

CITY OF TEXAS CITY
REGULAR CALLED CITY COMMISSION MEETING

AGENDA

WEDNESDAY, APRIL 20, 2022 - 5:00 P.M.
KENNETH T. NUNN COUNCIL ROOM - CITY HALL
1801 9th Ave. N.
Texas City, TX 77590

PLEASE NOTE: Public comments and matters from the floor are generally limited to 3 minutes in length. If you would like to request to speak, please do so in advance of the meeting by filling out a Request To Address Commission form. All in attendance are required to remove hats and/or sunglasses (dark glasses) during meetings and to also silence all cell phones and electronic devices.

(1) ROLL CALL

(2) INVOCATION

(3) PLEDGE OF ALLEGIANCE

(4) PROCLAMATIONS AND PRESENTATIONS

(a) Service Awards

Jeffery Frank	Sanitation	04/27/2012	10 years
Stephen Bookman	Sanitation	04/30/2007	15 years
Mathew Wyatt	Fire	04/23/2007	15 years
Micah Simons	Fire	04/23/2007	15 years

(5) REPORTS

(a) Neighborhood Improvement Services Quarterly Report: Nuisance Abatement

(b) Financial Quarterly Report (Finance)

(6) PUBLIC COMMENTS

(7) CONSENT AGENDA

(a) Approve City Commission Minutes for April 6, 2022 meeting. (City Secretary)

(8) REGULAR ITEMS

- (a) Consider and take action on Ordinance No. 2022-07, amending the Texas City Code of Ordinance Title IX General Regulations, Chapter 94, "Health and Sanitation", "Section: Junked or Abandoned Vehicles to update information contained in the Code and to expand the definition of Junked Vehicles to include non-motored vehicles such as but not limited to trailers. (Fire Department)

- (b) Consider and take action on Ordinance No. 2022-08, amending the Texas City Code of Ordinances Title IX General Regulations to add Chapter 97, "Mass Gatherings" as a new chapter. This Mass Gathering Ordinance regulates large gatherings that are held inside the limits of the City of Texas City and providing for an Application Procedure, the issuance of a Special Event Permit, and a Special Event Application Fee. (Management Services)

(9) COMMISSIONERS' COMMENTS

(10) MAYOR'S COMMENTS

(11) ADJOURNMENT

NOTICE OF ANY SUBJECT APPEARING ON THIS AGENDA REGARDLESS OF HOW THE MATTER IS STATED MAY BE ACTED UPON BY THE CITY COMMISSION.

NOTICE: The City of Texas City will furnish free transportation to handicapped individuals via a 4-door sedan for anyone wishing to attend the City Commission meetings. Call 948-3111, City Secretary's Office before noon on Monday preceding the meeting to make arrangements.

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE BULLETIN BOARDS AT CITY HALL, 1801 9TH AVENUE NORTH, TEXAS CITY, TEXAS, AT A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AND ON THE CITY'S WEBSITE ON APRIL 13, 2022, PRIOR TO 5:00 P.M. AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.

RHOMARI LEIGH
CITY SECRETARY

CITY COMMISSION REGULAR MTG

(4) (a)

Meeting Date: 04/20/2022

April 2022 Service Awards

Submitted For: Jennifer Price, Human Resources

Submitted By: Susan Sensat, Human Resources

Department: Human Resources

Information

ACTION REQUEST (Brief Summary)

Service Awards

Jeffery Frank	Sanitation	04/27/2012	10 years
Stephen Bookman	Sanitation	04/30/2007	15 years
Mathew Wyatt	Fire	04/23/2007	15 years
Micah Simons	Fire	04/23/2007	15 years

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

CITY COMMISSION REGULAR MTG

(5) (a)

Meeting Date: 04/20/2022

Submitted By: Rhomari Leigh, City Secretary

Department: City Secretary

Information

ACTION REQUEST (Brief Summary)

Neighborhood Improvement Services Quarterly Report: Nuisance Abatement

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Staff Report

NUISANCE ABATEMENT

BRITTANY COBURN

THE FIRST STEP



THE COMMUNICATION

1,2022

Trash Piles

DATE	HPIC	DESC	ADDRESS	TAGGED ADDRESSES	QTY	PRICE
3-2-22		Pallets	311	14TH AVE N		
3-2-22		Misc Debris	309	17TH AVE N		
3-2-22		Misc Debris	308	18TH AVE N		
3-2-22		CONCRETE	303	19TH AVE N		
3-2-22		Chipped DIRT	3103	22ND AVE N		
3-2-22		BRICK/DIRT	2710	CURTAIN LN		
3-2-22		Misc Debris	2813	SANDWICH LN		
				15TH ST N		



Communication between me and brush crew has begun. 75% of residents have the debris removed quickly

STARTING THE PROCESS



The other 25% of residents receive a sign in the yard & the 10 day process has started.

MAIL OUTS

Bulky Item Disposal

Bulky item collection is provided to all City residential solid waste customers.

Bulky item – defined as residentially generated stoves, water heaters, mattresses, washing machines, furniture, refrigerators and air conditioners (which have CFC's removed and tagged by a certified technician) and other materials other than Construction Debris.

Collection Frequency

The City of Texas City provides bulky item collection once per week on your first garbage collection day of the week. For example, if you are on the Tuesday/Friday schedule, bulky items will be collected on Tuesday.

Bulky Pile Guidelines

- Set out bulky items no later than 7:00 a.m. on the scheduled collection day.
- Place bulky item piles within five (5) feet of the curb or edge of the street.
- Do not place bulky item near garbage carts, parked cars, fences, trees, mailboxes, beneath overhead wires, low-hanging tree limbs, or on top of water meters.

Bulky Item and Out of Compliance Waste Disposal Alternative

- The city offers "Pay Pile" collections (for a fee) to residents with "out of compliance" debris or items that exceed regular collection.
- Additionally, Residents with a current copy of their water bill may be able to dispose of some materials at the Biosphere recycling center located at 3301 Loop 197 North.
- Call 409-643-5810 for more information.

COLLECTION PROCESS

BEFORE



AFTER



Residents have the option to call Public Works to schedule an estimate for special pick up. For \$5/ cubic yard we will collect and apply amount to the water bill.

ABATEMENT PROCESS



STATS 2020-2022

We have had over 1100 cases since the last presentation in 2020

And over 600 of those cases were within the last year.

What we are most proud of is 90% of residents comply and clean up on their own

Because changing behavior is our goal!

Initial Inspection



Start the process



Re-Inspection



FORCED COMPLIANCE

Approximately 200 of these tagged cases are cleaned by the Sanitation Department and charged a fee.



RESIDENTIAL



Example in Alley

RESIDENTIAL



Example at the curb

ILLEGAL DUMPS



ILLEGAL DUMPS



Our Sanitation Dept has collected over **200** illegal dumps within the last year

CITY COMMISSION REGULAR MTG

(8) (a)

Meeting Date: 04/20/2022

amending Code of Ordinance Title IX General Regulations, Chapter 94, "Health and Sanitation

Submitted For: David Zacherl, Fire Department

Submitted By: Cindy Baker, Fire Department

Department: Fire Department

Information

ACTION REQUEST (Brief Summary)

Consider and take action on Ordinance No. 2022-07, amending the Texas City Code of Ordinance Title IX General Regulations, Chapter 94, "Health and Sanitation", "Section: Junked or Abandoned Vehicles to update information contained in the Code and to expand the definition of Junked Vehicles to include non-motored vehicles such as but not limited to trailers.

BACKGROUND

The current definition of a junked vehicle does not include RV's, trailers, and other pull-behind equipment that has fallen into disrepair and is being left on property to further deteriorate where it is visible from a public place or the public right-of-way and initiating code complaints.

This negative activity is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards and constitutes an attractive nuisance creating a hazard to the health and safety by attracting and harboring rodents and snakes in neighborhoods. Furthermore, it is detrimental to the economic welfare of the city by producing urban blight adverse to the maintenance and continuing development of the city, and is a public nuisance.

Please see Exhibit A for examples.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Ordinance

Exhibit A

ORDINANCE NO. 2022-07

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, OF THE CITY OF TEXAS CITY, TEXAS, TITLE IX. GENERAL REGULATIONS, CHAPTER 94, “HEALTH AND SANITATION”, SECTION: JUNKED OR ABANDONED VEHICLES; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; DISPENSING WITH THE CHARTER REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, there is a need to amend **The Code of Ordinances of the City of Texas City, Texas**, Title IX. General Regulations, Chapter 94, Health and Sanitation, Section: Junked or Abandoned Vehicles, to update information contained in the Code, and

WHEREAS, in accordance with Texas Transportation Code, § 683.0711 the governing body of a municipality may provide for a more inclusive definition of a junked vehicle subject to regulation under this subchapter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission approves amendment of Chapter 94, Health and Sanitation, Section: Junked or Abandoned Vehicles, § 94.025.

SECTION 2: That **The Code of Ordinances of the City of Texas City, Texas**, Chapter 94, Health and Sanitation, Section: Junked or Abandoned Vehicles, § 94.025 is hereby amended to read and provide as follows:

“TITLE IX. GENERAL REGULATIONS”

Sec. 94.025 is amended to read as follows:

Sec. 94.025 JUNKED OR ABANDONED VEHICLES

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED MOTOR VEHICLE. A vehicle is abandoned if the motor vehicle:

- (a) Is inoperable, is more than five years old, and has been left unattended on public property for more than 48 hours;
- (b) Has remained illegally on public property for more than 48 hours;
- (c) Has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours;
- (d) Has been left unattended on the right-of-way of a designated county, state, or federal highway for more than 48 hours;
- (e) Has been left unattended for more than 24 hours on the right-of-way of a turnpike

project constructed and maintained by the Texas Turnpike Authority division of the Texas Department of Transportation of a controlled access highway; or

(f) Is considered an abandoned vehicle under Section 644.153(r).

ANTIQUÉ CAR. A passenger car or truck that is at least 35 years old.

DEMOLISHER. Any person whose business is to convert a motor vehicle into processed scrap or scrap metal or otherwise to wreck or dismantle motor vehicles.

JUNKED VEHICLE. A vehicle that is self-propelled **or a non-motored vehicle including but not limited to trailers** and:

(a) Does not have lawfully attached to it:

1. An unexpired license plate; or
2. Does not display a license plate, or
3. A valid motor vehicle inspection certificate, **or**

(b) Is:

1. Wrecked, dismantled or partially dismantled, or discarded; or
2. Inoperable and has remained inoperable for more than:
 - a. Seventy-two consecutive hours, if the vehicle is on public property; or
 - b. Thirty consecutive days, if the vehicle is on private property, **or**

(c) An aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under FAA aircraft registration regulations, **or**

(d) A watercraft that:

1. Does not have lawfully on board an unexpired certificate of number, and
2. Is not a watercraft described by Section 31.055, Parks and Wildlife Code.

(B) *Declaration of nuisance; violations.*

(1) An abandoned vehicle, junked vehicle or vehicle part that is located in a place where it is visible from a public place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the city by producing urban blight adverse to the maintenance and continuing development of the city, and is a public nuisance.

(2) Any person commits an offense if that person maintains a public nuisance as determined under this section.

(3) A complaint concerning a public nuisance shall be filed in the Municipal Court of

the city if the public nuisance, as provided under this section, is not removed and abated and a hearing is not requested within the ten-day period provided by divisions (D)(1) and (D)(2) below.

(C) *Responsibility for administration; right of entry; abatement policy.* The ~~Fire Marshal Marshal's Office Chief Administrator~~, or a city employee under his or her direction, shall administer the provisions of this section; except that, the removal of vehicles or vehicle parts from property may be by any other authorized person. The ~~Fire Marshal Marshal's Office Chief Administrator~~, or a city employee under his or her direction, shall have authority to enter upon any private property for the purposes specified in this section, to examine vehicles or vehicle parts, obtain information as to the identity of the vehicle, and remove or cause the removal of a vehicle or vehicle part that constitutes a nuisance. It is the policy of the city to abate and remove abandoned vehicles, junk vehicles or vehicle parts as public nuisances from private property, public property or public rights-of-way and to implement the abatement and removal by the use of the procedures established in this section.

(D) *Order to remove; hearing; removal and disposition by city.* Whenever it shall be determined that an abandoned vehicle, junked vehicle or vehicle part is located in a place where it is visible from a public place or public right-of-way, thereby constituting a public nuisance:

(1) For a nuisance on private property, the ~~Fire Marshal Marshal's Office Chief Administrator~~, or a city employee under his or her direction, shall give not less than a ten-day notice, stating the nature of the public nuisance on private property, that it must be removed and abated within ten days, and that a request for a hearing must be made to the ~~Texas City Municipal Court of Record Marshal's Office Chief Administrator~~ before expiration of the ten-day period. The notice must be mailed by certified mail, with a five-day return requested, to the owner or occupant of the private premises on which the public nuisance exists, and to the last known registered owner of the nuisance and each lienholder of record of the nuisance. If the notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not earlier than the eleventh day from the date of such return;

(2) For a nuisance on public property, the ~~Fire Marshal Marshal's Office Chief Administrator~~, or a city employee under his or her direction, shall give not less than a ten-day notice, stating the nature of the public nuisance on public property or on a public right-of-way, that it must be removed and abated within ten days, and that a request for a hearing must be made to the ~~Texas City Municipal Court of Record Marshal's Office Chief Administrator~~ before expiration of the ten-day period. The notice must be mailed by certified mail, with a five-day return requested, to the owner or occupant of the public premises or to the owner or occupant of the premises adjacent to the public right-of-way on which such public nuisance exists, and to the last known registered owner of the nuisance and each lienholder of record of the nuisance. If the notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not earlier than the eleventh day from the date of such return;

(3) A public hearing is required before the removal of the vehicle or vehicle part as a public nuisance. If a public hearing is requested by the owner or occupant of the public or private premises, or by the owner or occupant of the premises adjacent to the public right-of-way on which the vehicle is located, it shall be held before the Texas City Municipal Court of Record, prior to the removal of the vehicle or vehicle part as a public nuisance,

at a time to be set by him or her, but not earlier than the eleventh day after the date of the service of notice to abate the nuisance. An order of the Texas City Municipal Court of Record requiring the removal of the vehicle or vehicle part must include a description of the vehicle and the correct identification number and license number of the vehicle, if the information is available at the site;

(4) When no public hearing is requested by the owner or occupant of the premises where the public nuisance exists, upon the expiration of the period of time set forth in divisions (D)(1) and (D)(2) above, the ~~Marshal's Office Chief Administrator~~ **Texas City Municipal Court of Record** shall enter an order requiring the removal of the vehicle or vehicle part, the order to include a description of the vehicle or vehicle part and the correct identification number and license number of the vehicle, if available at the site;

(5) Within five days after the date of the removal, notice shall be given to the State Department of Highways and Public Transportation identifying the vehicle or vehicle part; and

(6) A junked vehicle or vehicle part may be disposed of by removal to a scrap yard or demolisher for processing as scrap or salvage.

(7) The relocation of a previously noticed junked vehicle or vehicle part under this section to another location, where it remains in violation of this ordinance, shall be considered an unlawful continuance and shall remain subject to the abatement proceedings.

(E) *Reconstruction of removed vehicles prohibited.* After removal of any such junked vehicle, it shall not thereafter be reconstructed or made operable.

(F) *Exemptions.* The provisions of this section shall not apply to:

(1) A vehicle or vehicle part which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;

(2) A vehicle or vehicle part which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard; and

(3) Unlicensed operable or inoperable antique or special interest vehicles stored by a collector on the collector's property; provided that, the vehicles and the outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.

(G) *Administrative personnel; persons authorized to remove vehicles.* The administration of the procedures provided by this section shall be accomplished by regular, salaried, full-time employees of the city; except that, the removal of vehicles or vehicle parts from property may be by any other duly authorized person.

(H) *Open storage of abandoned vehicles.* It shall be unlawful for the owner or occupant of any building, structure or property within the city, regardless of how zoned by Ch. 160 of this code of ordinances, to utilize the premises of the property for the open storage of any abandoned motor vehicle. It shall be the duty and responsibility of every owner or occupant to remove from the premises all abandoned motor vehicles upon notice from the designated official of the city.

For the purpose of this section, an *ABANDONED MOTOR VEHICLE* is defined as one that does not have attached to it a valid license plate and inspection sticker duly issued to the vehicle, is in a state of disrepair, or is incapable of being removed under its own power. The provisions of this division (H) shall not apply to any duly licensed junk dealer operating under and in compliance with Ch. 114 of this code of ordinances.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby expressly repealed to the extent of such conflict.

SECTION 4: That, in the event any section, clause, sentence, paragraph, or part of this Ordinance shall be for any reason adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, invalidate, or impair the remainder of this Ordinance.

SECTION 5: That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of the City Commission.

PASSED AND ADOPTED this 20th day of April 2022.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

Justification

The current definition of a junked vehicle does not include RV's, trailers, and other pull-behind equipment that has fallen into disrepair and is being left on property to further deteriorate where it is visible from a public place or the public right-of-way and initiating code complaints.

This negative activity is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards and constitutes an attractive nuisance creating a hazard to the health and safety by attracting and harboring rodents and snakes in neighborhoods. Furthermore, it is detrimental to the economic welfare of the city by producing urban blight adverse to the maintenance and continuing development of the city, and is a public nuisance.

Examples







CITY COMMISSION REGULAR MTG

(8) (b)

Meeting Date: 04/20/2022

Mass Gathering Ordinance

Submitted For: Jon Branson, Management Services

Submitted By: Jon Branson, Management Services

Department: Management Services

Information

ACTION REQUEST (Brief Summary)

Consider and take action on Ordinance No. 2022-08, amending the City of Texas City's Code of Ordinances by adding a Mass Gathering Ordinance for large gatherings that are held inside the limits of the City of Texas City and providing for an Application Procedure, the issuance of a Special Event Permit and a Special Event Application Fee.

BACKGROUND

Currently the City of Texas City does not have an Ordinance in place that regulates the gathering of large groups of people within the City Limits. In order to protect the welfare of the residents of Texas City and the visitors of the City, a Mass Gathering Ordinance is recommended to regulate gatherings of one hundred fifty (150) people or more within the limits of the City of Texas City.

ANALYSIS

Consider and take action on Ordinance No. 2022-08, amending the City of Texas City's Code of Ordinances by adding a Mass Gathering Ordinance.

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Ordinance

Mass Gathering Ordinance

ORDINANCE NO. 2022-08

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, OF THE CITY OF TEXAS CITY, TEXAS, ADDING CHAPTER 97 “MASS GATHERINGS” UNDER TITLE IX GENERAL REGULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; DISPENSING WITH THE CHARTER REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission approves the amendment of **The Code of Ordinances of the City of Texas City, Texas**, Title IX General Regulations, to add Chapter 97 “Mass Gatherings” to read as follows:

“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.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby expressly repealed to the extent of such conflict.

SECTION 3: That, in the event any section, clause, sentence, paragraph, or part of this Ordinance shall be for any reason adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, invalidate, or impair the remainder of this Ordinance.

SECTION 4: That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of the City Commission.

PASSED AND ADOPTED this 20th day of April 2022.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

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 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 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:
 - (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) An executed and certified copy of the 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) Adequate assurances of scheduled performers appearance if applicable;
- (12) A description of the preparations made to provide adequate security for the mass gathering;
- (13) A description of requested road closures, preparations made to provide adequate parking, and a description of requested no parking zones for the mass gathering.
- (14) Whether drone(s) will be used or allowed and a description of the preparations for their use;
- (15) A financial statement that reflects the funds being supplied to finance the mass gathering and each person supplying the funds;
- (16) Proof of liability insurance for the mass gathering (Naming the City of Texas City as an Additional Insured);
- (17) The name and address of each performer who has agreed to appear at the mass gathering and the name and address of each performer's agent; and;
- (18) A description of each agreement between the promoter and a performer.

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. At least 15 days before the date of the mass gathering, 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 of the Mayor shall be no later than the 10th day before the date on which a mass gathering will begin.
- (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) Adequate medical and nursing care will not be available;
- (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) 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** may revoke a permit issued under this article if the 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 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.
- (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.

- (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.