

ORDINANCE NO. O-2024-030

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS, AMENDING CHAPTER 1, ARTICLE 1.07 SPECIAL EVENTS, PARADES, AND BLOCK PARTIES, DIVISION 2 SPECIAL EVENTS OF THE CODE OF ORDINANCES TO AMEND APPLICABILITY EXEMPTIONS; AND PROVIDING FOR: FINDINGS OF FACT, ENACTMENT, REPEALER, SEVERABILITY, EFFECTIVE DATE, AND PROPER NOTICE & MEETING.

WHEREAS, the City of Hutto, Texas, (the “City”), is a home rule city operating pursuant to the laws of its Charter and of the State and Texas, by and through its duly elected City Council members; and

WHEREAS, the City Council finds that certain amendments are necessary to Hutto Code of Ordinances, Article 1.07, Special Events, by removing Section 1.07.032(b) (1) Events which require the approval or sanctioning of, or are officially sponsored by, the city, Hutto Independent School District, Texas State University or the county shall be exempted from obtaining a special event permit and adding to Section 1.07.090, Notice of Appeal; Denials, that the City Council shall place the denial of a special event permit on the next City Council agenda; and

WHEREAS, the City finds that this ordinance was passed and approved at a meeting of the City Council of the City of Hutto held in strict compliance with the Texas Open Meetings Act at which a quorum of the City Council Members were present and voting; and

WHEREAS, the City Council has determined that all prerequisites to the adoption of this Ordinance have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS, THAT:

Section 1. Findings of Fact: The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

Section 2. Enactment: Chapter 1, Article 1, Section 1.07.032 and Section 1.09.090, of the Code of Ordinances of the City of Hutto, is hereby amended to read in accordance with **Attachment A** which is attached hereto and incorporated into this Ordinance for all intents and purposes.

Section 3. Repealer: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

Section 4. Severability: Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

Section 5. Codification: The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City’s Code of Ordinances as authorized by Section 52.001

of the Texas Local Government Code.

Section 6. Passage: Pursuant to Section 3.13 of the Hutto City Charter, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council and shall be published as required by law.

Section 7. Effective Date: This Ordinance shall take effect immediately after its final passage and any publication in accordance with the requirements of the City of Hutto and the laws of the State of Texas.


Section 8. Proper Notice & 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, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

READ, PASSED, and ADOPTED on the second reading of this **16th** day of **May 2024** at a regular meeting of the City Council of Hutto, there being a quorum present.

THE CITY OF HUTTO, TEXAS

By: 
Mike Snyder, Mayor

ATTEST:

By: 
Amanda Taylor, Assistant City Secretary

(SEAL)



Attachment "A"

DIVISION 2

Special Events

Part I

In General

§ 1.07.031. Definitions.

Applicant. A person who has filed a written application for a special event permit.

City manager. The city manager or the designated representative of the city manager.

Permittee. The person to whom a special event permit is granted pursuant to this division.

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

Small market event. A planned temporary aggregation of multiple vendors, artists, and/or farmers displaying and/or selling their goods on private property, and shall not interfere with the normal flow or regulation of pedestrian or vehicular traffic, or require any special city services.

Special event. A planned temporary aggregation of people or attractions for a common purpose, including, but not limited to, street fairs, arts and crafts shows, rallies, public entertainments, or other similar events or attractions, that:

- (1) Are conducted primarily outdoors; and
- (2) Interfere with the normal flow or regulation of pedestrian or vehicular traffic; or
- (3) Require special city services, including, but not limited to, street closure, provision of barricades, refuse services, stages, special parking arrangements, special electrical services or special police services or protection.

Special event permit. The written approval from the city manager for a special event. (2007 Code, sec. 4.04.001; Ordinance O-11-09-15-VI4, sec. I (2), adopted 9/15/11)

§ 1.07.032. Applicability; exemptions.

- (a) All special events, except those set forth in subsection (b) below, must conform to all applicable provisions of this division.
- (b) The following events are exempt from the provisions of this division:
 - (1) An event wholly contained on property specifically designed or suited for the event and which holds a certificate of occupancy for such use, including adequate parking;
 - (2) Funeral processions;
 - (3) Block parties as defined in section 1.07.201 of this code;
 - (4) Small market events, as defined above, operating on private property in any transect zone in Old Town Hutto, except in OT-3.

(2007 Code, sec. 4.04.002; Ordinance O-11-09-15-VI4, sec. I (3), adopted 9/15/11)

§ 1.07.033. Offenses; penalty.

- (a) A person commits an offense if he commences or holds a special event without a special event permit or with a special event permit that has expired or been revoked.
- (b) A culpable mental state is not required for the commission of an offense under this section.
- (c) It is hereby determined that this division governs fire safety and public health and, therefore, any person violating or failing to comply with any of the provisions of this division shall be subject to the penalty as provided for in section 1.01.009 of this code.

(2007 Code, sec. 4.04.003)

§ 1.07.034. Police protection; payment of additional costs incurred by city.

- (a) The chief of police shall determine whether and to what extent additional police protection is reasonably necessary for the special event for traffic control and public safety. The chief of police shall base this decision on the size, location, duration, time and date of the special event, and the need to detour or preempt citizen travel and use of the streets and sidewalks. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the special event. If additional police protection for the special event is deemed necessary by the chief of police, he shall so inform the applicant for the special event permit. The applicant then shall have the duty to secure the police protection deemed necessary by the chief of police.
- (b) In the event the city manager determines, upon a review of the application, that a special event may require the special attention and involvement of city personnel or facilities, the city manager shall so notify the applicant. In such event, prior to the issuance of a special event permit, the applicant and the city manager shall agree upon the cost of policing and cleaning, and the closure of roads, and the applicant shall pay that amount to the city upon application. Prior to the issuance of a special event permit, the 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 permittee of the amount of such additional costs. Should the permittee not pay such additional costs, no future special event permits shall be issued to the same permittee for a period not to exceed two (2) years. Nothing herein shall preclude the city from enforcing any legal or equitable remedy against the permittee for recovery of such additional costs.

(2007 Code, sec. 4.04.004)

§ 1.07.035. Notice to abutting property owners.

The city manager shall have authority to require that the permittee send notices of the special event to abutting property owners when, in the city manager's judgment, the special event is of a scope and nature that will impact those owners.

(2007 Code, sec. 4.04.005)

§ 1.07.036. Parking requirements.

- (a) The applicant shall submit evidence that sufficient parking will be available to accommodate the projected number of users with a ten percent surplus. If said parking is to be on private property adjacent to the special event, written evidence that the applicant has a right of possession of said property through ownership, lease, license, or other property interest must be provided. When the location is not an established parking area, a plan shall be submitted which will show how the needed parking will be achieved and arranged. The number of parking spaces and layout of the parking area, including aisle widths, size of parking spaces and whether parking attendants will be provided, shall be included in the submittal.
- (b) When adequate parking is not available at, or immediately adjacent to, the site of the special event, off-site parking may be used. Plans shall be submitted which will show how off-site parking and transfer of attendees will be accomplished.

(2007 Code, sec. 4.04.006)

§ 1.07.037. City authority over parking.

The city shall have the authority, when reasonably necessary as determined by the police department, to prohibit or restrict the parking of vehicles along a street or highway or part thereof adjacent to the site of the special event. The city shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

(2007 Code, sec. 4.04.007)

§ 1.07.038. Amusement rides.

Rides and/or attractions associated with special event shall conform to the statutory rules and regulations set forth in chapter 2151 of the Texas Occupations Code, designated the "Amusement Ride Safety Inspection and Insurance Act," as amended.

(2007 Code, sec. 4.04.008)

§ 1.07.039. Hours of operation.

A special event may be conducted only between the hours of 7:00 a.m. and 10:00 p.m. daily. The police department shall be responsible for enforcing this provision. The city manager may waive the time limit on certain special events when good cause is demonstrated by the applicant. Appeals of time limit restrictions may be made under section 1.07.090 hereof.

(2007 Code, sec. 4.04.009)

§ 1.07.040. Tents and temporary structures.

Any special event which includes the use of a stage, seating, tent, canopy, or other temporary structure shall meet the requirements of the city's fire code and building code, except that a separate permit is not required when a special event permit has been obtained. Fire lanes for emergency equipment must be provided and the site prepared in a manner so as not to be a fire hazard as determined by the fire chief.

(2007 Code, sec. 4.04.010)

§ 1.07.041. Food and beverage service.

Where food or beverage service is provided or sold, said operation shall be in compliance with all provisions of the food and food establishment ordinances of the city, as well as all other applicable state and local laws.

(2007 Code, sec. 4.04.011)

§ 1.07.042. Sanitary facilities.

A minimum of two (2) portable-type sanitary facilities must be provided on the premises. Additional units may be required if determined to be necessary by the city manager.

(2007 Code, sec. 4.04.012)

§ 1.07.043. Animal waste; keeping animals overnight.

Waste from animals used in any such special event shall be removed daily from the grounds. Should animals be kept within the city limits at night, they shall be kept not less than three hundred (300) feet from any developed residential or commercial districts.

(2007 Code, sec. 4.04.013)

§ 1.07.044. Water usage and disposal of wastewater.

(a) Any special event or related activity desiring use of water from the city water system must coordinate with the utilities department to obtain a temporary meter. The deposit for the meter and payment for water used shall be in accordance with ordinances of the city.

(b) The applicant shall submit a plan for the disposal of wastewater, and the plan shall be approved by the utilities department.

(2007 Code, sec. 4.04.014)

§ 1.07.045. Waste collection and solid waste dumpster.

The applicant shall make appropriate arrangements for the collection of all waste resulting from such special event, and commercial solid waste dumpsters must be provided on-site at all outdoor special events. The applicant shall make arrangements for the provision of such dumpsters with a commercial solid waste disposal company currently having a franchise agreement with the city.

(2007 Code, sec. 4.04.015)

§ 1.07.046. Loudspeakers.

When loudspeakers will be used in conjunction with the special event, the location and orientation of speakers shall be indicated along with the planned hours of use. Speakers, which are positioned so as not to adversely affect an adjacent residential district, may be used between the hours of 7:00 a.m. and 10:00 p.m., when a special event permit has been obtained. The city manager may modify the time limit for use of such speakers when good cause is demonstrated by the applicant.

(2007 Code, sec. 4.04.016)

§ 1.07.047. Signage.

Signage used in accordance with the special event shall comply with the sign regulations of the city under the provisions for promotional signage. Signs advertising the special event or directing potential customers to the special event site are expressly prohibited in the city rights-of-way.

(2007 Code, sec. 4.04.017)

§ 1.07.048. through § 1.07.080. (Reserved)

Part II

Permit

§ 1.07.081. Required.

It shall be unlawful for any person to conduct a special event without first having obtained a special event permit from the city manager.

(2007 Code, sec. 4.04.041)

§ 1.07.082. Application; fee; completeness review.

- (a) A person seeking a special event permit shall file an application with the city manager upon forms provided by the city, which shall be accompanied by an application fee as provided in the fee schedule in appendix A of this code.
- (b) The city manager shall ensure that other licenses and permits, restrictions, regulations, fees for the city services, safeguards, or other conditions deemed necessary by individual city departments for the safe and orderly conduct of a special event be requested, submitted and approved before the special event permit is granted (e.g., health permit applications, agreement with the police department for police coverage, agreement with the public works department regarding costs associated with street closures, agreement with the parks and recreation department for the use of any park facilities).
- (c) The “official filing date” for a special event permit application shall be the date upon which a complete application package containing all the information required by section 1.07.084, including related administrative fees, is submitted to the city.
- (d) No application shall be deemed officially filed until city staff determines that the application is administratively complete. Failure by city staff to make a certification of incompleteness within (10) business days following the date on which the application was first received by the city, shall result in the application being deemed complete, and the “official filing date” shall become the tenth (10) business day following initial receipt of the written request for a special event permit by the city.
- (e) Special event permit applications that do not include all required information designated under section 1.07.084 will be considered incomplete. Such incomplete applications shall not be accepted for official filing by the city, and shall not be scheduled for any action by the city until the proper information is provided to city staff.

(Ordinance O-2022-021 adopted 5/19/22)

§ 1.07.083. Application filing period.

- (a) Applications for a special event permit shall be filed not less than thirty (30) days before the special event is to begin.
- (b) Late applications, where good cause is shown and subject to the standards promulgated in section 1.07.085, may be considered when filed after the deadline prescribed in subsection (a) above.

(Ordinance O-2022-021 adopted 5/19/22)

§ 1.07.084. Contents of application.

The applicant for a special event permit shall set forth as a minimum the following information:

- (1) The name, address, and telephone number of the person seeking to conduct the special event;
- (2) If the special event is to be held for or by an organization, the name, address and telephone number of the headquarters of the organization and name and address of the authorized representative(s) of such organization;
- (3) If the special event is to be held by or for any person other than the applicant, the applicant shall file a written statement from that other person showing authority to make the application;
- (4) The name, address, and telephone number of the person who will be the special event chairman and who will be responsible for its conduct;
- (5) The proposed location and parking areas for the special event;
- (6) The approximate number of people who will be attending and, if applicable, the number and types of animals and vehicles which will constitute such special event;
- (7) The location, size and number of stages, seating, tents, awnings, canopies, food service booths, first aid stations, portable restrooms or other temporary structures shall be shown;
- (8) If food or beverages will be served or sold, include copies of any licenses or permits issued by the appropriate agencies for such vendors;
- (9) Details for any planned signage shall be included;
- (10) When loudspeakers will be used, the location and orientation of those speakers shall be shown;
- (11) The date(s) and time(s) the special event will start and terminate;
- (12) The time at which on-site activities in preparation for the special event will begin;
- (13) The proposed location of entrances and exits and a plan of evacuation in case of emergency;
- (14) If any portion of the special event is to be held on private property, including parking, written permission for the holding of the special event or parking from the owner of the property or his authorized representative;
- (15) Copies of permits and agreements with all city departments, county officials or state agencies, other than the building inspection department, shall be included with the application for a special event permit;
- (16) If required as set forth in section 1.07.087, a copy of a certificate of insurance that complies with the requirements set forth in such section;

- (17) If required as set forth in section 1.07.089, a copy of the surety bond that complies with the requirements set forth in such section; and
- (18) Any other information which the city manager shall find necessary under the standards for issuance.

(2007 Code, sec. 4.04.044)

§ 1.07.085. Standards for issuance.

A special event permit will be issued if, upon review, the city manager finds that the applicant has secured the police protection, if any, required under section 1.07.034 and that the special event will be conducted in such a way that:

- (1) It will not substantially interrupt the safe and orderly movement of traffic near its location or route;
- (2) It will not require the diversion of so great a number of police officers to properly police the special event location or line of movement and the adjacent areas as to unduly interfere with the normal protection for the city;
- (3) It will not require the diversion of so great a number of fire protection or emergency medical services (EMS) personnel so as to unduly interfere with the provision of these services to portions of the city other than that to be occupied by the special event and adjacent areas;
- (4) It will not unduly interfere with the efficient response movement of firefighting equipment and services en route to a fire;
- (5) The concentration of people, animals, and vehicles at assembly points and during the event will not unduly interfere with proper fire, EMS, and police protection to areas near such special event;
- (6) It is not likely to cause injury to persons or property;
- (7) There will be adequate sanitation and other required health facilities made available in or adjacent to any public assembly areas; and
- (8) There are sufficient parking places on the site of the special event to accommodate the number of vehicles reasonably expected to be parked in accordance with section 1.07.036, or the applicant has made adequate arrangements for off-site parking and transfer of attendees.

(2007 Code, sec. 4.04.045)

§ 1.07.086. Denial or revocation.

- (a) The city manager may deny a special event permit if:
 - (1) The special event will conflict in time and location with another special event, parade or assembly for which a permit has already been granted;
 - (2) The applicant fails to comply with or the special event will violate an ordinance of

the city or any other applicable law;

- (3) The applicant makes or permits the making of a false or misleading statement or omission of material fact on an application for a special event [permit];
- (4) The applicant has been convicted of violating this division, has had a special event permit revoked within the preceding twelve (12) months, or has failed to pay any additional costs assessed by the city for a previous special event within the previous two (2) years;
- (5) The applicant fails to provide proof of a license or permit required by this division or another city ordinance or by state law;
- (6) The special event, in the opinion of one (1) or more city departmental directors, would unduly hinder or compromise the delivery or performance of normal services, including previously scheduled construction or maintenance services, or emergency services, or constitutes a public threat;
- (7) The applicant is unable or unwilling to provide any required insurance or surety bonds that may be required under this division;
- (8) The applicant is unable or unwilling to pay any additional costs as may be required by the city manager;
- (9) The applicant fails to submit a complete application or fails to provide any additional information requested by the city manager; or
- (10) The proposed date or time for the special event or the location of the special event or parking for such special event would unduly interfere with or disrupt the educational activities of a school when such school is in session.

(b) A special event permit shall be revoked upon the following conditions:

- (1) In the event that the police chief, fire chief, director of utilities, other city officials or their designated representatives find that any of the provisions of this division, another city ordinance, or state law is being violated, they shall immediately notify the city manager, and the special event permit issued hereunder shall be revoked;
- (2) When, in the judgment of the above-named officials, a violation exists which requires immediate abatement, they shall have the authority to revoke a special event permit in the absence or unavailability of the city manager; or
- (3) The applicant made or permitted to be made a false or misleading statement or omission of material fact on an application for a special event permit.

(2007 Code, sec. 4.04.046)

§ 1.07.087. Liability insurance.

- (a) When a special event is partially or fully contained on the city rights-of-way, the applicant for a special event permit shall furnish the city manager with a certificate of insurance complying with standards established by the city's risk manager.

- (b) The city manager shall have the right to lower, waive, or increase the public liability insurance limits based upon the type of special event, equipment, machinery, location, number of people or animals involved and other pertinent factors or risks associated with the special event.
- (c) An applicant shall have the right to show cause why the insurance requirement should be reduced or waived and to present such request to the city manager. Upon receipt of such request, the city manager shall consult with the city's risk manager or his designee. The city manager shall respond to an applicant's request for lower insurance or waiver within five (5) days from the date of the request.
- (d) If a mutually agreeable insurance limit cannot be agreed upon, the application shall be considered denied.

(2007 Code, sec. 4.04.047)

§ 1.07.088. Indemnification of city.

When a special event or parking attendant to such special event is partially or fully contained on city property, applicants shall sign an agreement to indemnify and hold harmless the city, 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.

(2007 Code, sec. 4.04.048)

§ 1.07.089. Surety bond or deposit.

- (a) When a special event is partially or fully contained on city property, a surety bond shall be deposited with the city in the amount of ten thousand dollars (\$10,000.00), conditioned that no damage will be done to the city property, streets, sewers, trees, or adjoining property and that no paper, litter, or other debris will be permitted to remain upon the city property, streets or upon any private property by the applicant. The surety bond shall be returned to the permittee within ten (10) days after said special event permit expires, upon certification by the city manager that all conditions of this division have been complied with. Should actual costs for policing and cleaning not exceed this amount, the remainder shall be refunded to the permittee by the city. In the event that actual costs exceed this amount, the permittee shall pay such additional sum to the city within ten (10) days from the date of notification. If that amount is not paid, no future permits shall be issued to the same permittee for a period not to exceed two (2) years. Nothing herein shall preclude the city from enforcing any legal or equitable remedy against the permittee in addition to the bond. The applicant shall have the right to show evidence why the bond should be lowered or waived by the city manager. Appeals shall be heard by the city council in accordance with the provisions of section 1.07.090.
- (b) When a special event is fully contained on private property, a sum in the amount of five hundred dollars (\$500.00) shall be deposited with the city conditioned that no paper, litter, or other debris will be permitted to remain upon the site of the special event. The deposit shall be returned to the permittee within ten (10) days after the special event permit expires, upon certification by the city manager that all conditions of this division have been complied with. Should actual costs for cleaning not exceed this amount, the

remainder shall be reimbursed to the permittee by the city. In the event that actual costs exceed this amount, the permittee shall pay such additional sum to the city within ten

(10) days from the date of notification. If that amount is not paid, no future special event permits shall be issued to the same permittee for a period not to exceed two (2) years. Nothing herein shall preclude the city from enforcing any legal or equitable remedy against the permittee in addition to the deposit. The applicant shall have the right to show evidence why the deposit should be lowered or waived to the city manager. Appeals shall be heard by the city council in accordance with the provisions of section 1.07.090.

(2007 Code, sec. 4.04.049)

§ 1.07.090. Notice of denial; appeals.

The city manager shall act upon a complete application for a special event permit within seven (7) days after the official filing date thereof. Any person aggrieved shall have the right to appeal the denial to the city council by filing a notice of appeal with the city secretary within five (5) days after receipt of the notice of denial. The city council shall hear the appeal on the next city council agenda after the appeal is filed, and its decision shall be final.

(Ordinance O-2022-021 adopted 5/19/22)

§ 1.07.091. Duration.

The duration of the special event permit granted under the terms of this division shall not exceed a period of three (3) days.

(2007 Code, sec. 4.04.051)

§ 1.07.092. through § 1.07.120. (Reserved)