

**CITY OF SEABROOK
ORDINANCE NO. 2017-08**

REMOVING “SPECIAL EVENT” REGULATIONS FROM APPENDIX “A”, “COMPREHENSIVE ZONING” AND RECODIFYING IN CHAPTER 65, “PARKS, RECREATION, AND MUNICIPALITIES”

AN ORDINANCE AMENDING THE SEABROOK CODE OF ORDINANCES, APPENDIX “A”, “COMPREHENSIVE ZONING”, ARTICLE 4, “SPECIAL USE REGULATIONS”, TO REMOVE SECTION 4.07, “SPECIAL EVENTS”, AND RECODIFYING SUCH PROVISIONS IN CHAPTER 65, “PARKS, RECREATION, AND MUNICIPAL FACILITIES”, ARTICLE I, “IN GENERAL”, BY ADDING A NEW DIVISION 1, “SPECIAL EVENTS”, SECTIONS 65-2 THROUGH 65-8; MAKING FINDINGS OF FACT; PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN FIVE HUNDRED DOLLARS (\$500.00) FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE AND EFFECTIVE DATE.

WHEREAS, special events in the City of Seabrook are increasing in both number and complexity, making it is necessary to adopt a more comprehensive ordinance to better allow the City to manage the competing uses of its public spaces and its resources and infrastructure, and to ensure that members of the public are able to access public space; and

WHEREAS, the definition of a Special Event was not fully defined in the previous ordinance, and there has been confusion from both City staff and Special Event applicants regarding the definition of a Special Event and its application process; therefore, it is essential that the City Council adopt a revised ordinance with a more clear definition of a Special Event; and

WHEREAS, the Seabrook Planning and Zoning Commission conducted a public hearing to consider a recommendation to the City Council to remove , Sec. 4.07, “Special Events”, from Article 4, “Special Use Regulations” of Appendix “A”, “Comprehensive Zoning” and recodify such new provisions under the general Code of Ordinances; with the Planning and Zoning Commission filing a report on February 16, 2017, recommending the recodification of such provisions; and

WHEREAS, the Seabrook City Council conducted a public hearing to consider approval of the subject recommendation by the Planning and Zoning Commission on March 7, 2017; and

WHEREAS, the subject hearings were duly called as provided by the laws of the State of Texas and Appendix “A” of the Code of Ordinances of the City, and that in such hearing all persons attending were allowed to be heard on the question of whether or not to remove Sec. 4.07, “Special Events”, from Article 4, “Special Use Regulations” of Appendix “A”, “Comprehensive Zoning” and recodify such provisions in Chapter 65, “Parks, Recreation, and Municipal Facilities”; and

WHEREAS, all public notices have been published and provided in accordance with statute and Appendix “A” of the City Code of Ordinances (Zoning Code); and

WHEREAS, the City recognizes the need to encourage and promote events for the greater good and promotion of the City, which contribute to the unique character and vitality of the City; and

WHEREAS, some gatherings and organized activities, due to their size and special requirements, may impact public safety and impede the flow of pedestrian and vehicular traffic and place unique demands on public resources, and in order to 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; and

WHEREAS, as a result of the said public hearings and the recommendation of the Planning and Zoning Commission as contained in its report, the City Council hereby finds and determines that the removal of Sec. 4.07, “Special Events”, from Article 4, “Special Use Regulations” of Appendix “A”, “Comprehensive Zoning” and recodification of such new provisions in Chapter 65, “Parks, Recreation, and Municipal Facilities as provided herein would be in the best interest of the health, safety and welfare of the public;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

SECTION 1. FINDINGS.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. AMENDMENT OF THE SEABROOK CODE OF ORDINANCES APPENDIX “A”, “COMPREHENSIVE ZONING”, ARTICLE 4, “SPECIAL USE REGULATIONS”, TO REMOVE SECTION 4.07, “SPECIAL EVENTS”, AND RECODIFY SUCH PROVISIONS IN CHAPTER 65, “PARKS, RECREATION, AND MUNICIPAL FACILITIES”.

The Seabrook Code of Ordinances is hereby amended by removing Section 4.07, “Special Events” from Article 4, “Special Use Regulations” Appendix “A”, Comprehensive Zoning and recodifying such new provisions in Chapter 65, “Parks, Recreation, and Municipal Facilities,” Article I, “In General”, by adding a new Division 1, “Special Events”, Sections 65-2 through 65-8 as follows:

APPENDIX “A”, “COMPREHENSIVE ZONING”, ARTICLE 4, “SPECIAL USE REGULATIONS”

CHAPTER 65, “PARKS, RECREATION, AND MUNICIPAL FACILITIES”

“DIVISION 1. – SPECIAL EVENTS

Sec. 65-2. – Definition.

A Special Event is defined as an event, gathering, or organized activity, which is open to the public and may impact public safety. In addition, a Special Event permit may be required if a mobile food provider is present, if alcohol is sold and/or consumed, and if more than ninety (90) attendees are expected.

Sec. 65-3. – Application for Permit.

A Special Event Permit shall not be issued until a completed Special Event Permit Application, together with any requested supporting documents and payments of all applicable fees, are received by the City at least 45 days prior to the date of the proposed Special Event. The proposed Special Event must comply with this ordinance and all other applicable laws.

Sec. 65-4. – Standards for Issuance of Special Events Permit.

A Special Event Permit will be issued only if the City finds that the following standards for issuance of a Special Event Permit are met:

- (a) The Special Event will not unnecessarily interrupt the safe and orderly movement of traffic near its location or route.
- (b) The Special Event will not conflict in time or location with another event.
- (c) The Special Event will not constitute a public threat.
- (d) The Special Event will not require on-duty police officers to police the Special Event locale.
- (e) The concentration of people, animals, or vehicles, etc. will not unduly interfere with fire, police, or emergency medical services.
- (f) A Special Event which is scheduled to move from its point of origin to its point of termination, must do so without unreasonable delays.

- (g) Other licenses and permits, restrictions, regulations, fees, safeguards or other conditions deemed necessary for the safe and orderly conduct of a Special Event are submitted.
- (h) The Special Event must not violate any City ordinance or any other applicable law.
- (i) The Applicant must provide proof that the insurance requirements for the Special Event have been met.

Sec. 65-5. – Revocation of Special Event Permit.

A Special Event Permit shall be revoked upon the following conditions:

- (a) If the police chief, fire chief, emergency coordinator, building official or other City official, or their designated representatives, find that any of the provisions of this ordinance, another City ordinance, or other applicable law are being violated, they shall immediately notify the City Manager or designee and based on that information, the City Manager or designee shall determine whether the Special Event Permit shall be revoked.
- (b) When, in the judgment of any of the above named City officials, a violation exists, the City official shall have authority to revoke a Special Event Permit and/ or immediately order the abatement of the event in the absence or unavailability of the City Manager or designee.
- (c) The Applicant made or allowed to be made a false or misleading statement or omission of material fact on a Special Event Application that was not discovered until after the Special Event Permit was issued.

Sec. 65-6. – Additional Required Documents.

Certificate of Insurance. A certificate of insurance, naming the City of Seabrook as an additional insured. This insurance provides protection of not less than \$100,000 against liability for damages to property and protection of not less than \$100,000 for protection of injury or death of one person and of not less than \$300,000 for protection against injury or death of two or more persons in a single accident or occurrence.

Sign Permit (If Applicable). A completed Sign Permit showing the location, type, size, content, and display dates of all Special Event signage.

Sec. 65-7. – Fees and Costs.

- (a) Fees have been established in the Master Fee Schedule ordinance.
- (b) Applicant shall pay any and all required fees with the Special Event Permit Application. Applicant shall also be required to pay all fees and costs related to City services in conjunction with or as part of a Special Event.

Sec. 65-8. – Timeframe and Deadlines.

A Special Event Permit Application shall be filed no less than 45 days, nor more than 125 days, before the commencement of the proposed Special Event. The City Manager or designee may consider a Special Event Application that is filed less than 45 days before the commencement of the proposed Special Event where good and compelling cause is shown. An additional fee may be charged if the application is submitted less than 45 days before the proposed Special Event date.

When a timeframe or deadline established in this Section resulted 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.”

SECTION 3. INCORPORATION INTO THE CODE; PENALTY CLAUSE.

This Ordinance is hereby incorporated into and made a part of the Seabrook City Code and violation of any provision hereof shall be subject to the penalty described in said Code, Section 1-15 “General Penalty; continuing violations” which provides that any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500. Each day of violation shall constitute a separate offense.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

SECTION 5. SEVERABILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 6. NOTICE.

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.

PASSED AND APPROVED with a quorum present, by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10 on first reading, this **7th day of March, 2017.**

PASSED AND ADOPTED with a quorum present, by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10, on second and **final reading, this 21st day of March, 2017.**

By: _____
O. J. Miller
Mayor Pro Tem

ATTEST:

By: _____
Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney