

ORDINANCE NO: O-2026-20

AN ORDINANCE AMENDING ORDINANCE NOS. O-2025-46; O-2013-20 AND O-2012-11; ESTABLISHING REQUIREMENTS, CATEGORIES, FEES, AND ADMINISTRATIVE APPROVAL FOR PUBLIC AMUSEMENTS, OPEN-AIR MARKETS, FARMERS MARKETS, TENT SHOWS, TEMPORARY OUTDOOR COMMERCIAL EVENTS, AND OTHER APPLICABLE EVENTS OR ACTIVITIES; PRESERVING ALL REQUIREMENTS APPLICABLE TO STATUTORY MASS GATHERINGS UNDER TEXAS HEALTH AND SAFETY CODE CHAPTER 751; 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 to further the interests of the residents, vendors, and potential attendees of related entertainment, public amusements, commercial open-air markets, and mass gatherings; and

WHEREAS, the City of Pharr finds that the regulation of outdoor market events promotes economic activity, food access, and community vitality while ensuring public safety, cleanliness, and orderly use of public and private property.

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

SECTION 1: AUTHORITY AND AREA

A. Legal Authority

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 O, §215.071-215.075.

B. Jurisdiction and Enforcement

1. The City of Pharr hereby adopts and enacts this Ordinance that shall be enforceable within the municipality's municipal boundaries and extra-territorial jurisdiction.
2. This Ordinance and provisions herewith shall be included in the Pharr Code of Ordinances.

3. As matters related to the public's health, safety, and welfare are 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: DEFINITIONS

- **Public Amusement (Tier 1):** Any event or activity operating as a carnival, circus, exhibition of common showmen, show, exhibition of natural or artificial curiosities, caravans, menageries, and musical exhibitions or performances that do not otherwise fall under the definition of an Open-Air Market, Tent Show, or Mass Gathering.
- **Carnival:** An organized activity involving any amusement rides, games, or other festivities.
- **Circus:** An organized activity involving any trained animals, acrobats, or clowns.
- **Temporary Outdoor Commercial Event, Open-Air Market, Farmers Market, or Tent Show (Tier 2):** Any organized commercial exhibition, market, bazaar, swap meet, car show, farmers market, tent show, or similar temporary outdoor activity conducted out-of-doors, under a tent, or within temporary structures, where multiple vendors or a single organizer offers goods, services, entertainment, food, or attractions to the general public.
- **Statutory Mass Gatherings Preserved:** Nothing in this Ordinance shall be construed to redefine a "mass gathering" under Texas Health and Safety Code Chapter 751, to waive or replace any permit required under that chapter, or to alter the authority of any county judge, county health authority, county fire marshal or designee, sheriff, or district court under that chapter. Any event that independently qualifies as a mass gathering under Texas Health and Safety Code Chapter 751 remains subject to all applicable state and county permitting, inspection, enforcement, and appeal requirements.
- **Farmers Market:** An Outdoor Market Event at which vendors sell directly to consumers food products that are raised, grown, made, crafted, processed, or produced by the vendor, such as fruits, vegetables, herbs, honey, eggs, baked goods, prepared foods, and artisan products.
- **Permit Holder:** The person or organization to whom a permit is issued under this Ordinance.
- **Vendor:** Any individual, business, or organization that distributes, offers for sale, or sells products at an Outdoor Event or Public Amusement.
- **Director:** The City Manager or designee designated to implement, administer, and enforce this Ordinance, including any authorized representative.

Tax Compliance Requirement: Pursuant to V.T.C.A., Tax Code § 151.304, as may be amended from time to time, any organizer or operator seeking to host an event geared towards an actual commercial market is strictly required to hold a valid Texas Sales Tax Permit, collect applicable sales taxes from transactions, and transmit those collected revenues to the State Comptroller.

Exemption for Ordinary Business Operations: This Ordinance does not apply to the normal day-to-day operations of a lawfully established business conducted at a fixed, permanent location operating under all required licenses, permits, and certificates of occupancy, unless the activity otherwise qualifies as a regulated event under this Ordinance.

SECTION 3: APPLICATION AND OTHER PROCEDURES

A. Application Deadlines

- **General Public Amusements & Open-Air Markets:** Not less than forty-five (45) days before the date on which the event or activity is to be held, any person or representatives of the organized activity shall file a permit or license application with the Special Events Department.
- **Public Schools and Churches:** 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, file a permit or license application with the Special Events Department.

B. Application Fees and Frequency Limits

Event Category	Fee	Event Frequency & Limits
Tier 1: General Public Amusements <i>(Carnivals, Circuses, Concerts, Expositions)</i>	\$500.00 per application, due upon approval	Valid only for the specific dates approved on the individual application.
Tier 2: Temporary Outdoor Commercial Event, Open-Air Market, Farmers Market, or Tent Show <i>(Commercial Markets, Flea Markets, Farmers Markets, Bazaars)</i>	\$250.00 per application, due upon approval	Strict Limit: Each approved application permits the organizer to host up to two (2) events per calendar month.

Event Category	Fee	Event Frequency & Limits
Exemptions <i>(Public Schools, Churches, and Registered 501(c)(3) Non-Profit Organizations)</i>	\$0.00	Filing is still required to ensure compliance with tracking and safety regulations. Proof of status must be submitted with the application.

C. Required Application Materials

Along with the application fee (where applicable), the application shall include the following information and materials:

1. **Contact information:** Name, address, telephone numbers of all representatives, promoters, owners, performers, and vendors associated with the activity.
2. **Financial statement:** Itemizing the funds being utilized to finance the activity. (Upon request)
3. **Property Information:** Location and description of the property where the event will be held. Name, address, and telephone numbers of the property owners.
4. **Property Agreement:** Copy of a formal signed agreement between the property owners and event representatives or promoters.
5. **Event Schedule:** The complete timeline of the activity, including preparation, active event hours, and breakdown.
6. **Capacity:** The maximum number of people the activity will allow to attend on each day.
7. **Clean-up Plan:** Specific, written description of the plan that will govern all cleanup procedures for the activity in compliance with legal and health standards.
8. **Safety Plans:** Specific, written description of the plan governing: Fire safety and smoke control; traffic management; parking arrangements; security hazards and prevention.
9. **Parking Plan:** Specific, written description of the plan governing the event and activity parking locations used solely for parking.
10. **Medical Care Plan:** Specific, written description of the preparations made to provide adequate medical and nursing care during the event.

11. **Insurance:** Copy of the general and/or special liability insurance policy and declarations and/or bonds of \$1,000,000 covering event personnel, visitors, invitees, and participants.

12. **Tax Certifications (For Tier 1 & 2 Only):** Proof of a valid Texas Sales Tax Permit/Tax Certificate for the transmission of sales taxes to the State Comptroller.

D. Review Process

Following timely submission of the application and all required materials, the application shall be subject to review by:

1. Director or designee of the Special Events Department
2. Director or designee of the Code Compliance Department
3. Director or designee of Public Works Department
4. Director or designee of Parks & Recreation Department
5. Director or designee of Maintenance Department
6. Director or designee of the Public Health Department
7. Fire Chief or designee
8. Police Chief or designee
9. City Manager or designee

E. Decision Authority

The reviewing personnel shall submit to the City Manager a report stating individual recommendations including approval, denial, conditions, or other fees required for compliance or to reimburse the City for costs. The City Manager shall have final authority in consideration of the application.

F. Approval Criteria

Factors considered for approval shall include:

1. Adequacy of the event location.
2. Dates and times of the activity and potential conflicts with city-sponsored events.
3. Availability of City staff, law enforcement, fire prevention, emergency medical services, and public works personnel necessary to ensure public safety without compromising existing municipal operations.
4. Maximum expected attendance.
5. Reasonableness of clean-up procedures.

6. Reasonableness of plans for fire, traffic, security, food, and parking.
7. Adequacy of medical and nursing care preparations.
8. Sufficiency of liability insurance.

G. Grounds for Denial

The City Manager, upon review of recommendations from the Special Events, Code Compliance, Public Health, Public Works, Parks & Recreation, Police, or Fire Departments, may deny a permit application if it is determined that:

1. **Incomplete Application:** The applicant failed to timely submit a complete application, required plans, supporting documentation, or the applicable fee.
2. **False Statements:** The applicant made a false statement of material fact or submitted fraudulent documentation in connection with the permit application.
3. **Prior Violations:** The applicant, organizer, or promoter has had a permit revoked by the City of Pharr within the preceding twelve (12) months or has outstanding unpaid fees, costs, or civil penalties owed to the City arising from a prior event.
4. **Inadequate Event Site:** The proposed location is insufficient to safely accommodate the anticipated attendance, activities, parking, traffic circulation, or other operational needs of the event.
5. **Insufficient Public Safety or Operational Plans:** The applicant has failed to provide adequate plans for security, traffic control, fire safety, emergency medical services, sanitation, food service operations, parking, crowd management, or event cleanup.
6. **Insufficient Public Resources:** The City lacks sufficient staff, law enforcement, fire, emergency medical, public works, or other municipal resources necessary to support the event while maintaining normal municipal operations and public safety services.
7. **Scheduling Conflict:** The proposed event conflicts with a previously approved permit, a city-sponsored event, or another activity that would create an unreasonable demand on municipal resources at the proposed date, time, or location.
8. **Insufficient Insurance Coverage:** The applicant fails to obtain or maintain the liability insurance required by this Ordinance.
9. **Promotional Violations:** The applicant publicly advertises or promotes the event as approved before receiving official permit approval from the City.

H. Grounds for Revocation

Any code compliance officer, health inspector, fire marshal, or police officer may recommend, and the City Manager or their designee may execute, the **immediate revocation** of an issued permit before or during an event for any of the following reasons:

1. **Violation of Conditions:** The organizer fails to comply with any specific restriction or condition placed upon the approved permit.
2. **Ordinance Non-Compliance:** The event is being conducted in direct violation of any provision of this Ordinance, the Pharr Code of Ordinances, or applicable Texas state laws (including DSHS food handling rules and Texas State Comptroller tax rules).
3. **Failure to Maintain Safety Plans:** The organizer fails to maintain the safety, medical, traffic, or clean-up plans submitted in their application during the active hours of the event.
4. **Unapproved Vendor Activity:** The organizer knowingly allows vendors to operate in violation of Section 4 (such as selling prohibited items or uninspected foods) and fails to immediately rectify the hazard upon administrative notice.
5. **Emergent Public Threat:** An imminent threat to public health or safety arises at the event site (e.g., severe weather hazards, structural instability of tents/rides, severe crowd control failure, or active riots).

I. Notice and Effect of Revocation

1. **Notice Delivery:** Notice of a permit revocation may be delivered to the organizer, promoter, or on-site event representative either verbally or in writing.
2. **Immediate Cease and Desist:** Upon receiving notice of revocation, the organizer shall immediately command the cessation of all event activities, require all vendors to halt sales, and safely disperse attendees. Continued operation after a notice of revocation constitutes an unpermitted event under Section 5(A) and is subject to immediate physical closure, seizure of unpermitted structures, and maximum daily civil or criminal penalties.

J. Right of Appeal

1. Any applicant whose permit has been denied or revoked by the City Manager may appeal the decision. The applicant must first submit a written request for administrative review to the City Manager or designee within five (5) business days of the written notice of denial or revocation. The City Manager or designee shall review the decision and issue a written determination affirming, modifying, or reversing the original decision.

2. If the applicant remains dissatisfied following the administrative review, a written notice of appeal may be filed with the City Clerk within five (5) business days of the administrative determination for consideration by the Board of Commissioners. The Board of Commissioners shall hear the appeal at the next regularly scheduled meeting for which the matter can be properly noticed, and the decision of the Board shall be final.

SECTION 4: INDIVIDUAL VENDOR COMPLIANCE AND REGULATIONS

- A. Vendor Compliance Statement:** Every individual vendor participating in an approved Tier 2 Open-Air Market must sign a statement acknowledging that they agree to comply with all applicable local, state, and federal laws, including the Pharr Code of Ordinances. It is the responsibility of the event organizer to collect and maintain these statements, which must be made available to Code Compliance Department officials upon request.
- B. Permitted Products:** Only products approved by the event organizer and compliant with the City's zoning and health codes may be offered for sale.
- C. Prohibited Items and Activities:** The following items and activities are strictly prohibited for individual vendors at any Tier 2 event:
 1. The sale of counterfeit, stolen, or illegal goods.
 2. The sale or distribution of controlled substances or drug paraphernalia.
 3. The sale of firearms, ammunition, or fireworks.
 4. High-hazard activities or demonstrations without explicit, prior written approval from the Fire Chief or Code Compliance Director.
- D. Farmers Market Distinction:** A "Farmers Market" is a sub-category of a Tier 2 Open-Air Market primarily intended for the sale of raw agricultural products, plants, cottage foods, or prepared food items.
- E. Food Safety, Inspection, and Labeling Requirements:** All vendors selling food items—including meat, dairy, produce, or cottage foods—at any Tier 2 event must strictly comply with Texas Department of State Health Services (DSHS) regulations and City of Pharr Health and Code Compliance Department requirements:
 1. **Sampling & Safe Handling:** Any vendor offering food samples must possess a valid Temporary Food Establishment Permit and provide a handwashing station if required by the Public Health Department.
 2. **Proper Inspection & Sourcing:** All meat, poultry, and dairy products must be sourced from properly inspected, certified facilities. Raw, uninspected meats are strictly prohibited.

3. **Labeling Compliance:** All packaged foods, including items sold under the Texas Cottage Food Law, must be properly labeled with the item's name, presence of major allergens, and a statement indicating the food is made in a home kitchen.
4. **Temperature Control:** Vendors selling potentially hazardous foods requiring refrigeration (below 41°F) or hot holding (above 135°F) must demonstrate proper equipment and monitoring methods to the Public Health Director or their designee.

SECTION 5: GENERAL PROHIBITIONS, EXCEPTIONS, AND UNAUTHORIZED COMMERCIAL USE OF CITY PROPERTY

A. Prohibited Activities

1. **False Information/Unpermitted Events:** It is unlawful to submit false information or materials, or to conduct an event without final written approval and necessary permits from the City of Pharr.
2. **Conspiracy to Circumvent:** It is unlawful to conspire to circumvent this Ordinance by allowing unauthorized use, transfer, or possession of a permit, license, or other authorization.
3. **Frequency Violations:** It is unlawful for a Tier 2 Open-Air Market Permit holder to host more than two (2) events per calendar month under a single permit application. The City Manager may, in writing, waive or modify these frequency limitations when deemed necessary for City-sponsored events, regionally significant events, or other special circumstances that serve the public interest.

B. Exceptions

1. This Ordinance does not apply to events contracted or sponsored by the City of Pharr.
2. Non-profit organization, public school, and church events are exempt from application fees and shall be handled through the Special Events Department.

C. Unauthorized Personal Commercial Use of City Property

1. **Public Purpose Requirement:** Municipal property must be used exclusively for public purposes. The utilization of city-owned land, buildings, parks, time, or equipment to operate a personal, private, for-profit business is strictly prohibited unless it explicitly serves a certified public benefit and has been formally authorized by the city governing body.
2. **Mandatory Authorization Process:** No private, for-profit commercial activity (including but not limited to unapproved concession stands, food trucks, commercial vendor services, or open-air market stalls) may operate on city

property without a formal lease, license, or specific use agreement approved via official action of the Pharr Board of Commissioners. To ensure transparency and fairness, such agreements must follow a structured municipal process, which may include a Request for Proposals (RFP) or competitive bidding to establish rental rates or fees.

SECTION 6: ENFORCEMENT; PUNISHMENT; PENALTIES

A. Enforcement Methods

Violations may be enforced by the City Attorney and may include abatement, removal, closure, or seizure of objects; Suspension or cancellation of permits; Other relief as necessary.

B. Penalties

1. **Criminal Violations:** Class C misdemeanors.
2. **Civil penalties:** May reach \$1,000 per violation.
3. **Multiple Prosecutions:** Violators may be prosecuted under all applicable laws if conduct also constitutes an offense under another law.

The enforcement actions and penalties provided in this Section are in addition to, and not in lieu of, any other remedies, penalties, or enforcement actions available under this Ordinance, other City ordinances, or applicable state law.

SECTION 7: INCORPORATION OF OTHER ORDINANCES

This Ordinance incorporates all other ordinances related to similar events. Any conflicting ordinance is repealed to the extent of the conflict. All other provisions remain in full force and effect.

SECTION 8: SEVERABILITY

If any part of this Ordinance is declared unconstitutional or invalid, the remainder shall remain in full force and effect.

SECTION 9: PUBLICATION AND EFFECTIVE DATE

This Ordinance shall take effect upon passage and approval on three 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.

SECTION 10: REPEALING CLAUSE

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 11: CUMULATIVE

This ordinance shall be cumulative of all ordinances of the City of Pharr, Texas, and of all laws of the State of Texas.

SECTION 12: PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED ON THE FIRST READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 1st day of June, 2026.



CITY OF PHARR

A handwritten signature in black ink, appearing to read "Ambrosio Hernandez", written over a horizontal line.

AMBROSIO HERNANDEZ
MAYOR

ATTEST:

A handwritten signature in black ink, appearing to read "Imelda Perez", written over a horizontal line.

IMELDA PEREZ, CITY CLERK

PASSED AND APPROVED ON THE SECOND READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 15th day of June, 2026.



CITY OF PHARR

A handwritten signature in black ink, appearing to read "Ambrosio Hernandez", written over a horizontal line.

AMBROSIO HERNANDEZ
MAYOR

ATTEST:

A handwritten signature in black ink, appearing to read "Imelda Perez", written over a horizontal line.

IMELDA PEREZ, CITY CLERK

PASSED AND APPROVED ON THE THIRD AND FINAL READING BY THE
BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 6th
day of July, 2026.



CITY OF PHARR

A handwritten signature in black ink, appearing to read "Ambrosio Hernandez", written over a horizontal line.

AMBROSIO HERNANDEZ
MAYOR

ATTEST:

A handwritten signature in black ink, appearing to read "Imelda Perez", written over a horizontal line.

IMELDA PEREZ, CITY CLERK