

**ORDINANCE NO: O-2017- 21**

**AN ORDINANCE OF THE CITY OF PHARR TEXAS ESTABLISHING REQUIREMENTS, ADMINISTRATIVE APPROVAL, ROUTES FOR ALL RUN/WALK EVENTS AND OTHER APPLICABLE ACTIVITIES; AUTHORITY; AREA; DEFINITIONS; PROHIBITIONS; EXCEPTIONS; ENFORCEMENT, PUNISHMENT, PENALTIES AT LAW AND EQUITY; INCLUSION IN PHARR CODE OF ORDINANCES; INCORPORATION OF OTHER ORDINANCES; REPEALING CONFLICTING ORDINANCES AND EFFECTIVE DATE**

**WHEREAS**, Run/Walk events are, by definition, atypical and not necessarily anticipated by or appropriately regulated by existing citywide ordinances; and

**WHEREAS**, the City of Pharr desires to regulate Run/Walk events for the same reasons it regulates land uses; to protect the health, safety and public welfare by regulating traffic, noise, aesthetics, and other impacts; and

**WHEREAS**, Run/Walk events often require the provision of public services, including police, fire, transportation, and public works and additional maintenance of the facilities they use; and

**WHEREAS**, Run/Walk events often use facilities that would otherwise be available to the public or generate revenue to the City; and

**WHEREAS**, managing Run/Walk events requires ensuring that these events are compatible in size and type of use with their sites, adequate services are provided for the events, adequate cost recovery for these events is achieved, the events do not interfere with the City's ability to provide services to the entire community, and the impacts on neighbors and others are minimized; and

**WHEREAS**, the City receives numerous inquiries from individuals and organizations interested in holding run/walk events in the City, and

**WHEREAS**, the City finds it in the best interest of the City, its residents, and attendees to establish routes for run/walk events; and

**WHEREAS**, the City finds it in the best interest of the City and its residents to require race organizers to pay a fee as determined by City staff for the run/walk event.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, THAT:**

**SECTION 1: DEFINITION(S):**

**Run/Walk Event-** includes an event of a designated distance, including but not limited to, a 5k, 10k, half marathon, marathon, and/or mud run, which involves, but is not limited to, walking, running, and/or racing.

**5K run/walk:** includes a walking/running event over a distance of five kilometers (3.1069 miles).

**10K run/walk:** includes a walking/running event over a distance of ten kilometers (6.2 miles).

**Half marathon:** includes a walking/running event of 21.0975 kilometers (13.1094 mi). The half marathon is also known as a 21K, 21.1K or 13.1 miles, although these values are rounded and not formally correct.

**Marathon:** includes a walking/running event over a distance of 42.195 kilometers (26.219 miles).

**Mud Run:** includes an event in which participants negotiate a course consisting of various obstacles, many of which are filled or covered with mud.

## **SECTION 2: APPLICATION AND OTHER PROCEDURES:**

- (a) Not less than sixty (60) days before the date on which a race/run/walk event is to be held, any person(s) or representatives of the organized activity shall file an application for a permit with the City Clerk's office.
  - (1) "Person" is any person, firm, partnership, association, corporation, company, or organizations of any kind.
- (b) The application shall be submitted and shall include the following information:
  - (1) The name, address and telephone number of the person seeking to conduct such event;
  - (2) If the event is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;
  - (3) The name, address and telephone number of the person who will be the event chairman and who will be responsible for its conduct;
  - (4) The date when the event is to be conducted;
  - (5) The hours when such event will start and terminate;
  - (6) The time at which persons of the event will begin to assemble at any such assembly area or areas;

- (7) The location and route of the run/walk event shall be indicated by choosing the approved routes or any other route approved by the City of Pharr.
  - (8) The amount of persons the event is expected to have in attendance on the day of the run/walk.
  - (9) A specific, written description of the preparations made to provide adequate ambulance and medical care during the event and activity;
  - (10) A copy of the general and/or special liability insurance policy and declarations and/or bonds (\$1,000,000.00) covering event and activity personnel, visitors, invitees, and participants.
- (c) Following timely submission of the application and all necessary information, the application shall be subject to review by the following:
- (1) Director or designee of the Department of Public Works;
  - (2) Fire Chief or designee;
  - (3) Chief of Police or designee;
  - (4) City Attorney; and
  - (5) Director of Parks and Recreation.
- (d) The personnel considering the application shall submit to the City Manager a report stating an individual recommendation including approval, denial, conditions, or other fees required for compliance or to reimburse the City for its costs. The City Manager shall be charged with the final decision in consideration of the application.
- (e) An application shall be subject to the following factors:
- (1) Adequacy of the location of the start and finish line.
  - (2) The dates and times of the run/walk event, or whether such event will conflict with a city sponsored or city-wide event;
  - (3) The maximum amount of persons the organizers will allow participating in the event;
  - (4) Reasonableness of the plan that will govern any and all clean-up procedures for the entire event that comply with legal and established

standards of sanitation and health and prevention;

- (5) Reasonableness of the plan that will govern any and all fire, smoke, traffic, food preparation and sales, parking, and security hazards and prevention;
  - (6) Reasonableness of the plan that will govern any and all event and activity parking and locations used solely for parking;
  - (7) Reasonableness of the preparations made to provide adequate ambulance and medical care during the event and activity;
  - (8) Adequacy and sufficiency of the general and/or special liability insurance policy and declarations and/or bonds covering the event or, personnel, visitors, invitees, and participants; and
  - (9) The conduct of the event will not likely to cause injury to persons or property, to provide disorderly conduct or create a disturbance.
- (f) Notice of Rejection. Within five (5) business days following the receipt of all the recommendations from the officials referred in subsection (c) hereof, the City Manager shall act upon the application for an event permit and cause the City Clerk, within five (5) business days of his decision, to issue the permit or, if denied, to mail to the applicant a notice stating the reasons for his denial of the permit.
- (g) Appeal Procedure. Any person discontented shall have the right to appeal the denial of an event permit to the City Commission. The appeal shall be taken within three (3) days after denial by filing a notice of appeal with the City Commission. The City Commission shall act upon the appeal at the next regular City Commission meeting which notice requests under state law can be met.
- (h) Alternative Permit. The City Manager, in denying an application for an event permit, shall be empowered to authorize the conduct of the event on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within three (3) days after notice of the action of the City Manager, file a written notice of acceptance with the City manager. An alternate event permit shall conform to the requirements of, and shall have the effect of an event permit under this section.
- (i) Contents of Permit. Each event permit shall state the following information:
- (1.) date and starting and ending time;
  - (2.) type of event activity authorized;
  - (3.) special limitations on conditions required;
  - (4.) the starting and ending areas and the portions of the streets to be traversed that may be occupied by the event;
  - (5.) the maximum length of the event in miles thereof;
  - (6.) the name of the event chairperson;

(7.) other information as the City Manager shall find necessary to the enforcement of this Ordinance.

(j) Duties of Permittee. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(k) Possession of Permit. The event chairperson or other person heading or leading such activity shall carry the event permit upon his person during the conduct of the event.

(l) Public Conduct During Events.

(1) Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with any event or event assembly or with any person, vehicle or animal participating or used in an event.

(2) No driver of a vehicle shall drive between the vehicles or persons comprising an event when such vehicles or persons are in motion and are conspicuously designated as an event.

(3) Parking on Event Route. 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 constituting a part of the route of an event. The Chief of Police may post signs or take other action to notify the public to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

(4) No person shall throw, give or offer any material, candy, pamphlets or any other article as a participant in an event to any spectators viewing such event.

(m) Revocation of Permit. The City Manager shall have the authority to revoke an event permit issued hereunder upon violation of the standards for issuance as herein set forth.

(n) It shall be illegal for any person issued a permit to violate the terms thereof.

### **SECTION 3: ROUTES FOR RACES-RUNS-WALKS**

(a) The following routes are the approved routes available to Organizers: Police Athletic League 5k Route (Exhibit A), Harvest Fest 5k Route (Exhibit B) and the Police Athletic League 10K Route (Exhibit C).

(b) Race/Walks and runs are permitted to be held only on Saturday mornings from 7:30 am until 12:00 pm.

- (c) There shall be no more than three (3) events between January 1 and the weekend prior to Memorial Day weekend, no more than two (2) events between June and August, and no more than three (3) events between the weekend after Labor Day and the weekend before Thanksgiving each year.
- (d) No vehicular races shall be permitted.
- (e) Events which include multiple modes of travel (e.g., walking, running and bicycling) shall be permitted so long as the start times for different modes of travel are staggered.
- (f) Prior to the issuance of a Community Event Permit, City staff shall determine the specific portions or lanes of the roadway that may be used by the participants. This determination shall be based on safety considerations and the preservation of access to businesses and other scheduled activities along the route.
- (g) In addition to the routes established by subsection (a) of this Section, races/walks/runs may be permitted on other streets in the City so long as the majority of the race/walk/run occurs outside of the City and that portion of the race/walk/run within the City does not exceed one-half mile in length. Races permitted pursuant to this subsection (g) shall not be subject to the time/frequency requirements established in subsections (b) and (c) of this Section.
- (h) Run/walk or race events are not permitted on the weekend that the City designates to host its annual events unless approved otherwise by City Commission.

#### **SECTION 4: FEES**

- (a) The application shall be submitted along with a non-refundable application fee made payable to the City of Pharr in the amount of \$500.00 dollars including the information as described in Section 2, subsection (b).
- (b) The \$500 dollar non-refundable application fee shall not apply to a public school, parochial school, charter school, non-profit organization, or church event.

#### **SECTION 5: PROHIBITION; CONSPIRACY TO CIRCUMVENT; EXCEPTIONS:**

- (a) It shall be unlawful for any person seeking an application to submit false information or materials. It shall also be unlawful to conduct an event or activity without having received final, written approval and necessary permits from the City of Pharr in accordance herewith.
- (b) It shall also be unlawful to knowingly conspire to circumvent this ordinance by allowing the unauthorized use, transfer, or possession of a permit, license, or



other authorization or agreement.

- (c) This Ordinance shall not apply to an event contracted or sponsored by the City of Pharr.

**SECTION 6: ENFORCEMENT; PUNISHMENT; PENALTIES:**

- (a) Should any person or business violate the prohibitions contained herein, or allow the commission of any act or condition that proximately resulted in a violation of this ordinance, the City Attorney may take any action to enforce this or any ordinance to prevent and summarily abate the action and remove or seize any objects used to violate this ordinance. These actions may also include but not be limited to allowing for municipal resources and personnel to: abate any premises or property, closure, condemn, remove any person or thing, court action, suspend, cancel, or void any license or permit issued by the City of Pharr or a state or federal agency, and any and all other relief as may be necessary.
- (b) Any violation of this Ordinance shall be subject to both civil and criminal penalties. A criminal conviction shall be a Class C misdemeanor. A violator shall also be subject to the maximum penalties allowed by law for failing to appear in Court when charged with an offense as described herein. If conduct constituting an offense under this ordinance also constitutes an offense under another law, the person may be prosecuted under all applicable laws.
- (c) A liable party shall be subject to a civil penalty up to \$1,000 per violation, or the maximum allowed by law.

**SECTION 7: REPEAL OF CONFLICTING ORDINANCES:** This Ordinance shall incorporate herein all other ordinances and those that exist in the Pharr Code of Ordinances related to similar events. Any ordinance in direct conflict with this Ordinance is repealed to the extent of the conflict, and this Ordinance shall supersede any provisions in conflict herewith. All other provisions of the above described ordinance shall remain in full force and effect.

**SECTION 8: SEVERABILITY:** If any section, part of provisions of this Ordinance is declared unconstitutional or invalid, such declaration shall not affect the validity of the remaining sections, parts or provision of this Ordinance.

**SECTION 9: PUBLICATION AND EFFECTIVE DATE:** The Ordinance shall take effect and be in force from and after its passage and approval on three (3) separate readings in accordance with Section 8, Article 3 of the Charter of the City of Pharr, Texas. Publication may also be in caption form as allowed under Section 9 of the Pharr City Charter.

PASSED AND APPROVED ON THE FIRST READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 1<sup>st</sup> day of May, 2017.

CITY OF PHARR, TEXAS

  
\_\_\_\_\_  
AMBROSIO "AMOS" HERNANDEZ  
MAYOR

ATTEST:

  
\_\_\_\_\_  
HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED ON THE SECOND READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 15<sup>th</sup> day of May, 2017.

CITY OF PHARR, TEXAS

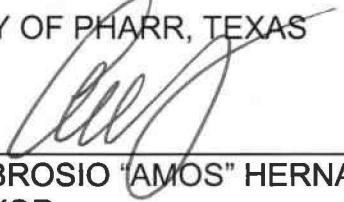
  
\_\_\_\_\_  
AMBROSIO "AMOS" HERNANDEZ  
MAYOR

ATTEST:

  
\_\_\_\_\_  
HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED THE THIRD AND FINAL READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS on this the 5<sup>th</sup> day of June, 2017.

CITY OF PHARR, TEXAS

  
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AMBROSIO "AMOS" HERNANDEZ  
MAYOR

ATTEST:

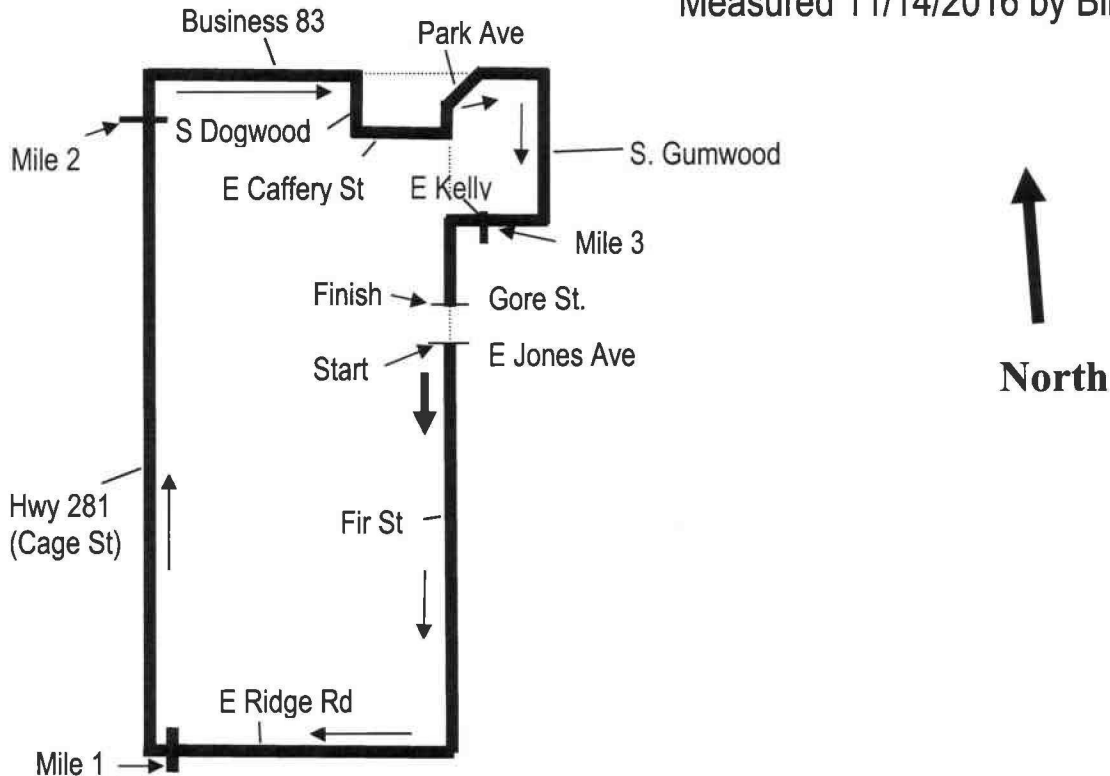
  
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HILDA PEDRAZA, CITY CLERK



EXHIBIT A

**Police Athletic League 5 km  
Pharr, Texas**

**Certification Number TX16xxxWG**  
Effective 12/21/2016 to 12/31/2026  
Measured 11/14/2016 by Bill Grass



Start line is 8 ft. North of the Fire Hydrant on Fir St at Jones St. Marked with nail & washer on the West side of the street.  $26^{\circ}11'17.91''N$   $98^{\circ}10'37.09''W$

Finish is directly across from STOP sign at Gore and Fir. 8-1/2 feet North of light pole number 262279 at Gore and Fir. Marked with nail & washer on the East side of the street.  $26^{\circ}11'21.38''N$   $98^{\circ}10'36.26''W$

Mile 1 West driveway at 105 E Ridge Rd, center of West gate post,  $26^{\circ}10'50.07''N$   $98^{\circ}11'5.76''W$

Mile 2 Two sidewalk concrete blocks North of the South edge of the building on the Southeast corner of Cage and Park St.  $26^{\circ}11'38.29''N$   $98^{\circ}11'2.47''W$

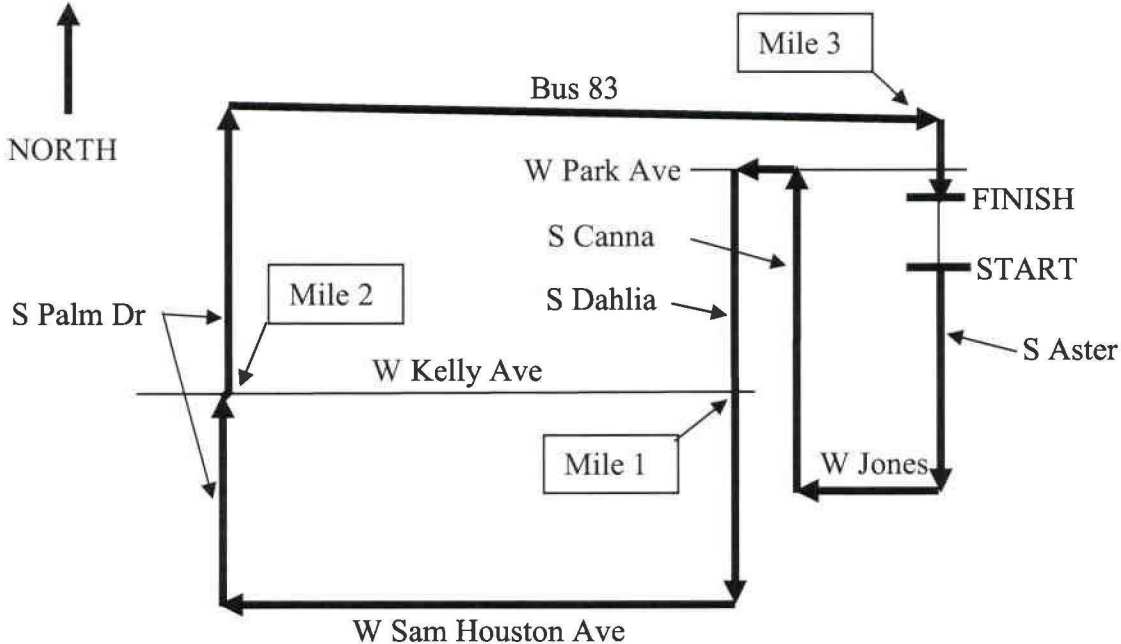
Mile 3 Two curb sidewalk blocks East of the center of the "HOME" entrance to the stadium.  $26^{\circ}11'24.64''N$   $98^{\circ}10'33.14''W$

Course measured using shortest possible paved route.

EXHIBIT B

**Harvest Fest 5K  
Certification Number TX09002WG  
Corner of Cherokee Ave & N Aster  
Pharr, Texas  
Cal. Course TX04014WG  
Measured by Bill Grass 10/13/09**

- Start - At STOP sign on the Northwest corner of Cherokee & Aster      N26 11.557' W98 11.154'
- Mile 1 - 14 ft South of North edge of the sidewalk on Northeast corner of Kelly & Dahlia      N26 11.531' W98 11.409'
- Mile 2 - Mid sidewalk at the Northwest corner of Palm & Kelly      N26 11.606' W98 11.408'
- Mile 3 - 13 ft West of AEP light pole #31, approximately 50 meter West of Aster      N26 11.173' W98 11.158'
- Finish - 17 ft South of light pole at North edge of alley South of Bus 83 on Aster      N26 11.644' W98 11.139'

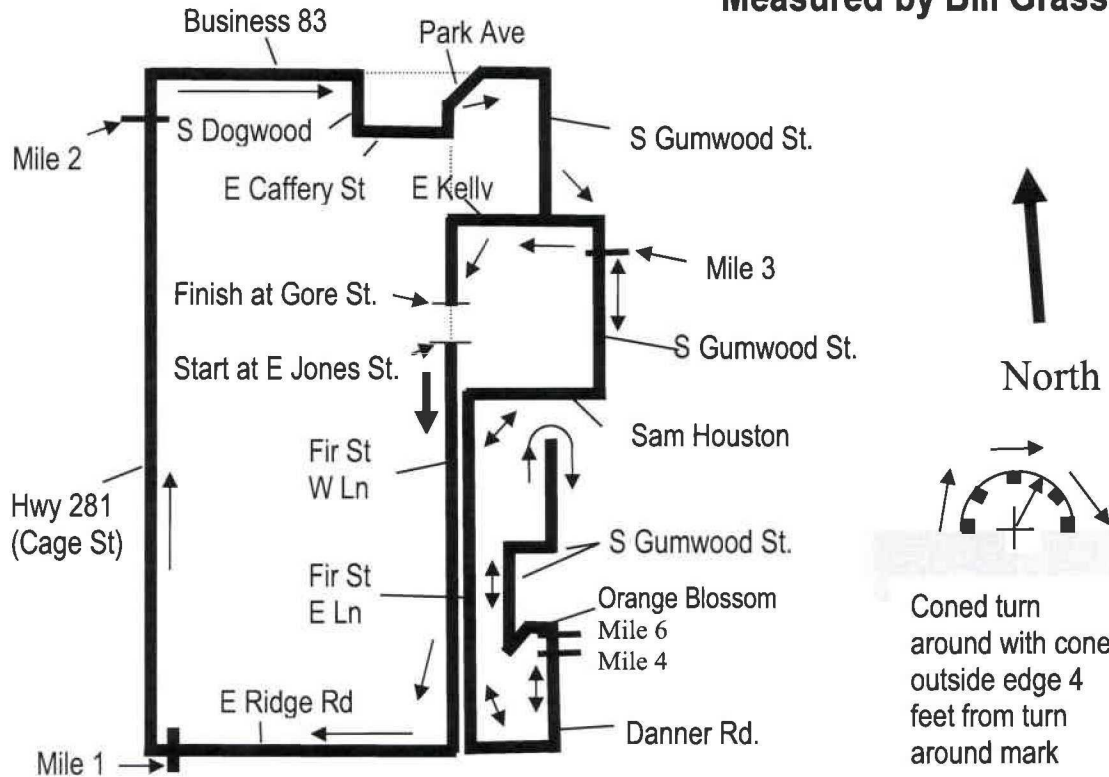


START, FINISH & all miles location are marked with a washer & nail 1 foot from curb.  
Measured using full road.

EXHIBIT C

**Police Athletic League 10 km  
Pharr, Texas**

**Certification Number TX16xxx  
Effective 12/21/2016  
Valid to 12/31/2026  
Measured by Bill Grass**



Start line is 8 ft. North of the Fire Hydrant on Fir St at Jones St. Marked with nail & washer on the West side of the street. 26°11'17.91"N 98°10'37.09"W

Mile 1 West driveway at 105 E Ridge Rd, center of West gate post, 26°10'50.07"N 98°11'5.76"W

Mile 2 Two sidewalk concrete blocks North of the South edge of the building on the Southeast corner of Cage and Park St. 26°11'38.29"N 98°11'2.47"W

Mile 3 Even with the 2<sup>nd</sup> light pole on S Gumwood South of Kelly 26°11'23.35"N 98°10'28.95"W

Mile 4 2 feet North of property line between 2<sup>nd</sup> and 3<sup>rd</sup> properties South of Orange Blossom on Danner Rd 26°10'49.95"N 98°10'36.09"W

Turn Around 4 foot radius point, 8 feet 2 inches South of manhole cover on East side Danner just South of E Tarrant Ave 26°11'8.57"N 98°10'32.93"W

Mile 5 Danner Rd just South of Orange Blossom, 6 feet South of light pole #335100 26°10'51.27"N 98°10'35.86"W

Mile 6 15 ½ feet South of South edge of 1<sup>st</sup> gate South of Kelly on S Gumwood 26°11'22.09"N 98°10'29.15"W

Finish is directly across from STOP sign at Gore and Fir. 8-1/2 feet North of light pole number 262279 at Gore and Fir. Marked with nail & washer on the East side of the street. 26°11'21.38"N 98°10'36.26"W