

**ORDINANCE NO. O-2024-031**

**AN ORDINANCE OF THE CITY OF HUTTO, TEXAS, AMENDING CHAPTER 1, ARTICLE 1.07 SPECIAL EVENTS, PARADES, AND BLOCK PARTIES, DIVISION 3, PARADES 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 certain amendments to the Code of Ordinances relating to Parades are necessary to meeting changing conditions and are in the best interest of the City; 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, Special Events, Parades, and Block Parties, Division 3, Parades 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All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.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 without further readings. In the event a second reading is necessary, 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 first reading of this 16<sup>th</sup> 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, Interim City Secretary

(SEAL)



**ATTACHMENT "A"**

**DIVISION 3**

**Parades**

**Part I**

**In General**

**§ 1.07.121. Purpose.**

The proper and safe functioning of parades has a critical impact on the safety and welfare of the public, because it involves the use of the public streets of the city, often in circumstances necessitating the closure of streets and the obstruction of traffic. Therefore, the privilege of any person or organization to have a parade in the city shall be subject to regulation and permits shall be required in order to protect the health, safety and welfare of the public.

(Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.122. Compliance with state law.**

Any person having a parade shall comply with all applicable state laws. A failure to comply with applicable state laws is a violation of this division.

(Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.123. Definitions.**

In this division, the following words and terms shall have the following meanings ascribed to them, unless the context indicates otherwise:

Applicant. A person who has filed a written application for a parade permit that will be a cooperative event with the City

City Manager. The city manager of the city, or designee.

Chief of police. The chief of police of the city, or designee.

Parade. Shall mean a cooperative event with the City and may include local partners including but not limited to: The Hutto Independent School District and the Hutto Area Chamber of Commerce and shall include an organized procession of people, traveling by whatever means, from one location to any other location on a street or other public right-of-way or anywhere else in the City in such a way as to impede the normal flow or regulation of pedestrian or vehicular traffic which shall include before, during or disassembly of the parade.

Parade participant. A person who has agreed with, or has the permission of, the permittee to participate in a parade.

Parade permit. Written approval from the city manager or designated representative for a parade.

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

Person. Any individual, sole proprietorship, assumed named entity, partnership, association, corporation, organization or entity of any nature.

Public street. The entire width of the publicly owned right-of-way.

(Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.124. Offenses; penalty.**

- (a) A person commits an offense under this division if he:
- (1) Stages, presents, or conducts any parade without first having obtained a permit as herein provided;
  - (2) Participates in a parade for which a permit has not been granted;
  - (3) Fails to comply with any condition of the parade permit;
  - (4) Rides, drives, or causes to be ridden or driven any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the parade permit;
  - (5) Throws or distributes materials from the parade participants, such as candy, trinkets and handbills;
  - (6) Permits any person to stand on any vehicle in movement used in conjunction with the parade before, during or after the parade;
  - (7) Hampers, obstructs, impedes, or interferes with the parade, except when reasonably required for the safe and orderly conduct of the parade or for the safety and welfare of the general public;
  - (8) Drives between the vehicles or persons comprising a parade;
  - (9) Displays obscene or vulgar materials, including art, sound or gestures, in a parade; or
  - (10) Is a permittee or a parade participant and consumes or uses or allows the consumption or use of alcoholic beverages during a parade or participates in a parade while intoxicated.
  - (11) Fails to follow established parade rules.
- (b) A culpable mental state is not required for the commission of an offense under this division.
- (c) Any person convicted of an offense under this division shall be guilty of a misdemeanor and shall be fined in accordance with the general penalty in section 1.01.009 of this code. Each day any violation of this division shall continue shall constitute a separate offense.
- (Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.125. Police protection and safety; payment of additional costs incurred by city.**

- (a) The chief of police or designee shall determine whether and to what extent additional police protection and the rules of safety are reasonably necessary for the parade for traffic control and public safety. The chief of police or designee shall base this decision on the size, location, duration, time and date of the parade, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and

use of the streets and sidewalks.

- (b) As additional police protection for the parade is deemed necessary the chief of police or designee shall inform the applicant for the parade permit. The applicant then shall have the duty to secure the police protection, as deemed necessary.
- (c) In the event the chief of police or designee determines, upon a review of the application, that a parade may require the special attention and involvement of city personnel or facilities, the chief of police or designee shall notify the applicant. In such event, prior to the issuance of a parade permit, the applicant and the chief of police or designee shall agree upon the cost of policing, cleaning, and the closure of roads, and the applicant shall pay that amount to the city upon being issued the parade permit.
- (d) Prior to the issuance of a parade permit, the applicant shall agree in writing to pay any additional costs to the city within five (5) days of the date upon which the city informs the applicant of the amount of such additional costs.

(Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.126. Parking requirements.**

- (a) The applicant shall submit evidence that sufficient parking will be available to accommodate the projected number of participants and attendees with a ten (10) percent surplus. If said parking is to be on private property adjacent to the parade, 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 parade route, off-site parking may be used. Plans shall be submitted which will show how off-site parking and transfer of attendees will be accomplished.

(Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.127. City authority over parking.**

The chief of police or designee shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the parade route by posting signs to such effect. It shall be unlawful for any person to park or leave unattended any vehicle in violation of the parking restrictions.

(Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.128. Tents and temporary structures.**

Any parade which includes the use of a stage, seating, tent, canopy, or other temporary structure shall meet the requirements of the city's current international fire code and building code, except that a separate permit is not required when a parade 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 or designee.  
(Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.129. Sanitary facilities.**

Portable type sanitary facilities may be required if determined to be necessary by the city manager or designee, and the applicant shall be responsible for securing such facilities.  
(Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.130. Animal waste; keeping animals overnight.**

Waste from animals used in any such parade shall be removed immediately following the completion of such parade. 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.

(Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.131. Water usage and disposal of wastewater.**

- (a) Any parade 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.

(Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.132. Waste collection and solid waste dumpster.**

The applicant shall be required to make arrangements for the collection of all waste resulting from such parade, and commercial solid waste dumpsters may be required if determined to be necessary by the city manager or designee. If required, 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.

(Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.133. Loudspeakers.**

When loudspeakers will be used in conjunction with the parade, 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 8:00 a.m. and 9:00 p.m., when a parade permit has been obtained. The chief of police or designee may modify the time limit for use of such speakers when good cause is demonstrated by the applicant. Any use of loudspeakers other than described shall first obtain the approval of city council.

(Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.134. through § 1.07.160. (Reserved)**

## **Part II Permit**

### **§ 1.07.161. Required; exceptions.**

- (a) No person shall engage in, participate in, aid, form or start any parade unless a parade permit shall have been obtained from the city.
- (b) This section shall not apply to:
  - (1) Funeral processions.
  - (2) Students going to and from school classes or participating in educational activities, provided such conduct is under the immediate direction and supervision of the proper school authorities and will not interfere with the normal movement of traffic.
  - (3) A government agency acting within the scope of its function.

(Ordinance 09-011-00 adopted 7/16/09)

### **§ 1.07.162. Application filing period.**

- (a) An application for a parade permit shall be filed with the Hutto Police Department not less than thirty (30) days and no more than ninety (90) days before the proposed parade date.
- (b) Late applications, where good cause is shown and subject to the standards promulgated in section 1.07.164, may be considered when filed after the deadline prescribed herein.

(Ordinance 09-011-00 adopted 7/16/09)

### **§ 1.07.163. Contents of application; fee.**

- (a) A person seeking issuance of a parade permit shall file an application on forms provided by the city, which shall be accompanied with an application fee as provided in the fee schedule in appendix A of this code. In appropriate circumstances, the Hutto City Council shall have the authority to lower or waive the fee.
- (b) The application for a parade permit shall set forth the following information:
  - (1) The name, email, address, and telephone number of the person seeking to conduct such parade;
  - (2) If the parade is to be held for or by an organization, the name, email, address, and telephone number of the headquarters of the organization, and the name and address of the authorized representative of such organization;
  - (3) If the parade 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 full name, address, email, Texas Identification number and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;

- (5) The date when the parade is to be conducted;
  - (6) The time when such parade will start and terminate, including the time at which units of the parade will arrive in the assembly area. Parades may be conducted only between the hours of 7:00 a.m. and 9:00 p.m. daily;
  - (7) A detailed map with the location by streets of the proposed parade route, the assembly area, the initial starting point and the disbanding area for the parade. If the assembly area, starting point and/or disbanding areas are located on private property, the applicant shall submit written permission for the holding of the activity from the owner of the property or his authorized representative;
  - (8) The proposed location for parking area. If the parking area is located on private property, the applicant shall submit written permission from the owner or his authorized representative for allowing parking on the property;
  - (9) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be used;
  - (10) The time at which units of the parade will arrive at the assembly area;
  - (11) The interval of space to be maintained between units in the parade;
  - (12) The approximate number of participants in the parade and, if applicable, the number and types of animals, vehicles or floats, including maximum height and length, which will constitute such parade;
  - (13) Any sanitation facilities which may be needed to keep the parade route and assembly areas clean and free from debris and waste;
  - (14) A description of any public facilities or equipment needed for the parade, including first aid stations or portable restrooms;
  - (15) Copies of permits and agreements with all city departments other than the police department shall be included with the application for the parade permit;
  - (16) A description or illustration of any stage, seating, tent, canopy, or other temporary structure needed for the parade sufficient in detail to allow a determination to be made that such structures comply with city's fire code and building code and showing fire lanes for emergency equipment;
  - (17) If loudspeakers will be used in conjunction with the parade, the location and orientation of speakers shall be indicated along with the planned hours of use; and
  - (18) Any other information which the city manager or designee shall find necessary under the standards for issuance hereinafter set forth in section 1.07.164.
- (Ordinance 09-011-00 adopted 7/16/09; Ordinance adopting Code)

**§ 1.07.164. Standards for issuance.**

A parade permit will be issued if, upon review of the application, the city manager or designee



finds that:

- (1) The parade will not substantially interrupt the safe and orderly movement of other traffic near its route;
- (2) The parade will not require the diversion of so great a number of police officers of the city to properly police the parade and the adjacent areas, including parking areas, as to prevent normal police protection of the city;
- (3) The parade will not require the diversion of so great a number of fire protection or emergency medical services (EMS) personnel so as to prevent the normal provision of these services to portions of the city other than that to be occupied by the proposed parade route and adjacent areas;
- (4) The concentration of people, animals and vehicles at assembly points of the parade will not unduly interfere with fire and police protection of, or EMS services to, areas near such parade and assembly area;
- (5) The parade will not interfere with the efficient response movement of firefighting equipment and services in route to a fire;
- (6) The parade is scheduled to move from its point of origin to its point of termination without unreasonable delays en route;
- (7) The conduct of the parade is not reasonably likely to cause injury to persons or property;
- (8) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;
- (9) There are sufficient parking places near the site of the parade to accommodate the number of vehicles reasonably expected to be used in the parade or the applicant has made adequate arrangements for off-site parking and transfer of attendees and participants; and
- (10) The applicant has secured the police protection, if any, required under section 1.07.125. (Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.165. Contents.**

Each parade permit shall state the following information:

- (1) Starting and ending time, including assembly time and cleanup time;
- (2) Minimum and maximum speed;
- (3) A detailed map and description of the parade route and any assembly or disbanding area(s);
- (4) Maximum and minimum interval of space to be maintained between the units of the parade;
- (5) The portions of the streets to be traversed that may be occupied by the parade; and
- (6) Such other information as the chief of police or designee shall find necessary to the enforcement of this division.

(7) Meeting the insurance requirements and listing the City of Hutto as additionally insured  
(Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.166. Duties of permittee.**

The applicant shall comply with all parade permit directions, safety rules, conditions and with all applicable laws and ordinances.  
(Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.167. Denial or revocation.**

(a) The chief of police or designee may deny a parade permit if:

- (1) The parade will conflict in time and location with another parade or other special event for which a permit has already been granted;
- (2) The applicant fails to comply with, or the parade will violate, an ordinance of the city or any other applicable law or safety rule established by the police department;
- (3) The applicant makes, or permits the making of, a false or misleading statement or omission of material fact on an application for a parade permit;
- (4) The applicant has been convicted of violating this division or has had a parade permit revoked within the preceding twelve (12) months;
- (5) The applicant has previously failed to pay previous parade fees or police protection charges;
- (6) The applicant fails to provide proof of a license or permit required by this division or another city ordinance or by state law;
- (7) The parade, in the opinion of one (1) or more city departmental directors, would severely 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;
- (8) The applicant is unable or unwilling to pay any additional costs as may be required by the chief of police or designee;
- (9) The applicant fails to submit a complete application or fails to provide any additional information requested by the city manager or designee; or
- (10) The proposed date or time for the parade or the location of the parade or parking for such parade would substantially interfere with or disrupt the educational activities of a school when such school is in session.

(b) The chief of police or designee shall have the authority to deny or revoke a parade permit issued hereunder for failure to meet the standards for issuance as set forth in section 1.07.164 above.

(Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.168. Notice of denial; appeals.**

The chief of police or designee shall act upon an application for a parade permit within seven (7) days after the filing thereof. If the chief of police or designee does not approve the application, he shall mail to the applicant a notice of this action stating the reasons for the denial of parade permit within three (3) days after the date of the denial. Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council. The council shall hear the appeal as soon as practicable, and its decision shall be final.

(Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.169. Alternative permit.**

The chief of police or designee, in denying an application for a parade permit, shall be empowered to authorize the parade on a date, time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the chief of police or designee, file a written notice of acceptance with the chief of police or designee. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this division.

(Ordinance 09-011-00 adopted 7/16/09)

**§ 1.07.170. through § 1.07.200. (Reserved)**