

ORDINANCE NO. 2023-O-01

AN ORDINANCE AMENDING CHAPTER 35 “LICENSES AND SPECIAL BUSINESS REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY ADOPTING A NEW ARTICLE XII “SPECIAL EVENTS” TO REGULATE SPECIAL EVENTS WITHIN THE CITY; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Manvel, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend Chapter 35 of the City Code by adopting a new Article XII to regulate special events; and

WHEREAS, the City Council finds that the adoption of this ordinance is in the best interest of the citizens of Manvel; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Chapter 35 of the Code of Ordinances of the City of Manvel is hereby amended by adopting a new Article XII “Special Events” to read and provide as follows:

“Chapter 35 - LICENSES AND SPECIAL BUSINESS REGULATIONS

...

ARTICLE XII. – SPECIAL EVENTS.

Sec. 35-338. - Purpose.

The purpose of this Article shall be to provide rules, regulations, requirements, and standards for the development of special events in the City of Manvel, Texas, ensuring that public health, safety,

and general welfare are protected; that orderly growth with the conservation of pre-existing food establishments are insured; the development provisions are upheld to prevent an urban blight adverse to the maintenance and continuing development of the municipality; and that the City of Manvel is given appropriate control over the location of events and mobile food units.

Sec. 35-339. - Definitions.

Applicant. Applicant shall mean the person, or other entity applying for the special event permit. Application shall include, but not be limited to, the event's sponsor, organizer, or promoter.

“Special Event” means an event, approved by the City of Manvel, which includes but is not limited to, the following:

- (1) Special Event Type A: Any event that is large in nature (more than 1,000 participants) that impacts city streets or adjacent facilities, involves off-premises alcohol sales, food sales (temporary food establishments and/or mobile food units) and/or is expected to have:
 - (a) Circus, carnival or fair;
 - (b) Convention or exhibit;
 - (c) Temporary outdoor concert, jazz, or music festival;
 - (d) Outdoor cooking contest or public exhibition;
 - (e) Parades or processions;
 - (f) Community events or celebrations
 - (g) Outdoor public festivals
 - (h) Street dances; and
 - (i) Fun runs or other events in which City streets are closed.

- (2) Special Event Type B: Any event that is small in nature (fewer than 1,000 participants), or any event that requires the use of public or private facility or property. Special Event Type B events shall include, but are not limited to the following:
 - (a) Team sports clinic;
 - (b) Social group gathering; and
 - (c) Farmer’s market.

- (3) Special Event Type C (Recurring Activity): Any event that is small in nature (fewer than 500 participants), will have a temporary fixture outside, does not involve onsite special event staff, and takes place on private or public property (such as a parking lot) that can recur periodically throughout a six-month period. A Special Event Type C (recurring activity) events shall include, but are not limited to the following:
 - (a) Mobile Food Units (Food Trucks) with current valid Mobile Food Unit Health License from the City of Manvel
 - (b) Pop-up tents; and
 - (c) Portable displays.

Sec. 35-340 - Permit required.

It shall be unlawful for any person, or other entity, to conduct, hold or sponsor a special event on private property or public property owned, managed, or controlled by the city, including city rights-of-way without having first obtained from the city a special event permit pursuant to the provisions of this Article and the Special Event Permit Application provisions. These provisions shall apply to both profit and nonprofit events or organizations.

Sec. 35-341 - Requirements for Type C Special Event.

(1) General Requirements. The following are requirements for properties that want to obtain a Type C recurring Special Event permit:

- (a) The location must be at least 100 yards distance separating from the nearest licensed food establishment;
- (b) The location must have ample parking and traffic control with enough designated spaces to meet or exceed the expected number of participants;
- (c) The location must have ample sanitation serves, including but not limited to trash services and hygiene facilities, to meet or exceed expected number of participants; and
- (d) The event times must be started after sunrise and concluded before sunset.

Alternate hours shall be considered, if approved on Type C Special Event permit.

(2) Mobile Food Units. In addition to the requirements listed in the Subsection above, mobile food units shall comply with Chapter 35, Licenses and Special Business Regulations, Article X. Mobile and Temporary Food Vendors, for a Type C Special Event Permit.

Sec. 35-342. – Reserved.

Sec. 35-343. - Application.

- (1) Each applicant must complete in full the City of Manvel “Special Event Permit Application.” The applicant shall submit the completed written application and permit fee to the Permits Department.
- (2) Special Event Permit Applications shall be due no later than the following:
 - (a) Special Event Type A: minimum 60 calendar days prior to the event.
 - (b) Special Event Type B: minimum 15-30 calendar days prior to the event.
 - (c) Special Event Type C: minimum seven-10 calendar days prior to the event.
 - (d) Special Event Permit Applications may be due earlier than the prescribed time periods mentioned above if determined by the City Manager.
- (3) Failure to submit completed applications within the required time may result in denial of the applicant's request.
- (4) In addition to the information furnished on the application form, the

applicant shall:

(a) Submit authorized proof that the applicant has full authority from the property owner to use or occupy the premises for the purpose stated in the application.

(b) Submit a statement signed by the sponsor of the event, if any, that such sponsor has engaged the applicant to conduct the event.

(5) Details of the event are required as stated in the Special Event Permit Application. Requests for dates or times that conflict with previously approved events will not be considered; however, the organizer may revise the request to apply for a different date or time.

Sec. 35-344. - Conditions for granting application; approval or denial of application.

- (1) Public interest. The city shall not grant the permit required in this Article if the city finds that granting the permit will be contrary to the public interest. The city reserves the right to deny any application that may be inconsistent with the city's goals of promoting family activities.
- (2) Payment of all required city services and all permit fees are due and payable at the time application is submitted.
- (3) The city reserves the right to approve or disapprove one or more elements of the proposed special event.
- (4) The city's decision is final and not appealable.

Sec. 35-345 to 35-346. - Reserved.

Sec. 35-347. - Miscellaneous provisions.

- (1) Cleaning. All costs for clean-up during and after the special event are the responsibility of the applicant. If the applicant fails to clean, the City shall invoice the applicant the cost incurred by the City to clean and remove any debris as a result of the special event.
- (2) Sanitation. The applicant is responsible for sanitation for the event as provided for in the application.
- (3) Other fees and permits.
 - (a) Applicants' organizers must secure and maintain at their cost, all licenses, permits or other authorizations necessary to conduct the special event and the city must be provided a copy of all such required licenses, permits or authorizations no later than fifteen (15) days prior to the beginning of the special event. Additional fees may include, but not be limited to, temporary licenses to use city right-of ways; payment of parking meter fees, or costs of bagging parking meters; payment for delivery or set-up of traffic barricades.
 - (b) Any use of the city rights-of-way will require a city-approved traffic control plan. Any costs involved in the development of this plan are the responsibility of the applicant.
 - (c) An applicant applying for a seller's permit to sell food or beverages must indicate Manvel as the origin of sales.
 - (d) The sale or furnishing of alcoholic beverages will require an additional permit from the Texas Alcohol and Beverage Commission, and is allowed only in areas where consumption is permitted by the City Code.

- (4) The provisions of this Section shall apply regardless of whether the applicant or the event is a profit or nonprofit organization.
- (5) Insurance and indemnification.
- (a) Organizers must obtain and maintain at their own expense, insurance policies for an amount and coverage as established by the city and as provided for in the permit application.
 - (b) Such policies must name the city as an "additional insured." Any other entities that might be impacted by this event shall also be named as an additional insured.
 - (c) Applicant must provide the city with proof of the required insurance no less than ten (10) days before the first day of the event. All policies will require a waiver of subrogation. Such proof of policy must be in a form acceptable to the city's risk manager.
 - (d) Applicant must specifically agree to indemnify, defend and hold the city, its officers, directors, agents, representatives, and employees harmless from and against any and all claims, expenses, damages or other liabilities, including reasonable attorney's fees and court costs, arising out of bodily injury or property damages arising out of or in connection with the event.
 - (e) The provisions of this Section shall apply regardless of whether the applicant or the event is a profit or nonprofit organization."

Section 3. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change described above.

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

PASSED AND APPROVED on first reading this 17 day of January, 2023.

PASSED, APPROVED, AND ADOPTED on second and final reading this 6 day of February, 2023.

Debra Davison

Debra Davison, Mayor

Attest:

Tammy Bell

Tammy Bell, City Secretary

Approved as to Form:

Robert Gervais (As Authorized)

Robert Gervais, City Attorney

