

Chapter 19 - SPECIAL EVENTS

ARTICLE 1. - IN GENERAL

Secs. 19.001—19.020. - Reserved.

ARTICLE 2. - SPECIAL EVENTS PERMITS

Sec. 19.021. - Definitions.

Applicant means a person who has filed an application for a special event.

City means the City of San Marcos, Texas.

Person means any individual, assumed named entity, partnership, association, corporation, or organization.

Premises means the location at which the special event is being held.

Special event ~~is an infrequent event, with more than 500 people or more than 250 people if alcohol is sold or provided or if a road is closed, excluding for construction purposes, inside the City limits, which is likely to attract visitors, and is an opportunity for leisure, social and cultural experiences by attendees. Such special events may include, but are not limited to, exhibitions, automobile shows, tournaments, running/biking events, festivals, carnivals, group garage sales, outdoor shows/concerts, craft fairs, block parties, parades, or religious events.~~ means a temporary event, gathering, or organized activity to be held within the city and is likely to attract 100 or more visitors including but not limited to circuses, carnivals, carnival side shows, and other similar amusement enterprises.

(Ord. No. ~~2010-047, § 1(19.002), 9-7-10~~)

Sec. 19.022. - Permit required; exemptions.

- (a) —It shall be unlawful for any person to conduct or sponsor a special event without first having obtained a permit from the ~~fire code official~~chief of police.
- (b) —It shall be unlawful for any person in charge of or responsible for the conduct of a special event to knowingly fail to comply with any condition of the permit.
- (c) —The following events are exempt from the provisions of this chapter:
 - ~~(1) —Special events held at a city park, authorized pursuant to chapter 58 of the San Marcos Code.~~
 - ~~(2) —Any event sponsored by the city.~~
 - ~~(3) —Private parties held on residential private property to which the public is not invited where there are no more than 100 guests.~~
 - (14) An event wholly contained on property designed or suited for the special event and which has appropriate zoning, adequate parking and certificate of occupancy.
 - ~~(5) —Parades as defined by chapter 82, article 5 of the San Marcos Code.~~
 - (26) Events which are authorized under a separate agreement or permit issued by the ~~C~~city.
 - ~~(7) —A school-sponsored special event held on school-owned property.~~
 - ~~(8) —A special event sponsored by a religious organization when the event is held on premises it owns and the special event is not for-profit.~~

~~a. Exception: This exemption does not apply when a religious organization rents, leases, or loans its property for any special event where the premises is rented, leased or loaned to:~~

~~(i) Any other person that is not a member of the religious organization; or~~

~~(ii) Any other person for profit.~~

(Ord. No. ~~2010-047, § 1(19.003), 9-7-10~~)

Sec. 19.023. - Permit application.

(a) ~~—A person seeking a permit or his authorized representative shall file an complete application with the fire code official/chief of police at least 620 business days prior to the firstbefore the date of the special event, on forms provided by the city.~~

(b) The application for a special event permit must include:

(1) ~~—A description of the premises where the special event will be held, including a site plan.~~

(2) ~~—A description of the nature of the special event.~~

(3) ~~—The name, address, email, copy of a government issued id and phone number of the applicant. If the applicant is not the owner of the property upon which the event will be held, the name, address, email and phone number of the owner and written authorization by the property owner to the use the property for the special event.~~

(4) ~~—The dates and times the special event will start and terminate.~~

(5) ~~—The time at which on-site activities in preparation for the event will begin.~~

(6) ~~—The maximum number of people that the special event sponsor estimates to attend the special event and a plan for controlling the number attendees.~~

(7) ~~—A parking and traffic control management plan that includes a request for any necessary street closures and a plan for the ingress and egress of emergency equipment and personnel.~~

~~(8) A plan for special event security.~~

~~(89) A public safety/emergency action plan in compliance with the International Fire Code.~~

~~(910) —A plan to provide adequate restroom facilities and trash containers.~~

~~(104) —Any other information that the eCity deems necessary to consider the permit request including additional permits associated with the event (Health, Temporary structures/tents etc).~~

(c) ~~—Rides and/or attractions associated with special events shall conform to the statutory rules and regulations set forth by the State of Texas in Chapter 21, Article 21.53 of the Texas Insurance Code, designated the Amusement Ride Safety Inspection and Insurance Act, as amended. Copies of inspection reports will be required.~~

(Ord. No. ~~2010-047, § 1(19.004), 9-7-10~~)

Sec. 19.024. - Fees.

(a) An application fee shall be established by Ccity Ccouncil resolution.

~~(b) Application fees for events under this article shall be used for the purpose of defraying the expenses of the city in regulating and inspecting the event. The city manager or his designee may waive fees for nonprofit corporations engaged solely in public purpose activities.~~

~~(b)~~ Permit fees are nonrefundable.

(Ord. No. ~~2010-047, § 1(19.005), 9-7-10~~)

Sec. 19.025. - Issuance of permit.

- ~~(a) The chief of police will review the application and approve or deny the permit within 14 days of receipt of a complete application.~~
- ~~(ba) Permits issued under the provisions of this chapter may include restrictions on the days and hours of operation for the special event.~~
- ~~(be) The permit shall not be issued until the applicant has paid all required fees and met all permit requirements.~~
- ~~(ce) The permit must be displayed during the event and available for review by a City Official. shall indicate the names of the applicant and event sponsor, the type of special event authorized by the permit, address, days of the week and hours of operation authorized by the permit, any applicable age restrictions for the premises, and the effective dates of the permit.~~
- ~~(e) Permits are non-transferrable.~~

(Ord. No. ~~2010-047, § 1(19.006), 9-7-10~~)

Sec. 19.026. - Insurance ~~and bonds~~.

- ~~(a) If the special event is on or within City property (including roads/lanes/sidewalks/parking spaces) then tThe applicant for a special event permit shall furnish the fire code officialcity manager or designee with a certificate of insurance and bond complying with minimum standards sufficient to protect city-owned property.~~
- ~~(b) The city manager or designee shall have the right to lower or waive the insurance or bond requirements based upon the type of event, equipment, machinery, location, number of people involved and other pertinent factors or risks associated with the event.~~
- ~~(c) The city manager or designee shall determine whether a bond is required. A surety bond may be required to:~~
 - ~~(1) Insure that city property is cleaned and returned to pre-event condition; or~~
 - ~~(2) When the event is held over a period of three or more days at any location.~~
- ~~(d) The bond requirement may be waived by the risk manager if the applicant has made specific arrangements for maintenance and clean upon the permit application.~~
- ~~(e) The surety bond shall be released within ten days after the permit expires upon a certification by the chief of police that all conditions of this article have been met.~~

(Ord. No. ~~2010-047, § 1(19.007), 9-7-10~~)

Sec. 19.027. - Indemnification.

The applicant for a special event permit shall sign an agreement to indemnify and hold harmless the eCity, its officers, employees, agents, and representatives against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of the special event.

(Ord. No. ~~2010-047, § 1(19.008), 9-7-10~~)

Sec. 19.028. - Other permits required.

Issuance of a permit under the provisions of this chapter does not waive or satisfy the requirement to obtain any other permit, zoning, or other license that is required under the San Marcos Code or applicable federal and state laws or regulations.

(Ord. No. ~~2010-047, § 1(19.009), 9-7-10~~)

Sec. 19.029. - Inspection of special event.

The Ccity may enter and inspect any property, building, or premises before, during, or after a special event for the purposes of verifying the accuracy of the information on the permit application or permit determination form, ensuring compliance with this chapter and all city ordinances, and determining if there are any conditions on the premises contrary to the health, safety, or welfare of the public or any participant.

(Ord. No. ~~2010-047, § 1(19.010), 9-7-10~~)

Sec. 19.030. - Revocation of special event permit.

(a) The fire code official~~chief of police~~ or their designee may revoke a special event permit for the following reasons:

(1) A material misrepresentation or fraud in a permit application.

(2) Non-compliance with any conditions of the permit.

(3) Life safety concerns including, but not limited to, imminent threat, extreme weather conditions, health related emergencies, situations where there is a credible risk of fire, structural collapse, crowd-related incidents or any other circumstance that jeopardizes the safety of individuals present at the event.

(b) —If the ~~e~~Ccity revokes a permit, the Ccity shall provide the applicant written notice, or if circumstances require an immediate notice, then the Ccity may notify the applicant or person in charge of the premises verbally in person. After receiving notice the applicant or person in control of the premises must immediately cease the special event and cause the participants and patrons to vacate the premises.

(Ord. No. ~~2010-047, § 1(19.011), 9-7-10~~)

Sec. 19.031. - Appeal.

Upon denial of a permit by the fire code official~~chief of police~~, the conditions to be imposed with the permit or the revocation of a permit by the approval authority, the applicant may appeal the decision to the city manager, or their designee, within five days thereafter by filing a written notice of appeal requesting a hearing by the city manager. Upon appeal, the city manager, or their designee, may reverse, affirm, or modify in any regard the determination of the fire code official~~chief of police~~. The city manager's decision shall be made within five days from the date the notice of appeal is filed in the city manager's office. The city manager's decision is final.

(Ord. No. ~~2010-047, § 1(19.012), 9-7-10~~)

Sec. 19.032. - Penalty.

(a) —A person commits an offense if the person: F

(1) —Knowingly commences, conducts, aids or assists in conducting, a special event or holds a special event without a permit, or with an expired or revoked permit;

 or

(2) —Knowingly participates in or performs in any way in any special event or part of a special event,

or

(3) —Knowingly violates any terms or provisions of this article.

(b) —It is hereby determined that this article governs fire safety and public health/safety and, therefore, any person, firm, corporation, or organization violating or failing to comply with any of the provisions of this article shall be subject to the penalty as provided for in chapter 1, general provisions, section 1.015(a) of the San Marcos City Code.

(Ord. No. ~~2010-047, § 1(19.013), 9-7-10~~)