

3-26-19

ORDINANCE NO. **31144**

An ordinance amending Chapter 29A, "Neighborhood Farmers Market," and Chapter 42A, "Special Events," of the Dallas City Code by reserving Chapter 29A and rewriting Chapter 42A; providing regulations for special events, neighborhood markets, the Dallas Farmers Market, and streetlight pole banners; providing a penalty not to exceed \$2,000 for a violation of this chapter governing fire safety, zoning, or public health and sanitation, and \$500 for all other violations; providing a saving clause; providing a severability clause; and providing an effective date.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Chapter 29A, "Neighborhood Farmers Markets," of the Dallas City Code is amended to read as follows:

**"CHAPTER 29A.
RESERVED. [NEIGHBORHOOD FARMERS MARKETS.**

**ARTICLE I.
GENERAL PROVISIONS.**

~~SEC. 29A-1.~~ ~~PURPOSE.~~

~~The purpose of this chapter is to facilitate the promotion of neighborhood farmers markets within the city to support the local economy, to encourage sustainable living, and to create a more positive image of the city.~~

~~SEC. 29A-2.~~ ~~DEFINITIONS.~~

~~In this chapter:~~

~~(1) APPLICANT means a person who has filed a written application for a neighborhood farmers market permit.~~

(2) ~~CENTRAL BUSINESS DISTRICT~~ means ~~the area bounded by Woodall Rogers Freeway on the north, Central Expressway and Julius Schepps Freeway on the east, Interstate Highway 30 on the south, and Interstate Highway 35E on the west.~~

(3) ~~CITY~~ means ~~the city of Dallas, Texas.~~

(4) ~~DALLAS FARMERS MARKET~~ means ~~a permanent, indoor and outdoor marketplace on public and private property where produce, merchandise, food, or other products are distributed, offered for sale, or sold to consumers and that is:~~

(A) ~~bounded by Marilla Street on the north, northbound Cesar Chavez Boulevard on the east, Interstate Highway 30 on the south, and Harwood Street on the west; and~~

(B) ~~described in and subject to a master agreement with the city adopted on February 27, 2013 by Resolution No. 13-0447 and the operating covenants with the city contained in lease and deed documents authorized on March 27, 2013 by Resolution Nos. 13-0535, 13-0536, 13-0537, 13-0538, and 13-0539.~~

(5) ~~DIRECTOR~~ means ~~the person designated by the city manager to implement, administer, and enforce this chapter, and includes any designated representative of the director.~~

(6) ~~NEIGHBORHOOD FARMERS MARKET or MARKET~~ means:

(A) ~~a temporary, outdoor marketplace on private property:~~

(i) ~~where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products;~~

(ii) ~~for which the estimated number of vendors and attendees for any day of the market does not exceed 1,000;~~

(iii) ~~that is not being operated as part of a special event permitted under Chapter 42A of this code; and~~

(iv) ~~that involves one or more of the following activities:~~

(aa) ~~the sale of merchandise, food, or beverages on private property where otherwise prohibited by ordinance;~~

(bb) ~~the erection of stalls or tents on private property where otherwise prohibited by ordinance;~~

(cc) ~~the placement of portable toilets on private property where otherwise prohibited by ordinance; or~~

31144

(dd) ~~the placement of temporary no parking, directional, over-size, or identification signs or banners on private property where otherwise prohibited by ordinance; or~~

(B) ~~the Dallas Farmers Market.~~

(7) ~~NEIGHBORHOOD FARMERS MARKET PERMIT means written approval to hold a neighborhood farmers market issued by the director under this chapter.~~

(8) ~~PERMIT HOLDER means a person issued a neighborhood farmers market permit.~~

(9) ~~PERSON means an individual, firm, partnership, corporation, association, or other legal entity.~~

(10) ~~VENDOR means a person who distributes, offers for sale, or sells produce, merchandise, food, or other products at a neighborhood farmers market.~~

SEC. 29A-3.

~~GENERAL AUTHORITY AND DUTY OF DIRECTOR.~~

(a) ~~The director shall implement, administer, and enforce the provisions of this chapter.~~

(b) ~~The director has authority to issue a neighborhood farmers market permit that authorizes one or more of the activities described in Section 29A-2(6)(A)(iv) when requirements of this chapter have been met.~~

SEC. 29A-4.

~~CHAPTER CUMULATIVE.~~

(a) ~~The provisions of this chapter are cumulative of all city ordinances. Tent permits, building permits, electrical permits, food establishment permits, alcoholic beverage permits and licenses, and all other permits and licenses required by ordinance or other law for specific activities to be conducted in conjunction with or as part of the neighborhood farmers market must be applied for separately, in accordance with the applicable ordinance or law. The director shall receive and coordinate applications for any city issued permit or license required in addition to the neighborhood farmers market permit.~~

(b) ~~Application for a neighborhood farmers market permit authorizes appropriate city departments to issue permits for the activities described in Section 29A-2(6)(A)(iv) in locations where the activity would otherwise be prohibited by ordinance.~~

31144

ARTICLE II.
NEIGHBORHOOD FARMERS MARKET PERMITS.

SEC. 29A-5. APPLICATION; ISSUANCE.

(a) ~~A person desiring to hold a neighborhood farmers market shall apply for a neighborhood farmers market permit by filing with the director a written application upon a form provided for that purpose. Each application must be accompanied by the required application fee. An application must be filed not less than 30 days before the neighborhood farmers market is to begin. The director may waive the 30-day filing requirement if the application can be processed in less than 30 days, taking into consideration the number and types of permits required to be issued in conjunction with the neighborhood farmers market.~~

(b) ~~An application must contain the following information:~~

(1) ~~The name, address, and telephone number of the applicant and of any other persons responsible for the conduct of the neighborhood farmers market.~~

(2) ~~The street address of the proposed location of the neighborhood farmers market; the name, address, and telephone number of the property owner; and a copy of the consent required by Section 29A-10(c), if applicable.~~

(3) ~~A description of the neighborhood farmers market, including a proposed schedule of the dates and hours of operation for the market (not to exceed 28 operating days in any calendar year, none of which may be consecutive days), except that this requirement does not apply to the Dallas Farmers Market.~~

(4) ~~The estimated number of vendors and attendees for each day of the market.~~

(5) ~~A drawing showing the area to be used for the neighborhood farmers market, along with proposed structures, tents, fences, barricades, signs, and banners.~~

(6) ~~Provisions for parking with a designation of where "No Parking" signs will be used.~~

(7) ~~Details of the sale of merchandise or the sale or serving of food or alcoholic or nonalcoholic beverages at the market, including but not limited to the names of participating vendors, a description of items to be sold, and the percentages of food and nonfood items to be sold.~~

(8) ~~Details of how the applicant will clean up after the neighborhood farmers market each day.~~

(9) ~~Proof that the applicant possesses or is able to obtain all licenses and permits required by this code or other city ordinances or by state law for the conduct of the neighborhood farmers market.~~

31144

(10) ~~If the applicant is a corporation, copies of a current certificate of account status issued by the Texas Comptroller's Office and a current certificate of existence issued by the Texas Secretary of State's Office, or, if the corporation is not incorporated in or holding a certificate of authorization in the State of Texas, copies of similar current certificates from the state in which the corporation is incorporated.~~

(11) ~~A description (including but not limited to the name, date, location, and size) of each neighborhood farmers market that the applicant conducted or sponsored, or participated in conducting or sponsoring, within the preceding two years.~~

(12) ~~Any other information the director determines necessary for the administration and enforcement of this chapter.~~

(c) ~~Upon receipt of the completed application, the director shall forward a copy of the application to the building official and the departments of police, fire rescue, risk management, code compliance, and transportation. The building official and each department shall review the application and return it, with any comments, to the director within 10 working days after receipt.~~

(d) ~~The building official, departments, and the director may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of a neighborhood farmers market, to be incorporated into the permit before issuance.~~

(e) ~~After reviewing the application and comments, the director shall issue the neighborhood farmers market permit unless denial is required by Section 29A-8. A neighborhood farmers market permit expires one year after issuance and may be renewed by applying in accordance with this section.~~

SEC. 29A-6.

FEES.

~~An applicant for a neighborhood farmers market permit shall pay the following fees to conduct the market:~~

(1) ~~A nonrefundable application fee of:~~

(A) ~~\$250 for a neighborhood farmers market in which the estimated number of vendors does not exceed 35;~~

(B) ~~\$350 for a neighborhood farmers market in which the estimated number of vendors is more than 35 but does not exceed 70; or~~

(C) ~~\$400 for the Dallas Farmers Market.~~

~~(2) All fees for permits and licenses required by other city ordinances to conduct specific activities in conjunction with or as part of the neighborhood farmers market.~~

SEC. 29A-7. INDEMNIFICATION.

~~An applicant for a neighborhood farmers market permit must execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the conduct of the market.~~

SEC. 29A-8. DENIAL OR REVOCATION.

~~(a) The director shall deny a neighborhood farmers market permit if:~~

~~(1) a neighborhood farmers market permit has been previously granted in the calendar year to another neighborhood farmers market that is located within one mile of the proposed market and has the same or overlapping operating dates and times as the proposed market, except that this restriction does not apply when the proposed market is the Dallas Farmers Market;~~

~~(2) the proposed neighborhood farmers market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;~~

~~(3) the applicant fails to adequately provide for:~~

~~(A) the protection of the vendors and attendees at the neighborhood farmers market;~~

~~(B) maintenance of public order in and around the neighborhood farmers market location;~~

~~(C) crowd security, taking into consideration the size of the market; or~~

~~(D) emergency vehicle access.~~

~~(4) the applicant fails to comply with or the proposed neighborhood farmers market will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this chapter;~~

~~(5) the applicant makes a false statement of material fact on an application for a neighborhood farmers market permit or fails to properly complete an application for a neighborhood farmers market permit;~~

~~(6) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the neighborhood farmers market;~~

(7) ~~the applicant has had a neighborhood farmers market permit revoked within the preceding 14 months;~~

(8) ~~the applicant or a vendor at the applicant's market has committed, within the preceding 14 months, two or more violations of a provision of a neighborhood farmers market permit or this chapter;~~

(9) ~~the applicant fails to pay any outstanding fees assessed under Section 29A-6 of this chapter for the proposed neighborhood farmers market or for a past neighborhood farmers market;~~

(10) ~~a neighborhood farmers market has been conducted at the location of the proposed neighborhood farmers market on at least 40 days during the same calendar year in which the proposed market is to be conducted, except that this restriction does not apply to the Dallas Farmers Market;~~

(11) ~~the chief of the police department, the chief of the fire rescue department, or the director determines that the neighborhood farmers market would pose a serious threat to the public health, safety, or welfare;~~

(12) ~~the applicant or any other person responsible for the conduct or sponsorship of the neighborhood farmers market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;~~

(13) ~~the applicant has a history of conducting or sponsoring a neighborhood farmers market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner; or~~

(14) ~~the applicant, if it is a corporation, fails to provide copies of a current certificate of account status and current certificate of existence as required by Section 29A-5(b)(10).~~

(b) ~~The director shall revoke a neighborhood farmers market permit if:~~

(1) ~~the permit holder failed to comply with or the neighborhood farmers market is in violation of any provision of the neighborhood farmers market permit, a city ordinance, or any other applicable law;~~

(2) ~~the permit holder made a false statement of material fact on an application for a neighborhood farmers market permit or failed to properly complete an application for a neighborhood farmers market permit;~~

(3) ~~the chief of the police department, the chief of the fire rescue department, or the director determines that the neighborhood farmers market poses a serious threat to the public health, safety, or welfare;~~

(4) ~~the permit holder failed to pay any outstanding fees assessed under Section 29A-6 of this chapter for the proposed neighborhood farmers market or for a past neighborhood farmers market;~~

(5) ~~the permit holder or any other person responsible for the conduct or sponsorship of the neighborhood farmers market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or~~

(6) ~~the permit holder, if it is a corporation, failed to provide copies of a current certificate of account status and current certificate of existence as required by Section 29A-5(b)(10).~~

SEC. 29A-9. ~~APPEAL FROM DENIAL OR REVOCATION OF A NEIGHBORHOOD FARMERS MARKET PERMIT.~~

~~If the director denies the issuance or renewal of a permit or revokes a permit, the director shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right to an appeal. The applicant or permit holder may appeal the decision of the director to a permit and license appeal board in accordance with Section 2-96 of this code.~~

**ARTICLE III.
MISCELLANEOUS PROVISIONS.**

SEC. 29A-10. ~~LOCATION OF A NEIGHBORHOOD FARMERS MARKET.~~

(a) ~~A neighborhood farmers market may not be conducted:~~

(1) ~~in the central business district;~~

(2) ~~in a single-family, duplex, or townhouse zoning district as defined in the Dallas Development Code;~~

(3) ~~within one mile of another neighborhood farmers market permitted under this chapter that has the same or overlapping operating dates and times;~~

(4) ~~at any location other than the one listed in the permit application; or~~

(5) ~~at any location where one or more neighborhood farmers markets have already been conducted a total of 28 days during the particular calendar year.~~

(b) ~~The restrictions of Subsections (a)(1), (2), (3), and (5) of this section do not apply to the Dallas Farmers Market.~~

(e) ~~If the permit holder does not own the property on which the neighborhood farmers market will be conducted, the permit holder shall obtain the written consent of the property owner to conduct the market on the property. The permit holder shall present the written consent to the director or any peace officer upon request.~~

SEC. 29A-11. OPERATION OF A NEIGHBORHOOD FARMERS MARKET.

(a) ~~A neighborhood farmers market may not be operated more than 40 days at the same location in a calendar year and may not be operated on consecutive days.~~

(b) ~~A neighborhood farmers market may only be operated between the hours of 8 a.m. and 7 p.m. on any day of the week.~~

(c) ~~The neighborhood farmers market may only be operated in accordance with the schedule filed with the director at the time of permit application. Amendment to the schedule may be approved by the director during the calendar year if the changes do not conflict with the schedule of another neighborhood farmers market. An amendment request must be received by the director at least 10 days before implementing any changes.~~

(d) ~~No more than 70 vendors may participate in a neighborhood farmers market. Each stall area used by a vendor may not exceed 10 feet by 15 feet.~~

(e) ~~When the main use of the property is open for business, not more than 25 percent of the total area of the parking lot for the property may be used for a neighborhood farmers market.~~

(f) ~~All litter, tents, stalls, food, merchandise, and other evidence of the neighborhood farmers market must be removed from the premises at the end of each market day.~~

(g) ~~Subsections (a) through (f) of this section do not apply to the Dallas Farmers Market, which shall operate in compliance with its agreements and covenants with the city.~~

SEC. 29A-12. PRODUCTS AT A NEIGHBORHOOD FARMERS MARKET.

(a) ~~Products that may be sold at a neighborhood farmers market include, but are not limited to, the following:~~

- ~~(1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.~~
- ~~(2) Meats.~~
- ~~(3) Dairy products.~~
- ~~(4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.~~

(5) ~~Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.~~

(6) ~~Garden items, including but not limited to plants, flowers, and soil.~~

(b) ~~At least one-half of the vendors participating in a neighborhood farmers market must sell produce or other food items.~~

(c) ~~All products distributed, offered for sale, or sold at a neighborhood farmers market must have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area. No products may be offered for resale. This subsection does not apply to the Dallas Farmers Market.~~

(d) ~~Live animals may not be distributed, offered for sale, or sold at a neighborhood farmers market.~~

SEC. 29A-13. VENDOR'S STATEMENT.

(a) ~~Each calendar year before vending at a neighborhood farmers market, a vendor shall sign and provide to the permit holder a written statement that:~~

(1) ~~all products to be distributed, offered for sale, or sold at the neighborhood farmers market by the vendor have been raised, grown, made, crafted, processed, or produced by the vendor in compliance with all applicable federal, state, and local laws and in a Texas county completely or partially located within a 150-mile radius of Dallas County (or in an area from which the director, pursuant to Section 29A-12(c), allows certain produce or other food items to be distributed, offered for sale, or sold at the market because of the unavailability of those items from vendors in the radius area); and~~

(2) ~~no product is being offered for resale.~~

(b) ~~The permit holder shall maintain a vendor statement for each vendor operating at the neighborhood farmers market and shall present the vendors' statements to the director or any peace officer upon request.~~

(c) ~~Subsections (a) and (b) of this section do not apply to the Dallas Farmers Market.~~

ARTICLE IV. ENFORCEMENT.

SEC. 29A-14. OFFENSES.

(a) ~~A person commits an offense if he commences or conducts a neighborhood farmers market:~~

31144

- (1) ~~without a neighborhood farmers market permit; or~~
- (2) ~~in violation of any provision of a neighborhood farmers market permit, this chapter, or any other city ordinance or applicable law.~~
- (b) ~~It is a defense to prosecution under this section that the neighborhood farmers market was being lawfully conducted pursuant to a valid special events permit issued under Chapter 42A of this code.~~
- (c) ~~The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.~~

SEC. 29A-15.**PENALTY.**

- (a) ~~A person who violates a provision of this chapter or a requirement of a neighborhood farmers market permit is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.~~
- (b) ~~Each offense is punishable by a fine not to exceed:~~
 - (1) ~~\$2,000 for a violation of a provision of this chapter or a requirement of a neighborhood farmers market permit governing fire safety, zoning, or public health and sanitation, including dumping of refuse; or~~
 - (2) ~~\$500 for all other violations of this chapter or requirements of a neighborhood farmers market permit.]”~~

SECTION 2. That Chapter 42A, “Special Events,” of the Dallas City Code is amended to read as follows:

**“CHAPTER 42A.
SPECIAL EVENTS; NEIGHBORHOOD MARKETS; DALLAS FARMERS
MARKET FARMERS MARKET; STREETLIGHT POLE BANNERS.**

**ARTICLE I.
GENERAL PROVISIONS.**

SEC. 42A-1.**PURPOSE.**

The purpose of this chapter is to facilitate the promotion of temporary outdoor activities including special events, neighborhood markets, the Dallas Farmers Market farmers market, and streetlight pole banners [activities] within the city, as defined in this chapter, [especially within the central business district, to create a more positive image of the city and to stimulate significant economic growth in the city. To this end, it is] T[t]he city’s overall goal is [intent] to encourage

activities [and give high priority to established special events] that benefit [have a record of significantly benefiting] the city, stimulate economic growth, and provide a vibrant, active community for all citizens. The city gives priority [and] to established special events [that promote commercial film development in the city].

SEC. 42A-2.**DEFINITIONS.**

In this chapter:

(1) AMPLIFIED SOUND means any sound projected or transmitted by artificial means, including but not limited to, loudspeakers, amplifiers, powered megaphones, or similar devices.

(2) APPLICANT means a person who has submitted an [filed a written] application for a [special event] permit under this chapter. This term includes the person submitting the application, the secondary person listed on the application, and any person or organization that an applicant applies for a permit on behalf of, as well any third party providing contracted functions to an activity permitted under this chapter, and the owner or property manager of the property or venue where a permitted activity will occur if a lease or contract has been executed, or will be executed, or if the property owner has provided written approval for the proposed permitted activity, and the property owner or manager is providing services to the event.

(3) APPLICATION PROCESSING FEE means a non-refundable fee required at the time application submission.

(4) CENTRAL BUSINESS DISTRICT means the area bounded by Woodall Rodgers Freeway on the north, Central Expressway and Julius Schepps Freeway on the east, Interstate Highway 30 on the south, and Interstate Highway 35E on the west.

(5[2]) CITY means the city of Dallas, Texas.

~~[(3) CITY LICENSED VENDOR means any person licensed or permitted under this code or another city ordinance to sell or offer for sale food, beverages, goods, or services at or within a specific location or area in the city.]~~

(6[4]) CITY-SPONSORED ACTIVITY [SPECIAL EVENT] means a temporary outdoor activity [special event] that the city council, by resolution, or the city manager, by written notice, has:

(A) determined to be directly related to a recognized function of city government;

(B) declared the city a cosponsor of the event; and

(C) committed the city to significantly sharing in initiating, financing, supporting, and conducting the event.

31144

(7) CLEAN ZONE means a geographically defined area surrounding a permitted activity footprint or event host venues, where temporary restrictions are enforced related to temporary advertising, signage, structures, transient merchants, vendors, or otherwise licensed activities.

(8[5]) DALLAS FARMERS MARKET means a permanent, indoor and outdoor market on public and private property where produce, merchandise, food, or other products are distributed, offered for sale, or sold and [the area] that is:

(A) bounded by Marilla Street on the north, northbound Cesar Chavez Boulevard on the east, Interstate Highway 30 on the south, and Harwood Street on the west; and

(B) described in and subject to a master agreement with the city adopted on February 27, 2013 by Resolution No. 13-0447 and the operating covenants with the city contained in lease and deed documents authorized on March 27, 2013 by Resolution Nos. 13-0535, 13-0536, 13-0537, 13-0538, and 13-0539, inclusive of future agreements and leases executed between the city and the Dallas Farmers Market and amendments to existing agreements and leases.

(9) DIRECTOR means the person designated by the city manager to implement, administer, and enforce this chapter, and includes any designated representative of the director.

(10) DISTRICT IDENTIFICATION BANNER means a long-term banner that identifies a geographic location or place of interest with defined perimeters.

~~[(6) DEMONSTRATION means a public display of the attitude of assembled persons toward a person, cause, issue, or other matter.]~~

(11[7]) ESTABLISHED SPECIAL EVENT means an event or activity that:

(A) occurs at least once a year;

(B) has an average expected attendance exceeding 1,000 ~~[participants and spectators]~~ for each day of the event or activity;

(C) ~~[significantly]~~ contributes to positive advertising and economic growth of the city; and

(D) is open to the public, with or without an entry fee.

(12) EXPECTED TOTAL ATTENDANCE means the estimated attendance at a permitted activity as estimated by the applicant on an application. Expected total attendance includes all event staff, vendors, spectators, participants, and attendees.

(13) FIRST AMENDMENT ACTIVITY means all expressive personal religious or political beliefs and associative activity on the public right-of-way that is protected by the United States and Texas constitutions, including freedom of speech, freedom of the press, freedom of assembly, and the right to petition.

(14) HIGH IMPACT AREA means an area included on the list published annually in accordance with Section 42A-10.

(15) MAJOR CHANGE means any change to an application that requires subsequent public safety or departmental review. Examples include, but are not limited to, route changes, location or venue changes, date changes, changes in expected total attendance, adding alcohol distribution, and changes to complex scenes.

(16) MOVING EVENT means an event that is not confined to a fixed location.

(17) NEIGHBORHOOD MARKET means a temporary outdoor marketplace, outside of the central business district, on private property, or on city property with approval of the department controlling the property, where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products.

(18) PERMIT means an official document authorizing the activation of an approved activity granted by the director as required under this chapter.

(19) PERMIT HOLDER means a person issued a permit under this chapter. This term includes the applicant and any person or organization on behalf of which an applicant applies for a permit on behalf of, as well as the owner or manager of property where a permitted activity will occur.

(20[8]) PERSON means an individual, firm, partnership, corporation, association, or other legal entity.

(21) PRELIMINARY LETTER means a document sent by the director to the applicant outlining all requirements that must be met prior to permit issuance.

(22[9]) SPECIAL EVENT means a temporary outdoor gathering, with an expected total attendance greater than 100, which involves one or more of the following on [a temporary event or gathering, including a special event parade, using either] private or public property where otherwise prohibited by ordinance[, in which the estimated number of participants and spectators exceeds 75 during any day of the event and that involves one or more of the following activities; except when the activity is for construction or housemoving purposes only]:

(A) closing or restricting of a public street lane, alley, or sidewalk;

(B) restricting access to [blocking or restriction of] public property;

(C) sale of merchandise, food, alcohol, or other beverages [on public property outside the central business district, or on private property] where otherwise not permitted as a neighborhood market or by an annual Dallas Farmers Market farmers market permit [prohibited by ordinance];

(D) erection of a tent larger than 399 square feet in area or erection of multiple tents with a cumulative area of over 399 square feet [on public property, or on private property where otherwise prohibited by ordinance];

(E) installation of a temporary stage, bandshell, outdoor projection technology, trailer, van, [portable building,] grandstand, [or] bleachers, or portable toilets for [on] public use [property, or on private property where otherwise prohibited by ordinance];

(F) use of city hall plaza [placement of portable toilets on public property, or on private property where otherwise prohibited by ordinance]; [or]

(G) a run, walk, ride, or special event parade; [placement of temporary no parking, directional, over size, or]

(H) placement of temporary no parking, directional, oversized, or identification signs or banners in connection with an event that are placed in or over a public right-of-way, or on private property where otherwise prohibited by ordinance; or

(I) clean zone enforcement.

(23) SPECIAL EVENT PARADE means the assembly of 100 or more persons whose gathering is for the common design of traveling or marching in procession from one location to another location for the purpose of advertising, promoting, celebrating, or commemorating a thing, person, date, or event that is not directly related to the expression of feelings and beliefs on current political, religious, or social issues.

(24) STREET CLOSURE means any lane or street closure that impacts or disrupts the flow of traffic, unless the closure is intermittent.

(25) STREETLIGHT POLE BANNER means a temporary sign suspended between brackets and attached to utility or streetlight poles in city right-of-way, designed for an approved activity, an historical or commemorative event within the city, or identification of a public improvement district.

(26) TENT means any structure, enclosure, or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents protected by the material.

(27) TRAFFIC CONTROL PLAN means a plan designed for the purpose of safely and efficiently managing traffic or arranging for DART detours associated with an activity permitted under this chapter.

PA 001 31144

[(10) ~~SPECIAL EVENT MANAGER~~ means the person designated by the city manager to implement, administer, and enforce this chapter, and includes any designated representative of the special event manager.

(11) ~~SPECIAL EVENT PARADE~~ means the assembly of three or more persons whose gathering is for the common design of traveling or marching in procession from one location to any other location for the purpose of advertising, promoting, celebrating, or commemorating a thing, person, date, or event that is not directly related to the expression of feelings and beliefs on current political, religious, or social issues.

(12) ~~SPECIAL EVENT PERMIT~~ means written approval to hold a special event granted by the special event manager under this chapter.]

SEC. 42A-3. GENERAL AUTHORITY AND DUTY OF DIRECTOR [SPECIAL EVENT MANAGER].

(a) The director [~~special event manager~~] shall implement, administer, and enforce the provisions of this chapter.

(b) The director [~~special event manager~~] has authority to issue a [~~special event~~] permit that authorizes one or more of the activities described in this chapter [~~Sections 42A-2(9)~~] when requirements of this chapter have been met.

(c) The director, police chief, and fire chief may require public safety measures that exceed the minimum standards set forth in this chapter based on specific event risk and threat factors identified by the appropriate city departments. [~~In addition to other duties designated by this chapter, the city manager, or the city council, the special event manager shall provide for the enhancement of commercial film development in the city by assisting the film industry in:~~

- (1) ~~identifying film locations;~~
- (2) ~~securing required permits;~~
- (3) ~~coordinating traffic and security needs; and~~
- (4) ~~providing information.]~~

(d) The director may impose additional permit requirements upon the applicant or permit holder for any activity as required in this chapter if the total attendance is expected to exceed the applicant's expected total attendance, if the activity is held in a high impact area, or there will be an impact to residents and businesses.

(e) The director may decline or propose alternate dates, times, street closures, venues, or routes, or impose additional requirements upon a permit holder based on public safety or impact on local residents and businesses.

SEC. 42A-4.**CHAPTER CUMULATIVE.**

(a) The provisions of this chapter are cumulative of all city ordinances. Except as provided in Subsection (c), ~~[tent permits, building permits, electrical permits, food establishment permits, alcoholic beverage licenses, and]~~ all other permits and licenses required by ordinance or other law for specific activities to be conducted in conjunction with or as part of the activities permitted under this chapter ~~[special event]~~ must be applied for separately, in accordance with the applicable ordinance or law. ~~[The special event manager shall receive and coordinate applications for any city issued permit or license required in addition to the special event permit].~~

(b) Application for a ~~[special event]~~ permit under this chapter authorizes appropriate city departments to issue permits for the activities authorized by this chapter with office of special events approval ~~[described in Section 42A-2(9) in locations where the activity would otherwise be prohibited by ordinance].~~

(c) A license for the use of the public right-of-way required by Article VI of Chapter 43 of this code ~~[The following permits and licenses]~~, and any fees applicable to obtaining the ~~[those permits and]~~ license[s], is ~~[are]~~ not required for a special event, neighborhood market, or Dallas Farmers Market farmers market conducted in compliance with this chapter and the terms of a valid ~~[special event]~~ permit issued under this chapter.~~[-~~

~~(1) A license for the use of public right-of-way required by Article VI of Chapter 43 of this code.~~

~~(2) A central business district concession license or location permit required by Division 2, Article XII of Chapter 50 of this code.]~~

SEC. 42A-5.**EXEMPTIONS.**

The provisions of this chapter do not apply to:

(1) a special event conducted entirely on:

(A) property under the control of the park and recreation board; ~~[or]~~

(B) the "convention center" ~~[or "reunion arena"]~~ as defined in Section 43-127 of this code; or

(C) public property managed by an organization with a lease or operating agreement with the city that details special event permit exemptions.

(2) a funeral procession ~~[parade, as defined in Section 28-186(4) of this code, for which a permit has been issued under Article XVI of Chapter 28 of this code, except that a special event permit must be obtained for any activity not covered by the parade permit that is conducted in conjunction with the parade and that comes within the definition of a special event];~~

(3) First Amendment activities, except that a special event permit must be secured for any activity that triggers a special event permit as detailed in Section 42A-2(22) of this chapter that is activated in conjunction with the First Amendment activity. All applicable fees will apply [a demonstration at a fixed location other than the roadway of a street];

(4) a neighborhood block party that is conducted on a single block and is expected to have fewer than 200 attendees [farmers market (other than the Dallas Farmers Market), as defined in Section 29A-2(6) of this code, for which a permit has been issued under Chapter 29A of this code, except that a special event permit must be obtained if the market is being conducted in conjunction with other activities for which a special event permit is required by or has been issued under this chapter; or]

(5) escort vehicles; [the distribution, offering for sale, or sale of produce, merchandise, food, or other products to consumers at the Dallas Farmers Market in compliance with a neighborhood farmers market permit issued under Chapter 29A of this code, except that a special event permit must be obtained for any event or activity, not covered by the neighborhood farmers market permit, that is conducted at the Dallas Farmers Market in conjunction with or in addition to the distribution, offering for sale, or sale of produce, merchandise, food, or other products to consumers and that comes within the definition of a special event.]

(6) moving a structure in accordance with the Dallas Building Code; or

(7) the regular indoor permanent daily operations of the Dallas Farmers Market.

SEC. 42A-6.

FEES [VENDORS AT A SPECIAL EVENT].

(a) Special event permit. An applicant for a special event permit shall pay the following application processing fees:

<u>Special Event Application Processing Fees*</u>	
<u>Base Application Fee Based On Expected Total Attendance</u>	
<u><200</u>	<u>\$50</u>
<u>201 - 400</u>	<u>\$80</u>
<u>401 - 800</u>	<u>\$100</u>
<u>801 - 1000</u>	<u>\$150</u>
<u>1,001 - 2,000</u>	<u>\$200</u>
<u>2,001 - 4,000</u>	<u>\$300</u>
<u>4,001 - 8,000</u>	<u>\$400</u>
<u>8,001 - 12,000</u>	<u>\$500</u>
<u>12,001 - 20,000</u>	<u>\$600</u>
<u>20,001+</u>	<u>\$700</u>
<u>In addition, select the applicable street closure fee:</u>	
<u>No Street Closure</u> - An event with no street closures.	<u>\$0</u>
<u>Static Street Closure Event (Simple)</u> - An event with a set footprint that is limited to one block on residential/neighborhood streets and does not involve the closure of any intersections.	<u>\$50</u>
<u>Static Street Closure Event (Moderate)</u> - An event with a set footprint that includes the closure of one to three street blocks or intersections.	<u>\$100</u>
<u>Static Street Closure Event (Complex)</u> - An event with a set footprint that includes the closure of four or more street blocks or intersections, or any closure in a high impact area.	<u>\$200</u>
<u>Moving Event (Simple)</u> - A moving event that is limited to trails and residential or neighborhood streets.	<u>\$75</u>
<u>Moving Event (Moderate)</u> - A moving event on city streets other than residential/neighborhood streets and outside of a high impact area.	<u>\$150</u>
<u>Moving Event (Complex)</u> - A moving event of which any part moves through a high impact area.	<u>\$300</u>

* No application processing fees for a special event that is open to the public and being conducted at the Dallas Farmers Market as produced by the Dallas Farmers Market in compliance with the market's agreements and covenants with the city.

[Not less than 10 days before a special event begins, the special event manager shall deliver notice to every city licensed vendor lawfully operating at or within a location or area in which the special event will be conducted.]

(b) Neighborhood market. An applicant for a neighborhood market permit shall pay the following application processing fees:

NEIGHBORHOOD MARKET ANNUAL APPLICATION PROCESSING FEES

<u>Base Application Fee</u>	<u>\$100</u>
<u>Per every 10 vendors</u>	<u>\$25</u>
<u>Street Closure Fee - Simple (1 block, no intersections)</u>	<u>\$50</u>

The notice must include:

- (1) ~~the date, hours, and location of the special event;~~
 - (2) ~~any special requirements that the city licensed vendor must meet to operate at the special event, including:~~
 - (A) ~~any locations from which the vendor is prohibited from vending, a map of which must be included with the notice;~~
 - (B) ~~any designated food, beverage, or product brand being promoted by the special event sponsor that the vendor is required to sale or advertise, provided that the vendor is only required to make expenditures for the actual food, beverage, or product to be sold; and~~
 - (C) ~~any special payment procedures for the sale of any food, beverage, product, or service;~~
 - (3) ~~a statement that the special event manager may be contacted with any questions or comments concerning the special event.]~~
- (c) Streetlight pole banners. An applicant for a streetlight pole banner shall pay the following application processing fees:

STREET POLE BANNER APPLICATION PROCESSING FEES

<u>Base Application Fee</u>	<u>\$100</u>
<u>Per Pole Fee</u>	<u>\$20</u>
<u>Permitted event</u> - First 5 poles at no charge, additional poles will be invoiced at full price (banners must be related to permitted event).	<u>5 poles at no charge</u>
<u>District Identification Banners</u> – District identification banners do not include short-term event banners designed to promote events, festivals, major sporting events, or tourism programs with specific dates or time periods.	<u>No charge</u>

~~[The special event manager may order any city licensed vendor who violates the special requirements of the notice to cease, for the duration of the special event, selling or offering for sale food, beverages, goods, or services at any location within 25 feet of the area designated in the special event permit for the conduct of the special event.]~~

(d) Dallas Farmers Market. An applicant for a Dallas Farmers Market farmers market permit shall pay an annual application processing fee of \$400.

(e) Additional application processing fees for all permit types.

(1) A late application processing fee of \$40 per day is required, in addition to the applicable application processing fees required by Subsections (a), (b), (c), (d), and (e) of this section, if the application is filed with the director less than the minimum number calendar days required by Sections 42A-12, 42A-21, 42A-29, or 42A-35 before the scheduled activity is to begin. This fee is limited to five days.

(2) An application processing fee of \$50 per minor change to an application requested by the applicant.

(3) An application processing fee of \$5,000 for a full or half street closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.

(4) An application processing fee of \$2,000 for a partial lane closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.

(5) An application processing fee of \$500 for a clean zone.

(6) An application processing fee of \$50 if alcohol will be provided at a permitted activity.

(7) An application processing fee of \$150 if alcohol will be sold at a permitted activity.

(f) Additional city department related fees when applicable.

(1) A fee of \$1,500 for the required activation of the office of emergency management for a planned permitted activity where the expected attendance is 30,000 or more.

(2) A parking meter hooding or removal fee, computed in accordance with Section 28-114.12 of this code, for each parking meter required by the applicant to be hooded or removed for a planned permitted activity.

(3) A rental fee for city equipment and property used by the applicant for a planned permitted activity.

(4) A fee for the number of Dallas police officers, Dallas fire-rescue officers, or vehicles required by Sections 42A-13 and 42A-14 to provide security, crowd control, and traffic control at a permitted activity.

(5) A fee to reimburse the city for direct costs incurred by the city in providing services at a permitted activity; direct costs include, but are not limited to, the reasonable costs of setup, cleanup, public safety, oversight of city facilities and equipment, electrical services, construction, placement and retrieval of city equipment, and other related services beyond what the city would provide to the general public in the ordinary course of its daily operations.

(6) Fee for all other required permits and licenses must be paid.

(g) Non-profit applicants. The base application fee for all application types will be reduced by 50 percent for a certified 501(c)(3) non-profit applicant.

(h) List of charges. A current list of charges for the items, services, and personnel described in Subsections (g)(3), (4), and (5) and in Subsection (j), and for any other items, services, or personnel that may be required under this chapter, must be maintained by the director and published annually to the office of special events website. The chiefs of the police department and fire-rescue department shall provide to the director the current schedule of charges for the personnel and vehicles described in Subsection (g)(5).

(i) Security deposit. Not less than 10 days before the date of the planned permitted activity, the applicant shall deposit with the appropriate city department an amount equal to a security deposit for any city equipment or property rented under Subsection (g)(3), to be refunded to the applicant if the equipment or property is returned undamaged to the city.

(j) Police and fire-rescue fees. The applicant shall pay any remaining fees owed for all public safety expenses incurred by a special event, neighborhood market, or Dallas Farmers Market farmers market within 15 business days after receipt of an invoice from the city.

(k) Waiver. All or part of the application processing fees required by this section to be paid to the city for a city-sponsored activity may be waived by approval of the city manager or by city council resolution.

(l) Fee credit. If an application or permit is cancelled due to an Act of God and the permitted activity is rescheduled for an available date within 60 days from the original event date, any previously paid application processing fees will be credited toward the rescheduled date [A city-licensed vendor commits an offense if he continues to sell or offer for sale food, beverages, goods, or services from a location in violation of the special event manager's order].

[ARTICLE II. SPECIAL EVENT PERMITS.]

SEC. 42A-7. INDEMNIFICATION.

An applicant for a permit issued under this chapter shall execute an agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the permitted activity.

31144

SEC. 42A-8.**APPEAL FROM DENIAL OR REVOCATION OF A PERMIT.**

(a) If the director denies the issuance of a permit or revokes a permit, after three attempts to contact by phone or email, the director shall send the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right of appeal. Mailed notice shall be deemed received and effective three days after the date of mailing whether the notice was actually received or not or whether the notice was returned unclaimed or undeliverable.

(b) The applicant or permit holder may appeal the decision of the director to the permit and license appeal board in accordance with Section 2-96 of this code.

SEC. 42A-9.**AMPLIFIED OUTDOOR SOUND AND LIGHTING.**

(a) Except as provided in this section, amplified outdoor sound and lighting is allowed in conjunction with a permit issued under this chapter only between the hours of 8:00 a.m. and 10:00 p.m.

(b) The director may grant a variance to Subsection (a) if he determines that allowing outdoor amplified sound or lighting during additional hours will not result in an excessive negative impact on the quality of life of surrounding residences and businesses.

SEC. 42A-10.**HIGH IMPACT AREAS.**

(a) The director shall publish a list of high impact areas on the office of special events website annually.

(b) A committee shall meet at least once annually to determine the list of high impact areas. The committee must be comprised of the office of special events and representatives of at least five city departments and partner agencies.

(c) The committee shall consider the following factors in determining which areas to designate as high impact areas:

- (1) Construction in the area.
- (2) Complaints received by the director.
- (3) Input from citizens.
- (4) Historical event and location knowledge of committee members.

SEC. 42A-11.

CLEAN ZONE.

(a) The operational restrictions within a clean zone are imposed to negate the impact of a planned permitted activity on neighboring businesses and residents and to protect the integrity of the host and sponsors of the permitted activity. A clean zone does not affect any existing operations, signage, or permitted activity associated with a business's typical operations.

(b) The director may designate the duration and geographic boundaries of a clean zone following consultation with the chief of police and all applicable departments.

(c) The boundaries of a clean zone, as well as any requirements and restrictions for the clean zone, must be in writing and included in the terms of the permit.

(d) If a clean zone is approved, the applicant shall deliver notice a minimum of seven days before the permitted activity begins, at the applicant's expense, to all registered homeowners' associations, religious institutions, schools, and owners or occupants of real property within the boundaries of the area of the clean zone. Notice must include, but not be limited to, the location, boundaries, effective dates and times, and the requirements and restrictions of the clean zone. Complete documentation of this effort must be submitted to the director and approved prior to permit issuance.

ARTICLE II.
SPECIAL EVENT PERMITS.

SEC. 42A-12.

APPLICATION; ISSUANCE.

(a) A person desiring to hold a special event shall submit an online ~~[apply for a special event permit by filing with the special event manager a written]~~ application with the office of special events ~~[upon a form provided for that purpose. Each application must be accompanied by the required application fee]~~. An application must be filed not less than the number of calendar [45] days indicated in the following table before the special event is to begin. The director ~~[special event manager]~~ may waive the ~~[45-day]~~ filing requirement if the application is submitted within five days of the submission due deadline and the application can be processed in less than the number of calendar [45] days indicated on the chart, taking into consideration the number and types of additional licenses and permits that may be required to be issued in conjunction with the special event permit and the extent of public safety, department, or agency review required based on the scope of the event.

<u>APPLICATION SUBMISSION DUE DEADLINES</u>	
<u>No Street Closures</u>	<u>30 calendar days</u>
<u>Static Street Closures</u>	<u>60 calendar days</u>
<u>Moving Events</u>	<u>120 calendar days</u>

(b) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a special event permit will be issued. All requirements must be met prior to permit issuance. ~~[contain the following information:~~

~~(1) the name, address, and telephone number of the applicant and of any other persons responsible for the conduct of the special event;~~

~~(2) a description of the special event, including any historical and promotional information, and requested dates and hours of operation for the event;~~

~~(3) the estimated number of participants and spectators at the special event;~~

~~(4) a drawing showing the area or route to be used during the special event, along with proposed structures, tents, fences, barricades, signs, banners, and restroom facilities;~~

~~(5) provisions for parking with a designation of where "No Parking" signs will be used;~~

~~(6) details of how applicant proposes to provide for security, crowd control, and traffic control and for any medical or other emergency;~~

~~(7) the time and location of street closings, if any are requested;~~

~~(8) details of the sale of merchandise or the sale or serving of food or alcoholic or nonalcoholic beverages at the special event, designating any street vendors or peddlers involved;~~

~~(9) a description of animals to be used in the special event, if any;~~

~~(10) a description of each motor vehicle to be used in the special event and proof that each vehicle is covered by insurance meeting the minimum requirements of:~~

~~(A) Section 42A-10 of this chapter, if the estimated number of participants and spectators at the special event exceeds 2,500 for any day of the event; or~~

(B) ~~the Texas Motor Vehicle Safety Responsibility Act (Chapter 601, Texas Transportation Code), as amended, if the estimated number of participants and spectators at the special event does not exceed 2,500 for any day of the event;~~

(11) ~~the name of each person who will operate a motor vehicle as part of the special event and proof that each person holds a valid driver's license;~~

(12) ~~details of how the applicant will clean up the area used after the special event, if on public property;~~

(13) ~~proof that the applicant possesses or is able to obtain all licenses and permits required by this code or other city ordinance or by state law for the conduct of the special event;~~

(14) ~~if the applicant is a corporation, copies of a current certificate of account status issued by the Texas Comptroller's Office and a current certificate of existence issued by the Texas Secretary of State's Office, or, if the corporation is not incorporated in or holding a certificate of authorization in the State of Texas, copies of similar current certificates from the state in which the corporation is incorporated; and~~

(15) ~~a description (including but not limited to the name, date, location, and size) of each special event that the applicant conducted or sponsored, or participated in conducting or sponsoring, within the preceding two years.]~~

(c) Upon receipt of the completed application, the director [special event manager] shall forward a copy of the application to all applicable city departments and partner agencies for review [the building official, to the departments of police, fire rescue, equipment and building services, risk management, transportation, sanitation services, and code compliance, and to Dallas area rapid transit (DART)]. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by city departments and partner agencies. If any part of the scheduled activity [special event] is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director [special event manager] shall also include [forward a copy of the application to] the entity [department] that manages or controls the exempt property in the review of the application. Each department and partner agency [DART] shall review the application and return it, with any comments, to the director [special event manager] within 10 business [working] days of receipt of the request requiring a response. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

31144

(d) If the proposed scheduled activity will be held on private property and the applicant does not own the property, the applicant shall obtain the written consent of the property owner to conduct the scheduled activity on the property with the authorization including the date and time of the scheduled activity. The written consent must be submitted at the time of application. The applicant shall present the written consent to the director or any peace officer upon request. [The departments, DART, and the special event manager may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of a special event, to be incorporated into the permit before issuance.]

(e) The director may cancel a special event permit application if:

(1) a special event permit has been granted or is in the review process for another special event at the same or a nearby place and the same time;

(2) an established special event is customarily held at the same or a nearby place and the same time as the proposed special event;

(3) the proposed special event will occupy any part of a freeway, expressway, or tollway;

(4) the proposed special event will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

(5) the proposed special event cannot comply with high impact area parameters;

(6) the applicant makes a false statement of material fact on an application for a special event permit or fails to properly complete an application for a special event permit;

(7) the applicant received within the preceding 14 months, two or more notices of violation or citations related to a provision of a special event permit or this chapter;

(8) the applicant has conducted or sponsored one or more special events within the city on at least 60 days of the same calendar year during which the proposed special event is to be held; or

(9) the applicant has a history of conducting or sponsoring special events in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(f) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 calendar days without a response from the applicant.

(g) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed scheduled activity or a past scheduled activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(h) If the applicant makes major changes to the original submission of an application, after the five-month courtesy review, this will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(i) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(j) After reviewing and confirming all permit requirements have been met [the application and comments], the director [special event manager] shall issue the special event permit unless denial or revocation is required by Section 42A-20 [42A-13]. Except as provided in this subsection, a [A] special event permit will be issued for a period not to exceed 10 consecutive days. A special event permit for a city-sponsored event on city hall plaza will be issued for a period not to exceed 30 consecutive days. A special event permit may be extended [renewed, without payment of the application fee,] for additional consecutive 10-day periods not to exceed 60 days in a calendar year [during which a special event will be conducted, unless the time limitations set forth in Section 42A-13(a)(12) of this chapter would be exceeded]. All applicable fees must be paid for any permit extension.

(k) In granting a permit, the city may provide city services and equipment for city-sponsored activities and other events in accordance with the city's special event in-kind sponsorship guidelines and subject to approval of the city manager.

[SEC. 42A-8. FEES.]

(a) Special event permit. An applicant for a special event permit shall pay the following fees to conduct the special event:

(1) A nonrefundable application fee of:

(A) \$30 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 75 but does not exceed 200;

(B) \$50 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 200 but does not exceed 400;

(C) ~~\$75 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 400 but does not exceed 800;~~

(D) ~~\$100 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 800 but does not exceed 1,000;~~

(E) ~~\$250 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 1,000 but does not exceed 20,000;~~

(F) ~~\$500 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 20,000;~~

(G) ~~\$250 for a special event involving commercial filming activity, regardless of the estimated number of participants and spectators in any day of the event, except that the fee is \$50 if the special event requires:~~

(i) ~~only street closings and/or traffic management services; or~~

(ii) ~~only the hooding of parking meters; and~~

(H) ~~no application fee for a special event that is open to the public and being conducted at the Dallas Farmers Market in compliance with the market's agreements and covenants with the city.~~

(2) ~~All fees for permits and licenses required by other city ordinances to conduct specific activities in conjunction with or as part of the special event.~~

(3) ~~A parking meter hooding or removal fee, computed in accordance with Section 28-114.12 of this code, for each parking meter required by the applicant to be hooded or removed for the special event.~~

(4) ~~A rental fee for city equipment and property, including but not limited to barricades and street fixtures, used by the applicant for the special event.~~

(5) ~~A fee for the number of Dallas police officers required by Section 42A-12 to provide security, crowd control, and traffic control at the special event.~~

(6) ~~A fee to reimburse the city for direct costs incurred by the city in providing services at the special event; direct costs include, but are not limited to, the reasonable costs of setup, cleanup, electrical services, construction, placement of "No Parking" signs and other traffic control devices, and other related services beyond what the city would provide to the general public in the ordinary course of its daily operations.~~

~~(7) A fee of \$40, in addition to the applicable application fee required by Paragraph (1) of this subsection, if:~~

~~(A) the application for a special event is filed with the special event manager less than 45 days before the special event is scheduled to begin; or~~

~~(B) changes are requested to a previously submitted application that, in the opinion of the special event manager, substantially modify the scope or nature of the special event.~~

~~(8) A fee for the number of Dallas emergency medical personnel and emergency medical vehicles required by Section 42A-11.1 to provide first aid and emergency medical services at the special event.~~

~~(b) A current list of charges for the items, services, and personnel described in Subsections (a)(4), (5), (6), and (8) and in Subsection (c)(3) must be maintained in the special event manager's office and made available for public inspection during normal business hours. The chief of the police department shall provide to the special event manager the current schedule of charges for the personnel described in Subsection (a)(5), and the chief of the fire rescue department shall provide to the special event manager the current schedule of charges for the personnel and vehicles described in Subsection (a)(8).~~

~~(c) Not less than 10 days before the date of the special event as shown on the special event permit, the applicant shall deposit with the special event manager an amount equal to:~~

~~(1) all permit and license fees required by Subsection (a)(2);~~

~~(2) one third of the estimated fees required by Subsections (a)(3), (4), and (6);~~

and

~~(3) a security deposit for any city equipment or property rented under Subsection (a)(4), to be refunded to the applicant if the equipment or property is returned undamaged to the city.~~

~~(d) The applicant shall pay any remaining fees owed the city for a special event within 60 days after the special event ends. The applicant may, upon written request to the special event manager, obtain a refund of any fee deposited with the special event manager for a service that the city did not provide for the special event.~~

~~(e) All or part of the fees required by Subsection (a) to be paid to the city for a city-sponsored special event may be waived by city council resolution.]~~

SEC. 42A-13.SECURITY; CROWD CONTROL; AND TRAFFIC CONTROL.

(a) An applicant for a special event permit shall provide police officers for security, crowd control, and traffic control at the special event in accordance with Subsection (b) and the following schedule:

<u>Number of Participants and Spectators at Special Event</u>	<u>Minimum Number of Police Officers Required*</u>
<u>0 to 250</u>	<u>0 or 2</u>
<u>251 to 1,500</u>	<u>2 - 4</u>
<u>1,501 to 3,000</u>	<u>4 - 6</u>
<u>3,001 to 5,000</u>	<u>6 - 15</u>
<u>over 5,000</u>	<u>15 plus 1 police officer for every 1,000 participants and spectators over 5,000 at the special event</u>

* The minimum number of officers in the above table may vary depending on the scope of the event, the sale or service of alcohol, on-stage talent, event geography, historical knowledge of the event, police intelligence, and any other factor that is determined to impact public safety.

(b) The director, upon recommendation from the chief of the Dallas police department, may require a number of police officers, in addition to those required in Subsection (a), if:

(1) any alcoholic beverage is sold, served, or otherwise made available at the special event;

(2) special needs for increased security, crowd control, or traffic control are created by:

(A) the topography or size of the special event location;

(B) weather conditions at the special event; or

(C) the time of day during which the special event is conducted;

(3) the special event requires street closures or rerouting of vehicular or pedestrian traffic; or

(4) the history of the particular special event indicates that a greater number of police officers are required to protect the public health, safety, and welfare.

(c) The police officers required to be provided at a special event by this section must be sworn members of the Dallas police department, except that the chief of the Dallas police department may authorize a special event applicant or permit holder to provide peace officers from other jurisdictions or entities if the chief determines that an insufficient number of Dallas police officers will be available for a particular special event. Off-duty jobs for Dallas police officers at a special event must comply with the Dallas Police Department General Orders and Code of Conduct.

(d) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the event, as well as at the special event site the day of the special event, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the special event site within one hour of being contacted by telephone or email.

(e) If the police department requires a traffic control plan in conjunction with a special event, the plan must be submitted in the standard format approved by the director.

(f) A traffic control plan required by Subsection (e) must receive approval from applicable city departments.

SEC. 42A-14.

EMERGENCY MEDICAL SERVICES.

(a) An applicant for a special event permit shall provide, in accordance with Subsection (b) and the following schedule, emergency medical personnel and emergency medical vehicles to perform first aid and emergency medical services at the special event as required in the preliminary letter:

<u>NUMBER OF EMERGENCY MEDICAL PERSONNEL/VEHICLES REQUIRED</u> <u>(based on estimated total attendance and scope of the special event)</u>					
<u>Type of Emergency Medical Personnel or Vehicle Required</u>	<u>1 - 100 participants/ spectators</u>	<u>101 - 3,000 participants/ spectators</u>	<u>3,001 - 5,000 participants/ spectators</u>	<u>5,001 - 25,000 participants/ spectators</u>	<u>Over 25,000 participants/ spectators</u>
<u>Paramedics</u>	<u>0</u>	<u>2</u>	<u>6</u>	<u>8</u>	<u>14</u>
<u>EMS Supervisors</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>3</u>	<u>5</u>
<u>Emergency Medical Vehicles</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>4</u>	<u>7</u>

The fire chief may determine, based on the event scope, special needs, or risks, that emergency medical services will be provided via the 911 emergency response system.

(b) The director, upon recommendation of the chief of the Dallas fire-rescue department, may require a number of emergency medical personnel and emergency medical vehicles, in addition to those required in Subsection (a), if:

(1) any alcoholic beverage is sold, served, or otherwise made available at the special event;

(2) special needs for increased emergency medical services are created by:

(A) the topography or size of the special event location;

(B) weather conditions at the special event; or

(C) the time of day during which the special event is conducted;

(3) the special event requires street closures or rerouting of vehicular or pedestrian traffic that may affect emergency access to the special event;

(4) the special event involves specific activities that create a higher risk of illness or injury to persons participating in or attending the event, including but not limited to rodeos, sporting or athletic events, events involving motor vehicles, or marathons; or

(5) the history of the particular special event indicates that a greater number of emergency medical personnel or emergency medical vehicles are required to protect the public health, safety, and welfare.

(c) The emergency medical personnel required to be provided at a special event by this section must be sworn members of the Dallas fire-rescue department, except that the chief of the Dallas fire-rescue department may authorize a special event applicant or permit holder to provide emergency medical personnel from other jurisdictions or entities if the chief determines that an insufficient number of Dallas fire-rescue officers will be available for a particular special event. Off-duty jobs for Dallas fire-rescue officers at a special event must comply with the Dallas Fire-Rescue Rules and Regulations.

SEC. 42A-15.

INSURANCE.

(a) An applicant for a permit to hold a special event in which the estimated number of participants and spectators exceeds 2,500 for any day of the event shall procure and keep in full force and effect for the duration of the event insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers, employees, and appointed representatives as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the conduct of the special event by the applicant.

(b) Insurance is required in the following types and amounts:

(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than:

(A) \$500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or

(B) \$1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.

(2) If a special event includes vehicles, aircraft, or other equipment, devices, or activities that are excluded from coverage in the commercial general liability insurance policy required in Paragraph (1) of this subsection, then separate additional liability insurance coverage for the applicable exclusion must be provided by the applicant or the aircraft provider with combined single limits of liability for bodily injury and property damage of not less than:

(A) \$500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or

(B) \$1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.

(3) If any alcoholic beverage is sold, served, or otherwise made available at the special event, then separate additional liquor liability insurance must be provided by the alcoholic beverage license holder in an amount of not less than \$1,000,000 for each claim.

(4) If any fireworks, pyrotechnics, explosives, or other special effects are displayed at the special event, then separate additional general liability insurance must be provided by the pyrotechnics company in an amount of not less than \$3,000,000 for each claim.

(5) If security guards (other than Dallas police officers or city staff) are used at the special event, then separate additional security guard liability insurance must be provided by the security guard company in an amount of not less than \$1,000,000 for each claim.

(6) If emergency response or first aid stations (other than stations staffed by only Dallas fire-rescue officers or city staff) are provided at the special event, then separate additional medical liability insurance must be provided by the applicant in an amount of not less than \$1,000,000 for each claim, and if ambulance service (other than service provided by Dallas fire-rescue officers and vehicles) is provided, then separate additional automobile liability insurance must be provided by the emergency response or ambulance provider in an amount of not less than \$1,000,000 combined single limit for each claim.

(7) If amusement rides are provided at the special event, proof of separate additional general liability insurance meeting the state liability and coverage requirements for each particular ride must be provided by the applicant or the amusement ride provider, along with a current certificate of inspection for each ride.

(8) If animals are part of the special event, then separate additional general liability insurance covering any bodily injury and property damage caused by animals must be provided by the applicant or the animal provider in an amount of not less than \$500,000 for each claim.

(9) If the special event is conducted at a city-owned facility, general liability insurance must be provided by the applicant in an amount of not less than \$500,000 for each claim.

(c) In addition to the insurance requirements of Subsection (b) of this section, the director may require additional insurance for a special event if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.

(d) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to conduct the special event at the facility or property.

(e) An original certificate of insurance completed by an authorized agent of the insurance company and evidencing each insurance coverage required under this section must be delivered to the director at least 15 days before the special event begins.

(f) A special event permit will not be issued until the insurance requirements have been verified by the city's third-party provider.

SEC. 42A-16.

STREET CLOSURES.

(a) Street closures require approval from applicable partner agencies and city departments.

(b) A permit holder must provide notice of street closures in accordance with Section 42A-18.

(c) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must follow the standard format approved by the director and be approved by the city prior to permit issuance.

(d) All traffic apparatus required to fulfil a traffic control plan must be acquired at the applicant's expense.

(e) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship.

SEC. 42A-17.

PARKING.

(a) A complete parking plan must be submitted with each special event application. The director may waive this requirement for special events with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a special event permit.

(d) Meter hooding and no parking zones in connection with a special event must be limited to the shortest time feasible. "No parking" signs must be posted a minimum of 24 hours in advance of the special event and follow a standard format approved by the director.

(e) When the main use of the property is open for business and the designated parking is to be activated as part of the event space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the event space.

(f) When activating an event in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

(g) When restricting public or private parking, including handicapped accessible parking, the applicant must provide adequate alternate parking.

SEC. 42A-18[9].

NOTICE.

(a) An applicant for a permit under this chapter ~~[to hold a special event in which the estimated number of participants and spectators exceeds 500 during any day of the special event]~~ shall deliver notice[;] at [least 30 days before the special event begins,] the applicant's expense. The director will determine the most appropriate method of notification according to the following table: [deliver notice to all owners or occupants of real property abutting the boundaries of the area in which the special event will be conducted, including all owners or occupants of real property abutting the route of a progressive event such as a special event parade or marathon.]

NOTIFICATION REQUIREMENTS							
COMMUNICATION TYPES	NO STREET CLOSURE	STATIC CLOSURE EVENTS			MOVING EVENTS		
		Simple	Moderate	Complex	Simple	Moderate	Complex
Notifications are NOT required for outdoor events with an expected attendance of 250 or fewer people and with no street/lane closures.	X						
Neighborhood/Residential based events: notify all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 15 days prior to the event date utilizing a minimum of two of the following communication methods: email distribution; electronic notification through web app, e.g. NextDoor; yard signs along the event footprint; posting in a neighborhood association/PTA/PTO newsletter and/or social media page; hand delivered; or mailed.		X	X	X	X	X	X
Deliver written notice to all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 30 days prior to the event date (mail, hand delivered, or door hanger).				X			X
Deliver written notice to all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 15 days prior to the event date (mail, hand delivered, or door hanger). Zone specific communication pieces apply.		X	X	X	X	X	X
Direct communication and notification is required via in-person or phone and a follow-up email to all major employers; multi-family housing; places of worship; and neighborhood associations abutting the event area and all those impacted by the event.			X	X	X	X	X
Contact Waze, Google etc. to request street closures be posted.				X		X	X
Council members are encouraged to post district specific event details to social media.	X	X	X	X	X	X	X
Council members are encouraged to distribute district specific street closure details to stakeholders from OSE weekly report.		X	X	X	X	X	X
Develop targeted (zone specific) communication. Utilize digital neighborhood based platforms and available databases to communicate street closures specific to neighborhoods and business zones impacted.					X	X	X
Develop targeted (zone specific) communication. Provide OSE a final communication piece to distribute to community stakeholders through the City Council Office and OSE (available database).				X	X	X	X
OSE to create and distribute a Traffic Advisory.				X			X
OSE to create and distribute a City Hall Announcement for all City Hall Plaza permitted events and all events that impact city hall garage access.	X			X			X
OSE to post event to web calendar with hyperlink to event website for maps, street closures, rerouting information etc.	X	X	X	X	X	X	X
Provide communication piece to be distributed by OSE through OSE email database (to be developed).		X	X	X	X	X	X

The director will determine the specific notification requirements based on a variety of factors including but not limited to: event size, dates, times, footprint, anticipated impact, and historical knowledge of the event.

(b) Notice must include any information that is required to be provided in the template approved by the director prior to distribution. [The notice must be delivered to the address of each abutting property.

(e) ~~The notice must state that an application for a special event permit has been filed for the location and that interested persons may contact the special event manager with their comments.~~

SEC. 42A-10.

INSURANCE.

(a) ~~An applicant for a permit to hold a special event in which the estimated number of participants and spectators exceeds 2,500 for any day of the event shall procure and keep in full force and effect for the duration of the event insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers and employees as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the conduct of the special event by the applicant.~~

(b) ~~Insurance is required in the following types and amounts:~~

(1) ~~Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than:~~

(A) ~~\$500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or~~

(B) ~~\$1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.~~

(2) ~~If a special event includes vehicles, aircraft, or other equipment, devices, or activities that are excluded from coverage in the commercial general liability insurance policy required in Paragraph (1) of this subsection, then separate additional liability insurance coverage for the applicable exclusion must be provided with combined single limits of liability for bodily injury and property damage of not less than:~~

(A) ~~\$500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or~~

(B) ~~\$1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.~~

(3) ~~If any alcoholic beverage is sold, served, or otherwise made available at the special event, then separate additional liquor liability insurance must be provided by the alcoholic beverage license holder in an amount of not less than \$1,000,000 for each claim.~~

(4) ~~If any fireworks or other special effects are displayed at the special event, then separate additional general liability insurance must be provided by the pyrotechnics company in an amount of not less than \$3,000,000 for each claim.~~

(5) ~~If security guards (other than Dallas police officers or city staff) are used at the special event, then separate additional security guard liability insurance must be provided by the security guard company in an amount of not less than \$1,000,000 for each claim.~~

(6) ~~If emergency response or first aid stations (other than stations staffed by only Dallas fire-rescue officers or city staff) are provided at the special event, then separate additional medical liability insurance must be provided by the applicant in an amount of not less than \$1,000,000 for each claim, and if ambulance service (other than service provided by Dallas fire-rescue officers and vehicles) is provided, then separate additional automobile liability insurance must be provided by the ambulance provider in an amount of not less than \$1,000,000 combined single limit for each claim.~~

(7) ~~If amusement rides are provided at the special event, proof of separate additional general liability insurance meeting the state liability and coverage requirements for each particular ride must be provided by the applicant, along with a current certificate of inspection for each ride.~~

(8) ~~If animals are part of the special event, then separate additional general liability insurance covering any bodily injury and property damage caused by animals must be provided by the applicant in an amount of not less than \$500,000 for each claim.~~

(9) ~~If the special event is conducted at a city-owned facility that is not covered by insurance requirements established by a city lease and use agreement, then separate additional general liability insurance must be provided by the applicant in an amount of not less than \$500,000 for each claim.~~

(e) ~~In addition to the insurance requirements of Subsection (b) of this section, the special event manager may require additional insurance for a special event if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.~~

(d) ~~If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to conduct the special event at the facility or property.~~

(e) ~~An original certificate of insurance completed by an authorized agent of the insurance company and evidencing each insurance coverage required under this section must be delivered to the special event manager at least 10 days before the special event begins.~~

SEC. 42A-11. INDEMNIFICATION.

~~An applicant for a special event permit must execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the special event.~~

SEC. 42A-11.1. EMERGENCY MEDICAL SERVICES.

(a) ~~An applicant for a special event permit shall provide, in accordance with Subsection (b) and the following schedule, emergency medical personnel and emergency medical vehicles to perform first aid and emergency medical services at the special event:~~

MINIMUM NUMBER OF EMERGENCY MEDICAL PERSONNEL/VEHICLES REQUIRED (based on number of participants and spectators at the special event)					
Type of Emergency Medical Personnel or Vehicle Required	1 — 2,500 participants/spectators	2,501 — 10,000 participants/spectators	10,001 — 25,000 participants/spectators	25,001 — 50,000 participants/spectators	Over 50,000 participants/spectators
Paramedics	0	4	8	8	10
EMS Supervisors	0	1	2	3	3
Emergency Medical Vehicles	0	1	1	2	2

(b) ~~The special event manager, upon recommendation of the chief of the Dallas fire-rescue department, may require a number of emergency medical personnel and emergency medical vehicles, in addition to those required in Subsection (a), if:~~

- (1) ~~any alcoholic beverage is sold, served, or otherwise made available at the special event;~~
- (2) ~~special needs for increased emergency medical services are created by:~~
 - (A) ~~the topography or size of the special event location;~~
 - (B) ~~weather conditions at the special event; or~~

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(C) ~~the time of day during which the special event is conducted;~~

(3) ~~the special event requires street closures or rerouting of vehicular or pedestrian traffic that may affect emergency access to the special event;~~

(4) ~~the special event involves specific activities that create a higher risk of illness or injury to persons participating in or attending the event, including but not limited to rodeos, sporting or athletic events, events involving motor vehicles, or marathons; or~~

(5) ~~the history of the particular special event indicates that a greater number of emergency medical personnel or emergency medical vehicles are required to protect the public health, safety, and welfare.~~

(e) ~~The emergency medical personnel required to be provided at a special event by this section must be sworn members of the Dallas fire-rescue department, except that the chief of the Dallas fire-rescue department may authorize a special event applicant or permit holder to provide emergency medical personnel from other jurisdictions or entities if the chief determines that an insufficient number of Dallas fire-rescue officers will be available for a particular special event. Off-duty jobs for Dallas fire-rescue officers at a special event must comply with the Dallas Fire-Rescue Rules and Regulations.~~

SEC. 42A-12. SECURITY; ~~CROWD CONTROL; AND TRAFFIC CONTROL.~~

(a) ~~An applicant for a special event permit shall provide police officers for security, crowd control, and traffic control at the special event in accordance with Subsection (b) and the following schedule:~~

Number of Participants and Spectators at Special Event	Minimum Number of Police Officers Required
0 to 250	0
251 to 1,500	2
1,501 to 3,000	4
3,001 to 5,000	6
over 5,000	6 plus 1 police officer for every 1,000 participants and spectators over 5,000 at the special event

(b) ~~The special event manager, upon recommendation of the chief of the Dallas police department, may require a number of police officers, in addition to those required in Subsection (a), if:~~

(1) ~~any alcoholic beverage is sold, served, or otherwise made available at the special event;~~

(2) ~~special needs for increased security, crowd control, or traffic control are created by:~~

(A) ~~the topography or size of the special event location;~~

(B) ~~weather conditions at the special event; or~~

(C) ~~the time of day during which the special event is conducted;~~

(3) ~~the special event requires street closures or rerouting of vehicular or pedestrian traffic; or~~

(4) ~~the history of the particular special event indicates that a greater number of police officers are required to protect the public health, safety, and welfare.~~

(e) ~~The police officers required to be provided at a special event by this section must be sworn members of the Dallas police department, except that the chief of the Dallas police department may authorize a special event applicant or permit holder to provide peace officers from other jurisdictions or entities if the chief determines that an insufficient number of Dallas police officers will be available for a particular special event. Off duty jobs for Dallas police officers at a special event must comply with the Dallas Police Department General Orders and Code of Conduct.]~~

SEC. 42A-19[12.4].

PORTABLE RESTROOM AND TRASH RECEPTACLE REQUIREMENTS.

(a) An applicant for a special event permit shall provide portable restrooms and trash receptacles at the special event in accordance with Subsection (b) and the following table:

MINIMUM NUMBER OF RESTROOM UNITS AND TRASH RECEPTACLES REQUIRED										
EXPECTED ATTENDANCE	HOURS OF EVENT									
	1	2	3	4	5	6	7	8	9	10
500 - 599	2	4	4	5	6	7	9	9	10	12
600 - 699	2	4	5	6	7	7	9	10	11	12
700 - 799	3	5	6	6	7	8	10	10	11	12
800 - 899	3	5	6	7	8	8	10	11	12	13
900 - 999	4	6	7	7	8	9	11	11	12	13
1,000 - 1,999	4	6	8	8	9	9	11	12	13	13
2,000 - 2,999	5	6	9	12	14	16	18	20	23	25
3,000 - 3,999	6	9	12	16	20	24	26	30	34	38
4,000 - 4,999	8	13	16	22	25	30	35	40	45	50
5,000 - 5,999	12	15	20	25	31	38	44	50	56	63
6,000 - 6,999	13	17	24	30	37	45	53	60	67	75
7,000 - 7,999	13	19	27	35	44	53	62	70	79	88
8,000 - 8,999	14	21	31	40	50	60	70	80	90	100
9,000 - 9,999	14	23	34	45	57	68	79	90	102	113
10,000 - 14,999	15	25	38	50	63	75	88	100	113	125
15,000 - 19,999	20	38	56	75	94	113	131	150	169	188
20,000 - 24,999	25	50	75	100	125	150	175	200	225	250
25,000 - 29,999	38	69	99	130	160	191	221	252	282	313
30,000 - 34,999	46	82	119	156	192	229	266	302	339	376
35,000 - 39,999	53	96	139	181	224	267	310	352	395	438
40,000 - 44,999	61	109	158	207	256	305	354	403	452	501
45,000 - 49,999	68	123	178	233	288	343	398	453	508	563
50,000 - 54,999	76	137	198	259	320	381	442	503	564	626
55,000 - 59,999	83	150	217	285	352	419	486	554	621	688
60,000 - 64,999	91	164	237	311	384	457	531	604	677	751
65,000 - 69,999	98	177	257	336	416	495	575	654	734	813
70,000 - 74,999	106	191	277	362	448	533	619	704	790	876
75,000 - 79,999	113	205	296	388	480	571	663	755	846	938
80,000 - 84,999	121	218	316	414	512	609	707	805	903	1001
85,000 - 89,999	128	232	336	440	544	647	751	855	959	1063
90,000 - 94,999	136	246	356	466	576	686	796	906	1016	1126
95,000 - 99,999	143	259	375	491	607	724	840	956	1072	1188
100,000 or more	151	273	395	517	639	762	884	1006	1128	1251

[MINIMUM NUMBER OF RESTROOM UNITS REQUIRED]										
Estimated Number of Participants and Spectators Attending Event Daily	Length of Event (in hours) Per Day									
	1	2	3	4	5	6	7	8	9	10
1—50	1	1	1	1	2	2	2	2	2	2
51—100	2	2	2	2	2	3	3	3	3	3
101—250	3	3	3	3	4	4	4	6	6	6
251—500	4	4	4	4	6	6	8	8	8	8
501—1,000	4	5	6	7	7	8	8	8	9	9
1,001—2,000	6	10	12	13	14	14	14	15	15	15
2,001—3,000	9	14	17	19	20	21	21	21	21	21
3,001—4,000	12	19	23	25	28	28	28	30	30	30
4,001—5,000	15	23	32	32	34	36	36	36	36	36
5,001—6,000	17	28	34	38	40	42	42	42	42	42
6,001—7,000	20	32	40	44	46	48	50	50	50	50
7,001—8,000	23	38	46	50	54	57	57	57	57	57
8,001—10,000	30	46	57	63	66	69	69	72	72	72]

(b) The director [~~special event manager~~] may require additional restroom units if:

- (1) the estimated number of participants and spectators exceeds 100,000 during any day of the special event;
- (2) the estimated duration of the special event exceeds 10 hours on any day of the event;
- (3) any alcoholic beverage is sold, served, or otherwise made available at the special event; or
- (4) the history of the particular special event indicates that a greater number of portable restroom units are required for the public health, safety, and welfare.

(c) At least five percent of the portable restrooms required by this section must comply with the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12101, et seq.

(d) The director may reduce restroom requirements with written confirmation that restrooms will be serviced during the permitted event.

SEC. 42A-20[13].

DENIAL OR REVOCATION.

- (a) The director [~~special event manager~~] shall deny a special event permit if:
- (1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter; [~~a special event permit has been granted for another special event at the same place and time;~~]
 - (2) [~~an established special event is customarily held at the same place and time as the proposed special event;~~]
 - (3) the proposed special event will occupy any part of a freeway, expressway, or tollway;
 - (4) the proposed special event will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;
 - (5) the applicant fails to adequately provide for:
 - (A) the protection of special event participants and spectators;
 - (B) maintenance of public order in and around the special event location;
 - (C) security, crowd control, or traffic control, taking into consideration the size of the special event;
 - (D) emergency vehicle access and the provision of emergency medical services and personnel; or
 - (E) portable restroom facilities for the special event as required by Section 42A-12.1.
 - (6) the applicant fails to comply with or the proposed special event will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this chapter;
 - (7) the applicant makes a false statement of material fact on an application for a special event permit or fails to properly complete an application for a special event permit;
 - (8)] the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the special event;
 - (3[9]) the applicant has had a special event permit revoked within the preceding 14 months;

(4[40]) the applicant has received ~~[committed]~~, within the preceding 14 months, two or more notices of violation[s] or citations related to ~~[of]~~ a provision of a special event permit or this chapter;

~~[(11) the applicant fails to pay any outstanding fees assessed under Section 42A-8 of this chapter for the proposed special event or for a past special event;~~

~~(12) the applicant has conducted or sponsored one or more special events within the city on at least 60 days of the same calendar year during which the proposed special event is to be held, except that this 60-day limitation does not apply to a special event that:~~

~~(A) involves a commercial movie production; or~~

~~(B) is being conducted at the Dallas Farmers Market in compliance with the market's agreements and covenants with the city;]~~

~~(5[13]) the chief of the police department, the chief of the fire-rescue department, or the director [special event manager] determines that the special event would pose a serious threat to the public health, safety, or welfare;~~

~~(6[14]) the applicant or any other person responsible for the conduct or sponsorship of the special event is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;~~

~~(7[15]) the applicant has a history of conducting or sponsoring special events in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner;~~

~~[(16) an event has been previously scheduled for the same time on property described in Section 42A-5(1) that is adjacent to the location of the proposed special event; or~~

~~(17) the applicant, if it is a corporation, fails to provide copies of a current certificate of account status and current certificate of existence as required by Section 42A-7(b)(14);~~

~~(8) the director is notified of any code violation on the property where the special event will be held; or~~

~~(9) an event will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.~~

(b) The director ~~[special event manager]~~ shall revoke a special event permit if:

(1) the applicant fails to comply with or the special event is in violation of any provision of the special event permit, a city ordinance, or any other applicable law;

31144

(2) the permit holder made a false statement or omission of material fact on an application for a special event permit [~~or failed to properly complete an application for a special event permit~~];

(3) the chief of the police department, the chief of the fire-rescue department, or the director [~~special event manager~~] determines that the special event poses a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the special event location;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 [42A-8] of this chapter for the proposed special event or for a past special event;

(6[5]) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the special event is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or

(7[6]) the director is notified of any code violations on the property where the special event will be held. [~~permit holder, if it is a corporation, failed to provide copies of a current certificate of account status and current certificate of existence as required by Section 42A-7(b)(14).~~]

SEC. 42A-14. APPEAL FROM DENIAL OR REVOCATION OF A SPECIAL EVENT PERMIT.

~~If the special event manager denies the issuance of a permit or revokes a permit, the special event manager shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right to an appeal. The applicant or permit holder may appeal the decision of the special event manager to a permit and license appeal board in accordance with Section 2-96 of this code.]~~

ARTICLE III. NEIGHBORHOOD MARKET.

SEC. 42A-21. APPLICATION; ISSUANCE.

(a) A person desiring to hold a neighborhood market shall submit an online application with the office of special events. An application must be filed not less than 30 business days before the neighborhood market is to begin. The director may waive the filing requirement if the application is submitted within five days of the submission due deadline and the application can be processed in less than the number of calendar days required, taking into consideration the number and types of additional licenses and permits that may be required to be issued in conjunction with the neighborhood market permit and the extent of public safety, department, or agency review required based on the scope of the market. An activity that qualifies for a

neighborhood market permit under this article is not required to obtain a special event permit under Article II of this chapter.

(b) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a neighborhood market permit will be issued. All requirements must be met prior to permit issuance.

(c) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 business days without a response from the applicant.

(d) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by city departments and partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include the entity that manages or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt requiring a response. If no response is received, the director may proceed with permitting; however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(e) If the proposed neighborhood market will be held on private property and the applicant does not own the property, the applicant shall obtain the written consent of the property owner to conduct the neighborhood market on the property with the authorization including the dates and times of the neighborhood market. The written consent must be submitted at the time of application. The applicant shall present the written consent to the director or any peace officer upon request.

(f) The director shall cancel a neighborhood market permit application if:

(1) a neighborhood market permit has been granted or is in the review process for another neighborhood market at the same or a nearby place and the same time.

(2) an established neighborhood market is customarily held at the same or a nearby place and the same time as the proposed neighborhood market.

(3) the proposed neighborhood market will occupy any part of a freeway, expressway, or tollway.

(4) the proposed neighborhood market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available.

(5) the proposed neighborhood market cannot comply with high impact parameters.

(6) the applicant makes a false statement of material fact on an application for a neighborhood market permit or fails to properly complete an application for a neighborhood market permit.

(7) the applicant had a neighborhood market permit revoked within the preceding 14 months.

(8) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a neighborhood market permit or this chapter.

(9) the applicant has a history of conducting or sponsoring neighborhood markets in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(g) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed scheduled activity or a past scheduled activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(h) If the applicant makes major changes to the original submission of an application, this will result in the original permit application being cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(i) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(j) After reviewing the application and confirming all permit requirements have been met, the director shall issue the permit unless denial is required by Section 42A-35. A neighborhood market permit expires one year after issuance and may only be issued for 46 nonconsecutive days in a year.

SEC. 42A-22.

LOCATION OF A NEIGHBORHOOD MARKET.

A neighborhood market may not be conducted:

(1) in the central business district;

(2) in a single family, duplex, or townhouse zoning district as defined in the Dallas Development Code;

(3) within one mile of another neighborhood market permitted under this chapter that has the same or overlapping operating dates and times;

(4) at any location where one or more neighborhood markets have already been conducted a total of 28 days during the particular calendar year;

(5) at any location other than the one listed in the permit application;

(6) at a public park; or

(7) on a sidewalk.

SEC. 42A-23.

OPERATION OF A NEIGHBORHOOD MARKET.

(a) A neighborhood market must operate a minimum of 12 days in a calendar year at the same location, but may not be operated more than 46 days at the same location in a calendar year and may not be operated on consecutive days.

(b) A neighborhood market may only be operated between the hours of 8 a.m. and 10 p.m. on any day of the week.

(c) The neighborhood market may only be operated in accordance with the schedule filed with the director at the time of permit application. An amendment to the schedule may be approved by the director during the calendar year. An amendment request and the required change fee must be received by the director at least 15 days before implementing any changes. Date changes do not constitute a major change.

(d) Except as provided in this subsection, no more than 75 vendors may participate in a neighborhood market. Two of the 46 market days may be designated as holiday or specialty markets, and as such, will allowed up to 100 vendors. A current vendor list must be on file with the office of special events. Changes or additions to this vendor list may be made throughout the year. Current vendor fees will be assessed with each submission. No change fees will apply.

(e) Each stall area used by a vendor may not exceed 10 feet by 15 feet.

(f) All litter, tents, stalls, food, merchandise, and other evidence of the neighborhood market must be removed from the premises at the end of each market day.

(g) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the neighborhood market, as well as at the neighborhood market site the day of the neighborhood market, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the neighborhood market site within one hour of being contacted by telephone or email.

SEC. 42A-24. **STREET CLOSURES.**

- (a) Street closures are limited to one block with no intersections.
- (b) Street closures require approval from applicable partner agencies and city departments.
- (c) A permit holder must provide notice of street closures in accordance with Section 42A-18.
- (d) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must follow the standard format approved by the director and be approved by the city prior to permit issuance.
- (e) All traffic apparatus required to fulfill a traffic control plan must be acquired at the applicant's expense.
- (f) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship.

SEC. 42A-25. **PARKING.**

- (a) A complete parking plan must be submitted with each neighborhood market application. The director may waive this requirement for neighborhood markets with an expected total attendance of less than 250.
- (b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.
- (c) The parking plan must be approved prior to the issuance of a neighborhood market permit.
- (d) Meter hooding and no parking zones in connection a neighborhood market must be limited to the shortest time feasible. "No parking" signs must be posted a minimum of 24 hours in advance of the neighborhood market and follow a standard format approved by the director.

(e) When the main use of the property is open for business and the designated parking is to be activated as part of the neighborhood market space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the neighborhood market space.

(f) When activating neighborhood market in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

SEC. 42A-26.

PRODUCTS AT A NEIGHBORHOOD MARKET.

(a) Products that may be sold at a neighborhood market include, but are not limited to, the following:

- (1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.
- (2) Meats.
- (3) Dairy products.
- (4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.
- (5) Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.
- (6) Garden items, including but not limited to plants, flowers, and soil.

(b) At least 30 percent of the vendors participating in a neighborhood market must sell produce or other food items.

(c) All products distributed, offered for sale, or sold at a neighborhood market must have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area.

(d) No products may be offered for resale.

(e) Live animals may not be distributed, offered for sale, or sold at a neighborhood market.

SEC. 42A-27.

VENDOR'S STATEMENT.

(a) Each calendar year before vending at a neighborhood market, a vendor shall sign and provide the permit holder with a written statement that:

31144

(1) all products to be distributed, offered for sale, or sold at the neighborhood market have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area; and

(2) no product is being offered for resale.

(b) The permit holder shall maintain a vendor statement for each vendor operating at the neighborhood market and shall present the vendors' statements to the director or any peace officer upon request.

SEC. 42A-28.

DENIAL OR REVOCATION.

(a) The director shall deny a neighborhood market permit if:

(1) the proposed neighborhood market will be located within one mile of another neighborhood market permitted under this chapter that has the same or overlapping operating dates and times;

(2) the proposed neighborhood market will unreasonably disrupt the surrounding areas or the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

(3) the applicant fails to adequately provide for:

(A) the protection of the vendors and attendees at the neighborhood market;

(B) maintenance of public order in and around the neighborhood market location;

(C) crowd security, taking into consideration the size of the neighborhood market; or

(D) emergency vehicle access.

(4) the applicant fails to comply with or the proposed neighborhood market will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this article;

(5) the applicant makes a false statement of material fact on an application for a neighborhood market permit or fails to properly complete an application for a neighborhood market permit;

(6) the applicant has had a neighborhood market permit revoked within the preceding 14 months;

(7) the applicant or a vendor at the applicant's neighborhood market has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a neighborhood market permit or this chapter;

(8) a neighborhood market has been conducted at the location of the proposed neighborhood market on at least 40 days during the same calendar year in which the proposed neighborhood market is to be conducted;

(9) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood market would pose a serious threat to the public health, safety, or welfare;

(10) the applicant or any other person responsible for the conduct or sponsorship of the neighborhood market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person or the applicant fails to pay any outstanding fees assessed under Section 42A-6 for the proposed neighborhood market or for a past neighborhood market; or

(11) the applicant has a history of conducting or sponsoring a neighborhood market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(b) The director shall revoke a neighborhood market permit if:

(1) the permit holder failed to comply with or the neighborhood market is in violation of any provision of the neighborhood market permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement of material fact on an application for a neighborhood market permit or failed to properly complete an application for a neighborhood market permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood market poses a serious threat to the public health, safety, or welfare;

(4) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed neighborhood market or for a past neighborhood market;

(5) the permit holder or any other person responsible for the conduct or sponsorship of the neighborhood market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person;

(6) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the neighborhood market; or

(7) the director is notified of any code violations on the property where the neighborhood market will be held.

ARTICLE V.
DALLAS FARMERS MARKET FARMERS MARKET.

SEC. 42A-29. **APPLICATION; ISSUANCE.**

(a) This article only applies to the leased premises as defined in the Dallas Farmers Market Shed 1 lease.

(b) The Dallas Farmers Market shall submit an online application with the office of special events. An application must be filed not less than 30 business days before the Dallas Farmers Market farmers market is to begin.

(c) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a permit will be issued. All requirements must be met prior to permit issuance.

(d) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 business days without a response from the applicant.

(e) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by city departments and partner agencies. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt requiring a response. Each review phase is allowed 10 business days. Review phases run sequentially with public safety review getting the first 10 business days and department and partner agency review getting the second 10 business days. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the event request, or a resolution cannot be reached, a permit will be denied.

(f) The director shall cancel a Dallas Farmers Market farmers market permit application if:

(1) the proposed Dallas Farmers Market farmers market will occupy any part of a freeway, expressway, or tollway.

(2) the proposed Dallas Farmers Market farmers market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available.

(3) The proposed Dallas Farmers Market farmers market cannot comply with high impact parameters.

(4) the applicant makes a false statement of material fact on an application for a Dallas Farmers Market farmers market permit or fails to properly complete an application for Dallas Farmers Market farmers market permit.

(5) the applicant had a Dallas Farmers Market farmers market permit revoked within the preceding 14 months.

(6) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a Dallas Farmers Market farmers market permit or this chapter.

(7) the applicant has a history of conducting or sponsoring a Dallas Farmers Market farmers market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(g) The building official, departments, and the director may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of the Dallas Farmers Market farmers market to be incorporated into the permit before issuance.

(h) Major changes to the original submission of an application require the submission of a new permit application along with new application processing fees. The original permit application will be deemed incomplete and cancelled.

(i) After reviewing and confirming all permit requirements have been met, the director shall issue a Dallas Farmers Market farmers market permit unless denial is required by Section 42A-34. A Dallas Farmers Market farmers market permit expires one year after issuance.

SEC. 42A-30.

STREET CLOSURES.

(a) Street closures shall require approval from applicable partner agencies and city departments.

(b) An applicant must provide notice of street closures in accordance with Section 42A-18.

(c) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must follow a standard format approved by the director and be approved by the applicable departments prior to permit issuance.

(d) All traffic apparatus required to fulfil a traffic control plan must be acquired at the applicant's expense.

(e) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship.

SEC. 42A-31.

PARKING.

(a) A complete parking plan must be submitted with each application. The director may waive this requirement for markets with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a permit.

(d) Meter hooding and no parking zones in connection with a market must be limited to the shortest time feasible. "No parking" signs must be posted a minimum of 24 hours in advance of the market and follow a standard format approved by the director.

(f) When the main use of the property is open for business and the designated parking is to be activated as part of the market space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the event space.

(g) When activating a market in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

(h) When restricting public or private parking, including handicapped accessible parking, the applicant must provide adequate alternate parking.

SEC. 42A-32.

**OPERATIONS OF DALLAS FARMERS MARKET
FARMERS MARKET.**

(a) A Dallas Farmers Market farmers market may only be operated between the hours of 8:00 a.m. and 10:00 p.m. on any day of the week.

(b) A Dallas Farmers Market farmers market may only be operated in accordance with the schedule filed with the director at the time of permit application. An amendment to the schedule may be approved by the director during the calendar year. The request and the required change fee must be received by the director in writing at least 15 days before implementing any changes.

(c) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the Dallas Farmers Market farmers market, as well as at the Dallas Farmers Market site the day of the permitted activity, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the Dallas Farmers Market site within one hour of being contacted by telephone or email.

SEC. 42A-33.

PRODUCTS AT DALLAS FARMERS MARKET.

(a) Products that may be sold at the Dallas Farmers Market farmers market include, but are not limited to, the following:

- (1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.
- (2) Meats.
- (3) Dairy products.
- (4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.
- (5) Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.
- (6) Garden items, including but not limited to plants, flowers, and soil.

(b) At least 40 percent of the vendors participating in the Dallas Farmers Market farmers market must sell produce or other food items.

(c) Live animals may not be distributed, offered for sale, or sold at the Dallas Farmers Market farmers market.

SEC. 42A-34.

DENIAL OR REVOCATION.

(a) The director shall deny a Dallas Farmers Market farmers market permit if:

- (1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter;
- (2) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of a Dallas Farmers Market farmers market;
- (3) the applicant has had a Dallas Farmers Market farmers market permit revoked within the preceding 14 months;

(4) the applicant has received within the preceding 14 months, two or more notices of violations or citations related to a provision of a Dallas Farmers Market farmers market permit or this chapter;

(5) the chief of the police department, the chief of the fire-rescue department, or the director determines that the Dallas Farmers Market farmers market would pose a serious threat to the public health, safety, or welfare;

(6) the applicant or any other person responsible for the conduct or sponsorship of a Dallas Farmers Market farmers market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(7) the applicant has a history of conducting or sponsoring a Dallas Farmers Market farmers market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner;

(8) the director is notified of any code violation on the property where the Dallas Farmers Market farmers market will be held; or

(9) the Dallas Farmers Market farmers market will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.

(b) The director shall revoke a Dallas Farmers Market farmers market permit if:

(1) the applicant fails to comply with or the Dallas Farmers Market farmers market is in violation of any provision of the Dallas Farmers Market farmers market permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for the Dallas Farmers Market farmers market permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the Dallas Farmers Market farmers market poses a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the market location;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 for the market or for a past market;

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or

(7) the director is notified of any code violations on the property.

ARTICLE VI.
STREETLIGHT POLE BANNERS.

SEC. 42A-35.

APPLICATION; ISSUANCE.

(a) Except as provided for a streetlight pole banner in a special provision sign district in Chapter 51A of this code, an application for a streetlight pole banner permit must comply with the requirements in this section. If there is a conflict between a requirement in this section and a requirement for a streetlight pole banner in a special provision sign district in Chapter 51A, the requirement in Chapter 51A prevails.

(b) The application for a permit authorizing the placement of streetlight pole banners must be submitted online to the office of special events at least 30 business days prior to the proposed streetlight pole banner installation date.

(c) The director shall respond in writing by email to the applicant within three business days of receipt of the application acknowledging receipt of the application.

(d) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review of city departments and partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include the entity that manages or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt of the request requiring a response. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(e) An application must be completed in full before it can be invoiced. An application will not be processed, and the streetlight poles will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a permit will be issued. All requirements must be met prior to permit issuance.

(f) The director shall review the application to determine whether the requested streetlight poles are available for the erection of streetlight pole banners. If the requested streetlight poles are not available, the applicant must resubmit an alternate list of requested streetlight poles within 48 hours of receiving the preliminary letter. If alternate streetlight poles are not submitted within 48 hours of receiving the preliminary letter, the process will continue with only the available poles.

(g) The director shall provide the applicant with a preliminary letter containing the requirements for permit issuance upon completion of departmental and partner agency review.

(h) The director may cancel an application for a streetlight pole banner permit if:

(1) a streetlight pole banner permit has been granted or is in the review process for another streetlight pole banner permit with the same poles and during the same time period;

(2) the applicant makes a false statement of material fact on an application for a streetlight pole banner permit or fails to properly complete an application for a streetlight pole banner permit;

(3) the applicant had a streetlight pole banner permit revoked within the preceding 14 months;

(4) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a streetlight pole banner permit or this chapter; or

(5) the applicant has a history of conducting the installation, maintenance, or removal of streetlight pole banners in a disorderly or unsafe manner.

(i) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 calendar days without a response from the applicant.

(j) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed installation of the streetlight pole banners, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(k) If the applicant makes major changes to the original submission of an application after the preliminary letter has been issued, this will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(l) An application that has been cancelled cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(m) An applicant may not hold more than one streetlight pole banner permit application at a time.

(n) A streetlight pole banner permit application may not be submitted more than one year prior to the banner installation date.

(o) Applications for streetlight pole banners in the arts district must be from cultural institutions located in the arts district. The Arts District Foundation shall provide the office of special events a map with pole assignments for each cultural institution each calendar year.

(p) Applications for streetlight pole banners for pre-determined signature events within the downtown area including, but not limited to, Main Street, Commerce Street, and Elm Street, have a right of first refusal. All other permit applications will be processed on a first-come, first-serve basis.

(q) After reviewing and confirming all permit requirements have been met, the director shall issue the streetlight pole banner permit unless denial or revocation is required by Section 42A-31. Except as provided in this subsection, a streetlight pole banner permit will be issued for a period of 60 consecutive days. A streetlight pole banner permit may be extended for additional consecutive 60-day periods not to exceed a year. All applicable fees must be paid for any permit extension. A streetlight pole banner permit for a public improvement district will be issued for a period of one calendar year.

SEC. 42A-36. PERMIT EXTENSION.

(a) An applicant may not submit a request to extend a streetlight pole banner permit earlier than two weeks prior to the expiration of an existing streetlight pole banner permit.

(b) A streetlight pole banner permit may be extended in additional 60-day increments based upon availability of the streetlight poles.

(c) Streetlight pole banner permits may be extended for a maximum of one year.

(d) The director shall assess all applicable streetlight pole banner fees in 60-day increments.

(e) This section does not apply to a public improvement district annual streetlight pole banner permit.

SEC. 42A-37. INSURANCE.

(a) A person installing a streetlight pole banner shall procure and keep in full force and effect insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers, employees, and appointed representatives as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the installation of the streetlight pole banner by the applicant.

(b) Insurance required under this article must include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling the insurance policy or before making a reduction in coverage.

(c) Insurance is required in the following types and amounts:

(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence with a \$2,000,000 annual aggregate.

(2) Business automotive liability insurance covering owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of \$1,000,000 per occurrence.

(3) Worker's compensation insurance with statutory limits.

(4) Employer's liability insurance with the following minimum limits for bodily injury by:

(A) accident, \$1,000,000 per each accident; and

(B) disease, \$1,000,000 per employee with a per policy aggregate of \$1,000,000.

(5) Umbrella liability insurance following the form of the primary liability coverage described in Subsection (a) and providing coverage with minimum combined bodily injury (including death) and property damage limit of \$1,000,000 per occurrence and \$1,000,000 annual aggregate.

(d) In addition to the insurance requirements of Subsection (c) of this section, the director may require additional insurance for a streetlight pole banner if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.

(e) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to erect a streetlight pole banner at the facility or property.

(f) A streetlight pole banner permit will not be issued until the insurance requirements have been verified by the city's designated third-party provider.

SEC. 42A-38.

STREETLIGHT POLE BANNER REGULATIONS.

(a) In general.

(1) Except as provided for a streetlight pole banner in a special provision sign district in Chapter 51A of this code, streetlight pole banners must comply with the requirements in this section. If there is a conflict between a requirement in this section and a requirement for a streetlight pole banner in a special provision sign district in Chapter 51A, the requirement in Chapter 51A prevails.

(2) A streetlight pole banner must be in general compliance with the streetlight pole design manual published by the office of special events.

(3) The sign hardware for a streetlight pole banner may be left in place between displays of a banner.

(4) A streetlight pole banner and its sign hardware must:

(A) be mounted on a streetlight pole;

(B) be at least 12 feet above grade, unless it overhangs a roadway, in which case it must be at least 15 feet above grade;

(C) be made out of weather resistant and rust proof material especially designed for outdoor use;

(D) be printed on both sides of material;

(E) not be illuminated;

(F) not project more than three feet from the pole onto which it is mounted;

(G) not exceed 25 square feet in effective area;

(H) not obstruct the view of traffic or any traffic control devices or impede or endanger the flow of traffic; and

(I) not interfere with emergency equipment, including fire, police, medical, electrical, commercial vehicles and trucks, or bus transportation.

(5) The maximum number of streetlight pole banners is two per pole, with each banner on one opposite side of the pole.

(b) Public improvement districts.

(1) This section applies only to public improvement district management corporations.

(2) District identification banners are defined as long-term banners that identify a geographic location or place of interest. Streetlight poles must be located within the defined geographic boundaries of the public improvement district.

(3) Streetlight pole banner permits granted to a public improvement district management corporation must comply with the standards in this subsection and will be issued on an annual basis.

(4) District identification banners are excluded from all permit application processing fees

(5) Public improvement district have first right-of-refusal for streetlight poles previously permitted to a public improvement district before being reissued to an applicant other than that of the public improvement district management corporation; however, an active permit must be maintained by the public improvement management corporation to prevent poles from being reissued to another entity.

SEC. 42A-39.

DENIAL OR REVOCATION.

(a) The director shall deny a streetlight pole banner permit if:

(1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter;

(2) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the installation, maintenance, or removal of the streetlight pole banners;

(3) the applicant has had a streetlight pole banner permit revoked within the preceding 14 months;

(4) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a streetlight pole banner permit or this chapter;

(5) the chief of the police department, the chief of the fire-rescue department, or the director determines that the installation, maintenance, or removal of the streetlight pole banners would pose a serious threat to the public health, safety, or welfare;

(6) the applicant or any other person responsible for the installation, maintenance, or removal of the streetlight pole banners is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person; or

(7) the applicant has a history of conducting the installation, maintenance, or removal of streetlight pole banners in a disorderly or unsafe manner.

(b) The director shall revoke a streetlight pole banner permit if:

(1) the applicant fails to comply with, or the streetlight pole banners are in violation of any provision of the streetlight pole banner permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for a streetlight pole banner permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the installation, maintenance, or removal of the streetlight pole banners pose a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the installation, maintenance, or removal of the streetlight pole banners;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the installation, maintenance, or removal of the streetlight pole banners;
or

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the installation, maintenance, or removal of the streetlight pole banners is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person.

ARTICLE VII. **ENFORCEMENT.**

SEC. 42A-40[15]. OFFENSES.

(a) A person commits an offense if he commences set up or conducts a special event, or neighborhood market, or erects a streetlight pole banner:

(1) without a [~~special event~~] permit issued under this chapter or, for a streetlight pole banner in a special provision sign district, a sign permit issued under Chapter 51A of this code; or

(2) in violation of any provision of a [~~special event~~] permit issued under this chapter, this chapter, or any other city ordinance or applicable law.

(b) A person commits an offense if he is the individual named by the permit holder as the contact person for the event and he fails to meet police officers or code enforcement officers at the site of the special event, or neighborhood market within one hour of being contacted by a police officer or code enforcement officer by telephone or email.

(c) The [A] culpable mental state [~~is not~~] required for the commission of an offense under this chapter is governed by S[~~s~~]ection 1-5.1 of this code.

(d) This chapter may be enforced by the director of the office of special events, the director of code compliance, the chief of police, the fire chief, or their designated representatives.

SEC. 42A-~~41~~[46].

PENALTY.

(a) A person who violates a provision of this chapter or a requirement of a [~~special event~~] permit issued under this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.

(b) Each offense is punishable by a fine not to exceed:

(1) \$2,000 for a violation of a provision of this chapter or a requirement of a [~~special event~~] permit governing fire safety, zoning, or public health and sanitation, including dumping of refuse; or

(2) \$500 for all other violations of this chapter or requirements of a [~~special event~~] permit issued under this chapter."

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 4. That Chapters 29A and 42A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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SECTION 7. That this ordinance shall take effect on June 1, 2019, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By Caden Buyers
Assistant City Attorney

Passed MAR 27 2019



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL MAR 27 2019

ORDINANCE NUMBER 31144

DATE PUBLISHED MAR 30 2019

ATTESTED BY: