

ORDINANCE NO. 093-033

AN ORDINANCE GOVERNING SPECIAL EVENTS, PROVIDING FOR ISSUANCE OF PERMITS, PROVIDING FOR CERTAIN EXEMPTIONS, PROVIDING FOR AN APPLICATION AND APPLICATION FEE, SPECIFYING THE USE OF TOWN SERVICES, PROVIDING FOR CONSIDERATION OF THE APPLICATIONS BY A SPECIAL EVENTS COMMITTEE AND THE CITY COUNCIL, PROVIDING CRITERIA FOR APPROVAL, PROVIDING FOR OPERATIONAL REQUIREMENTS, PROVIDING RESTRICTIONS ON THE USE OF THE TOWN'S NAME AND RESTRICTIONS ON SIGNS, PROVIDING FOR AN ESCROW DEPOSIT, SPECIFYING INDEMNIFICATION AND INSURANCE REQUIREMENTS, PROVIDING FOR NO ASSIGNMENT, PROVIDING FOR NO ESTATE IN LICENSED PREMISES, PROVIDING FOR REVOCATION, PROVIDING RIGHTS OF ENTRY, PROVIDING FOR SEVERABILITY, PROVIDING FOR THE PARTIAL REPEAL OF ARTICLE XII, SUBSECTION (8) OF THE ZONING ORDINANCE AND CHAPTER 16, ARTICLE V, CODE OF ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, one of the goals and objectives of the Town of Addison (the "Town") is to continue to attract visitors by creating and promoting special events;

THEREFORE, Be it ordained by the City Council of the Town of Addison, Texas that the following ordinance is hereby adopted and shall be made Chapter 10.1, Article IV of the Code of Ordinances for the Town of Addison:

**ARTICLE IV
SPECIAL EVENTS**

§ 10.1-37 Definitions.

For the purpose of this Article IV the following terms shall be defined as follows:

"City Council" shall mean the city council of the Town of Addison.

"Committee" shall mean a Special Events Committee appointed by the City Manager, to consist of the Special Events Manager, Conference and Theatre Centre Manager, Director of Parks and Leisure Services, Chief of Police, Fire Chief, Environmental Services Official, Building Official, Director of Streets, and such other additional city staff as determined by the City Manager to be appropriate.

"Facilities" shall mean (without limitation) all equipment, materials and apparatus associated with the conduct of the Special Event, including, without limitation, barrier, cable (electrical and others), safety equipment and devices, fencing, fence covering material, signage, tents, vehicles, fire protection equipment and apparatus, medical equipment and apparatus, seal, wiring, banner, structures and components thereof, furniture, furnishings, special lighting fixtures, trade fixtures and equipment furnished and

installed or used by Promoter in the operation of the Event. Facilities shall include fencing, barriers and other protection equipment necessary to meet all safety standards. The quality level, design and appearance of all facilities shall be of high quality appropriate to the circumstances.

"Licensed Premises" shall mean public property of the Town of Addison to be used in connection with the Special Event for which permission is expressly granted to Promoter by the Permit.

"Permit" shall mean the Town's agreement giving the Promoter permission to hold the Special Event, or the terms and conditions stated in the Permit and subject to the rules, regulations, and requirements of this Ordinance.

"Promoter" shall mean the person seeking to hold the Special Event, including the Promoter's employees, agents, subcontractors, affiliates, successors, permitted assigns and other persons controlled by the Promoter.

"Special Event" shall mean an event to be held within the Town, that is of limited duration and is likely to attract visitors. Examples of Special Events include (without limitation) exhibitions, automobile races, sporting events, festivals, air shows and parades.

"Special Events Manager" shall mean the Town official designated by the City Manager or City Council as primarily responsible for managing Special Events.

"Reimbursable Costs" shall mean all costs and expenses incurred by the City for activities associated with the staging of the Event, including, without limitation, the following:

- Utilities services provided to the Special Event, including all of the costs of installation, maintenance, and connection.
- Repair, maintenance and removal of Facilities in the event of a failure of Promoter.
- Repair of streets, alleys, sidewalks, parks, and other public property.
- Police protection
- Fire protection
- Emergency medical service
- Garbage disposal and cleanup
- Other direct costs associated with the Special Event

§ 10.1-38 Compliance and Permit Required.

A Promoter desiring to hold a Special Event shall first obtain a Permit under this Ordinance (except and unless the proposed activity is expressly permissible or authorized by a Special Use Permit or under other applicable ordinances of the Town). All Special Events shall be conducted in accordance with the requirements of this Ordinance. Notwithstanding anything to the contrary contained herein, the Committee shall have the power and authority to waive any of the requirements set out herein except those matters that must expressly receive City Council approval.

§ 10.1-39 Exemptions

The following events are exempt from the operation, rules, and regulations of this Ordinance:

- (a) Events hosted by the Town of Addison (i.e. where the Town itself is the "Promoter");
- (b) Private parties held on private property and to which the public is not invited and where there are no more than 200 guests;
- (c) An event wholly contained on property specifically designed or suited for the Special Event and which holds a Certificate of Occupancy for such use including adequate parking (e.g. a hotel ballroom);
- (d) Funeral processions.

§ 10.1-40 Application For Permit.

- (a) An application for a permit shall be made with the Special Events Manager upon forms provided by the Town.
- (b) The application shall contain (without limitation) the following information.
 - (i) Name, address, and telephone number of the Promoter (and if the Promoter is a company, the names and addresses of its principal officers).
 - (ii) The name, address, and telephone number of the person who will be in direct charge of managing the Special Event.
 - (iii) Details of the proposed Special Event including the activities, location, date, time, planned promotions, history of event.

- (iv) For parades, information about the route to be traveled, starting point, termination point, approximate number of persons, animals and vehicles that will constitute such parade.
- (v) A description of the how the Special Event will increase tourism and otherwise benefit the Town.
- (vi) Information about food, beverages and alcohol.
- (vii) Projected attendance (including projected overnight visitors).
- (viii) Projected gross and net revenues.
- (ix) Specific assistance requested from the Town (e.g. sponsorship, marketing/media coverage, in-kind contribution).
- (x) Evidence of Insurance conforming to the requirements set out herein.
- (xi) A description of any Licensed Premises and Facilities to be used and any structures to be constructed.
- (xii) References.

§ 10.1-41 Application Fee.

- (a) An application fee of \$250 shall accompany the application.
- (b) At the option of the Special Events Committee upon showing of good cause, the payment of the application fee may be waived or refunded.

§ 10.1-42 Use of Town Services. In order to best serve the safety and welfare of the public, it is the general policy of the Town that certain services shall be provided by the Town with the Promoter reimbursing the Town upon demand for all costs associated with the provision of such services. Such services include:

- (a) police protection and crowd control; and
- (b) fire protection and emergency medical service.

§ 10.1-43 Consideration of Application By Committee.

- (a) The Committee shall examine the application and procure from the Promoter such clarifications and additional information as the Committee deems necessary for proper consideration of the application.

- (b) The Committee shall then consider the application, make findings as deemed appropriate, and approve or deny the application.

§ 10.1-44 Consideration of Application By Council.

- (a) If an application is approved by the Committee, the City Council shall consider the application to determine whether the Special Event furthers the goals and objectives of the Town. If the application is approved by the City Council, a Permit shall be issued by the Special Events Manager.
- (b) If an application is denied by the Committee, no further action shall be taken. However, the Promoter shall have the right to request an appeal to the City Council. Such request shall be made in writing and filed with the Special Events Manager within 10 days from the date of denial. The appeal shall be heard by City Council within 60 days of the date it is filed.

10.1-45 Criteria For Granting or Withholding Approval.

- (a) When considering an application, the Committee and City Council may consider (without limitation) the following factors:
 - (i) Whether the application allows for ample opportunity to properly plan and prepare for the Special Event.
 - (ii) Whether the Special Event is likely to promote tourism by attracting visitors.
 - (iii) Whether the Special Event is likely to have a positive economic impact by generating revenue for hotels and restaurants and merchants of the Town.
 - (iv) Whether, Police, Fire and other Town services will be unduly burdened or adversely affected by the Special Event.
 - (v) Whether the Special Event will enhance the first-class image of the Town.
 - (vi) Whether the Special Event is reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
- (b) No person shall be discriminated against on the grounds of race, color, national origin or disability.

10.1-46 Approval of Plans.

- (a) A Permit shall be subject to the Promoter receiving Committee approval at least thirty (30) days before the start of the Special Event for (without limitation) the plans described below.
- (b) The Town by approving such plans assumes no liability or responsibility for such plans.
- (c) The following plans and information shall be required:
 - (i) **Facilities:** a comprehensive set of plans and specifications relating to all temporary Facilities to be constructed or utilized for the Special Event.
 - (ii) **Fire Protection:** sufficient information to allow the Town to develop a plan for prevention of fires and for adequate protection of persons and property in the event of a fire, including, without limitation, adequate exits, fire extinguishers, adequate access for fire trucks and emergency vehicles.
 - (iii) **Food and Beverage Service:** a comprehensive plan to provide food and beverage concessions.
 - (iv) **Emergency Medical Service:** sufficient information to allow the Town to develop a plan to provide adequate emergency medical services at the Special Event.
 - (v) **Parking:** a comprehensive plan to provide adequate parking and related personnel for the proposed Special Event including written permission in the form provided by the Town executed by all of the owners of lands to be used for the Special Event.
 - (vi) **Police Protection:** sufficient information to allow the Town to develop a plan providing for adequate safety, security, traffic and crowd control in connection with the Special Event.
 - (vii) **Promotional:** a comprehensive plan to promote, market and advertise the Special Event.
 - (viii) **Sanitation Plan:** A comprehensive plan to insure that the highest standards of cleanliness and sanitation are maintained at the Special Event including adequate restroom facilities and appropriate refuse containers to accommodate refuse generated by its patrons and operations and a plan to empty the containers frequently so as to prevent overflow.

- (ix) Schedule: A comprehensive schedule describing the timing of set-up, operation, take down, clean-up, etc.

10.1-47 Operational Requirements For Special Events.

Any Special Event for which a Permit is granted shall be operated in accordance with the following rules, regulations and requirements:

- (a) Promoter must obtain (and provide copies to the Special Events Manager) all necessary permits and approvals from applicable state and federal governmental entities having jurisdiction over the Special Event.
- (b) Promoter shall comply with laws, ordinances, rules and regulations of the Town, federal, state and other governmental entities.
- (c) Promoter shall comply with all reasonable rules, regulations and directives of the Special Events Manager as may be issued from time to time.
- (d) No person on the grounds of race, color, national origin or disability shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in connection with the Special Event.
- (e) The Town has the right (but not the obligation) to postpone, cancel or close early the Special Event because of hazardous weather or other Acts of God or for public safety and welfare. The Town shall have no liability for such postponement, cancellation or closing. Further, the Town shall have no liability from the failure to postpone, cancel, or close early the Special Event under such conditions.
- (f) Promoter shall enter any Licensed Premises solely for the purpose to construct, install, operate and maintain the Special Event, and for such other purposes consistent with promoting and conducting the Special Event as the Special Events Manger first authorizes in writing. Facilities shall be constructed in strict accordance with the approved plans therefor. Promoter shall not make modifications, changes or additions to the completed Facilities or construct any further Facilities without the prior written approval of the Special Events Manager, and then only in accordance with plans approved by the Committee.
- (g) Promoter shall hold and operate the Special Event in strict compliance with the approved plans for fire protection, food and beverage service, parking, police protection, promotions, sanitation, and in strict compliance with the terms and conditions of the Permit and the rules and regulations requirements of this Ordinance.

- (h) Promoter shall maintain all Facilities and Licensed Premises in a good and first-class condition. If Promoter shall fail to do so, the Town may perform such maintenance and Promoter shall pay the Town upon demand the reasonable cost of performing such maintenance plus interest thereon at the highest lawful rate.
- (i) Upon the completion of the Special Event, Promoter shall promptly remove all personal property, equipment, tents and appurtenances and other Facilities erected for the Event. No Facilities or any other structures or appurtenances shall be permanently affixed except upon prior written approval of the Committee. If Facilities are not removed in a timely fashion, the Town shall have the right to remove such Facilities. Promoter shall pay the Town upon demand the reasonable cost thereof plus interest thereon at the highest lawful rate. The Town shall have the right to dispose of any property removed without liability.
- (j) Upon completion of the Special Event, Promoter shall promptly repair and/or replace, as appropriate, any damage to Licensed Premises and other public property so as to restore it to the order, condition and state of repair prior to the Special Event. If Promoter fails to promptly repair, replace and restore public property, the Town may do so and Promoter shall reimburse the Town upon demand the reasonable cost thereof plus interest thereon at the highest lawful rate.
- (k) Promoter shall pay all taxes and unemployment insurance of persons employed by the Promoter as may now or hereafter be imposed under any state or federal law, and shall defend and indemnify the Town from any such contributions or taxes or liability therefor.

10.1-48 Use of Name; Signs.

- (a) Any use of the name of the Town as a "sponsor" of a Special Event must be expressly approved by the Town in advance and in writing.
- (b) Promoter shall not erect, maintain or display placards, signs or any form of advertising anywhere within the Town without the prior written consent of the Special Events Manager. Any placard, sign or other form of advertising erected, maintained or displayed without such consent may be removed by the Town at Promoter's expense.

10.1-49 Escrow Deposit.

- (a) Approval of any application for a Special Event shall be conditioned upon the Promoter supplying to the Special Events Manager a deposit to pay the obligations of the Promoter.

- (b) Sixty (60) days prior to the Special Event, the Special Events Manager will furnish to Promoter a budget setting forth estimated Reimbursable Costs. Within ten (10) days of receipt of estimated Reimbursable Costs, Promoter shall deposit with the Town funds equal to the estimated Reimbursable Costs. Interest (if any) earned on such funds shall accrue to the benefit of Town. Within thirty (30) days after the Special Event, the Town shall furnish to Promoter a statement reflecting the Reimbursable Costs incurred by the Town and will draw against the escrow.
- (c) If the escrow funds exceed the actual costs incurred by the Town, the Town will refund to Promoter all such excess amounts. If such escrow funds do not pay the actual costs incurred by the Town, Promoter does hereby agree to pay to the Town upon demand such additional Reimbursable Costs remaining unpaid.
- (d) Promoter shall pay the Town interest on the amount due from the due date at the highest lawful rate per annum on all amounts due after thirty (30) days of receipt of invoice.
- (e) The escrow deposit can be waived by the Special Events Manager upon a satisfactory showing of financial responsibility by the Applicant or upon the posting of alternate security in form and substance acceptable to the Special Events Manager.

10.1-50 Indemnification.

Promoter shall defend and indemnify the Town, its officers, public officials, agents, employees, successors and assigns, from any and all claims, loss, damage, expense and liability from loss of life or damage or injury to persons or to the property of any person, including, but not limited to, the agents, employees, invitees and licensees of the Promoter and Town and to the property of any of them and of the parties hereto, arising out of, connected with, or incidental to, directly or indirectly, the Special Event, including loss or damage caused by the negligence of the Town, but not by the gross negligence of the Town.

10.1-51 Insurance.

- (a) Promoter (and all subcontractors) shall maintain insurance with companies qualified to do business in the State of Texas or other companies acceptable to the Special Events Manager in the following amounts:

Worker's Compensation

Statutory limits

Employer's Liability

\$500,000 each occurrence

(subcontractors must provide this coverage to Promoter during any improvement construction contracted for by Promoter)

Commercial General Liability

Combined Single Limit Coverage for \$1,000,000 during the Special Event, and/or a minimum of \$1,000,000 during the construction and teardown period.

to include coverage for the following where the exposure exists:

- Premises/Operations
- Independent Contractors
- Products/Completed Operations
- Personal Injury
- Contractual Liability
- Construction and Teardown Coverage
- XCU Hazards

Liquor Liability

\$1,000,000 Coverage

Comprehensive Automobile

\$1,000,000 Coverage

Liability Insurance

to include coverage for:

- Owned/Leased Automobiles
- Non-Owned Automobiles
- Hired Automobiles

- (b) With respect to all insurance required under this Section, the Town shall be named as an additional insured and shall afford primary coverage despite other insurance of the Town.
- (c) The Permit shall be contingent upon the Town's receipt of Certificates of Insurance evidencing the above-required insurances prior to the commencement of the Event. All certificates must provide for at least thirty (30) days prior notice to Town for the expiration or cancellation of any such policies in order for the cancellation or expiration to be effective.
- (d) The Committee may review the sufficiency of the insurance policies, as required by this Ordinance and request changes to the insurance coverage to be provided in any policy of insurance as is reasonably necessary. Upon such request, Promoter shall immediately increase the limits of such insurance to

the reasonable and available amount that is satisfactory to Town. Such amount shall be commensurate with other events of the nature of the Special Event.

10.1-52 No Assignment.

- (a) No Permit shall be assigned, transferred, conveyed, pledged or encumbered.
- (b) No rights granted by a permit shall create rights in anyone other than the Promoter.

10.1-53 Permit Does Not Grant Any Interest or Estate In Licensed Premises.

Any Permit that confers the privilege to use Licensed Premises does not grant any interest or estate in the Licensed Premises, but is a mere personal privilege to do permitted acts of temporary character upon the Licensed Premises.

10.1-54 Revocation.

- (a) The Town may revoke a Permit at any time due to the failure of Promoter to comply with the terms and conditions of the Permit, or with the rules, regulations, and requirements of this Ordinance.
- (b) In the event of revocation, the Town may thereafter exercise any and all additional rights and remedies available at law or in equity as a result of Promoter's failure to comply with the terms and conditions of the Permit and the rules, regulations and requirements of this Ordinance.

10.1-55 Rights of Entry.

The Town through its officials, employees, agents, and representatives shall have the right at all reasonable times to enter upon all premises used in connection with the Special Event for the purpose of inspecting the same, for observing the performance by Promoter of its obligations hereunder, and for the doing of any act or thing which the Town may be obligated to or have the right to do under the Permit or this Ordinance.

10.1-56 Parking; Driving.

- (a) Conduct of Parades; Parking Restrictions. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof in connection with a Special Event. The chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

- (b) Driving through parades. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or with any person, vehicle or animal participating or used in a parade.

10.1-57 Severability.

The sections, subsections, sentences, word and phrases of this Ordinance are severable. If any section, subsection, words or phrase of this Ordinance is declared unconstitutional or invalid, it shall not affect the validity of the Ordinance or remaining sections, subsections, sentences, words and phrases.

10.1-58 Repealer.

To the extent they conflict with this Ordinance, the following Ordinances or parts thereof are repealed:

- (a) Zoning Ordinance, Article XII Subsection (8), dealing with "temporary commercial amusement enterprises;" and
- (b) Parade Ordinance, Chapter 16, Article V, Addison Code of Ordinances.

10.1-59 Effective Date.

This Ordinance shall become effective from and after the date of its passage.


Passed and Approved by the City Council of the Town of Addison on the 22nd day of MAY, 1993.

TOWN OF ADDISON, TEXAS

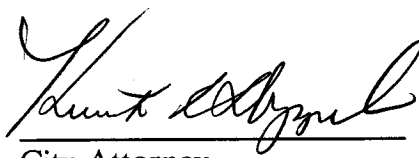
By: 

Mayor

Attest:


City Secretary

Approved as to form:


City Attorney

Published
6/10/93

