

ORDINANCE NO. 01-049

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 6, ARTICLE II "SPECIAL EVENTS", OF "THE CODE OF THE CITY OF GALVESTON, 1982, AS AMENDED" AND ADOPTING A SPECIAL EVENT PERMIT APPLICATION; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT

WHEREAS, on August 14, 1997, City Council adopted Ordinance No. 97-64 establishing a "Special Events" policy to provide uniform guidelines for organizers, promoters, and sponsor for the conducting of special events; and,

WHEREAS, City and Park Board staff have developed a Special Event Permit Application to assist event organizers in planning safe and successful events that create a minimal impact on the areas surrounding the event site; and,

WHEREAS, the City Council of the City of Galveston, Texas, deems it in the public interest to amend the Special Events policies and to adopt a Special Event Permit Application;

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Section 6-15, Chapter 6, Article II, "Special Events" of "The Code of the City of Galveston 1982, as amended", is hereby amended to read and provide as follows:

Sec. 6-15. Definitions.

(a) Applicant. Applicant shall include 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.

(b) Special Event. A "Special Event" is any event that is held in whole or part on property owned, managed or controlled by the City of Galveston, including City right-of-way, that will:

1. Have substantial visitor impact on the City of Galveston, or
2. Result in a gathering of large crowds

A "Special Event" as determined by the City of Galveston shall include but not be limited to, the following:

1. Circus or carnival
2. Temporary outdoor concert, jazz or music festival, except those sponsored by the City
3. Outdoor public exhibition
4. Outdoor cooking contest
5. Parades or processions
6. Community events or celebrations
7. Outdoor public festivals
8. Street dances
9. Fun runs or other events in which City streets are closed

"Special Event" shall not include "Mardi Gras" or "Dickens on the Strand," which are governed by other provisions of The City Code. In addition, activities at properties under the management and operation of the Park Board of Trustees are excluded from these provisions.

SECTION 3. Section 6-16, Chapter 6, Article II, "Special Events" of "The Code of the City of Galveston 1982, as amended", is hereby amended to read and provide as follows:

Sec. 6-16. Permit required.

It shall be unlawful for any person, or other entity, to conduct, hold or sponsor a special event on property owned, managed, or controlled by the city, including city right-of-ways 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.

SECTION 4. Section 6-17, Chapter 6, Article II, "Special Events" of "The Code of the City of Galveston 1982, as amended", is hereby amended to read and provide as follows:

Sec. 6-17. Application.

Each applicant must complete in full the City of Galveston "Special Event Permit Application" furnished by the City Manager. Applicants shall submit the completed written application to the City Manager as early as 180 days before the event, but must be received no later than 75 calendar days before the first day of the special event. Failure to submit completed

applications within the required time may result in denial of the applicant's request.

In addition to the information furnished on the application form, the applicant shall:

- (1) Submit proof that the applicant has full authority to use or occupy the premises for the purpose stated in the application; and,
- (2) Submit a statement signed by the sponsor of the event, if any, that such sponsor has engaged the applicant to conduct the event; and
- (3) Include a fee of two hundred dollars (\$200.00) for each permit request. The fee shall apply regardless of whether the applicant or the event is a profit or nonprofit organization.
- (4) Details of the event are required as stated in the permit application. Requests for dates or times that conflict with previously scheduled events will not be considered; however, the organizer may revise the request to apply for a different date or time.

SECTION 5. Section 6-18, Chapter 6, Article II, "Special Events" of "The Code of the City of Galveston 1982, as amended", is hereby amended to read and provide as follows:

Sec. 6-18. Conditions for granting application; approval or denial of application.

- (a) Public interest. The City Manager shall not grant the permit required in this article if the City Manager finds that granting the permit will be contrary to the public interest. The City Manager reserves the right to deny any application that may be inconsistent with the city's goals of promoting family activities.
- (b) Payment of all required City services and all permit fees are due and payable no later than 15 days before the event.
- (c) The City Manager reserves the right to approve or disapprove one or more elements of the proposed special event. The City Manager's decision is final and not appealable.

SECTION 6. Section 6-19, Chapter 6, Article II, "Special Events" of "The Code of the City of Galveston 1982, as amended", is hereby amended to read and provide as follows:

Sec. 6-19. Deposits, insurance.

(a) Cleaning deposits.

(1) All costs for clean-up during and after the special event are the responsibility of the applicant. Every applicant, upon approval of the application shall post a cash deposit with the city in an amount set by the city manager. However, in no event, shall such amount be less than one thousand dollars (\$1,000.00). The deposit requirement shall apply regardless of whether the applicant or the event is a profit or nonprofit organization.

(b) Other fees and permits.

(1) 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.

(2) Any use of the city right-of-ways will require a city-approved traffic control plan. Any costs involved in the development of this plan are the responsibility of the applicant.

(3) An applicant applying for a seller's permit to sell food or beverages must indicate Galveston as the origin of sales.

(4) 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.

(5) The provisions of this section shall apply regardless of whether the applicant or the event is a profit or nonprofit organization.

(d) Insurance and indemnification.

(1) Organizers must obtain and maintain at their own expense, insurance policies for an amount and coverage as established by the city risk manager and as provided for in the permit application.

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.

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.

(2) 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 attorneys fees and court costs, arising out of bodily injury or property damages arising out of or in connection with the event.

(3) The provisions of this section shall apply regardless of whether the applicant or the event is a profit or nonprofit organization.

SECTION 7. Section 6-20, Chapter 6, Article II, "Special Events" of "The Code of the City of Galveston 1982, as amended", is hereby amended to read and provide as follows:

Sec. 6-20. Miscellaneous provisions.

...

(b) Sanitation. Applicant is responsible for sanitation for the event as provided for in the application. . .

SECTION 8. It is declared the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by a final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 9. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 10. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 11. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

SUSIE GREEN
CITY ATTORNEY

I, Barbara S. Lawrence, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on the 12th day of July, 2001, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this ____ day of _____, 2__.

Secretary for the City Council
of the City of Galveston

