Event that has obtained an Annual Permit shall not be required to attend an Events Calendar or Pre-Event Meeting.
- (d) No later than seventy-two (72) hours prior to a non-income producing Event on private property, the Event holder shall be required to provide email notice to the Outdoor Events Manager and to the Police and Fire Department.

Sec. 20-421 Stockyards Outdoor Events District (SOED)

- (a) Except for the permitting exception of non-income producing events on private property in this Section the SOED, Events shall be required to comply with all the regulations of the Outdoor Event Ordinance and all City policies and procedures.
- (b) Non-income producing Events held on private property in the SOED that do not involve a street closure shall be allowed to submit an application for all planned Events for the next calendar year and receive an Annual Permit.
- (c) All Events shall be placed on the Events Calendar as required by Sec. 20-410, but the Applicant for a non-income producing Event that has obtained an Annual Permit shall not be required to attend an Events Calendar or Pre-Event Meeting.
- (d) No later than seventy-two (72) hours prior to a non-income producing Event on private property, the Event holder shall be required to provide email notice to the Outdoor Events Manager and to the Police and Fire Department.
- (e) No Event shall be allowed to barricade full closure of a street within the SOED for more than four hours in any forty-eight (48) hour period. Barricades must be staffed at all times with a person at least eighteen (18) years of age who is wearing a reflective safety vest.
- (f) In addition to the requirements of this Article and all policies and procedures adopted by the City, all income producing or Gated Events or Events requiring a street closure in the SOED shall submit and obtain approval from the Pre Event Committee for the following plans:

- (1) Parking Plan for attendees;
 - (2) Support vehicle parking;
 - (3) Trash disposal and nightly pick up; and
 - (4) Noise mitigation (location of bands, amplifiers, etc)
- (g) The Fort Worth Herd cattle drive is excluded from the requirements of the SOED and this Article.

DIVISION 6. GENERAL PROVISIONS FOR SPECIAL EVENTS, PARADES AND FIRST AMENDMENT EVENTS

Sec. 20-422. Additional Permits Required

- (a) **Portable restrooms**
- (1) All Events that provide portable restrooms must indicate on the Special Event or Parade Site Plan the exact location where the portable restroom(s) shall be placed.
 - (2) If the portable restrooms are not placed at the location designated on the Event Site Plan, the Outdoor Events Manager or her/his designee shall give the Applicant oral or written notice to move the portable restroom(s) to the proper location. The Applicant must have the portable restroom(s) moved immediately, but in no case later than four (4) hours after notice. Should the Applicant fail to meet this requirement, the Applicant shall be subject to the penalties set forth in this Article.
 - (3) The Event Site Plan shall state the time that the portable restroom(s) shall be removed. In the event that the portable restrooms are not removed by the time set forth in Events Plan, the Applicant shall be subject to the penalties set forth in this Article. Where the Applicant provides evidence of a good faith effort to have the portable restroom owner remove the portable restrooms in a timely manner, the City shall not subject the Applicant to the penalties, but shall instead provide written notice to the portable restroom owner requiring removal of the portable restrooms within twenty-four (24) hours of receiving the City's written notice. Should the owner fail to meet this requirement, the owner shall be subject to the penalties set forth in this Article.
 - (4) If portable restrooms are placed on public property for an Event that is not permitted, the Outdoor Events Manager shall require the owner of the portable restrooms to remove the portable restrooms within twenty-four (24) hours of receiving the written notice. Should the owner fail to meet this requirement, the owner shall be subject to the penalties set forth in this Article.
 - (5) The provisions of this subsection shall not apply to Events held entirely on private property, providing placement and use of the portable restrooms are not affecting adjacent property owners or tenants and it meets the requirements of the City Code.

- (b) **Alcohol Permit**
No alcohol may be served and/or sold at any Event unless the Applicant receives an alcohol permit as required by the Texas Alcoholic Beverage Commission. Permits must be posted and visible to the public.
- (c) **Food Permit**
It will be responsibility of the Applicant to contact the Fort Worth Code Compliance Department, Consumer Health Division, to obtain necessary permits and information on proper dispensing and handling procedures for any food that is being provided or served at the Event.
- (d) **Barricades**
Each barricade must be staffed at all times during the Event with at least one person at least eighteen (18) years of age who is wearing a reflective safety vest.
- (e) **Recycling**
Recycling at Events is strongly encouraged, but is not mandatory.

Sec. 20-423. Projected Attendance Estimates

For purposes of this Article, attendance estimates by the Applicant shall be accompanied by an affidavit stating the basis of the estimate. Each estimate shall be based upon all the relevant factors known at the time, including, without limitation, past attendance at similar functions having the same and similar performers, both in the City and comparable communities, the price of admission, if applicable, and the extent of advertising and promotion planned. The City may accept the Applicant's affidavit if it appears to be based on realistic and appropriate information. If the City rejects the attendance estimates, the City shall substitute a reasonably determined estimate for the Applicant and the Applicant shall be responsible for all attendant costs and requirements associated with the revised estimate. If, for unforeseen reasons, an estimate did not in fact reflect the actual and necessary resources for the Event, the City may seek cost recovery from the Applicant as determined by the City.

Sec. 20-424. Emergency Services and Fire Safety, Traffic Control and Parking Plans

- (a) **Plans**
 - (1) The Applicant for any Special Event, First Amendment Event or Parade is required to provide an Emergency Services and Fire Safety Plan, Police Services Plan, Traffic Control Plan, as defined, for the Event, and shall be required to provide and pay for firefighter, emergency medical technician, emergency medical personnel and/or ambulance service(s) for such emergency medical and fire fighting services. The contents of the Emergency Services and Fire Safety Plan, Police Services Plan, and Traffic Control Plan shall be determined by the anticipated number of attendees at the Event per Section 20-423.
 - (2) Applicants shall submit their Plans to the Outdoor Events Manager thirty (30) days before the Applicant's scheduled Pre-Event Meeting.

- (3) The Emergency Services Plan must comply with the Fort Worth Fire Code and the Fire Department's street closure guidelines and maintain adequate fire lanes within each closure area.
- (4) The Traffic Control Plan shall provide traffic and parking controls for the Event including the street(s) or sidewalk(s) to be closed and all other streets, sidewalks or public areas in close proximity that may be utilized for alternative routes or for parking of vehicles of persons attending the Event.
- (5) The Outdoor Events Manager, in consultation with the City's Police, Fire and Transportation and Public Works Departments shall be responsible for determining whether to approve, modify or deny the respective plan. In evaluating the plans, the Outdoor Events Manager shall not take into account any of the factors set forth in Section 20-405(b).
- (6) If the Chief of Police or Fire Chief, or their designees, determine that an Event requires additional emergency provisions to ensure public safety, the Applicant will modify the submitted Police Services Plan and Emergency Services and Fire Safety Plan accordingly.

(b) Compliance with the Emergency Services and Fire Safety Plan and Police Services Plan.

- (1) If the Outdoor Events Manager, the Chief of Police or the Fire Chief, or their designees determine that the services being provided at the Event do not comply with the approved plans and should this determination be the Event's first violation of its approved plans, the Outdoor Events Manager shall contact the Applicant or her/his designee and shall provide her/him with one hour in which to bring the emergency services into full compliance with the approved plans. The Outdoor Events Manager, if approved by the Chief of Police or the Fire Chief, or their designees, may allow additional time for compliance provided health and safety is not compromised. As soon as possible after this contact, the Outdoor Events Manager shall prepare written detailed documentation of the name of the Event contact, the time of the conversation and the corrective action required of the Applicant.
- (2) If the Applicant does not comply in a timely manner, the City shall provide the necessary services and will include the full cost of providing these services in a Supplemental Services Fee.
- (3) If the violation is Event's second or greater violation of its approved plan, the City may provide the necessary services without giving the Applicant an opportunity to take corrective action, and the City will include the full cost of providing these services in a Supplemental Services Fee. As soon as possible after finding the violation, the Outdoor Events Manager shall prepare written detailed documentation of the nature of the violation and the corrective action taken by the City.
- (4) If the Chief of Police or the Fire Chief, or their designees, determine that the emergency services being provided at the Event are not sufficient, given the actual circumstances of the Event, the Applicant or her/his

designee shall be notified of such determination. The Chief of Police, or , the Fire Chief, or their designees, using their sole judgment regarding the immediacy of the need to have additional emergency services, shall determine whether to allow the Applicant to provide additional emergency services or whether to have the City provide additional emergency services. As soon as possible after the contact with the Applicant or her/his designee, the Chief of Police or the Fire Chief, or their designees, shall prepare written detailed documentation of the name of the Event contact, the time of the conversation, the findings of the Chief of Police or the Fire Chief, or their designees regarding the need for additional emergency services, the corrective action required, and who will provide the corrective action. This written documentation shall be provided to the Outdoor Events Manager within five (5) business days after the conclusion of the Event. Where the City provides the additional emergency services, the City will include the full cost of providing these services in a Supplemental Services Fee.

- (5) Should the violator or Applicant not comply in a timely manner with the corrective action plan required by the fire inspector, a stop work or stop operating order shall be given to the violator and Applicant or her/his designee. The stop work or stop operating order shall stay in effect until the violator or Applicant comes into full compliance.

(c) The Emergency Services and Fire Safety Plan and Police Services Plan for Events with 1,000 or Greater Anticipated Attendees

- (1) Pursuant to Homeland Security, a detailed site plan indicating proposed vehicle ingress and egress, medical treatment areas, public areas including fences and gates, all temporary structures, management offices, cooking areas, locations of all fuels that will be used and/or stored, including without limitation gas, and whether pyrotechnics or other special effects are planned.
- (2) The staffing plan for emergency medical personnel and Fire Inspectors, to include the number of each that the Applicant plans to have at the Event.

Sec. 20-425. Gating and Fencing of Events

No Event, except Gated Events located in a City park shall be fenced with perimeter fencing or gated. No fencing shall be allowed on any street or sidewalk. Fencing of VIP areas, private property and at the start and finish lines during Walks, Runs and Races shall be allowed, but the square footage of the fenced area shall be subject to occupancy loads as determined by the Fire Chief and shall be limited to ten (10) percent of the Event Area. The percentage of fenced area may be increased based on the size and location of the Event with the approval of the Director of Public Events after consultation with the Outdoor Events Manger, the Chief of Police and the Fire Chief.

Sec. 20-426. Prohibited Conduct During Events

- (a) For all Events, it shall be unlawful for any person to do any of the following acts, or to permit a minor child in her/his custody to do any of the following acts in the Event Area:
- (1) Ride, drive or operate golf carts, bicycles, motorcycles, mopeds or any other motor vehicles, or ride skateboards or skates, unless part of the Event. Bicycles, skateboards and mopeds may be carried into or walked through the Event Area. At no time will any Event approved vehicle, golf cart, fork lift or other motor vehicle be driven on City sidewalks. This provision shall not apply to emergency medical personnel, officials or employees of the City acting in their official capacity, vendors restocking their merchandise, vendors providing sanitation services for the Event or to the Event workers.
 - (2) Bring in, carry, or in any way possess, play or operate any bull horns, radio, musical instrument or similar device which is producing or reproducing sound in such a manner as to be plainly audible to other persons in the Event Area, other than the operator of the device. This provision shall not apply to persons performing in the Event. All radios and musical devices with earphones are permitted.
 - (3) Bring in, carry, or in any way possess glass bottles, glass jars or glass containers of any kind, unless such glass container in a vial is required to hold medication needed and utilized by an Event participant where the medication is customarily stored in a glass vial or unless specifically authorized by the Outdoor Events Manager for authorized Event vendors.
 - (4) Carry or possess spray paint cans unless specifically authorized in writing by the Outdoor Events Manager for authorized Event vendors.
 - (5) Engage in the sale or distribution of Goods. This provision shall not apply to authorized Event vendors.
 - (6) Engage in the act of performing unless the performer is an authorized Event vendor.
 - (7) Engage in outdoor cooking in any area except an area designated for grilling by the City or an approved Event Site Plan. This provision shall not apply to authorized Event vendors.
 - (8) Be in possession of any alcoholic beverage at an Event located on Public Property, unless the alcoholic beverage was purchased or otherwise obtained from an authorized vendor of the Event.
 - (9) If the Applicant has previously advertised the prohibition of dogs or animals at the Event, no dogs or other animals shall be allowed in the Event Area. All dogs or other animals must be licensed and have current rabies vaccinations on their tags, remain on leash while in the Event Area and under voice control of their owners at all times. Any dog or animal exhibiting aggressive behavior must be removed immediately from the Event Area at the request of the Applicant, the Outdoor Events Manager or his/her designee. Owners shall be liable for damage or injury inflicted by their animals.

Sec. 20-427. Retention of Permit

The Applicant or his/her designee shall be present during the entire Event, and shall produce the Permit upon demand during the Event, including set-up and break-down. The Applicant shall be responsible for providing the Outdoor Events Manager or any other City employee the Permit upon request and the contact number of the person carrying the Permit if other than the Applicant.

Sec. 20-428. Security Deposit

- (a) An Applicant for a Special Event or Parade shall pay a security deposit fee to insure compliance with all permit requirements upon submission of the application. The deposit shall be used to recover any costs that are incurred by the City. The City has sole discretion over the determination of the condition of the site. Neighborhood Event, Neighborhood Parade or First Amendment Event Permits are exempted from this provision.
- (b) The holder of the Permit shall reimburse the City for additional direct costs in excess of the security deposit that are incurred by the City in providing services at the Event; direct costs include but are not limited to, the reasonable costs of setup, cleanup, electrical services, construction, and other related services beyond what the City would provide to the general public in the ordinary course of its daily operations that exceed the security deposit.
- (c) The deposit will be refunded in full by the Outdoor Events Manager not later than thirty (30) calendar days after the Event if the site is left in as good or better condition than before the Event. The City has the sole discretion regarding the determination of the condition of the site.

Sec. 20-429. Supplemental Service Fees

- (a) If a police officer is required to respond to an Event and while at the scene determines that there is a threat to public peace, health, safety or general welfare, the Applicant responsible for the Event shall be liable for Supplemental Service Fees.
- (b) If the City is required to respond to an Event due to lack of traffic control devices as established by the Traffic Control Plan or as required by the City's Police Department, the Applicant shall be responsible for all related costs. Such charge constitutes a debt of the responsible person and is collectible by the City in the same manner as in the case of an obligation under a contract.
- (c) The costs of a response shall be waived if the Applicant initiates a request for police response and cooperates with the police.
- (d) Costs imposed under this provision are due and payable in accordance with the user agreement as described in this Article.
- (e) The Applicant can appeal the costs by filing an appeal pursuant to the provisions of this Article. Failure of the Applicant to file an appeal shall constitute a waiver

of the right to an appeal under this Article or to challenge the validity or amount of the costs imposed.

Sec. 20-430. Tent Requirements

Tents, canopies and membrane structures shall be regulated by Chapter 24 of the City's adopted Fire Code.

Sec. 20-431. Use of City Logo or Name

An Applicant may not use or allow its event to use the words "City of Fort Worth," "The City of Fort Worth" or the City's Logo or a combination thereof in any manner that would imply an official endorsement of the Event by the City without written authorization from the City Manager.

Sec. 20-432. User Agreement

- (a) The Applicant shall enter into a user agreement with the City prior to the Event, in which the Applicant agrees to bear all costs of clean up and restoration of the Public Property upon the conclusion of the Event and to reimburse the City for costs related to any damage or use beyond normal wear and tear on the Public Property. The user agreement shall require the Applicant to provide full reimbursement to the City within sixty (60) calendar days of the conclusion of the permitted Event. The assessed reimbursement amount shall be subject to the procedures for appeal contained in this Article.
- (b) The user agreement shall include the following:
 - (1) **Indemnification**

Applicant shall assume full responsibility and liability for and indemnifies, defends and holds the City harmless against:

 - a. All liability, claims for damages, and suits for or by reason of any injury to any person, including death, and damage to any property for every cause in any way connected with the holding of the Event, including the preparation, set-up, teardown and cleanup; and
 - b. All expenses incurred by the City for public safety, sanitation and transportation personnel and resources required to preserve public order and protect public health, safety and welfare, together with any other expenses or costs that may be incurred by the City as a result of the Event. The Applicant shall indemnify the City against all charges, expenses and costs, including the City's legal department services incurred on account of or by reason of any such injuries, damages, liability, claims, suits or losses and all damages growing out of the same.

- (2) Insurance
 - a. When required by the City, an Applicant must provide to the Outdoor Events Manager, a Certificate of Commercial General Liability Insurance listing the City of Fort Worth as an additional named insured in the amounts prescribed by the Risk Manager or designee.
 - b. An Applicant for a permit to hold an Event where alcohol is to be sold must provide to the Outdoor Events Manager a Certificate of Insurance in the amount of \$1,000,000 as liquor liability insurance, in addition to the general liability insurance requirements.
 - c. Federal, state and local government agencies may submit a statement of self-insurance which shall be acceptable in place of insurance requirements of this Section
- (c) Execution of a user agreement shall be waived for First Amendment Events that do not involve the use of motor vehicles.

**DIVISION 7. APPROVAL, ISSUANCE, MODIFICATION, DENIAL OR
REVOCATION OF A SPECIAL EVENT OR PARADE PERMIT**

Sec. 20-433. Approval

- (a) Except as otherwise provided in this Article, the Outdoor Events Manager shall be charged with the responsibility and authority to determine whether a particular Applicant shall be granted a Permit in the time, manner and place proposed.
- (b) After reviewing the comments and/or decisions from the Events Calendar Committee, the Pre-Event Committee, all of the City officials, employees, departments and/or bureaus from whom this Article requires such feedback, the Outdoor Events Manager shall approve the Permit, deny the Permit, or approve the Event application with modifications or upon conditions, as set forth in this Article. If the application is approved, the Outdoor Events Manager, in consultation with the heads of affected departments, or their designees, shall impose restrictions or conditions as to time, manner and place, if the Outdoor Events Manager deems such restrictions are necessary. These modifications shall be made when the Outdoor Events Manager and the affected departments, based upon review of the application, find compelling reasons related only to public safety, health, or the environment, or to scheduling conflicts with other permitted uses at the time or place requested. The modifications shall not be based on any of the factors set forth in subsection 20-405(b).
- (c) After consideration of the application and other information as may be otherwise required, an Event application will be approved and a Permit issued if, upon review, the Outdoor Events Manager finds that:
 - (1) The Applicant, where applicable, has participated in the Events Calendar Committee meeting and the Pre-Event Meeting as required by this Article;
 - (2) The Applicant has complied with all the requests of the Outdoor Events Manager and the Pre-Event Committee;

- (3) The Event will not substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic near the Event location or route;
- (4) The Event will not require the diversion of a number of City fire protection or emergency medical services so as to interfere with the provision of these services to other areas of the City;
- (5) The Event will not require the diversion of a number of Police Officers to properly police the Event location or line of movement and the adjacent areas so as to interfere with the normal protection of the City;
- (6) There will be adequate sanitation and other required health facilities made available in or adjacent to the Event;
- (7) The Applicant has submitted an Emergency Service and Fire Safety and Traffic Control Plan;
- (8) The Applicant has acknowledged on the Event application that structures on sidewalks are prohibited;
- (9) A plan detailing how the Applicant will prevent consumption of alcohol by minors and promote responsibility in consumption and sales. The plan shall include signage at the point of sale; approved alcohol retail awareness training or seller server certification provided to persons involved in the sales/distribution of alcoholic beverages; and designated driver program; and
- (10) The Applicant has complied with any other special conditions related to health and safety imposed by the City or other authorized official, for issuance of the Permit.

Sec. 20-434. Issuance of a Permit

- (a) The Outdoor Events Manager shall issue either a Permit or a denial of the Special Events or Parade application within ninety (90) calendar days of a completed application. The Outdoor Events Manager may extend the period of review for an additional fifteen (15) calendar days by issuance of a written notice of extension.
- (b) Advertising a Special Event or Parade prior to the permit being issued shall not entitle the Applicant to hold the Event without a valid Event permit. The Outdoor Events Manager shall not issue a Special Event Permit or Parade Permit based on prior advertising unless a valid Permit may be issued under this Article.
- (c) The Applicant must have the Permit, and all other required permits and approvals, if any, present at the Event during the entire duration of the Event, including but not limited to set-up, teardown and clean up. Failure to abide by this provision may result in the revocation of the event permit.

Sec. 20-435. Modification or Denial of an Events Permit

- (a) The Outdoor Events Manager may modify, deny or revoke a Special Event or Parade Permit when, due to the scope of the Event, and the number of police personnel required to provide protection and traffic control for the Event, and due to the need for police personnel elsewhere in the City, the Event would require the diversion of such a number of police personnel that it will be more likely than not

that normal police protection elsewhere in the City cannot be provided continuously and safely for the duration of the Event. If the application for a Permit is denied by the Outdoor Events Manager, the denial shall state the reasons for the denial of the application. All notices required under this Section shall be in writing and sent by certified mail, return receipt requested, through the United States Postal Service.

- (b) The Outdoor Events Manager may deny a Special Event or Parade Permit for failure of the Applicant to comply with the requirements set forth in this Article. In no Event shall a Permit be denied be based on any of the factors set forth in subsection 20-405(b).
- (c) The Outdoor Events Manager may deny a Special Event or Parade Permit when by reason of disaster, public calamity, riot or other emergency, the Outdoor Events Manager, in consultation with the Police Chief and/or Fire Chief, determines that the health and safety of the public or property requires revocation or denial, provided that the Outdoor Events Manager shall not deny a Special Event or Parade Permit based on any of the factors set forth in Section 20-405(b).
- (d) The Outdoor Events Manager shall deny a Permit if:
 - (1) An Applicant has an outstanding debt with the City, or if the Event is done on behalf of or in the name of a person, organization, corporation or other group that has an outstanding debt with the City, until such time as payment is received in full;
 - (2) An Applicant has failed or is unwilling to comply with all the requirements of the Pre-Event Committee;
 - (3) An Applicant has failed to complete payment of any sums required for a previously permitted Event, until such time as payment is received. In the alternative, the Outdoor Events Manager may condition the granting of a new permit on the payment of amounts in arrears in connection with the previous Event. The Outdoor Events Manager may not require the payment of arrears for previous Events unless the Outdoor Events Manager or her/his designee had mailed or delivered to the Applicant a demand for such payment within sixty (60) days after the ending date of such previous Event;
 - (4) The Applicant is legally incompetent to contract or to sue and be sued;
 - (5) An Applicant who caused significant damage to City streets, sidewalks, parks, and/or other City real or personal property and, at the time of submitting an application for a new Event, failed to adequately repair the damage or failed to pay a bill for restoration services in full, provided that the Outdoor Events Manager or his/her designee, mailed or delivered to the Applicant a demand for such repair or restoration fees within sixty (60) days after the ending date of such previous Event;
 - (6) The Applicant has, in this City, violated a material condition and/or restriction of a Permit, or if the Applicant's conduct regarding the Event was in violation of law or local ordinance.
 - (7) It appears by competent evidence that the Applicant has made a material misrepresentation or given incorrect material information on the application. Prior to such denial or revocation, the Outdoor Events

Manager shall notify the Applicant of the evidence and provide the Applicant with three (3) business days in which to rebut said evidence in writing;

- (8) The Applicant fails to submit a complete application, including an acceptable Emergency Services and Fire Safety Plan and Traffic Control Plan;
 - (9) The Applicant fails to attend and participate in the scheduled Events Calendar Committee meeting, if required, and the Pre-Event meeting;
 - (10) The Applicant does not have all the necessary permits required to carry out the Event, or does not fulfill any or all of the other Event requirements, as established in this Article;
 - (11) The Applicant is unable or unwilling to provide any required insurance;
 - (12) The Applicant has failed to pay all application and permitting fees;
 - (13) The Applicant is unable or unwilling to pay any additional costs related to health and safety as may be required;
 - (14) The Applicant has failed to execute a user fee agreement;
 - (15) A prior application for a Permit for the same time and place has been received and the Permit has been or will be granted and the Applicant did not accept alternative dates, times and location offered by the Events Calendar Committee;
 - (16) The use of activity intended by the application would conflict with previously planned programs conducted by the City at the same time and place as determined by the Events Calendar Committee;
 - (17) The Applicant fails to provide any additional information that has been requested by the Outdoor Events Manager; or
 - (18) At any time, the Event is being held for an unlawful purpose, and/or violates a federal, state, or local law or ordinance.
- (e) When the Outdoor Events Manager denies a Permit, he or she shall set forth in writing the reasons for such denial in as much detail as possible. When the Outdoor Events Manager modifies a Permit application, he or she shall, if requested by the Applicant, state in writing on the Permit the reasons for the modification in reasonable detail. A modification, denial or revocation based upon inadequate police resources shall state with specificity the reasons for the Outdoor Events Manager's opinion, giving as much detail as is possible. In denying the Permit, or in granting the Permit with modifications, the Outdoor Events Manager shall abide by the provisions of this Article. Where a Permit for an Event is denied or modified, the Outdoor Events Manager or her/his designee shall forward a copy of the written determination to the City Manager and the Councilmember(s) of the affected District.

Sec. 20-436. Revocation of a Permit

- (a) The Outdoor Events Manager may revoke a Special Event or Parade Permit if:
 - (1) The Applicant violates the rules set forth in this Article after the Applicant has received the Permit;
 - (2) The Event poses an immediate threat to health or safety; or

- (3) The Applicant has failed to obtain any other permit required by this Article, State law or the City Code.
- (b) The Outdoor Events Manager, in consultation with the Chief of Police or Fire Chief may deny or revoke a Special Event or Parade Permit when by reason of disaster, public calamity, riot or other emergency, it is determined that the safety of the public or property requires revocation or denial. The Outdoor Events Manager shall not revoke a Special Event or Parade Permit based on any of the factors set forth in Section 20-405(b).
- (c) If the United States Department of Homeland Security issues a Level Orange or a Level Red Alert, the City, in its sole discretion, may close or postpone the opening of the Event in the interest of public safety.

DIVISION 8. APPEAL OF DENIAL OR REVOCATION OF A SPECIAL EVENT OR PARADE PERMIT

Sec. 20-437. Appeal

- (a) Applicant may appeal a denial of placement of an Event on the Events Calendar or a denial or revocation of a Special Event or Parade Permit, by submitting in writing to the Appeals Hearing Committee no later than ten (10) days after notice of denial or revocation, a letter requesting an appeal of the decision. The appeal shall specifically state the grounds upon which it is asserted and why the determination should be modified or reversed.
- (b) The Applicant shall include in the appeal copies of the application for Permit, the written notice of determination of the Events Calendar Committee or the Outdoor Events Manager and any other information material to the determination.
- (c) The Appeals Hearing Committee shall act as the appeals hearing officer under this Section. The Appeals Hearing Committee shall act upon the appeal within fifteen (15) calendar days from the date on which the appeal was received. Notice of the hearing date shall be provided to the Applicant in writing.
- (d) It shall be the duty of the Outdoor Events Manager to defend the decision to revoke or deny the decision of the Events Calendar Committee or the Special Event or Parade Permit. The Appeals Hearing Committee shall then give the appealing party an opportunity to present evidence and make an argument in his or her behalf. The formal rules of evidence shall not apply to an appeal heard under this Section, and the hearing officer shall make a ruling on the basis of a preponderance of the evidence presented at the hearing.
- (e) The Appeals Hearing Committee may affirm, modify or reverse all or part of the decision of the Events Calendar Committee or the Outdoor Events Manager being appealed. The decision of the Appeals Hearing Committee is final.
- (f) All notices required under this Section shall be in writing and sent by certified mail, return receipt requested, through the United States Postal Service.

DIVISION 9. NEIGHBORHOOD EVENTS AND NEIGHBORHOOD PARADES

Sec. 20-438. Permit Process

(a) Permit Required

- (1) It shall be unlawful for anyone to hold, sponsor or cause to be held a Neighborhood Event or Neighborhood Parade without first having obtained a Neighborhood Event or Neighborhood Parade Permit from the Outdoor Events Manager.
- (2) All Neighborhood Events or Neighborhood Parades must be sponsored by a Neighborhood Association or by persons living on the block.
- (3) A Neighborhood Parade must be located on a residential street as defined by the City's current Master Thoroughfare Plan and take no longer than two hours to complete.
- (4) Traffic movement will be the primary determining factor in the approval or denial of a Neighborhood Event or Neighborhood Parade. No interference with public safety vehicles will be permitted.
- (5) Any Neighborhood Event or Neighborhood Parade with an expected attendance of five hundred (500) or more at any one time shall be treated as a Special Event or Parade and must meet the requirements of a Special Event or Parade Permit.

(b) Petition, Application and Notice Requirements

(1) Neighborhood Event

- a. At least fifty percent (50%) + 1 of the residents on the street affected by the Neighborhood Event must sign a petition on the City's approved application form granting permission for the Neighborhood Event to be held. All petitions must be signed no earlier than sixty (60) days before the proposed Neighborhood Event and submitted to the Outdoor Events Manager no later than fifteen (15) days prior to the proposed Neighborhood Event.
- b. A person seeking to hold a Neighborhood Event shall apply for a Neighborhood Event Permit by filing with the Outdoor Events Manager a written application upon a form provided by the City. The application shall comply with the regulations for a Neighborhood Event Permit outlined in this Division.
- c. An application must be filed no later than fifteen (15) days before the date on which the proposed Neighborhood Event shall occur.
- d. Notice of the Neighborhood Event must be provided to all residents no later than fifteen (15) days before the event by the United States mail, electronic mail, hand delivery, the neighborhood newsletter, signs posted on Private Property or through the normal and customary method of communicating with that particular neighborhood.

(2) Established Neighborhood Event.

- a. Only Established Neighborhood Events shall be considered for an Annual Permit.
- b. A neighborhood association shall be allowed to submit an application to the Outdoor Events Manger requesting an Annual Permit for all planned Established Neighborhood Events for the next calendar year.
- c. A person seeking an Annual Permit shall apply by filing with the Outdoor Events Manager a written application upon a form provided by the City. The application shall comply with the regulations for a Neighborhood Event Permit outlined in this Division.
- d. At least fifty percent plus one (50% + 1) of the residents on the street(s) affected by the Established Neighborhood Events must sign a petition on the City's approved application form granting permission for the Established Neighborhood Events to be held. Petitions must be signed no earlier than sixty (60) days before the application for the Annual Permit is submitted to the Outdoor Events Manager.
- e. Notice of the Established Neighborhood Events approved in the Annual Permit must be provided to all residents no later than fifteen (15) days before the event by the United States mail, electronic mail, hand delivery, the neighborhood newsletter, signs posted on Private Property or through the normal and customary method of communicating with that particular neighborhood.

(3) Neighborhood Parades

- a. A person seeking to hold a Neighborhood Parade shall apply for a Neighborhood Parade Permit by filing with the Outdoor Events Manager a written application upon a form provided by the City. The application shall comply with the regulations for a Neighborhood Parade Permit outlined in this Division.
- b. An application must be filed no later than fifteen (15) days before the date on which the proposed Neighborhood Parade shall occur.
- c. Notice of the Event must be provided to all residents on the street affected by the Event no later than fifteen (15) days before the Event. Notice may be provided by United States mail, electronic mail, hand delivery, the neighborhood newsletter, signs posted on Private Property or through the normal and customary method of communicating with that particular neighborhood.

(4) **Established Neighborhood Parade.**

- a. Only Established Neighborhood Parades shall be considered for an Annual Permit.
- b. A neighborhood association shall be allowed to submit an application to the Outdoor Events Manger requesting an Annual Permit for all planned Established Neighborhood Parades for the next calendar year.
- c. A person seeking an Annual Permit shall apply by filing with the Outdoor Events Manager a written application upon a form provided by the City. The application shall comply with the regulations for a Neighborhood Parade Permit outlined in this Division
- d. Notice of the Established Neighborhood Events approved in the Annual Permit must be provided to all residents no later than fifteen (15) days before the event by the United States mail, electronic mail, hand delivery, the neighborhood newsletter, signs posted on Private Property or through the normal and customary method of communicating with that particular neighborhood.

(c) **Mandatory Requirements for the Issuance of a Neighborhood Event or Neighborhood Parade Permit.**

Compliance with the following shall be required before the Outdoor Events Manager may issue a Neighborhood Event or Neighborhood Parade Permit:

- (1) **Neighborhood Event Applications.** Applications must include the name, address and twenty-four (24) hour telephone number of at least one person belonging to the Neighborhood Association or living on the block where the Neighborhood Event is to be conducted who will serve as a liaison with the Outdoor Events Manager and the City's Police Department to address any problems during the Neighborhood Event. The telephone number must be answered at all times.
- (2) **Neighborhood Parade Application.** Applications must include the following information:
 - a. The name, address and twenty-four (24) hour telephone number of the Applicant seeking to conduct the Neighborhood Parade who will serve as a liaison with the Outdoor Events Manager and Police Department to address any problems during the Neighborhood Parade;
 - b. If the Neighborhood Parade is to be held for or by an organization, the name, address, telephone number of the headquarters of such organization and the names and numbers of authorized and responsible heads of the organization;
 - c. Location, date and time, including start and termination times requested for the Neighborhood Parade;

- d. A written description of the proposed route to be traveled, the starting point and the termination point of the Neighborhood Parade, including a map illustrating the exact route of the Neighborhood Parade;
 - e. The estimated number of any riders, animals, animal drawn vehicles, floats, motor vehicles, motorized displays and marching units or organizations, such as bands, color guards, and drill teams that will constitute the Neighborhood Parade;
 - f. A statement as to whether the Neighborhood Parade will occupy all or only a portion of the width of the streets proposed to be used;
 - g. A list of the streets that will be partially or completely closed during the Neighborhood Parade;
 - h. The location of any assembly areas by street names for the proposed Neighborhood Parade;
 - i. Details of how the Applicant will clean up any Public Property after the Neighborhood Parade; and
 - j. Any additional information related to health and safety which the Outdoor Events Manager finds reasonably necessary to make a determination as to whether a Neighborhood Parade Permit should be issued.
- (3) Applicants must sign a user agreement accepting responsibility for any costs for establishing detours, handling traffic direction, clean up or repair of public right-of-way used or damaged by the Neighborhood Event or Neighborhood Parade and holding the City, its officers and employees, whether elected or appointed, harmless from any and all liability arising from the street closure.
- (4) The Outdoor Events Manager, in consultation with the Chief of Police and Fire Chief, or designees, shall review each application and determine the requirements for the safety and welfare of the participants and general public. After submission of the application, the Outdoor Events Manager may request supplemental information and may impose conditions on the Neighborhood Event or Neighborhood Parade Permit to ensure that the event complies with these rules and regulations or to address health and safety conditions. The Applicant shall be responsible for any additional costs incurred by the City to provide additional emergency services required for the safety and welfare of the participants and the general public at the Neighborhood Event or Neighborhood Parade. The Applicant shall be responsible for any Supplemental Services Fees.
- (5) A certificate of insurance approved by the City shall be required for Neighborhood Parades that include motor vehicles and Neighborhood Events that place structures, such as bounce houses, stages or tents in the public right-of-way.
- (6) It is the responsibility of the Applicant to apply for and receive any necessary alcohol permits from the Texas Alcohol Beverage Commission and food permits from the Fort Worth Code Compliance Department, Consumer Health Division.

Sec. 20-439. Neighborhood Event and Neighborhood Parade Regulations

All Neighborhood Events and Neighborhood Parades must comply with the following regulations:

- (a) Neighborhood Events and Neighborhood Parades may be held any day of the week, but streets must be cleared and open to traffic no later than 11:00 p.m.
- (b) The Applicant must have the Neighborhood Event or Neighborhood Parade Permit, and all other required permits and approvals, if any, present at the Neighborhood Event or Neighborhood Parade during the entire duration of the event, including but not limited to set-up and clean up. Failure to abide by this provision may result in the revocation of the Neighborhood Event or Neighborhood Parade Permit.
- (c) Barricades. The portion of the public right-of-way to be used by the Neighborhood Event shall be closed to vehicular traffic by an appropriate number of Type 1 barricades. All barricades must be supplied by the Applicant and the Applicant is responsible for putting barricades in place and removing them. Barricades must be staffed at all times with at least one person eighteen (18) years of age or older who is wearing a reflective safety vest. Once barricades are in place, no vehicle traffic is allowed beyond the barricades except for emergency vehicles. All barricades shall be removed within one-half (½) hour after the ending time of the event for which the street is closed. Barricades shall also be immediately removed upon request of the Outdoor Events Manager, any Police Officer, or employee of the City charged with enforcing this Article. Vehicles shall not be parked at the barricade locations so that access to the street is blocked. The Outdoor Events Manager, in consultation with the Chief of Police and the Director of Transportation and Public Works, may approve an alternative plan for the use of barricades.
- (d) Unobstructed Roadway. An unobstructed roadway width of twelve (12) feet as required by the most current Fire Code must be maintained along the closed sections of the streets for Neighborhood Events. No structures, including tents, stages and bounce houses are allowed in the unobstructed roadway width detailed above or any sidewalk or parkway. Items such as chairs and tables are allowed.
- (e) No Neighborhood Event Permit shall be granted when the street closure would result in denying prompt access to an area or location for emergency vehicles.
- (f) No fire hydrants may be obstructed by Neighborhood Event activities. A three (3) foot clear space shall be maintained around the fire hydrant.
- (g) Applicants are responsible for collecting and disposing of all trash and cleaning up at the conclusion of the Neighborhood Event. If the clean-up is not to the satisfaction of the City, the clean-up will be performed by the City and the Applicant will be billed for the cost of the clean-up.
- (h) No admission fees may be charged for any Neighborhood Event or Neighborhood Parade, but requests for donations shall be permitted.
- (i) The Applicant shall be responsible for any significant damage to City streets, sidewalks, and/or other City real or personal property provided that the Outdoor

Events Manager or his/her designee, mailed or delivered to the Applicant a demand for such repair within sixty (60) days after the ending date of the Neighborhood Event.

Sec. 20-440. Approval, Issuance, Modification, Denial or Revocation of a Neighborhood Event or Neighborhood Parade Permit

- (a) Except as otherwise provided in this Article, the Outdoor Events Manager shall be charged with the responsibility and authority to determine whether a particular Applicant shall be granted a Neighborhood Event or Neighborhood Parade Permit in the time, manner and place proposed.
- (b) After consideration of the application and other information as may be otherwise required, a Neighborhood Event or Neighborhood Parade Event application will be approved and a Neighborhood Event or Neighborhood Parade Permit issued if, upon review, the Outdoor Events Manager finds that the application meets the requirements of this Division.
- (c) The advertisement of a Neighborhood Event or Neighborhood Parade prior to the Neighborhood Event or Neighborhood Parade Permit being issued shall not entitle the Applicant to hold the event without a valid Neighborhood Event or Neighborhood Parade Permit.
- (d) The Outdoor Events Manager shall issue either a Neighborhood Event or Neighborhood Parade Permit or denial of the Neighborhood Event or Neighborhood Parade application within five (5) calendar days of a completed application.
- (e) Denial of a Neighborhood Event or Neighborhood Parade Permit. The Outdoor Events Manager shall deny a Neighborhood Event or Neighborhood Parade application if:
 - (1) An Applicant has failed or is unwilling to comply with all the requirements of this Division;
 - (2) An Applicant who caused significant damage to City streets, sidewalks, parks, and/or other City real or personal property and, at the time of submitting an application for a new Neighborhood Event or Neighborhood Parade, failed to adequately repair the damage or failed to pay a bill for restoration services in full, provided that the Outdoor Events Manager or his/her designee, mailed or delivered to the Applicant a demand for such repair or restoration fees within sixty (60) days after the ending date of such previous Neighborhood Event or Neighborhood Parade;
 - (3) The Applicant has violated a material condition and/or restriction of a Neighborhood Event or Neighborhood Parade Permit, or if the Applicant's conduct regarding the Neighborhood Event or Neighborhood Parade was in violation of law or local ordinance;
 - (4) It appears by competent evidence that the Applicant has made a material misrepresentation or given incorrect material information on the application. Prior to such denial or revocation, the Outdoor Events Manager shall notify the Applicant of the evidence and provide the

Applicant within three (3) business days in which to rebut said evidence in writing;

- (5) The Applicant is unable or unwilling to provide any required insurance;
 - (6) The Applicant has failed to execute a user agreement;
 - (7) The Applicant fails to provide any additional information that has been requested by the Outdoor Events Manager; or
 - (8) At any time, the Neighborhood Event or Neighborhood Parade is being held for an unlawful purpose, and/or violates a federal, state, or local law or ordinance.
- (f) Revocation of a Neighborhood Event or Neighborhood Parade Permit. The Outdoor Events Manager may revoke a Neighborhood Event or Neighborhood Parade Permit:
- (1) Due to reasons of disaster, public calamity, riot or other emergency;
 - (2) The Applicant violates the rules set forth in this Article after he or she has received the Neighborhood Event or Neighborhood Parade Permit;
 - (3) The Neighborhood Event or Neighborhood Parade poses an immediate threat to health or safety; or
 - (4) The Applicant has failed to obtain any other permits required by this Article, State law or the City Code.
- (g) If the United States Department of Homeland Security issues a Level Orange or a Level Red Alert, the City, in its sole discretion, may close or postpone the opening of the Neighborhood Event or Neighborhood Parade in the interest of public safety.

Sec. 40-441. Appeal

The Applicant for a Neighborhood Event or Neighborhood Parade Permit may appeal the decision of the Outdoor Events Manager to deny or revoke a permit no later than five (5) days after written or electronic notice of denial or revocation by submitting in writing to the City Manager or his/her designee notice of the Applicant's decision to appeal. The appeal shall specifically state the grounds upon which it is asserted and why the determination should be modified or reversed. The City Manager or his/her designee may affirm, modify or reverse all or part of the decision of the Outdoor Events Manager being appealed. The decision of the City Manager or his/her designee is final.

DIVISION 10. OFFENSES

Sec. 20-442. Offenses

- (a) A person commits an offense if he/she commences or conducts an Event:
- (1) Without a Permit;
 - (2) Knowingly makes a false statement in connection with an application; or
 - (3) In violation of any provision of a Permit, this Article, additional rules or regulations as promulgated by the City Manager or any other City ordinance or applicable law.

- (b) A culpable mental state is not required for the commission of an offense under this Article.

DIVISION 11. PENALTIES

Sec. 20-443. Penalties

- (a) A person who violates a provision of this Article or a requirement of a Permit is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.
- (b) Each offense is punishable by a fine not to exceed:
 - (1) \$2000 for a violation of a provision of this Article or a requirement of a Permit governing fire safety, zoning, or public health and sanitation, including dumping or refuse; or
 - (2) \$500 for all other violations of this Article or requirements of a Permit.

SECTION 2.

That this ordinance shall be cumulative of all other ordinances of the City of Fort Worth and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 3.

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 4.

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any



phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

That any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 6.

That the City Secretary of the City of Fort Worth, Texas is hereby directed to publish this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by V.T.C.A. Local Government Code Subsection 52.013.

SECTION 7.

This ordinance shall take effect on October 1, 2010, after adoption and publication, as required by law.

APPROVED AS TO ~~FORM~~ AND LEGALITY.

By

Assistant City Attorney _____

Adopted: August 3, 2010

Effective: October 1, 2010

(112)

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 8/3/2010 - Ord. No. 19255-08-2010

DATE: Tuesday, August 03, 2010

REFERENCE NO.: G-17003

LOG NAME: 12SPECIALEVENTSORD

SUBJECT:

Adopt an Ordinance Amending Chapter 20, "Licenses and Miscellaneous Business Regulations" of the Code of the City of Fort Worth, by Adding Article XII Entitled, "Outdoor Events," to Regulate the Conduct of Outdoor Events within the City

RECOMMENDATION:

It is recommended that the City Council adopt an ordinance amending Chapter 20, "Licenses and Miscellaneous Business Regulations" of the Code of the City of Fort Worth, by adding Article XII entitled, "Outdoor Events," to regulate the conduct of outdoor events within the City.

DISCUSSION:

The citizens of Fort Worth often engage in outdoor events, including festivals, parades, walks, races and runs, and neighborhood parties, on both private property and City-owned property. The City wants to encourage these events, recognizing that these activities enhance the Fort Worth lifestyle, promote strong neighborhoods, and provide benefits that are not normally provided as part of governmental services to citizens and visitors.

Under the City's current special events policy, outdoor events that involve the use of City streets are handled by the Transportation and Public Works Department; parades and procession permits are reviewed by the Police Department; and the Parks and Community Services Department issues permits for the use of the City's public parks. In April of 2009, the City Manager created a Special Events Advisory Committee to study the best practices of other cities and to make recommendations for incorporating the current special events policy into the City Code. The Committee was directed to develop an ordinance that provides a systematic and consistent approach to planning and permitting outdoor events.

Public hearings were held at the Fort Worth Botanic Gardens on October, 26, 2009, June 7, 2010 and June 21, 2010, to receive public comments. Staff also presented the draft ordinance and responded to questions and concerns at a League of Neighborhoods meeting on May 10, 2010. The draft ordinance was published on the City's web page and furnished by e-mail to registered neighborhood associations. Citizens were provided an opportunity to comment on the draft proposal during the months of April, May and June.

The intent of the outdoor event regulations is to provide a coordinated and comprehensive process for the regulation of outdoor events on public or private property in order to ensure the health and safety of the participants, spectators and attendees; provide the proper allocation and provision of essential public health and safety services; and provide enforcement tools to ensure that event holders adhere to the City's regulations. It is also the intent of the City Council to protect the rights of its citizens to engage in protected free speech expression activities with the least restrictive and reasonable time, place and manner regulations of those activities, while addressing the impacts upon public facilities and services and public health and safety.

The ordinance regulates outdoor activities with over five hundred attendees on public and private property; parades; events in parks and neighborhoods; and First Amendment events on City streets. The ordinance creates a City Events Calendar, an Events Calendar Committee and a Pre-Event Committee, establishes three Special Events Districts for unique areas in the City, and provides for notice to surrounding property owners of upcoming events, enforcement tools and an appeal process. Events held on City-owned property subject to a contract, lease or agreement; First Amendment Activity conducted entirely on sidewalks, in public parks or on private property; National Night Out events; and events conducted entirely on the property of a church, educational institution, college or university campus or on property containing an occupied private residence are exempt from the provisions of the ordinance. Regulations regarding neighborhood events and neighborhood parades are located in a separate division and neighborhood association representatives are not required to attend the Events Calendar Committee or Pre-Event Committee meetings.

If approved by the City Council, the ordinance would be effective on October 1, 2010.

FISCAL INFORMATION / CERTIFICATION:

The Financial Management Services Director certifies that this action will have no material effect on City funds.

FUND CENTERS:

TO Fund/Account/Centers

FROM Fund/Account/Centers

CERTIFICATIONS:

Submitted for City Manager's Office by:

Originating Department Head:

Additional Information Contact:

114

KILLEEN TX PARADE PERMIT ORDINANCE

RTICLE V. PARADES AND ASSEMBLIES

DIVISION 1. GENERALLY

Sec. 25-141. Short title.

This article shall be known and referred to as the "Parade and Assembly Ordinance of the City of Killeen." (Code 1963, Ch. 13, art. 7, § 1 [Ord. No. 72-72, § 2, 11-16-72])

Sec. 25-142. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Assembly* shall mean any concerted meeting together of twenty- five (25) or more individuals or persons for a substantial period of time at a specific place upon any public roadway, sidewalk, or other public place or property at a place within the regulatory jurisdiction of the city.

Assembly permit shall mean a written authorization to assemble issued by the city of Killeen as required by this article.

Association shall mean a group of individuals or persons who are joined together for a specific purpose at a specific time and are acting together without the issuance of a charter by a unit of government; it is not a legal entity separate from the individuals or persons who compose it.

Parade shall mean any concerted walk, column, march or procession of any kind, or any similar display consisting of twenty-five (25) or more individuals, or five (5) or more vehicles, moving together in or upon any public roadway, sidewalk, or other public property in a place within the regulatory jurisdiction of the city.

Parade permit shall mean a written authorization to parade issued by the city of Killeen as required by this article.

(Code 1963, Ch. 13, art. 7, § 2 [Ord. No. 72-72, § 3, 11-16-72]; Ord. No. 98-29, § I, 4-28-98)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 25-143. Penalty.

Unless stated otherwise, violations of this article shall be punished as provided in section 1-8.

Sec. 25-144. Unlawful actions not permitted.

Nothing in this article authorizes the use of public sidewalks, streets, roadways, alleys, parks, or grounds, or the use of any private or public property, by any person in or by any manner, means or method, that violates the laws of the United States, the state, or ordinances of the city applicable thereto. Any person who violates such other laws and ordinances are punishable according to the provisions of such other applicable laws and ordinances. (Code 1963, Ch. 13, art. 7, § 4 [Ord. No. 72-72, § 5, 11-16-72])

Sec. 25-145. Exceptions.

This article does not apply to parades or assemblies consisting of a funeral or funeral procession, nor to students in grades one (1) through twelve (12) going to and from school classes or participating in educational activities when such conduct is under the immediate direction and supervision of school authorities, nor to governmental bodies or units of the city. (Code 1963, Ch. 13, art. 7, § 4 [Ord. No. 72-72, § 5, 11-16-72])

Sec. 25-146. Compliance generally.

It is unlawful for any person applying for a permit, or engaging, participating or aiding in, or forming or starting, any parade or assembly for which a permit has been issued, to fail to comply with all the directions and conditions of such permit and all laws and ordinances applicable to such parade or assembly. (Code 1963, Ch. 13, art. 7, § 4(c) [Ord. No. 72-72, § 5, 11-16-72])

Secs. 25-147--25-155. Reserved.

DIVISION 2. PERMIT

Sec. 25-156. Required.

(a) Every individual has the right to engage in, participate in, form, start or aid in engaging in, participating in, forming, starting or continuing any parade or assembly if a parade permit or assembly permit for such parade or assembly has first been obtained from the city by some individual.

(b) It is unlawful for any person to engage in, participate in, aid, form or start any parade or assembly unless a parade permit or assembly permit therefor has first been obtained as required by this section.

(Code 1963, Ch. 13, art. 7, § 4(a), (c) [Ord. No. 72-72, § 5, 11-16-72])

Sec. 25-157. Procedures.

Any person desiring to parade or assemble within the regulatory jurisdiction of the city, and seeking issuance of a parade permit or an assembly permit, therefor, shall deliver a completed application therefor to the city secretary on forms available upon request to the city secretary.

(1) *Who may apply.* An individual may apply for a parade or assembly permit. An individual may apply for a parade or assembly permit on behalf of a group if the individual is a member in good standing and submits written authorization to apply for the group. The written authorization must accompany every application.

(2) *When to apply.* An application for a parade permit or an assembly permit shall be delivered to the city secretary not less than twenty-one (21) days prior to the date upon which the applicant proposes to conduct the parade or assembly, except in an emergency as hereinafter provided for in this section.

(3) Only one (1) parade or one (1) assembly may be held at any one (1) given time on a day.

(4) *Emergency application.* No application shall be considered unless made in the manner herein prescribed, unless the failure to apply in such manner is due to the emergency nature of the occasion for a parade or assembly. For purposes of this subsection, an "emergency" is specifically defined as a sudden, unexpected and unforeseeable occurrence that gives rise to the desire to lawfully communicate concerning such occasion or event by parade or assembly, and of such a nature as to make compliance with the timing requirements for application specified herein impossible. The applicant must completely describe in the application the facts constituting the alleged emergency, specifying how and why such facts constitute an emergency under this subsection, and making sworn verification as to the truth of the facts constituting such emergency before an officer authorized to administer oaths, and attaching such sworn affidavit to the application. Emergency applications for a parade permit must be filed with the city secretary not less than forty-eight (48) hours prior in time to the proposed commencement of the proposed parade or assembly.

(5) *Contents of application.* An application for a parade or assembly permit shall provide the following information:

- a. The name, address and telephone number of the individual applying.
- b. If the applicant is applying on behalf of another person or group, then the person or group's address and telephone number of the main office, location or headquarters of the group or person, the names, addresses, and telephone numbers of the authorized and responsible officers and leaders of such person. In those instances where the main office, location or headquarters of the person is not within the city limits, then state the address and telephone numbers of the office, location or headquarters located

nearest to the city, and the names, addresses, and telephone numbers of the authorized and responsible officers and leaders located nearest to the city.

- c. The name, address, and telephone number of the individual who will be parade or assembly leader, and who agrees to be responsible for the parade and assembly conduct in accordance with any permit issued, together with a signed statement agreeing to be responsible for the conduct of the assembly and parade, in accordance with the permit and all laws applicable thereto.
- d. The proposed date for the parade or assembly.
- e. The proposed starting point, termination point, and route of a parade; and the proposed place, address and street, or building name, designated for an assembly.
- f. The approximate number of individuals that will be in the proposed parade or assembly, and the number and kinds of animals and vehicles proposed to be in the parade or assembly.
- g. The hours when the proposed parade or assembly will begin and terminate.
- h. A statement describing the specific portion of particular streets, sidewalks, or other public property proposed to be used, in connection with the parade or assembly.
- i. The specific location of the staging area for a proposed parade.
- j. The time at which participants in a proposed parade or assembly will actually begin to arrive at the proposed designated staging or assembly area.
- k. An accurate written description of sound, or sounds, planned to be produced incidental to the proposed parade or assembly, whether by human speech, music, or otherwise, and whether, how, and to what extent, it is to be amplified in volume.
- l. An accurate written description of proposed planned conduct of participants incidental to the proposed parade or assembly.

(6) *Number of copies.* Not less than two (2) copies of each application for a parade or assembly permit shall be delivered to the city secretary.

(7) *Rejection.* Any application for a parade or assembly permit that does not substantially comply with this division shall not be considered by the city manager.

(Code 1963, Ch. 13, art. 7, § 5 [Ord. No. 72-72, § 6, 11-16-72]; Ord. No. 98-29, §§ I, 4-28-98)

Sec. 25-158. Granting and appeal from refusal to consider, modification, or denial of application.

(1) Upon receipt of an application, the city secretary shall immediately forward it to the city manager for review. The city manager must approve, modify and approve, or deny the application within 7 days. The city manager must make the decision based upon the standards for issuance stated in this article. The manager may modify the application and grant a permit as provided in section 25-161. If the city manager refuses to consider an application because of applicant's failure to comply with the prescribed required procedures for application, or denies a permit, or modifies a permit, the specific reasons for such shall be sent to the applicant in writing.

(2) If an application is not considered by the city manager, or is modified or denied, any appeal from the decision shall be made to the city council in the following manner:

(a) A written letter of appeal, signed by the permit applicant, stating the grounds therefor, shall be delivered to and filed with the city secretary.

(b) A true copy of the application refused shall be attached to the petition.

(c) The city secretary shall place a copy of the appeal letter and application, along with any pertinent documents, on the agenda for the next regular city council meeting.

(d) The council shall consider the contents of the application; the city manager's letter stating the reasons for the refusal to consider, modification, or denial; the letter of appeal; the facts surrounding the matter as shown by testimony of parties; any argument of counsel; and the standards for issuance stated in this article.

(e) It shall be presumed that the only reasons for refusal, modification, or denial are those set out in the city manager's written explanation.

(f) The city council may consider the application at that meeting or set a date, time, and place for a hearing on each appeal, and shall notify the appealing individual or person thereof.

(g) The order of procedure upon such hearing is as follows:

i. The city attorney, or a person designated to do so, shall present any evidence justifying the modification, denial, or refusal to consider the application.

ii. The applicant or applicant's attorney shall have the right to cross-examine any witness and see any documents relied upon by any witness testifying, and to challenge or object to such evidence.

iii. The applicant or applicant's attorney shall thereafter present any rebutting evidence justifying consideration and approval of the application or rebutting the modification.

iv. The city attorney shall have the right of cross-examination and inspection.

v. Both the applicant and the city may offer rebuttal evidence.

vi. The applicant shall open and close argument.

vii. The mayor or other person presiding shall determine what evidence will be accepted. The city council is not a court and is not bound by nor required to follow formal rules of evidence or judicial procedure, beyond those described in paragraphs i-vi above. The council will not debate questions of law or admissibility.

(h) By majority vote, the city council shall either affirm the city manager's denial, modification, or refusal to consider, or vote to reverse the city manager and grant the application for a permit.

(i) If the city council affirms the manager's decision, it shall have prepared written findings of fact and references to this division, specifically indicating the reason or reasons justified, supporting the decision.

(Code 1963, Ch. 13, art. 7, § 6 [Ord. No. 72-72, § 7, 11-16-72]; Ord. No. 98-29, §§ I, 4-28-98)

Sec. 25-159. Standards for issuance.

The city manager and city council shall consider, and issue or deny, parade permits and assembly permits, in the order in which applications for same are received by the city secretary. The following standards shall be considered by the city manager and city council in evaluating all information gathered through the application and hearing process:

(1) The conduct of a proposed parade, or the location of a proposed assembly, will substantially interrupt either the safe and orderly movement of other vehicular and pedestrian traffic, in and through the city, or adversely affect the safety and health of the individuals participating, or those normally situated immediately adjacent to the site of a parade or an assembly; or

(2) The conduct of a proposed parade or assembly will require the use of a greater number of police officers of the city, to properly police the assembly event, than are regularly scheduled to be on duty at the proposed time, and will substantially curtail necessary

police protection of other areas of the city; or

(3) The conduct of a parade or assembly will require the diversion of so great a number of the ambulances available in the city as to substantially curtail and interfere with necessary ambulance services to all individuals within any portion of the city; or

(4) The concentration of individuals, animals, or vehicles at the proposed staging points of a proposed parade, in the parade, or at the proposed assembly, will substantially interfere with the ability to provide necessary fire and police protection or ambulance service to and for the remainder of the individuals and portions of the city; or

(5) The conduct of a parade or assembly will substantially and unreasonably interfere with and curtail necessary garbage collection or street cleaning services; or

(6) The conduct of a parade or assembly will substantially interfere with and curtail necessary movement of firefighting equipment en route to fires, or with the necessary movement of ambulances en route to emergencies; or

(7) There is a high degree of probability or likelihood that the conduct of the particular proposed parade or assembly will cause, or will tend to cause, injury or damage to individuals, persons or property, or to provoke extremely disorderly conduct, or to create a great disturbance of the peace; or to cause entry upon private property, or upon public property lawfully dedicated to purposes which are inconsistent with the particular parade or assembly; or

(8) A proposed parade is scheduled to move from its point of origin to its point of termination, with delays en route, entailing such a substantial total period of time as to thereby necessarily require an assembly permit; or

(9) A proposed assembly is scheduled to convene and disperse at such time or times, and in such manner, means or methods as to require a parade permit; or

(10) The route of a parade, or the place of an assembly, is so close to a building or place in or at which a school, church, or class thereof is in session, or is so close to a particular building or place in or at which there is being conducted a specific lawful activity normally requiring, for its accomplishment, quiet and orderly deliberation and consideration, or absence of and freedom from the intrusion of loud noise or disruptive acts, similar to the requirements of a school, and, that the paraders or assemblers will in reasonable probability, make noise or engage in acts that would cause, or tend to cause, imminent disruption and interference with the normal activity of such school, class, or other lawful activity or occupation with which such noises or disruptive acts are incompatible or inconsistent; or

(11) The conduct of a particular proposed parade or assembly will necessarily result in an expenditure of so large a sum or sums of public monies that, in relative proportion to other needs of the public for the use of the same public monies as to be unreasonable, inequitable or confiscatory in nature, and, in determining same, the city council may consider the total amount of monies expended for parades and assemblies held at the request of the same, or substantially the same individuals and persons, during the twelvemonth period immediately preceding the date for which the permit is sought; or

(12) The particular individual, or person, or some substantial combination thereof, seeking a permit has applied for and received a permit to parade, or assemble, for substantially the same purpose, or purposes, one (1) or more times during the twelve-month period next immediately preceding the date for which the permit is being sought, and therefore the issuance of another or new permit would unreasonably, unfairly, or inequitably prevent

another applicant from obtaining a permit to parade or assemble; or

(13) A permit for another parade or assembly has previously been issued, scheduling and lawfully permitting another parade or assembly, for the date sought by the applicant.

(Code 1963, Ch. 13, art. 7, § 7 [Ord. No. 72-72, § 8, 11-16-72]; Ord. No. 98-29, §§ I, 4-28-98)

Sec. 25-160. Modification of application.

The city manager or city council may modify in writing the route, time, number of participants and manner of conduct of a proposed parade, and the place, boundaries of location, time, number of participants and manner of conduct of a proposed assembly, in such manner, means, or methods as it deems or finds necessary or conducive to ensure compliance with the criteria provided in section 25-159. If an applicant is dissatisfied with any modification of an application which has been properly filed and accepted, he or she may present evidence in support of the original application and argue for its approval, as provided for in section 25-158.

(Code 1963, Ch. 13, art. 7, § 9 [Ord. No. 72-72, § 10, 11-16-72]; Ord. No. 98-29, §§ I, 4-28-98)

Sec. 25-161. Issuance.

A permit is issued under this division to the individual applicant and, if applicable, to another person or group for whom the application is made, and is binding on all individuals and persons who participate in the parade or assembly. (Code 1963, Ch. 13, art. 7, § 10 [Ord. No. 72-72, § 11, 11-16-72]; Ord. No. 98-29, §§ I, 4-28-98)

Sec. 25-162. Contents of the permit.

Each parade permit issued by the city shall state the starting and termination time; the portions of the sidewalks, streets, roadways, highways, alleys, and other public thoroughfares and property to be traversed and that may be occupied by the parade; and such other information as the city manager and city council finds necessary to the enforcement of this article and other city ordinances and laws of the state and the United States.

Each assembly permit shall state the starting and termination time of the assembly; the boundaries of the location of the assembly area; and such other information or conditions as the city manager or city council finds necessary to the enforcement of this article, other city ordinances, the laws of the state and of the United States, and to protect the public health and safety.

All parade and assembly permits shall identify by name and address the applicant and the person, or persons, to whom the permit is issued.

(Code 1963, Ch. 13, art. 7, § 11 [Ord. No. 72-72, § 12, 11-16-72]; Ord. No. 98-29, §§ I, 4-28-98)

Sec. 25-163. Duties of permittees.

All persons to whom a parade or assembly permit is issued must comply with all the permit directions and conditions, and with all applicable laws and ordinances, and they must inform all those who participate of all permit directions and conditions. The named parade or assembly leader must carry the parade or assembly permit upon his person at all times during the parade or assembly, and must produce such permit upon request of the police chief or his subordinate officers. (Code 1963, Ch. 13, art. 7, § 12 [Ord. No. 72-72, § 13, 11-16-72]; Ord. No. 98-29, §§ I,

RELATED TEXAS REGULATIONS

TRANSPORTATION CODE

TITLE 6. ROADWAYS

SUBTITLE Z. MISCELLANEOUS ROADWAY PROVISIONS

CHAPTER 471. RAILROAD AND ROADWAY CROSSINGS

Sec. 471.001. DUTY TO MAINTAIN CROSSINGS. (a) A railway company shall maintain the part of its roadbed and right-of-way that is crossed by a public street of a Type B general-law municipality in proper condition for use by travelers.

(b) A railway company that does not make needed repairs before the 31st day after the date the municipal marshal gives written notice to the section boss of the section where repairs are needed is liable to the municipality for a penalty of \$25 for each week the railway company does not make needed repairs. The municipality may sue to recover the penalty.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 471.002. SIGNS AT CROSSINGS. (a) A railway company shall place at each place where its railroad crosses a first or second class public road a sign with large and distinct letters giving notice that the railroad is near and warning persons to watch for railroad cars. The sign must be high enough above the road to permit the free passage of vehicles.

(b) A railway company that does not erect a sign required by Subsection (a) is liable for a resulting injury to a person or resulting damage to property.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 471.003. TELEPHONE SERVICE TO REPORT MALFUNCTIONS OF MECHANICAL SAFETY DEVICES AT CROSSINGS. (a) The Department of Public Safety shall maintain a statewide toll-free telephone service to receive a report of a malfunction of a device, including a signal or crossbar, placed at an intersection of a railroad track and a public road to promote safety.

(b) At each intersection of a railroad track and a public road that is maintained by the state or a municipality and at which a mechanical safety device is placed, the Texas Department of Transportation shall affix on the crossbars of the device the telephone number, an explanation of its purpose, and the crossing number. At each intersection of a railroad track and a public road that is maintained by a political subdivision other than a municipality and at which a mechanical safety device is placed, the political subdivision shall affix on the crossbars of the device the telephone number, an explanation of its purpose, and the crossing number. The Texas Department of Transportation shall provide to the political subdivision the sign or label displaying the telephone number. A railway company shall permit personnel to affix the telephone number on the company's property as required by this subsection.

(c) The Department of Public Safety shall notify the identified railway company of each report of a malfunction received under Subsection (a).

(d) The Department of Public Safety shall maintain a computerized list of each intersection of a railroad track and a public road and of the railroad crossing safety equipment located at each intersection, using crossing numbers compiled by the Texas Department of Transportation.

(e) Not later than the fifth day after the date it places railroad crossing safety equipment in operation at an intersection subject to this section, a state agency or a political subdivision of the state other than a municipality shall notify the Department of Public Safety of:

- (1) the location and type of the equipment installed; and
- (2) the date it was placed in operation.

(f) The state, an agency or political subdivision of the state, or a railway company is not liable for damages caused by an action taken under this section or failure to perform a duty imposed by this section. Evidence may not be introduced in a judicial proceeding that the telephone service required by this section exists or that the state or railway company relies on the service.

(g) Except as provided by Subsection (d), a state agency is not required to make or retain a permanent record of information obtained

in implementing this section.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 471.004. WARNING SIGN VISIBILITY AT RAILROAD GRADE CROSSINGS. (a) The department shall develop guidelines and specifications for the installation and maintenance of reflecting material at each un signaled crossing. The material shall be affixed to the back and support post of each crossbuck in a manner that reflects light from vehicle headlights to focus attention on the presence of the un signaled crossing.

(b) The department shall pay the cost of initial installation of reflecting material from money appropriated to the department to maintain grade crossing warning devices. The department or the local jurisdiction responsible for maintaining the roadway at each grade crossing shall pay the maintenance costs of the material.

(c) The state, an agency or political subdivision of the state, or a railway company is not liable for damages caused by an action taken under this section or failure to perform a duty imposed by this section. Evidence may not be introduced in a judicial proceeding that reflecting material exists or that the state or railway company relies on the material.

(d) The department shall adopt rules governing the installation and maintenance of reflecting material at grade crossings.

(e) A railway company shall permit department personnel to affix the reflecting material on the company's property.

(f) In this section:

(1) "Active warning device" means an automatically activated warning device, including a bell, flashing light, gate, or wigwag.

(2) "Crossbuck" means a standard grade crossing warning sign designated as Number R 15-1 and described in the Manual of Uniform Traffic Control Devices issued by the United States Department of Transportation, Federal Highway Administration.

(3) "Department" means the Texas Department of Transportation.

(4) "Grade crossing" means the intersection at grade of a railroad and a roadway constructed and maintained with public money.

(5) "Reflecting material" means material that reflects light so that the paths of the reflected light rays are parallel to those of the incident rays.

(6) "Unsignaled crossing" means a grade crossing not protected by active warning devices.

(7) "Warning device" means a traffic control sign, including an active warning device or crossbuck, the purpose of which is to alert motorists of a grade crossing.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 471.005. DISMANTLING OF WARNING SIGNALS AT RAILROAD GRADE CROSSINGS; OFFENSE. (a) A person may not dismantle a warning signal at a grade crossing on an active rail line, as defined by rule of the Texas Department of Transportation, if the cost of the warning signal was originally paid entirely or partly from public money unless the person:

(1) obtains a permit from the governmental entity that maintains the road or highway that intersects the rail line at the grade crossing; and

(2) pays that governmental entity an amount equal to the present salvage value of the warning signal, as determined by the governmental entity.

(b) The governmental entity shall grant the permit if:

(1) payment is received; and

(2) the entity finds that removal of the warning signal will not adversely affect public safety.

(c) Money received under Subsection (a)(2) shall be deposited in the state treasury.

(d) This section does not apply to a Class I or Class II railroad, as defined by Interstate Commerce Commission regulations.

(e) A person commits an offense if the person violates this section. An offense under this section is a Class C misdemeanor.

(f) The Texas Department of Transportation may adopt rules necessary to administer this section.

(g) In this section:

(1) "Grade crossing" has the meaning assigned by Section 472.004(f).

(2) "Warning signal" means a traffic control device that is activated by the approach or presence of a train, including a flashing light signal, an automatic gate, or a similar device that displays to motorists a warning of the approach or presence of a train.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 471.006. USE OF BELL AND WHISTLE OR SIREN AT CROSSINGS; OFFENSE. (a) A railway company shall place on each locomotive:

- (1) a bell weighing at least 30 pounds; and
- (2) a steam whistle, air whistle, or air siren.

(b) The engineer in charge of the locomotive shall ring the bell and blow the whistle or siren at least one-quarter mile from the place where the railroad crosses a public road or street. The engineer shall continue to ring the bell until the locomotive has crossed the road or stopped.

(c) The railway company is liable for any damages sustained by a person because of a violation of Subsection (a) or (b).

(d) The engineer in charge of the locomotive commits an offense if the engineer violates Subsection (b). An offense under this subsection is a misdemeanor punishable by a fine of not less than \$5 or more than \$100.

(e) Notwithstanding Subsections (a) and (b), the governing body of a municipality having a population of at least 5,000 may regulate by ordinance the ringing of bells and blowing of whistles and sirens within its limits. Compliance with the ordinance is compliance with those subsections and a sufficient warning to the public at a crossing the ordinance affects.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 471.007. OBSTRUCTING RAILROAD CROSSINGS; OFFENSE. (a) A railway company commits an offense if a train of the railway company obstructs for more than 10 minutes a street, railroad crossing, or public highway.

(b) An offense under this section is a misdemeanor punishable by a fine of not less than \$100 or more than \$300.

(c) An officer charging a railway company for an offense under

this section shall prepare in duplicate a citation to appear in court and attach one copy of the citation to the train or deliver the copy to an employee or other agent of the railway company. The citation must show:

- (1) the name of the railway company;
- (2) the offense charged; and
- (3) the time and place that a representative of the railway company is to appear in court.

(d) It is a defense to prosecution under this section that the train obstructs the street, railroad crossing, or public highway because of an act of God or breakdown of the train.

(e) The hearing must be before a magistrate who has jurisdiction of the offense in the municipality or county in which the offense is alleged to have been committed.

(f) An appearance by counsel complies with the written promise to appear in court.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 1023, Sec. 1, eff. Sept. 1, 1999.

Sec. 471.008. FRANCHISE TO OBSTRUCT STREET CROSSING. (a) The governing body of a municipality by ordinance may grant a franchise to a railway company to obstruct a street crossing, other than a crossing of a designated state highway, by a passenger train for the purpose of receiving or discharging passengers, mail, express, or freight for a longer period than specified by Section 472.007.

(b) Section 471.007 does not apply to a street crossing named in an ordinance granting a franchise under this section.

(c) This section does not apply to a municipality having a special charter unless it amends its charter to adopt this section.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 471.009. ENHANCED PAVEMENT MARKING VISIBILITY AT CERTAIN GRADE CROSSINGS. (a) In this section:

(1) "Grade crossing" and "reflecting material" have the meanings assigned by Section 471.004.

(2) "Pavement markings" means markings applied or attached

to the surface of a roadway to regulate, warn, or guide traffic.

(3) "Stop bar" means the marking that is applied or attached to the surface of a roadway on either side of a grade crossing and that indicates that a vehicle must stop at the grade crossing.

(b) A county or municipality shall use standards developed by the department in applying pavement markings or a stop bar at a grade crossing if the cost of the markings or stop bar is paid either entirely or partly from state or federal funds. In developing its standards, the department shall follow the standards in the Manual on Uniform Traffic Control Devices issued by the United States Department of Transportation Federal Highway Administration and, where appropriate, require the use of reflecting materials.

Added by Acts 2009, 81st Leg., R.S., Ch. 85, Sec. 2.06, eff. April 1, 2011.

You replied on 11/20/2012 11:12 AM.

Van Etten Gary

From:

Sent: Tue 11/20/2012 9:29 AM

To:

Cc:

Subject: State Requirements

Attachments:

Gary,

I received a voice mail from Ms. I at TxDOT. Her number is She indicated that the only "parade" requirements concern the State highway system, so I'm not sure they would have applied to the road in question. Just in case, here's text from the applicable statute: 43 TAC (Texas Administrative Code) 22.12. I can get you the definitions in 22.11 if you would like those as well.

43 TAC § 22.12

Tex. Admin. Code tit. 43, § 22.12

§ 22.12. Closures

Currentness

(a) Policy. The department may authorize the closure of a segment of the state highway system for no more than seven consecutive days if such action serves a public purpose and is consistent with the safety and convenience of the traveling public. This section prescribes the policies and conditions by which an individual, private entity, or governmental entity may obtain such approval.

(b) Request.

(1) Who may submit.

(A) Unincorporated area. Any individual, private entity, or governmental entity may submit a request for approval of a closure in an unincorporated area.

(B) Incorporated area. Only a municipality may submit a request for approval of a closure in an incorporated area. Any individual, private entity, or other governmental entity desiring a closure must ask the municipality to submit a request to the district engineer.

(2) Content of request. A request for approval of a closure must be submitted in writing to the district engineer of the district where the closure is to occur and must include the following information:

(A) a physical description of the limits of the event, including county names and highway numbers, the number of lanes the highway has, and the number of lanes to be used, and a map showing the location of the event;

(B) the proposed schedule of start and stop times, and dates at each location;

(C) a brief description of the proposed activities involved, including the:

(i) approximate number of people;

(ii) number and type of animals; and

(iii) number and types of equipment;

(D) a traffic control plan which incorporates the requirements of this subchapter; and

(E) an explanation of the public purpose to be served by the event.

(3) When submitted. A request for a closure must be submitted at least 30 days prior to the date of the proposed event, unless an exception is approved by the district engineer and the notice is adequate for the requestor and the department to coordinate as required by this subchapter.

(c) Requirements of the traffic control plan.

(1) The traffic control plan shall be in accordance with the latest edition of the TMUTCD.

(2) The traffic control plan shall clearly define in text or text with a supporting drawing the phases necessary for all traffic control devices and any other pertinent items that define how vehicles and pedestrians will be controlled during the individual phases of the operation.

(3) The district engineer may require that other details be shown on the traffic control plan depending on the complexity of the closure.

(4) The district engineer may require any traffic control plan of sufficient complexity to be signed, sealed, and dated by a registered professional engineer.

(5) The district engineer may waive the requirement for the submission of a traffic control plan if:

(A) the proposed closure requires only traffic control utilizing law enforcement personnel and law enforcement vehicles; and



(B) in the opinion of the district engineer, public safety is not in question due to low approach speeds and good sight distances or other specific conditions.

(d) Approval. The district engineer will approve a closure if he or she determines that:

(1) the event requiring the closure serves a public purpose;

(2) the requestor has designed a satisfactory traffic control plan, if required, to protect both motorists and all participants and spectators, and the plan will not substantially inconvenience the traveling public;

(3) the event itself will not impair the safety of the traveling public;

(4) the convenience of abutting property owners and residents is adequately protected, and adequate access for such persons to their property is assured;

(5) the closure does not conflict with scheduled maintenance or construction activities;

(6) the event will not cause substantial negative impacts to the environment, including landscape or historic features;

(7) there will be appropriate passage allowance for emergency vehicle travel; and

(8) the requestor or organization that is involved has not failed to follow a traffic control plan within the last three years.

(e) Written agreement. If the district engineer approves the proposed closure, the requestor, which will be considered the local government if the closure is in an incorporated area, must enter into a written agreement with the department, in a form prescribed by the department, prior to the closure. The agreement will contain terms and conditions the department deems necessary to protect the public safety including, but not limited to:

(1) the physical description of the limits of the event, including county names and highway numbers;

(2) the proposed schedule of start and stop times, and dates at each location;

(3) a description of the proposed activities involved, including the:

(A) approximate number of people;

(B) number and type of animals;

132

- (C) number and types of equipment; and
- (D) description of any planned physical modification of any man-made or natural features in or adjacent to the right of way;
- (4) the traffic control plan (if required);
- (5) a statement that this event serves a public purpose;
- (6) a statement that the requestor shall assume all costs associated with the event;
- (7) a traffic enforcement plan, including a letter from the law enforcement agency that will be providing the traffic control for the event;
- (8) assurance that there will be appropriate passage allowance for emergency vehicle travel;
- (9) a statement that the requestor will avoid or minimize impacts, and will, at its own expense, restore or repair damage occurring outside the right of way and restore or repair the right of way, including, but not limited to, roadway and drainage structures, signs, overhead signs, pavement markings, traffic signals, power poles, pavement, etc., to a condition equal to that existing before the closure, and restore the natural and cultural environment in accordance with federal and state law, including landscape features;
- (10) a statement that:
- (A) the requestor shall indemnify and save harmless the state, its officers, employees, agents, and contractors from claims and liabilities due to the activities of the requestor; or
- (B) the local government acknowledges its responsibilities for the acts and omissions of its officers, employees, agents, and contractors, to the extent permitted by applicable law, if the requestor is a local government that is unable to provide indemnification;
- (11) evidence that the requestor has obtained adequate insurance naming the department as a coinsured by the requestor or responsible party in an amount and form acceptable to the department for the payment of any damages which may occur during the time period of encroachment and to save the state harmless;
- (12) a statement that the requestor must abide by all applicable federal, state, and local environmental laws, regulations, ordinances, and any conditions or restrictions required by the department to protect the natural environment and cultural resources on the right of way;

(13) a statement that any temporary traffic control devices used on state highway right of way under the terms of the agreement must be devices included in the department's Compliant Work Zone Traffic Control Device List;

(14) a statement that the department reserves the right to inspect the implementation of the traffic control plan and if the traffic control is found to be inadequate, the responsible party will bring the traffic control into compliance with the originally submitted plan, upon written notice from the department noting the required changes, prior to the event;

(15) a statement that the department may request changes to the traffic control plan in order to ensure public safety due to changing or unforeseen circumstances regarding the closure;

(16) a statement that the appropriate law enforcement agency:

(A) has reviewed traffic control for the event and that the agency believes them to be adequate; or

(B) is unsure as to the adequacy of traffic control and that it will contact the appropriate district for consultation no less than 10 workdays prior to the event;

(17) a statement that the requestor will complete all revisions to the traffic control plan as requested by the district engineer within the required timeframe or that the agreement will be terminated upon written notice from the district engineer to the requestor; and

(18) a statement that any failure to cooperate with the department may constitute reckless endangerment of the public and that the DPS may be notified of the situation as soon as possible for appropriate action, and not following the traffic control plan or department instructions may result in a denial of future use of the right of way for three years.

(f) Multi-year agreements.

(1) The department may enter into a multi-year agreement with a requestor for events that occur annually and do not substantially change from year to year.

(2) The maximum duration for such an agreement is five years.

(3) An amendment to the agreement may be signed by the district engineer and the requestor if unexpected changes to the event occur.

(4) The requestor must submit proof of insurance annually to the department at least 14 workdays prior to

the proposed event.

(5) The department may terminate a multi-year agreement at any time during the duration of the agreement if the district engineer believes termination to be in the best interest of the traveling public.

(g) Exceptions.

(1) General. Closures necessary for emergency traffic control and maintenance activities pursuant to a municipal maintenance agreement do not require prior department approval.

(2) Film and video productions. Requests for approval of film and video productions must be submitted in accordance with § 22.13 of this subchapter (relating to Film and Video Productions).

(3) Bicycle races. A competitive bicycle race that does not involve the complete restriction of vehicular traffic in one or both directions such that a detour is required is not subject to approval by the department, if the sponsoring organization has obtained the approval of the appropriate local law enforcement agency or agencies in accordance with Transportation Code, § 551.105.

(4) Routine traffic control. A closure involving routine traffic control may not require department approval, provided that the closure is in an incorporated area and does not take place on a controlled access highway but does take place on an arterial roadway. The district engineer shall be notified by law enforcement by facsimile seven workdays before the routine traffic control event occurs or 10 workdays before the event if notified by letter. This notification must have sufficient detail to allow the general evaluation of the event with regard to the safety and operation of the highway. If the department requires additional traffic control measures, the law enforcement agency will be notified by phone as well as by facsimile or letter of the extra requirements, and if a formal written agreement will be required.

(h) Disapproval. If a district engineer disapproves a request for approval of a closure, he or she will provide written notice describing the basis for the determination.

(i) Appeal. A requestor may appeal a district engineer's disapproval to the department's assistant executive director for engineering operations by submitting to that official by mail or facsimile the information provided to the district engineer.

Credits

Source: The provisions of this § 22.12 adopted to be effective March 1, 1995, 20 TexReg 963; amended to be effective February 17, 2005, 30 TexReg 728.

Current through October 31, 2012

43 TAC § 22.12, 43 TX ADC § 22.12