

## ORDINANCE NO. 95-1 AMENDED/REVISED

ORDINANCE 95-1 IS HEREBY AMENDED AND REVISED TO REQUIRE A PERMIT AND DOCUMENTS/INFORMATION AS PUT FORTH HEREIN FOR LARGE ASSEMBLIES, PARADES, ACTIVITIES WITH VENDORS OR SALES OF ANY TYPE AND MASS GATHERINGS THAT ARE CONDUCTED IN THE CITY OF GRAPELAND TO ADHERE TO THE FOLLOWING (THESE EXCEPTIONS ARE EXCLUDED - CHURCH EVENTS HELD ON CHURCH PROPERTY, SCHOOL SPONSORED EVENTS, AND/OR GOVERNMENTAL EVENTS OR OTHERS DEEMED SO AND APPROVED BY THE CITY COUNCIL):

### Definitions:

**EVENT:** When the word event is used above it means large assemblies, parades, activities with vendors or sales of any type and mass gatherings that are conducted in the City of Grapeland.

**MASS GATHERINGS:** Is defined as any group that would create issues with traffic flow, safety, health, or general welfare within the community-Reference exclusions.

**CITY:** means the City of Grapeland, Texas.

**RESPONSIBLE PARTY:** The responsible party must be 21 years of age, able to offer valid picture identification and provide contact numbers and sign an agreement that he/she has read and understands the ordinance. In addition, the responsible party for liabilities and cost incurred will be the individual who is listed as paying the taxes on or adjacent to event as well as the listed property owner(s) associated with the event or located adjacent to the location of the event and failure to report the event to the proper authorities.

**24 HOUR DAY:** Just as implied, if an event begins at 10:00 pm and ends on the following day at 3:00 am, the responsible party will need to secure two (02) permits.

**HIGHWAY:** As described in the Texas Traffic Code, the highway is described as from property line to property line with the roadway being further described as that portion of the highway designed for vehicle travel.

**LITTER:** Litter such as paper, cans, bottles or other debris left behind from the event.

**DAMAGED AREAS:** Damaged areas can consist of, but limited to roadway, highway, public road signs or real property of the City of Grapeland, Texas.

**ALCOHOLIC BEVERAGE:** A distilled beverage, spirit, or liquor that contains ethanol that is produced by distilling from grains, fruit or vegetables, Beer or Malt liquor.

**SECURITY:** If required, security will consist of employees from a licensed, bonded and regulated security agency or off duty peace officers from Houston County.

**AMENDED /REVISION OF POLICY ORDINANCE 95-1**

- A. THE RESPONSIBLE PARTY MUST APPLY FOR A PERMIT FOR EACH DAY OF THE EVENT FROM THE CITY OF GRAPELAND, TEXAS. THE RESPONSIBLE PARTY MUST PROVIDE INFORMATION SUCH AS LOCATION OF EVENT, TIME AND DATE, PERSONAL CONTACT INFORMATION AND APPROXIMATE NUMBER OF ATTENDEES.
- B. THE RESPONSIBLE PARTY MUST APPLY FOR AND RECEIVE THE APPROPRIATE PERMIT(S) FIVE (05) BUSINESS DAYS IN ADVANCE OF THE FIRST DAY OF THE SCHEDULED EVENT.
- C. ANY MUSIC, PA SYSTEM OR NOISE DEVICE MAY BE UTILIZED AT THE SCHEDULED EVENT, HOWEVER ONLY ADMISSIBLE AT 84 DECIBLES OR LOWER (REFERENCE ORD. 0605). VIOLATIONS OR FAILURE TO COMPLY IS A CLASS C MISDEMEANOR AND FINES.
- D. IF ALCOHOL IS SERVED AT THE EVENT, IT IS REQUIRED THAT THE RESPONSIBLE PARTY PROVIDE SECURITY FOR THE EVENT AT A RATIO OF ONE (01) SECURITY OFFICER FOR EVERY FIFTY (50) PATRONS; IN ADDITION TO AND EXPANDS ON ORD 08-0801; HOWEVER, THE PENALTIES STATED IN 08-0801 ARTICLE IV ARE TO BE APPLICABLE IN ADDITION TO ANY OTHER VIOLATION FINES.
- E. THE RESPONSIBLE PARTY MUST BE PRESENT AT THE EVENT AT ALL TIMES AND BE MADE AVAILABLE IN THE EVENT OF EMERGENCY SITUATIONS.
- F. THE RESPONSIBLE PARTY IS LIABLE FOR ALL TRASH, OR LITTER LEFT BEHIND BY ATTENDEES OF THE EVENT. ALL LITTER, EVEN THAT LEFT ON PRIVATE PROPERTY BUT SEEN BY PLAIN VIEW FROM A PUBLIC AREA MUST BE POLICED WITHIN 24 HOURS FROM THE END OF THE EVENT.
- G. THE RESPONSIBLE PARTY IS LIABLE FOR ANY DAMAGES CAUSED TO THE HIGHWAY OR ANY CITY OWNED PROPERTY. IN ADDITION, CONSIDERATIONS MAY BE PUT IN PLACE THAT IN ADDITION TO THE PERMIT FEE, A DEPOSIT BE SECURED TO ENSURE CLEAN UP AND DAMAGED AREAS REPAIRED.
- H. THE PROPERTY OWNER, ALONG WITH THE RESPONSIBLE PARTY MUST BE MADE AVAILABLE FOR INSPECTION OF THE LOCATION PRIOR TO THE EVENT BY THE CHIEF OF POLICE OR OTHERS THE CHIEF DEEMS NECESSARY, SUCH AS THE FIRE CHIEF, ETC.
- I. THE RESPONSIBLE PARTY(IES) MUST PROVIDE LIABILITY INSURANCE IN THE AMOUNT REQUIRED BY THE CITY, BASED ON THE SCOPE, SIZE, AND OTHER PERTINENT FACTORS OF THE EVENT. Normally, the amount will be (\$1,000,000) ONE MILLION TO (\$5,000,000) FIVE MILLION and can exceed this requirement. The City of Grapeland must be shown on the insurance as a Certificate Holder and a copy must be filed with the City.

**PERMIT**

Permit Cost depends upon the scope/type, time and size of the event. The minimum permit cost is \$500 to \$3,000 and up and is set by the City upon receiving and reviewing the permit application.

**PENALTY/FINES**

Any person found guilty of violating or not complying with any provisions of this ordinance is guilty of a Class C Misdemeanor and: (1) may be fined not more than five hundred dollars (\$500) for each individual non-compliance or violation per every half hour of non-compliance, when the event is underway. Non-compliance with obtaining a permit will be three times the value of the amount of what the permit would have cost; but in no case less than one thousand dollars (\$1,000).

**SEVERABILITY**

In this amendment and revision of Ordinance 95-1, if any section, subsection, sentence, clause, or phrase is for any reason held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Grapeland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

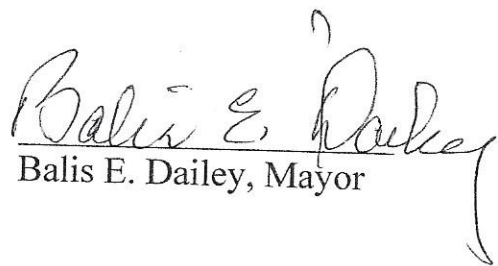
**EMERGENCY DECLARED**

The importance of this Ordinance and the intent and purpose thereof intended for the benefit of the citizens and property owners for the City of Grapeland, Houston County, Texas, constitutes an emergency and an imperative public necessity dictates that it be declared to be an emergency measure and that this Ordinance shall take effect immediately from and after its passage and accordingly, it is enacted.

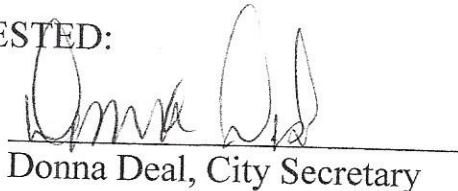
Passed and Approved this 11th day of October, 2016.

CITY OF GRAPELAND

BY:

  
Balis E. Dailey, Mayor

ATTESTED:

  
Donna Deal, City Secretary