

**ORDINANCE NO. 51-2022**

**A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AMENDING CHAPTER 29 "STREETS AND SIDEWALKS;" ARTICLE IX "SPECIAL EVENT LICENSE;" OF THE CODE OF THE CITY OF ABILENE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; DECLARING A PENALTY; AND A CALLING A PUBLIC HEARING.**

WHEREAS, Chapter 29, Article IX of the Abilene Code of Ordinance sets forth the procedure to issue a special events licenses; and

WHEREAS, the City of Abilene seeks to revise the Ordinance to issue a special events permit rather than a license, and to streamline the process via the Ordinance, policy and fees.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:**

Part 1: That Chapter 29, Article IX, "Special Events License" of the Code of Ordinances, City of Abilene, Texas is hereby amended as set out in Exhibit A, attached and made a part of this ordinance for all purposes.

Part 2: That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such judgement shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

Part 3: That any person, firm, or corporation violating the provisions of this ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.

Part 4: Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said offense, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

**ADOPTED on first reading on this 22<sup>nd</sup> day of September, 2022.**

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 9<sup>th</sup> day of October, 2022, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 13<sup>th</sup> day of October, 2022, to permit the public to be heard.

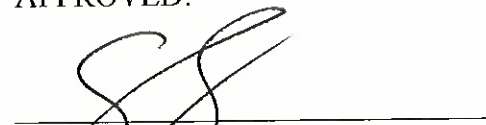
**ADOPTED on second and final reading on this 13<sup>th</sup> day of October, 2022.**

ATTEST:

  
Shawna Atkinson, City Secretary

  
Anthony Williams, Mayor

APPROVED:

  
Stanley Smith, City Attorney



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## **ARTICLE IX. SPECIAL EVENTS PERMIT**

### **Sec. 29-160. Purpose of article.**

The purpose of this article is to ensure the health, safety, and welfare of the public at special events which utilize City of Abilene rights-of-way by creating a permitting process for these events.

### **Sec. 29-161. Definitions.**

The following words and phrases, when used in this chapter, shall have the meanings ascribed to them by this section:

*Business day.* Any calendar day except Saturday, Sunday or any City of Abilene holiday.

*City Manager.* The City Manager of the City of Abilene or designee.

*Official.* City of Abilene Peace Officers, or the City Manager or designee who administers, implements, or enforces the provisions of this chapter.

*Special Event Permitting Department.* The department of the City of Abilene responsible under the Special Event Permit Policy for accepting applications for a Special Events Permit.

### **Sec. 29-162. Permit requirements and exemptions.**

- (a) Any event that utilizes City of Abilene rights-of-way shall comply with the permitting requirements of the special event permit policy adopted by City Council and kept on file with the City Secretary.
- (b) This article does not apply to events which require a street use license under article V of this chapter.

### **Sec. 29-163. Application.**

Applicants for special event permits under this article must file an online application.

### **Sec. 26-164. Required fee.**

- (a) The fee for a special event permit shall be approved by the City Council. No application for a permit will be processed until the required fees are tendered to the City. The permit fee is nonrefundable and shall not be prorated.
- (b) Expenses for any additional costs for City services necessary for the event shall be billed separately. These expenses include, but are not limited to, costs for police escort, security, traffic control, refuse collection and street sweeping.

### **Sec. 29-165. Issuance.**

Upon completion and approval of the application, the City shall issue a permit to the applicant within the timelines indicated in the special event permit policy.

### **Sec. 29-166. Expiration.**

All permits issued under the provisions of this article shall expire at the termination of the permitted event.

### **Sec. 29-167. Transfer.**

No permit issued under the provisions of this article shall be transferred or assigned.

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**Sec. 29-168. Denial.**

An application for permit may be denied to a person under this article for the following reasons:

- (1) An investigation reveals that the applicant falsified information on the application.
- (2) An official has determined that the health, safety or welfare of the citizens would be impaired by allowing the event to occur as requested.
- (3) An application is incomplete or submitted after the application due date.

**Sec. 29-169. Revocation.**

- (a) Permits issued under the provisions of this article may be revoked for any of the following causes by any official of the City:
  - (1) Fraud, misrepresentation or false statement contained in the application for permit.
  - (2) Fraud, misrepresentation or false statement made in the course of carrying out the permitted event.
  - (3) The applicant refuses to comply with the terms of the permit.
  - (4) The applicant has not provided proof of insurance, if required.
- (b) Notice of revocation of a permit shall be given verbally or in writing, and state the grounds of the revocation.
- (c) When the applicant receives notice that their permit has been revoked, they shall immediately surrender their permit to the revoking official and immediately cease the special event.

**Sec. 29-170. Appeals.**

- (a) An appeal from any act of denial or revocation of any permit shall be filed with the City Manager within five (5) business days from the date of denial or revocation.
- (b) Such appeal shall be taken by filing with the City Manager a written statement setting forth fully the grounds for the appeal.
- (c) The City Manager shall issue a written decision on the denial or revocation in writing within five (5) business days of receipt of the appeal.
- (d) The revocation or denial is not stayed pending the City Manager's decision.
- (e) The decision of the City Manager on such appeal shall be final and may not be appealed further.

**Sec. 29-171. Penalty for violation.**

Any person, firm, partnership, corporation, association, agent or employee thereof who violates any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars (\$500.00) for each offense. Each and every day that such violation shall continue shall be deemed to constitute a separate offense.

**Secs. 29-172—29-180. Reserved.**