

**ORDINANCE NO: O-2013-20**

**AN ORDINANCE AMENDING ORDINANCE NO. O-2012-11; ESTABLISHING REQUIREMENTS AND ADMINISTRATIVE APPROVAL FOR PUBLIC AMUSEMENTS AND OTHER APPLICABLE EVENTS OR 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, the City of Pharr hereby acts in exercising its legislative powers to define acts and prohibit the commission of those acts that may be detrimental to the public health, safety, and welfare of the residents of the City of Pharr or persons located within its corporate boundaries; and

§ WHEREAS, the City of Pharr hereby acts in an effort to further the interests of the residents and potential attendees of related entertainment and public amusements.

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

**SECTION 1: AUTHORITY; AREA:**

- A. The provisions contained herewith are allowed pursuant to the legislative powers of a home rule municipality, and are in accordance with Texas Local Government Code, Chapter 215, Subchapter 0, §215.071-215-075.
- B. The City of Pharr hereby adopts and enacts this Ordinance that shall be enforceable within the municipality's municipal boundaries and extra territorial jurisdiction. This Ordinance and provisions herewith shall be included in the Pharr Code of Ordinances. Further, as matters related to the public's health, safety, and welfare is of the utmost concern, the City of Pharr shall be authorized to enforce, through its City Attorney, this Ordinance as may be allowed by law herein.

**SECTION 2: DEFINITION(S):**

*"Public Amusement" shall include any event or activity that may be an open-air or tent show, carnival, circus, exhibition of common showmen, show, exhibition of natural or artificial curiosities, caravans, menageries, and musical exhibitions or performances.*

*"Open-Air or Tent Show" shall include any exhibition, event or activity in open air or in tents.*

*"Carnival" means an organized activity involving any amusement rides, games, or other festivities.*

*"Circus" means an organized activity involving any trained animals, acrobats or clowns.*

### **SECTION 3: APPLICATION AND OTHER PROCEDURES:**

- (a) Not less than forty-five (45) days before the date on which a public amusement is to be held, any persons or representatives of the organized activity shall file a permit or license application with the City Clerk's office.
- (b) Any public school or church organization shall not less than seven (7) days before the date on which a public event is to be held, shall file a permit or license application with the City Clerk's office.
- (b) Along with a non-refundable application fee made payable to the City of Pharr in the amount of \$500.00, the application shall include the following information and materials:
  - (1) The contact information (name, address, telephone numbers) of all representatives, promoters, owners, performers, and vendors associated with the activity;
  - (2) A financial statement itemizing the funds being utilized to finance the activity;
  - (3) The location and description of the property where the event will be held as well as the name, address, and telephone numbers of the owners of the property on which the activity will be held;
  - (4) A copy of the agreement between the property owners and event representatives or promoters;
  - (5) The dates and times of the activity;
  - (6) The maximum amount of persons the activity will allow to attend on each day of the activity;
  - (7) A specific, written description of the plan that will govern any and all clean-up procedures for the entire activity that comply with legal and established standards of sanitation and health and prevention;
  - (8) A specific, written description of the plan that will govern any and all fire,

smoke, traffic, food preparation and sales, parking, and security hazards and prevention;

- (9) A specific, written description of the plan that will govern any and all event and activity parking and locations used solely for parking;
  - (10) A specific, written description of the preparations made to provide adequate medical and nursing care during the event and activity;
  - (11) A copy of the general and/or special liability insurance policy and declarations and/or bonds (\$1,000,000) covering event and activity personnel, visitors, invitees, and participants.
- (c) Following timely submission of the application fee and all necessary information and materials, the application shall be subject to review by the following:
- (1) Director or designee of the Planning and Zoning Department;
  - (2) Director or designee of the Public Works Department;
  - (3) Fire Chief or designee;
  - (4) Police Chief or designee; and
  - (5) Representative of the Health Department.
- (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 the application.
- (e) An application shall be subject to the following factors:
- (1) Adequacy of the location of the property where the event will be held;
  - (2) The dates and times of the activity, or whether such activity will conflict with a city sponsored or city-wide event;
  - (3) The maximum amount of persons the activity will allow to attend on each day of the activity;
  - (4) Reasonableness of the plan that will govern any and all clean-up procedures for the entire activity 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 medical and nursing care during the event and activity; and
  - (8) Adequacy and sufficiency of the general and/or special liability insurance policy and declarations and/or bonds covering the event or activity, personnel, visitors, invitees, and participants.

#### **SECTION 4: 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. The \$500 non-refundable application fee shall not apply to a public school event or church event.

#### **SECTION 5: 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.

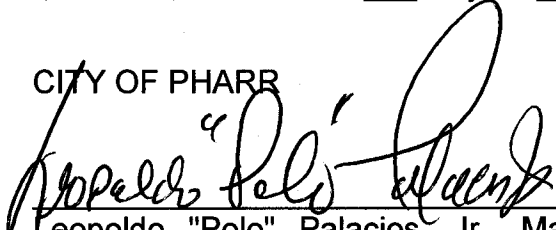
**SECTION 6:** This Ordinance shall incorporate herein all other ordinances and those that exist in the Pharr Code of Ordinances related to similar events. Any ordinance in direct conflict with this Ordinance is repealed to the extent of the conflict, and this Ordinance shall supersede any provisions in conflict herewith. All other provisions of the above described ordinance shall remain in full force and effect.

**SECTION 7:** 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 8: 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, if necessary, may also be in caption form as allowed under Section 9 of the Pharr City Charter.

APPROVED AND PASSED ON THE FIRST READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 16<sup>th</sup> day of April, 2013.

CITY OF PHARR

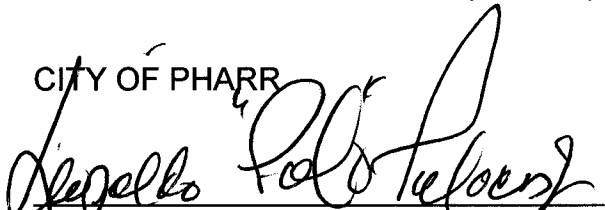
  
\_\_\_\_\_  
Leopoldo "Polo" Palacios, Jr., Mayor

ATTEST:

  
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Hilda Pedraza, City Clerk

APPROVED AND PASSED ON THE SECOND READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 7<sup>th</sup> day of May, 2013.

CITY OF PHARR

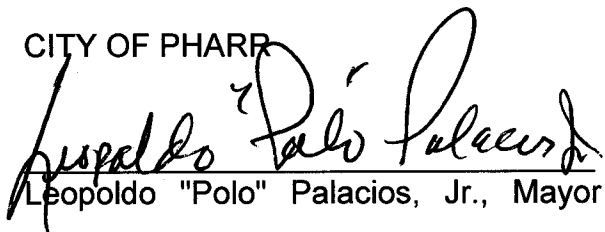
  
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Leopoldo "Polo" Palacios, Jr., Mayor

ATTEST:

  
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Hilda Pedraza, City Clerk

APPROVED AND PASSED ON THE THIRD AND FINAL READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 16<sup>th</sup> day of May, 2013.

CITY OF PHARR

  
Leopoldo "Polo" Palacios, Jr., Mayor

ATTEST:

  
Hilda Pedraza, City Clerk