

ORDINANCE 02022026

AN ORDINANCE OF THE CITY OF MILES, TEXAS AUTHORIZING SPECIAL EVENTS BY WAY OF PERMIT AND PROVIDING DEFINITIONS, A CHECKLIST AND PERMIT REQUIREMENTS, TIMEFRAMES AND REQUIREMENTS FOR ISSUANCE OF PERMIT AND ALLOWING APPEALS IN CERTAIN CIRCUMSTANCES; PROVIDING A PENALTY NOT TO EXCEED \$200.00 FOR A VIOLATION OF ANY PROVISION HEREOF; REPEALING ANY ORDINANCE INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR NOTICE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City recognizes the need to encourage and promote events for the greater good, cultural diversity and promotion of the City. Some gatherings and organized activities, due to their size and special requirements, may place unique demands on public resources or pose a danger to public health, safety and welfare; and

WHEREAS, in order to properly plan for these demands on public resources and ensure that public health and safety is protected, it is necessary that the City receive advance notice of these events. The provisions of this Ordinance are intended to address those concerns and are not intended to place unnecessary burden on any right of association or freedom of expression; and

WHEREAS, after review, inquiry, and the opportunity of citizen participation, the City Council for the City of Miles, Texas has found this ordinance hereinafter set forth a to be reasonable and necessary for the public health, safety and welfare.

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

SECTION 1. The above-stated recitals are hereby found to be true and correct and are hereby adopted by the City Council of the City of Miles, Texas and a part hereof for all purposes and incorporated by reference.

SECTION 2. This ordinance shall be known as the “Special Events Ordinance” and shall read as follows:

2.1 Definitions

Applicant means a person or entity who intends to hold a Special Event. An agent of an Applicant may prepare and submit the documentation required hereunder with proper authority submitted along with the Sponsor/Promoter/Sponsor Checklist. The Applicant, along with and in

addition to anyone else who violated the provisions hereof, shall be a responsible party under the provisions hereof, and will be subject to fines and punishment for violations and/or for violations of the terms of this Chapter.

Checklist means a written submission to the City, on forms provided by the City, of information about the Special Event.

City means the City of Miles, Texas.

Mayor means the Mayor of the City of Miles or his or her designee which may include one or more persons or a committee, including the Chief of Police.

City Owned Property means any property in the City designated as a park, playground, recreational facility, swimming pool or hike and bike path, or other City-owned property, including streets, and shall include buildings, parking lots and driveways in such areas.

First Amendment Activity means all expressive and associative activity on public streets that is protected by the United States and Texas Constitutions, including speech, press, assembly and the right to petition.

First Amendment Event means an event where the sole or principal object is First Amendment Activity and which no Special Event Permit will be the basis for a denial.

Parade means any assembly, march, demonstration or procession upon public streets within the City including persons, animals, or vehicles that is reasonably likely to interfere with the normal flow or regulation of traffic.

Seasonal Special Event means an event that occurs in a specific season and is scheduled throughout the season on non-sequential days and may use a single Special Event Permit.

Special Event means a temporary event, gathering or activity, including but not limited to parades, bike races, marathons, walk-a-thons, fireworks displays, concerts, carnivals other types of races and festivals, First Amendment Events, and Seasonal Special Events which involve one (1) or more of the following activities:

- (a) Closing or partial closing of a public street for a period in excess of two (2) hours;
- (b) Blocking or restricting City-owned property;
- (c) Blocking or restricting access to City Parks unless otherwise authorized by the Mayor or his designee;
- (d) Sale of merchandise, food or beverages on City-owned property;
- (e) Erection of a tent equal to or greater than two hundred (200) square feet in area on City-owned property;

- (f) Installation of a stage, band-shell, trailer, van, grandstand, bleachers or other portable building or structure on City-owned property;
- (g) Placement of portable toilets on City-owned property;
- (h) Events reasonably expected to have more than three hundred (300) people per day on City-Owned property;
- (i) Placement of temporary no-parking signs in a public right-of-way or on City-owned property; or
- (j) Placement of pedestrian boundary markers on City-owned property.

Special Event Permit means written authorization from the Mayor to hold a Special Event.

Special Event Rules and Regulations means the guidelines, rules, regulations, policies and procedures developed as set below. Special Event Rules and Regulations may include but are not limited to the following: processes; procedures; cost recovery for public safety sanitation and transportation personnel; safety regulations; resource requirements; and surety and insurance requirements. Special Events must additionally adhere to all other relevant City Ordinances or provisions of State Law.

2.2 Checklist required

- (a) It shall be unlawful for any Person to hold a Special Event, sponsor a Special Event or cause a Special Event to be held without first having submitted a Promoter/Sponsor Event Checklist.
- (b) A Promoter/Sponsor Event Checklist is not required for:
 - (1) events conducted entirely on the property of a religious institution or educational institution. City, State or Federal streets or parking lots for multi-tenant buildings, regardless of location, shall not be considered part of a religious institution or educational institution;
 - (2) events on property owned or controlled by the City subject to a contract, lease or management/operating agreement with a person or entity where the agreement addresses events on the property or the event is included within the permitted uses in the agreement;
 - (3) processions of vehicles operated in compliance with traffic laws or a procession of pedestrians excluding organized walks, runs, parades and the like, in compliance with traffic laws along or upon public sidewalks, public parks, or private property;
 - (4) events held for National Night Out;
 - (5) funerals and Funeral processions;

(6) First Amendment Activity conducted entirely on sidewalks, in public parks or on private property in compliance with traffic laws and any other applicable City Ordinances; or

(7) events conducted under the supervision of or with the permission of a governmental entity on property owned, leased, or operated by a governmental entity other than the City.

2.3 Permit required

(a) It shall be unlawful for any Person to hold a Special Event, sponsor a Special Event or cause a Special Event to be held without first having obtained a Special Event Permit from the Mayor.

(b) No Special Event Permit shall be denied, nor shall the Applicant be given less favorable consideration as to time, manner, or place based upon:

(1) race, color, creed, religion, gender, domestic relationship status, parental status, sexual orientation, transgender, gender identity or gender expression, national origin, political affiliation or any other prohibited characteristic of the Applicant and/or the participants of the Special Event; or

(2) the message of the Special Event, or the identity or associational relationships of the Applicant and/or participants; or

(3) any assumption or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the Special Event, provided that reasonable accommodation as to time, manner, and place may be required in order for the City to provide the resources necessary for police, fire and emergency services to preserve and protect public health, safety and welfare.

(c) The necessity of obtaining a permit will be made by the Mayor based upon the information submitted in the Promoter/Sponsor Event Checklist. In making such determination, the Mayor shall reasonably interpret the information in the Promoter/Sponsor Event Checklist and may use, but is not limited to using, past experience with the type of event, inaccuracies in the completion of the checklist, omissions in the same and lack of substantiation of stated items if requested.

2.4 Contents of Promoter/Sponsor Checklist

(a) An Applicant shall file a Promoter/Sponsor Checklist ("Checklist") with the City upon forms provided by the City.

(b) The Promoter/Sponsor Checklist shall set forth as a minimum the following information, and will be supplemented at the request of the City in order for the City to determine whether or not a Permit Application is required or if the information submitted is incomplete:

- (1) the name of the Special Event,
- (2) the name, address and telephone numbers of the Applicant and the Sponsor or Promoter if different from Applicant along with proper authority if applicable,
- (3) the proposed location(s) and address(es) for the Special Event,
- (4) a description of the activities of the Special Event,
- (5) the date(s) and time(s) the Special Event will start and terminate,
- (6) the time at which on-site activities in preparation for the Special Event will begin.
- (7) whether a street closure longer than two (2) hours is requested for the Special Event.
- (8) whether any City property will be blocked,
- (9) whether merchandise, food or beverages will be sold,
- (10) general description of tents to be erected, if any,
- (11) general description of any temporary structures, toilets, signs, trailers or boundary markers to be placed, if any,
- (12) estimated number of persons who are expected to attend per day for the duration of Special Event.

(c) The Applicant is responsible for updating this information prior to the event, and the City requirements may be amended as a result of an increase or decrease in the number of persons expected to attend or other change in circumstances. The minimum will be the number of advance sales or registrations.

(d) Within fifteen (15) days following the submission of the Checklist and any supplemental information requested, the Mayor will determine whether or not a Special Events Permit is required, and Applicant will be notified using the contact information on the Checklist.

2.5 Application for Permit

A Special Event Permit shall not be issued until a complete Special Event Permit Application, together with any additional information requested, and payments of all applicable fees, if any, are received by the City.

The Special Event Permit Application must demonstrate compliance with this ordinance, the Special Event Rules and Regulations, and other applicable law.

2.6 Permit Application Requirements

(a) An Applicant shall file a Special Event Permit Application ("Application") with the City upon forms provided by the City, and the Application shall not be acted upon until it is complete and all applicable fees, if any, are paid.

(b) The Application shall set forth as a minimum the following information, and will be supplemented at the request of the City for all information which cannot be known at the time of application, or which is determined to be incomplete following submission:

(1) the time at which on-site activities in preparation for the Special Event will begin.

(2) the date and time when clean-up of the property will be complete.

(3) any transportation plan, traffic plan, parking plan or street closure, if any is being requested for the Special Event.

(4) the number and types of animals and vehicles, if any, that are part of the Special Event. The Applicant is responsible for updating this information prior to the event, and the City requirements may be amended as a result of an increase or decrease in the number of animals and/or vehicles expected to attend. The minimum will be the number of advance registrations.

(5) the location and size of any tents, awnings, canopies, food service booths, or other temporary structures shall be shown on a map.

(6) details for all requested signage shall be included.

(7) the location and orientation of loud speakers and any other amplification devices, if any, shall be shown on a map.

(8) details regarding food service, if any, including planned cooking.

(9) details regarding alcohol sales or serving, if any, and if so, a copy of the alcohol permit.

(10) details for planned amusement rides, if any.

(11) map(s) showing streets and pedestrian ways that are impacted as well as site setup showing ingress and egress for pedestrians and vehicles and all equipment and barriers that will be used in connection with the Special Event.

(12) for Parades, a route map, approximate number of participants and type of participants (ex. animals, floats, etc.), and proof that all property owners adjacent to the Parade route have been notified of the route, date and duration of the Parade, or the date by which they will be notified, Such notice shall not be given more than one month in advance and no less than one week.

(13) sales tax permit number(s)

(14) insurance certificate for the Special Event showing the City as an additional insured in the amounts set forth in the Special Events Rules and Regulations as promulgated by the Mayor.

(15) any other information which the Mayor finds is necessary under Special Events Rules and Regulations or Standards/ Requirements for Issuance of Special Event Permit set forth in this Ordinance.

2.7 Fees and Costs

(a) The fee for the permit shall be \$35.00

(b) Applicant shall pay all required fees, including site rental, with the Special Event Permit Application, and Applicant shall at the same time be required to pay all fees and costs required by other City ordinances to conduct specific activities in conjunction with or as part of a Special Event.

(1) Applicant and City shall agree upon the additional costs the City will incur as a result of the Special Event and Applicant shall pay those costs to the City; and

(2) Applicant shall agree in writing to pay any additional costs to the City incurred as a result of the Special Event within five (5) days of the date upon which the City informs the Applicant of the amount of such additional costs, but in no event less than seven business days prior to the event.

(c) No Special Permit application fees are refundable. If the event does not occur, fees paid in advance for City Services which have not already been used shall be refunded.

2.8 Timelines and Deadlines

(a) A Promoter/Sponsor Checklist shall be filed not more than three hundred sixty-five (365) days or less than thirty-five (35) days before the commencement of the proposed Special Event. The Mayor may consider a Checklist that is filed less than thirty-five (35) days before the commencement of the proposed Special Event in the event the Applicant could not have met the deadline because the event had not been planned for more than thirty-five (35) and the same will not place an undue burden on the City staff or resources

(b) A Special Event Permit Application shall be filed no more than three hundred sixty-five (365) days or less than twenty-five (25) days before the commencement of the proposed Special Event. The Mayor may consider a Special Event Application that is filed less than twenty-five (25) days before the commencement of the proposed Special Event in the event the applicant could not have met the deadline because the event had not been planned for more than twenty-

five (25) days, and if the granting of the Application will not place an undue burden on the City staff or resources and applicable late fees, if any, are paid with the application.

(c) The City may issue a Special Event Permit for a First Amendment Event when the Special Event Permit Application is filed less than twenty-five (25) days before the commencement of the First Amendment Event if the event had not been planned for more than twenty-five (25) days, and provided there is adequate time for the City to process the Application and to assure that there are adequate traffic measures in place for the orderly movement of the First Amendment Event participants and traffic. The City and the Applicant shall communicate with the police department and fire department prior to the First Amendment Event.

(d) When a timeframe or deadline established in this Section results in an Application being due on a weekend, holiday or a day the City is closed for business, the Application shall be due on the business day immediately following said weekend, holiday or closed business day.

2.9 Application Process and Review

The Special Event Permit Application will be processed and reviewed pursuant to the Special Events Rules and Regulations which shall be promulgated by the Mayor based on health and safety concerns, and the reasonable availability of City resources which may be required, and on other applicable City Ordinances or Code provisions.

2.10 Standards/Requirements for Issuance of Special Event Permit

(a) A Special Event Permit will be issued only if the Mayor finds that the following requirements, as are applicable to the Special Event will be met and that adequate provision therefor will be made:

(1) requirements of City Ordinances and of the State and Federal Governments are met,

(2) the Special Event will not unnecessarily interrupt the safe and orderly movement of traffic near its location or route,

(3) the Special Event will not require the diversion of a number of police officers to properly police the Special Event locale or movement of a procession or parade along the route and the adjacent areas which will significantly impair adequate police protection for the City as a whole,

(4) the concentration of people, animals, and vehicles at assembly points will not significantly impair proper fire and police protection or ambulance service to areas at or near such assembly points or the City or County as a whole.

(5) a Parade is scheduled to move from its point of origin to its point of termination without unreasonable delays in route,

(6) all licenses and permits, restrictions, regulations, fees for the City services, if any, safeguards or conditions as set forth in any Special Event Rules and Regulations as promulgated by the Mayor have been submitted and approved.

(b) The Mayor is authorized to interpret and has the authority to modify the same to fit individual circumstances where the standard cannot be strictly met, is inapplicable to the specific Special Event or if additional modifications are deemed necessary by individual City departments for the safe and orderly conduct of a Special Event. The Mayor is further authorized to require an Applicant to institute other safeguards or activities to protect the safety of the public from circumstances which may arise from a specific Special Event.

(c) It is understood that no Applicant is assured the ability to close a street. All street closures longer than two (2) hours may only be granted by the City Council, and those two (2) hours or less are granted by the Mayor, or his designee, the Chief of Police.

2.11 Denial or Revocation of a Permit

(a) The Mayor shall deny issuance of a Special Event Permit if:

(1) The Special Event will conflict in time or location with another Special Event or event for which an Application has been submitted or approved prior to the one subsequently requested,

(2) The Special Event, if held, would violate, the Special Event Rules and Regulations, any City ordinance or any other applicable law,

(3) The Mayor determines that there is a false or misleading statement or omission of material fact on a Promoter/Sponsor Checklist or Special Event Application, and the same is not corrected within the time for submission of an application,

(4) The Applicant has violated this ordinance or has had a Special Event Permit revoked within the preceding twelve (12) months,

(5) The Applicant fails to provide proof of a license or permit required by any City ordinance or other applicable law for the Special Event,

(6) The Applicant fails to provide proof that the insurance requirements for the Special Event have been met, or

(7) The Special Event would significantly impair the delivery of normal or emergency public services or constitutes a public health or safety threat.

(b) If the Mayor determines that the Special Event Permit shall be denied, the Mayor shall consider alternatives to the time, place or manner of the Special Event that would allow the Special Event to occur.

(c) Revocation of a Special Event Permit:

(1) If the Police Chief, or any other City official ("City Official") or their designated representative, finds that any of the provisions of this ordinance, another City ordinance, Special Event Rule or Regulation, or other applicable law is being violated, he or she shall immediately notify the Mayor and based on that information, the Mayor shall attempt to solve the issue at hand and if it cannot be solved the Mayor, the Mayor will determine whether the Special Event Permit shall be revoked. Notice and an opportunity to be heard by the Mayor shall be given to the Applicant prior to revocation if reasonably possible and if the cause for revocation does not involve an immediate threat to the health and safety of any individual or property. If revoked, the Special Event shall immediately terminate and cease activity upon notification to the Applicant. Failure to terminate the activity shall constitute a separate offense.

(2) When, in the judgment of any of the above designated City Officials, a violation exists which requires immediate abatement, and the Applicant does not abate the violation immediately upon notice from said City Official, the City official shall immediately notify the Mayor Pro Tem, who shall have authority to revoke a Special Event Permit in the absence or unavailability of the Mayor. If revoked, the Special Event shall immediately terminate and cease activity upon notification to the Applicant.

(3) The Mayor, or other City Official in the absence of the Mayor as described above, may revoke a permit wherein a material false or misleading statement or omission of material fact on a Promoter/Sponsor Checklist or Special Event Application is discovered after the Special Event Permit was issued so that the terms of the permit would require significant revision or if the scope of the Special Event has so changed that the terms of the original permit require significant revision which presents an unreasonable burden on the City resources.

2.12 Appeal

(a) If the Mayor denies the issuance of a Special Event Permit, or revokes an issued Special Event Permit, the Applicant shall promptly be notified in writing. Such written notice shall include the reasons for the decision to deny or revoke the Special Event Permit. The Applicant may appeal the denial or revocation to the City Council which shall make a ruling on the appeal, if time permits prior to the event. The City Council shall not be required to call a special meeting to accommodate an appeal, but may choose to do so, but in all cases shall comply with the Texas Open Meetings Act.

(b) If a Special Event Permit is revoked the event shall cease. No fees, whether they are application fees, or fees paid for City services shall be refunded if a Special Event Permit is

revoked. The City shall not be liable for any costs or damages associated with denial of or revocation of a Special Events Permit.

SECTION 3. It shall be unlawful for any person to hold, conduct, organize or cause the occurrence of a special event without having first obtained a permit from the City. Any person who violates this Ordinance, or any part thereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than \$1.00, nor more than \$200.00.

SECTION 4. Any ordinances which are in conflict or inconsistent with any provisions of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

SECTION 5. If any provision of this Ordinance be deemed to be unlawful, illegal or invalid, such shall not affect the remainder of this Ordinance and such remainder shall be valid.

SECTION 6. The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

SECTION 7. Any person who violates this Ordinance, or any part thereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than \$1.00, nor more than \$200.00.

SECTION 8. This ordinance shall be in force and effect from and after the date of its adoption, be it so ordained.

PASSED AND APPROVED this 2nd day of February, 2026.

APPROVED:

By: Tammy Pitt
Tammy Pitt, Mayor

ATTEST:

By: Amy Fischer
Amy Fischer, City Secretary

