

ORDINANCE NO. 3121

ORDINANCE NO. 3121 OF THE CITY OF CARROLLTON, AMENDING THE CODE OF ORDINANCES, CHAPTER 117 "SPECIAL EVENTS", AND AMENDING SECTIONS 117.01 THROUGH 117.36, AMENDING CHAPTER 71 "TRAFFIC RULES", AND DELETING SECTIONS 71.075 THROUGH 71.083 AND DELETING SECTIONS 71.95 THROUGH 71.101, TO REGULATE SPECIAL EVENTS, BLOCK PARTIES AND PARADES IN THE CITY OF CARROLLTON AND PROVIDING FOR A PENALTY, SEVERABILITY AND AN EFFECTIVE DATE.

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

Section 1.

That Chapter 71, "Traffic Rules", Sections 71.075 through 71.083 and Section 71.95 through 71.101 shall be deleted in its entirety.

Section 2.

That Chapter 117 "Special Events", Sections 117.01 through 117.36 shall be amended to read in its entirety as follows:

**GENERAL PROVISIONS**

**Sec. 117.01 PURPOSE.**

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

(Ord. 1859, passed 12-1-92)

**Sec. 117.02 DEFINITION.**

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

**SPECIAL EVENTS.** Temporary activities that are abnormal to the specific site when needs of traffic, parking, restrooms, crowds, zoning and the like exceed the original design and intent of the site.

(Ord. 1568, passed 8-1-89; Am. Ord. 1859, passed 12-1-92)

**Sec. 117.03 EXCEPTIONS.**

- (A) This chapter does not apply to temporary activities occurring on property appropriately zoned to permit the activity. Because public parks are designed to accommodate certain activities, and such activities are regulated by a reservation process in the Parks department, this chapter does not apply to placement of tents, bounce houses, costumed characters, etc. that may be associated with private activities in public parks and have the

approval of the Parks department. However, the downtown areas as herein defined shall not be exempted from permits. In the event that provisions contained in this chapter conflict with other ordinance provisions regulating temporary activities, the provisions contained in this chapter shall govern.

- (B) This chapter does not authorize the violation of any other provision of this code, specifically including, but not limited to Section 130.18 regarding noise offenses.

(Ord. 1568, passed 8-1-89; Am. Ord. 1859, passed 12-1-92)

## **PERMITS**

### **Sec. 117.10 PERMIT REQUIRED; FEE.**

- (A) It shall be unlawful for any person to conduct a special event without first having obtained a permit from the Building Inspection department and paying the prescribed fee.
- (B) The fee for a special event permit is as set forth in Chapter 31 of this code.
- (C) An administrative processing fee will be added to all Special Event, Parade and/or Block Party permits, as set forth in Section 31 of this code.

(Ord. 1568, passed 8-1-89; Am. Ord. 1859, passed 12-1-92) Penalty, see § 10.99

### **Sec. 117.11 APPLICATION FOR PERMIT;**

A person seeking a special event permit shall file an application with the Building Inspection department upon forms provided by the city at least 10 business days before the date of the special event.

(Ord. 1568; passed 8-1-89; Am. Ord. 1859, passed 12-1-92)

### **Sec. 117.12 SIGN PERMIT.**

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

(Ord. 1568, passed 8-1-89; Am Ord. 1859, passed 12-1-92) Penalty, see 10.99

### **Sec. 117.13 SPECIAL USE PERMIT; INSURANCE INSPECTION REQUIRED.**

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

(Ord. 1568, passed 8-1-89; Am. Ord. 1859, passed 12-1-92)

**Sec. 117.14 REVOCATION OF PERMIT.**

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

(Ord. 1568, passed 8-1-89; Am. Ord. 1859, passed 12-1-92)

**REQUIREMENTS**

**Sec. 117.15 DURATION OF PERMIT; EXCEPTION.**

(A) Special events are limited to three per calendar year for a site. The permit granted under the terms of this chapter shall not exceed a seven day period.

(1) *Exception.* The downtown area may have ten special events per calendar year. For the purposes of this section, **DOWNTOWN AREA** is more particularly described as the area having boundaries that prescribe a trapezoid formed by Belt Line Road, Missouri-Kansas Texas Railroad, Fifth Street and the IH-35E northbound service road.

Individual businesses, tenants and property owners in the downtown area may have special events as provided in this section, limited to the private property on which they are located.

(Ord. 1568, passed 8-1-89; Am. Ord. 1859, passed 12-1-92) Penalty, see § 10.99

**Sec. 117.16 LOCATION.**

Special events will be allowed only on property that is used for non-residential uses.

(Ord. 1568, passed 8-1-89; Am. Ord. 1859, passed 12-1-92)

**Sec. 117.17 USE OF PUBLIC RIGHT-OF WAY PROHIBITED; EXCEPTIONS.**

(A) Any use of the public right-of-way is prohibited.

(B) Exceptions.

(1) In conjunction with events located in the downtown area as described in § 117.15 (A) (1).

(2) Parades and Block Parties as regulated in this Section.

(3) (a) As approved by City Council after a public hearing. Only one event per site per calendar year shall be allowed on a public street designated by the Transportation Plan as Major Collector Undivided (C4U) or smaller. The following shall be provided by the applicant:

1. Written agreement to indemnify the city for claims of injury or damage supported by a policy of insurance naming the city as an additional named insured for \$500,000 of general liability and automatic liability.

2. All costs for preparation, implementation and clean-up related to the event.
3. Traffic Impact Analysis which includes, at a minimum, the following:
  - a. Alternate traffic routes and detours.
  - b. Parking plan.
  - c. Provision for alternate site access for adjacent property or permission of property owner and occupant to block access.
  - d. Expected vehicle volume for event and rerouted traffic.
  - e. Traffic-Control Officer scheduling
  - f. Duration and scheduling of event.

(b) The request will be processed by the Urban Development Department as a miscellaneous development case upon receipt of application and appropriate fees. The city shall mail notice to all property owners within 200 feet of the street area to be closed at least 15 days before the public hearing.

(Ord. 1568, passed 8-1-89; Am. Ord. 1859, passed 12-1-92) Penalty, see § 10.99

#### **Sec. 117.18 OUTSIDE DISPLAY.**

Outside display and activities currently prohibited by the zoning code will be allowed only for the duration of a Special Event.

(Ord. 1568, passed 8-1-89; An, Ird, 1859, passed 12-1-92)

#### **HEALTH AND SANITATION**

#### **Sec. 117.19 FOOD HANDLING.**

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

(Ord. 1568, passed 8-1-89; Am. Ord. 1859, passed 12-1-92) Penalty, see § 10.99

#### **Sec. 117.20 SANITARY FACILITIES.**

Adequate facilities as required by the Environmental Services Department shall be provided to accommodate the estimated attendance of the special event.

(Ord. 1568, passed 8-1-89; Am. Ord. 1859, passed 12-1-92) Penalty, see § 10.99

## **PARADES**

### **Sec. 117.21 DEFINITIONS.**

For definitions applicable to this subchapter, see section 70.01.

### **Sec. 117.22 PERMIT REQUIRED; EXCEPTION.**

- (A) A person commits an offense if he/she knowingly organizes, engages in, participates in, aids or commences a parade upon the streets of the city without making written application for and receiving a parade permit from the City Manager or designee.
- (B) Application for parade permits shall be made not less than 20 business days nor more than 60 business days prior to the date and time of the commencement of the parade.
- (C) No parade permit shall be required 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) Funeral processions proceeding by vehicle by the most reasonable route from a funeral home, church or residence of a deceased to the place of service or place of interment.
  - (3) Sidewalk processions which observe and comply with traffic regulations and traffic control devices, utilizing that portion of a sidewalk nearest the street, but at no time more than one-half of the sidewalk.

('65 Code, § 20-162) (Ord. 1636, passed 7-3-90; Am. Ord. 2500, passed 4-25-00) Penalty, § 70.99

### **Sec. 117.23 APPLICATION FOR PERMIT.**

- (A) A nonrefundable permit fee as contained in section 31.01 shall be submitted with the application. In addition to the permit fee, the applicant will be responsible for all additional costs as determined by city staff for personnel and equipment of the Police, Fire and Public Works departments related to the specific event. See Section 117.21 (B) (5). Event planning guidelines are available from the Building Inspection department that include specific requirements for parades.
- (B) The application for a parade permit shall contain the following information and be signed by the applicant (unless specifically listed, the city shall not be a sponsor):
  - (1) The name, address and telephone number of the applicant and of any other persons, organizations, firms or corporations on whose behalf the application is made.
  - (2) Date requested for the parade and the time of day requested.
  - (3) The parade's commencement time, the specific route to be traveled and the starting and termination points. Staging areas for the start of the parade and disassembly areas at the termination point must be designated and fully described. Applicant must sign a statement

that all staging and disassembly areas on private or public property have been approved by the owner/management of the property. The name, address and phone numbers for the owner/manager authorizing the use of the property must be included in the application. This applies to public rights-of-way and property operated by the city, if applicable.

(4) The estimated number of persons to participate in the parade. Marching units or organizations shall require an individual count for each member. The total number of people shall be included.

(5) The applicant of a parade with more than 100 estimated participants, or more than 25 parade units, shall provide the final parade participation count at least seven days but no more than ten days before the date of the parade.

(6) The estimated number, if any, of animals without riders, animals with riders, animal-drawn vehicles, floats, motor vehicles, motorized displays.

(7) A signed statement ensuring that parade participants under the age of 11 will not be allowed to walk, march or ride any self-propelled vehicles in the parade on arterial streets as defined by the city thoroughfare plan.

(8) A signed statement ensuring that each marching unit or organization will only be allowed to conduct a maximum of one stationary performance at a specified and approved location during the parade route. The unit shall then continuously march along all other portions of the parade route.

(9) A signed statement that sponsors will ensure that assembly and disassembly of the parade will be directed and orderly so as not to block or interfere with traffic flow.

(10) A signed statement ensuring that the applicant will be responsible for the ground maintenance of the assembly and disassembly areas that occur in public rights-of-way as related to animal droppings.

('65 Code, § 20-163) (Ord. 1636, passed 7-3-90; Am. Ord. 2500, passed 4-25-00)

#### **Sec. 117.24 ISSUANCE OF PERMIT.**

(A) Upon receipt of an application for a parade permit, the City Manager or designee will normally furnish to the applicant, within ten business days, excluding Saturdays, Sundays and legal holidays, appropriate approval or denial of the permit. Approval or denial of the permit may be delayed if the applicant fails to give complete information, if the proposed route requires staff research, or if other aspects of the application require staff review that exceeds the normal process.

(B) Should the application for a parade permit reveal that the parade staging, parade route and parade disassembly requested will interfere with the orderly flow of vehicular or pedestrian traffic, the City Manager or designee shall have authority to establish a reasonable alternate route and to regulate the width and the duration of the parade.

('65 Code, § 20-164) (Ord. 1636, passed 7-3-90; Am. Ord. 1858, passed 12-1-92; Am. Ord. 2500, passed 4-25-00)

**Sec. 117.25 DENIAL OF PERMIT.**

The City Manager or designee shall deny a parade permit when:

- (A) The applicant has failed to supply the information on the parade permit application required under § 117.23.
- (B) The movement of the parade will conflict in time and location with another parade, a permit for which has been granted.
- (C) The applicant has not paid the parade permit fee, or if applicable, the costs of police officers as required under this subchapter.
- (D) The applicant refuses to amend the route or time to comply with § 117.24.
- (E) The applicant refuses to sign a statement ensuring that parade participants under the age of 11 will not be allowed to walk, march or ride any self-propelled vehicles in the parade on arterial streets as defined by the City Thoroughfare Plan.
- (F) The applicant refuses to sign a statement ensuring that each marching unit or organization will only be allowed to conduct a maximum of one stationary performance at a specified and approved location during the parade route.
- (G) The applicant refuses to sign a statement ensuring that appropriate property owner/managers have authorized their property for use as staging and disassembly areas.
- (H) The applicant refuses to sign a statement ensuring that the parade assembly and disassembly will be directed and orderly so as not to block or interfere with traffic flow.
- (I) The applicant fails to apply 20 business days prior to the date and time of commencement of parade.

**Sec. 117.26 REVOCATION OF PERMIT.**

- (A) The City Manager or designee shall revoke a parade permit when the information contained in the application for a parade permit is found to be inaccurate in any material detail.
- (B) The City Manager or designee may revoke the parade permit if the parade fails to begin within 30 minutes of the appointed time of commencement.
- (C) The City Manager or designee may revoke the parade permit if the applicant of a parade with more than 100 estimated participants, or more than 25 parade units does not provide the final parade participation count at least seven days before the date of the parade.

(D) The City Manager or designee may revoke the parade permit in the event of any depletion of police department resources.

**Sec. 117.27 ROUTE PLAN.**

Applications for a parade shall include a route to be so planned as not to pass through arterial intersections as defined in the City Thoroughfare Plan during the hours of 7:00 am to 9:00 am; 12:00 noon to 1:00 pm or 4:30 pm to 6:30pm on weekdays, except major holidays. Applicants shall be notified if this proposed route conflicts with this requirement.

**Sec. 117.28 TRAFFIC CONTROL AND SECURITY TO BE PROVIDED.**

(A) Sponsors of parades are required to provide and fund the cost of Police Officers for traffic control and security for each such event. The City Manager or designee will determine if officers are required and the number of officers required.

(B) The number of officers required for a parade will be affected by the parade route, nature of the event, date and time of the event. As a general rule, the number of officers will be determined upon the following basis:

- (1) Small neighborhood processions of less than 30 minutes duration that are conducted on residential street that are not collector or arterial streets and do not cross major intersections or arterial streets may not require Police Officer assistance.
- (2) Parades estimated to be of two hours or less duration, involving 100 or fewer persons and 25 or fewer parade units will require one or two Police Officers.
- (3) Parades estimated to have additional participants up to 100 persons, or additional parade units up to 25 parade units, or longer duration up to one hour, will require one additional police officer.
- (4) Additional police officers may be required to control major intersections, to address other traffic concerns, or to provide security along the parade route.
- (5) Sponsors shall pay for the service of additional police officers prior to issuance of a permit.
  - (a) The applicant will be required to pay for the cost of the additional police officers at the prevailing hourly base overtime rate for a 5-year officer at a minimum of two hours overtime. When it is determined that four or more police officers are needed for a specific event, the applicant will be required to pay for the cost of an additional Police Sergeant at the prevailing hourly base overtime rate for a 5-year sergeant at a minimum of two hours overtime. One Police Sergeant will be required for each set of 8 Police Officers required for the event. When it is determined that two or more sergeants are needed for a specific event, the applicant will be required to pay the cost of a command rank police officer of the rank of Lieutenant at the prevailing hourly base overtime rate at a minimum of two hours. Payment for Police Officers must be



made to the Building Inspection Department no later than two business days prior to the event.

(b) Permits requiring fees for additional police officers will be forwarded to the Police Department after the permits have been approved by all departments. These permits may be picked up at the Building Inspection Department once the appropriate fees are paid to the Police Department.

(c) The applicant may be required to pay the cost of equipment determined by the Police Department, Fire Department or Public Works department needed to provide security, emergency medical services and/or traffic control for the event.

(d) If a parade is cancelled, additional payment for police officers and/or police, fire or traffic equipment will be refunded if the personnel are notified prior to reporting for the parade. Permit fees are non-refundable.

#### **Sec. 117.29 INDEMNIFICATION.**

An applicant for a parade 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 parade. The applicant shall take all reasonable measures necessary to protect the parade participants.

#### **NEIGHBORHOOD BLOCK PARTIES**

#### **Sec. 117.30 PERMIT REQUIRED; APPLICATION; PETITION.**

All persons desiring a private residential street closure for the purpose of holding a block party shall file, not less than seven business days prior to the requested closure, with the City Manager or his designee, an application for a street closure permit and petition provided by the city, containing but not limited to the following information:

- (A) Name, address and phone number of person(s) requesting and desiring the block party.
- (B) Name and location of the residential street to be closed.
- (C) The date and time for the street closure
- (D) The petition shall contain the signatures of 75% of the adult residents of the street to be closed indicating their consent to the proposed street closure and agreeing to indemnify and hold the city harmless for any claims of injury or damage to persons or property, whether public or private, arising on account of the granting of the street closure permit. For purposes of computing the above percentage, each lot or property parcel shall have only one vote.

**Sec. 117.31 ISSUANCE OF PERMIT; FEE.**

Upon submission, validation and approval of the application for a street closure permit and payment of a fee as set forth in Chapter 31 of this code, the City Manager or designee shall issue a permit.

**Sec. 117.32 DENIAL OF PERMIT; APPEAL.**

The City Manager or designee may deny a street closure permit if in his opinion the closure of the street would cause extreme disruption of the delivery of city services or extreme hardship to the citizens. If a request for a permit is denied, the applicant may appeal to the City Manager within five days of the denial.

**Sec. 117.33 RESTRICTIONS.**

- (A) *Fire lane.* The person receiving the permit shall ensure that a 12 foot wide lane along the entire length of the blocked portion of the street remains clear and unencumbered by tables, chairs or anything whatsoever in the interest of public safety.
- (B) *Fire hydrant.* No obstructions shall be placed within 15 feet of a fire hydrant.
- (C) *Hours.* Block parties must be held between the hours of 9:00am and 10:00pm.
- (D) *Area.* The street closure shall not exceed one block.

**Sec. 117.34 USE OF BARRICADES.**

The City Manager or designee shall furnish and place barricades at the designated location at the appropriate time. The permittee shall maintain the barricades in place throughout the time of street closure and shall remove the barricades and contact the City Manager or designee to arrange for the return of the barricades.

**Sec. 117.35 REVOCATION OF PERMIT.**

Nothing in this subchapter shall prevent the City Manager or designee, the Chief of Police, or their designees from revoking a street closure permit at any time before or during the block party in the interest of the public safety, health or welfare of the community as a whole.

**Sec. 117.36 INDEMNIFICATION.**

An applicant for a block party 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 block party. The applicant shall take all reasonable measures necessary to protect the block party participants.

Section 3.

That Chapter 31 "Comprehensive Fee Schedule", Section 31.01 (b) (3) shall be amended as follows:

**Sec. 31.01 ESTABLISHMENT OF FEES FOR CITY SERVICES**

(3) Service fees:

Add: Administrative Processing Fee \$25.00

Section 4.

That a violation of the terms of this ordinance shall be a misdemeanor punishable in accordance with Section 10.99 of the Carrollton City Code, as amended.

Section 5.

That Chapter 117 of the Code of Ordinances, City of Carrollton, Texas, as amended, Chapter 71 of the Code of Ordinances, City of Carrollton, Texas, as amended, and Chapter 31 of the Code of Ordinances, City of Carrollton shall remain in full force and effect, save and except as amended by this ordinance.

Section 6.

That the terms and provisions of this ordinance are severable and are governed by Section 10.07 of the Carrollton City Code, as amended.

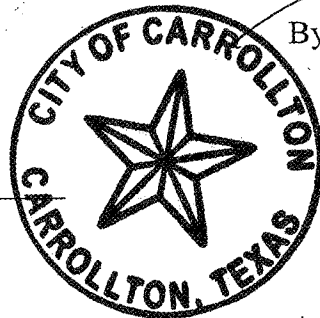
Section 7.

That this ordinance shall take effect immediately from and after its date of passage as permitted by law.

PASSED AND APPROVED THIS 6th DAY OF February, 2007

CITY OF CARROLLTON, TEXAS

By: Becky Miller  
Becky Miller, Mayor



ATTEST:  
Ashley Mitchell  
Ashley Mitchell,  
City Secretary

Approved as to form:  
R. Clayton Hutchins  
R. Clayton Hutchins,  
City Attorney

Approved as to content:  
Brett L. King  
Brett L. King  
Assistant Building Official