

Mass Gatherings – Proposed Ordinance

Definitions.

“Mass gathering” means a gathering that is held inside the limits of the City of Texas City and that attracts or is expected to attract:

- (1) More than 150 persons are expected; or
- (2) More than 100 persons, if fifty-one percent (51%) or more of those persons may reasonably be expected to be younger than 21 years of age and it is planned or may reasonably be expected that alcoholic beverages will be sold, served, or consumed at or around the gathering; or
- (3) Has been posted on one or more social media websites available to the public; and
- (4) At which the persons will remain for more than four (4) continuous hours; or for any amount of time. Person means an individual, group of individuals, firm, corporation, partnership, or association.

“Promote” includes organize, manage, finance, or hold.

“Promoter” means a person over the age of twenty-one (21) or a corporate entity who promotes a mass gathering.

Special Event Permit requirement.

A person may not promote a mass gathering without a Special Event Permit issued under this article and paying any fee(s) for such permit as approved by the City Commission.

Application Procedure.

- (a) At least sixty (60) days before the date on which a mass gathering will be held, the Promoter shall file a permit application with the City. Applications submitted less than sixty (60) days prior to the event may still be considered; however, the applicant acknowledges that the required inspections and review process may not be completed in time to allow for authorization and permitting.
- (b) The application must include all applicable items listed below:
 - (1) The Promoter’s name and address;
 - (2) The name and address of the owner of the property on which the mass gathering will be held;
 - (3) A copy of an executed agreement between the Promoter and the property owner;

- (4) The location and a description of the property on which the mass gathering will be held;
- (5) The dates and times that the mass gathering will be held;
- (6) The maximum number of persons the Promoter will allow to attend the mass gathering and the plan the Promoter intends to use to limit attendance to that number;
- (7) A description of each step the Promoter has taken to ensure that minimum standards of sanitation and health will be maintained during the mass gathering;
- (8) A description of all preparations being made to provide traffic control, to ensure that the mass gathering will be conducted in an orderly manner, and to protect the physical safety of the persons who attend the mass gathering;
- (9) A description of the preparations made to provide adequate medical care;
- (10) A description of the preparations made to supervise minors who may attend the mass gathering;
- (11) A description of the preparations made to provide adequate security for the mass gathering;
- (12) A description of requested road closures, preparations made to provide adequate parking, and a description of requested no parking zones for the mass gathering.
- (13) Whether drone(s) will be used or allowed and a description of the preparations for their use;
- (14) A statement reflecting the anticipated costs of the mass gathering and a description of the sources of funds;
- (15) Proof of liability insurance for the mass gathering naming the City of Texas City as an Additional Insures (if it is anticipated that City property will be used);
- (16) A copy of each agreement between the Promoter and any scheduled performer(s).
- (17) An application fee in full in the amount as determined by the City.

Application Review.

- (a) After a Special Event Permit application is filed with the City, the application shall be sent to the Special Events Committee.

- (b) Representatives from the Special Events Committee shall investigate preparations for the mass gathering. Within 15 days after the Special Event Permit is received, , the Special Events Committee shall make a determination on whether the minimum standards for ensuring public safety and order that are prescribed by state and local laws, rules, and orders will be maintained.

Decision by the Mayor

- (a) After a review of the reports or any other investigations by the Special Events Committee, the Mayor shall either grant or deny the permit. The decision by the Mayor shall be made within 10 days after receipt of the determination of the Special Events Committee.
- (b) In the decision to grant the permit, the Mayor shall determine the specific dates and times for which the permit is granted, whether there will be road closures, whether there will be no parking zones for specific locations, whether the use of drones is allowed, and whether there is any additional security required for the mass gathering. The Mayor may also determine whether there are any other requirements within the granting of the permit that would be necessary to maintain the health, safety, governance and good order of the city within the authority granted by law.
- (c) The Mayor may deny the permit if he/she finds that:
 - (1) The application contains false or misleading information or omits required information;
 - (2) The location selected for the mass gathering is inadequate for the purpose for which it will be used;
 - (3) The Promoter has not made adequate preparations to limit the number of persons attending the mass gathering or to provide adequate supervision for minors attending the mass gathering;
 - (4) The Promoter does not have assurance that scheduled performers will appear;
 - (5) The preparations for the mass gathering do not ensure that minimum standards of sanitation and health will be maintained;
 - (6) The preparations for the mass gathering do not ensure that the mass gathering will be conducted in an orderly manner and that the physical safety of persons attending will be protected;
 - (7) Adequate arrangements for traffic control have not been provided;
 - (8) An adequate safety plan has not been developed;
 - (9) Adequate security will not be available;

- (10) Adequate parking will not be available;
- (11) The Promoter's financial backing is insufficient to ensure that the mass gathering will be conducted in the manner stated in the application; or
- (12) there is inadequate liability insurance for the mass gathering.
- (13) The Mayor determines the event is not in the best interest of the City of Texas City.

Permit Revocation.

The Mayor or his/her designee may revoke a permit issued under this article if he/she finds that the preparations for the mass gathering will not be completed by the time the mass gathering will begin, for the failure to meet any of the requirements determined and identified pursuant to the decision of the Mayor or that the Special Event Permit was obtained by fraud or misrepresentation.

Appeal.

A Promoter (Naming the City of Texas City as an Additional Insured) or a person affected by the granting, denying, or revoking of a permit may appeal that action to the City Commission or, if time does not permit for a City Commission meeting to be called, the appeal can be to a district court having jurisdiction in Galveston County.

Inspections.

- (a) The county health authority may inspect a mass gathering during the mass gathering to ensure that the minimum standards of health and sanitation prescribed by state and local laws, rules, and orders are being maintained. If the county health authority determines a violation of the minimum standards is occurring, the health authority may order the Promoter of the mass gathering to correct the violation.
- (b) A City Fire Marshal or designee may inspect a mass gathering during the mass gathering to ensure that the minimum standards for ensuring public fire safety and order as prescribed by state and local laws, rules, and orders are being maintained. If the official determines a violation of the minimum standards is occurring, the marshal or designee may order the Promoter of the mass gathering to correct the violation or revoke the Special Events Permit halting the mass gathering.
- (c) The Chief of Police may inspect a mass gathering during the mass gathering to ensure that the minimum standards for ensuring public safety and order prescribed by state and local laws, rules, and orders are being maintained. If the Chief of Police determines a violation is occurring, the Chief of Police may order the Promoter of the mass gathering to correct the violation or revoke the Special Events Permit halting the mass gathering.
- (d) A Promoter who fails to comply with an order issued under this section commits an offense. An offense under this section is a Class C misdemeanor.

Indemnity Clause.

The applicant shall indemnify and hold the City harmless from all costs, expenses (including reasonable attorney's fees) and damages to persons or property arising directly or indirectly as a result of the mass gathering. This provision is not intended to create a cause of action or liability for the benefit of third parties but is solely for the benefit of the applicant and the city.

Noise.

All regulations in Chapter 94: Health and Sanitation, § 94.009 Noise of this Code regarding noise shall apply to mass gatherings.

Inspection Fees.

- (a) City Commission may establish and collect a fee for an inspection performed. The fee may not exceed the amount necessary to defray the costs of performing the inspections.
- (b) City Commission may use money collected under this section to reimburse the county for the cost of performing the inspections

Exceptions to Permit and Fee.

The following types of mass gatherings are required to notify the Chief of Police ten (10) days prior to the event, but are not required to obtain a Special event Permit or to pay any fees established under the Application Procedure herein.

- (a) Church events held on church property;
- (b) City, school, county or other governmental entity events held on property owned by the governmental entity;
- (c) Weddings, family reunions, wakes, and funerals; or
- (d) Any other exceptions approved by City Commission.
- (e) An applicant may request, and the Mayor may approve, an annual or event series permit for a single location hosting repetitive events of similar nature; including but not limited to attendance, hours of operation, and safety measures as described elsewhere in this article.

Criminal Penalty.

- (a) A person commits an offense if the person violates Permit Required.
- (b) An offense under this section is a misdemeanor punishable by a fine not to exceed \$1,000.00.