

**PORT ARANSAS
SPECIAL EVENTS
APPLICATION AND PERMIT**

Filed with City Manager on _____

Granted on _____ by **City Council, if Large Event**

Granted on _____ by **City Manager, if Small Event**

Permittee: [Name] _____
[Address] _____
[Telephone] _____

Description of Event and Collateral Activities: # of Attendees _____
Music: Yes ___ No ___
Type of Music: Band ___ D.J. ___
Alcohol: Yes ___ No ___

Date and Time of the Event, including set up and completion of cleanup:

From _____ at _____ o'clock _____ m.
until expiration of this Permit on _____
at _____ o'clock _____ m.

The event schedule, including hours of operation, is more particularly described as follows:

Location of Event (Here define the location on the Public Premises, beach or park, where the event will be held): If beach event, indicate between Beach Marker _____ and _____ .

City of Port Aransas Applicant

Requirements: Security (# of Officers) _____ Sanitation (# of Skid-O-Kans) _____
Other _____

Permit Grant. The City of Port Aransas ("City") hereby grants to Permittee permission to conduct the Special Event at the location on the Public Premises ("Premises") on the dates and times above set forth and described, subject and pursuant to the terms and conditions of this Permit and all documents incorporated herein by reference. A reference to this Permit includes all other documents incorporated herein by reference, unless the context requires otherwise. Other documents incorporated herein by reference are the following:

1. Application for Special Events Permit.
 2. Site Plan finally approved by the City.
 3. Insurance Policies.
 4. Alcohol Addendum, if alcohol is to be provided.
 5. Any building permit required to construct improvements on the Public Premises.
 6. Other Permits which may be required for the events.
 7. Special Events Policies Statement.
 8. Other: _____
-
-

Permittee Conduct and Responsibility for Damage. Permittee shall conduct the event in a manner consistent with all applicable laws, ordinances, rules and regulations. Permittee shall not commit, or suffer to be committed, any waste on or damage to the Premises, nor shall Permittee maintain, commit, or permit the maintenance or commission of any nuisance on the Premises or use the Premises for any unlawful purpose. Permittee shall keep the Premises in a clean, healthy condition and in good order and repair throughout the term of this Permit. Permittee shall take all reasonable action to assure that no person attending or participating in the event commits any unlawful act or disturbance of the peace. Permittee shall not alter the Premises without the prior written consent of City. Permittee shall not use the Premises for any purpose or activity not expressly allowed by this Permit. Permittee will be responsible for any and all damages to the Premises and City property. Permittee will provide ongoing litter pick up.

City's Right to Enter and Inspect. City shall have the right to enter into and upon the Public Premises at all times for the purpose of inspecting, observing, monitoring and investigating the event and premises.

Removal and Clean up after Event. Before expiration or upon earlier revocation of this Permit, Permittee shall remove all property belonging to Permittee and all alterations, additions, or improvements, and fixtures which it placed on the premises and shall repair all damage to the Premises caused by such removal, and Permittee shall restore the premises to the condition it was in prior to the installation of the property so removed. Any property not so removed shall be deemed to have been abandoned by Permittee and may be retained or disposed of by City. Permittee shall, on expiration or revocation of this Permit, promptly surrender and deliver the premises to City in clean, good condition equal to its pre-event condition.

Revocation. If Permittee is in default under this Permit, including a misrepresentation of any matter set out in this Permit or in any document incorporated herein by reference, City may, at its option, revoke this Permit, reenter and take possession of the Premises and remove all persons and property therefrom. Revocation of a large event, even though the permit is issued by the City Council, may be effected by the City Manager.

Lien. In the event of default by Permittee, City shall have a lien upon all personal property on the Premises which is not exempt by statute as security and Permittee hereby grants to City a security interest in all such property for such purposes.

Nonassignment. Permittee shall not assign this Permit.

Hold Harmless. City is not responsible or liable for loss, damage or destruction of Permittee's property from whatever cause. Permittee shall hold City harmless and indemnify City from and against liability for any and all damages sustained by any person or entity as a result of any occurrence or transaction in or upon the Public Premises and arising directly or indirectly out of Permittee's use thereof during the term of this Permit and whether resulting from Permittee's fault or not.

Security Deposit. A security deposit, consistent with the Special Events Policies, in the amount of \$ _____, must be paid by Permittee to City when the permit is signed. It is security for the full and faithful performance by Permittee of the terms, conditions, and covenants of this Permit. If Permittee is in default in the performance of any obligation hereunder, City may appropriate and apply any portion of the security deposit as may be necessary to cure the default, and Permittee shall immediately restore the security deposit to its original level. Any remaining portion of the security deposit,

after lawful deductions as above set forth, shall be returned to Permittee no later than thirty (30) days after the expiration or revocation of this Permit unless default costs are pending.

Application Fee. A nonrefundable application fee, consistent with the Special Events Policies, must be paid by Permittee to City. The Application Fee of \$35.00 must be paid at the time application is made.

Insurance: Permittee must carry and maintain the hereinbelow required insurance, with a carrier approved by City, consistent with the Special Events Policies. A copy of the Certificate of Insurance must be given to the City no less than fourteen (14) _____ (*fill in blank, if other than 14 days*) days before the event. Each policy must name the City as additional insured.

\$ _____ for personal injury or death;
\$ _____ per occurrence;
\$ _____ property damage.

Liquor liability, if alcoholic beverages are to be sold or provided, consistent with the Special Events Policies, in the amount of \$1,000,000.00.

Signed on _____, 20____.

CITY:
CITY OF PORT ARANSAS, TEXAS

By: _____
City Manager

Signed on _____, 20____.

PERMITTEE:

(Name of Permittee)

By: _____
_____ **(Name)**
_____ **(Title)**

PORT ARANSAS SPECIAL EVENTS POLICIES

1. General

1.01 General. The conduct of special events on the public beach and in public parks is governed by Chapter 18, Port Aransas Code of Ordinances ("PAC"). "Special Events," means any event conducted on and requiring exclusive use of a portion of a public park or the public beach, which promotes recreation, leisure or education, including, but not limited to, the following: artistic, crafts, music, and sports contests, events, showings, and competitions, including commercial activities associated therewith.

1.02 Two Classes of Events. Special Events are of two classes, large and small. A large special event is one which meets any one of the following criteria as estimated in good faith by the City Manager: (1) the estimated cost to put on the event exceeds \$7,000.00; (2) the estimated number of people who will be attending the event any day it is to be held exceeds 3,000; (3) the estimated number of people who will be attending the event for its duration exceeds 10,000; or (4) the duration exceeds three (3) days. All other Special Events are small.

2. Application

2.01 Application Procedure. A written application for small event must be filed with

the City Manager no less than 30 days before the event, and he must grant or deny it within fourteen (14) days after it is filed. An application for a large event must be filed with the City Manager no less than 90 days before the event, and he must present it to the City Council which must grant or deny it within 45 days after it is filed with the City Manager.

2.02 Application Contents. Applications must include:

1. A description of the type of event you are producing or sponsoring;
2. Names of all sponsors, organizers and contact persons with telephone and telefax numbers and street, mailing, and e-mail addresses;
3. A statement of what makes this event feasible and desirable;
4. State whether or not food or drink will be sold or given away, and, if so, a description of same and method of distribution (in particular, if alcoholic beverages are involved, disclose this fact);
5. A description of the type of entertainment and activities to be provided;
6. List of all equipment and temporary structures, such as signs, stages, and tents that will be erected;

7. A date when publicity is to be released and the type of publicity;
8. A budget showing the revenues and specific expenditures for the event, including entry fees charged;
9. The estimated cost to put on the event, with a breakdown of those costs;
10. Description of charges and fees to be assessed and any other revenue production method;
11. The date and time the event begins and ends, including set up and clean up and the event schedule;
12. The estimated number of people who will be attending the event each day it is to be held;
13. The time the event will commence and end on each day it is to be held, and a detailed event schedule;
14. Site plan, which must include the location of structures, tents, portable toilets, stages, booths, signs, parked vehicles, grandstands, satellite parking sites, first aid stations, trash disposal receptacles, emergency vehicle access and all other such facilities. The plan shall be altered as required by the City

in order to address facility impact, access, health, safety, etc. If beach event, indicate between Beach Marker _____ and _____.

15. A list of all previous events or productions in Port Aransas and elsewhere in which you have been involved, together with references;
16. Description of security, crowd control, safety, health, first aid, sanitation, trash disposal, and waste disposal measures which you propose;
17. State your event category for purposes of establishing the amount of the security deposit and event fee (see the sections below titled "Security Deposit" and "Event Fee"), and provide proof of category.

3. Permit Agreement

3.01 Permit Agreement. If a special event permit is granted, it will be embodied in an agreement which must be signed by the Permittee and by the City. The permit will grant applicant the right to conduct a Special Event in a specific location on certain dates and it will define the terms and conditions of the permission granted. A blank form of the Standard Permit Agreement is available for applicants' review.

4. Charges and Fees

4.01 Application Fee. A nonrefundable application fee of \$25.00 must accompany each application.

4.02 Security Deposit. A security deposit must be paid by Permittee to City no later than the date the Permit is signed. The amount of the security deposit is dependant upon the category of the event, as follows:

	<u>Category</u>	<u>Amount of Deposit</u>
1.	Large Event/Commercial	\$ 1,000.00
2.	Small Event/Commercial	\$ 750.00
3.	Nonprofit Youth Groups	\$ 100.00
4.	All other Nonprofit Groups	\$ 200.00

In the case of large events, the City Council, and in the case of small events, the City Manager, may change the amount of the security deposit in special circumstances, in order to adequately and reasonably secure the obligations of Permittee under this Permit.

4.03 Event Fee. Permittee must pay City an Event Fee, the amount of which is dependant upon the category of the event and gross receipts. Where the Special Event Fee is based on a percentage of gross receipts, gross receipts shall include, but not be limited to, revenues from participant fees, food, drink and booth sales, booth rentals, and any and all other revenue generated by or with respect to the event.

<u>Category of Event</u>	<u>Fee Amount or Calculation Method</u>
1. Large Event/Commercial	The greater of 4% of gross receipts or \$1,000.00
2. Small Event/ Commercial	The greater of 4% of gross receipts or \$500.00
3. Nonprofit Youth Groups	\$100.00
4. All other Nonprofit Groups	\$200.00

4.04 Miscellaneous Fees. Fees for other City facilities, services and equipment will be charged independent of the event fees.

5. Insurance

5.01 Insurance. Special event insurance naming the City as an insured party is required

for all events at which estimated attendance will be 500 or more people on any single day. It may be required for events with fewer people, if food or alcohol is sold or given away or activities are of a physical nature that would warrant insurance. Amounts of insurance generally required are as follows:

1. Personal injury or death and property damage insurance:

\$300,00.00 for personal injury or death of a person, \$500,000.00 per occurrence, and \$100,000.00 property damage (500 to 999 people in attendance any day).

\$500,000.00, \$500,000.00 and \$100,000.00 (1,000 to 4,999 people in attendance any day).

\$500,000.00, \$1,000,000.00 and \$100,000.00 (5,000 people and up in attendance any day).

2. All events, no matter what size, will be required to have liquor liability insurance, if liquor is being served or sold. \$1,000,000.00 aggregate liquor liability, if alcohol is to be sold or distributed.

5.02 Variance. In the case of large events, the City Council, and in the case of small events, the City Manager, may change the amount and type of insurance required. Safety

and Risk Management will determine any and all such changes.

ORDINANCE No. 98-5

AN ORDINANCE ALLOWING SPECIAL EVENTS TO TAKE PLACE ON THE BEACH, IN PUBLIC PARKS AND THE HARBOR AREAS OF THE CITY AND ALLOWING FOR CERTAIN COMMERCIAL ACTIVITIES ASSOCIATED WITH THOSE EVENTS AND, TO THAT END, AMENDING CERTAIN PROVISIONS OF THE CODE WHICH REGULATE COMMERCIAL ACTIVITIES ON THE BEACH AND PROHIBITING COMMERCIAL ACTIVITIES, EXCEPT OUT OF PERMANENT STRUCTURES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS,
COUNTY OF NUECES, STATE OF TEXAS:

SECTION 1. AMENDMENT. Section 18-51, Port Aransas Code of Ordinances, is hereby amended to read as follows, new matter being indicated by underscoring and deleted matter by interlineation and brackets:

Sec. 18-51. Commercial activity prohibited.

(a) All peddling, vending, selling, leasing and renting of goods, wares, commodities, merchandise, food and services, and all other commercial activity, including the dispensing without charge of any such items in connection with a commercial activity or transaction where people are contacted or solicited on the public beach, and the distribution, handing out, placing on motor vehicles, scattering in any form or fashion of posters, handbills, circulars, notices, announcements, brochures, or other tangible, written or printed material on the public beach or placement of signs on the public beach which advertise a commercial activity, event, service or product is hereby prohibited, which prohibited activities are referred to in this article as prohibited commercial activities, with the exception of beach rentals pursuant to a valid concession agreement made and entered into by and between the City and a concessionaire, which concession agreement must be authorized by resolution, and with the exception of special events authorized by the City Manager or City Council by written permit.

(b) This subsection concerns concession agreements authorized by resolution of the City Council. The City Council, in its discretion, shall define the locations where the business shall be conducted, the items to be rented at each such location, the hours of business of such business at each location, and may impose any other conditions to ensure a minimum level of service to the public, and may impose such other rules and regulations on the concessionaire as it deems reasonable or necessary, in its discretion, to

insure that the recreational potential of the public beach is maximized and that no such permitted activity or activities, or combination thereof, substantially interferes with the recreational enjoyment of the beach area by the public, presents a traffic or other safety or health hazard, or otherwise unreasonably and adversely affects the public health, safety or welfare, so long as such limitations, rules and regulations are in conformity with the provisions of this section.

(c) This subsection concerns special event permits issued by the City Manager or City Council. "Special events," as used herein, means any event which promotes recreation, leisure or education, including, but not limited to, the following: artistic, crafts, music, and sports contests, events, showings, and competitions, including commercial activities associated therewith. If a permit is granted, the City Manager or City Council, depending upon which of them issues the permit, shall define the locations where the event shall be conducted, the type of activities which may be engaged in as part of said event and the hours of operation of said event at each such location, and may impose any other conditions to ensure a safe, public oriented event and further to ensure that the recreational potential of the public beach is maximized, that no such event substantially interferes with the recreational enjoyment of the beach area by the public, that traffic, noise, sanitation, security, and other safety and health hazards are avoided.

and that said event does not unreasonably and adversely affect the public health, safety, or welfare.

A written application for a special event permit must be filed with the City Manager. The application must be filed no less than thirty (30) days before the event, unless the event is a "Larger Scale Special Event," as hereinafter defined, in which case the application must be filed no less than ninety (90) days before the event. The application shall be on a City promulgated form and shall include the following information, together with any and all other information as may be called for by said form: the estimated cost to put on the event, the dates the event is to be held, the estimated number of people who will be attending the event each day it is to be held, the time and date the event will commence and end on each day it is to be held, the location where it is proposed to be held and a description of the event, including all associated and collateral activities.

The City Manager shall handle all special event applications, except for larger scale special events, which shall be handled by the City Council. The City Manager shall, within fourteen (14) days after an application for a permit within his jurisdiction is filed, grant or deny the permit. Larger scale special event permits can only be granted by the City Council. The application must be presented to the Council for hearing within forty-five (45) days after it is filed with the City Manager. The City Council must grant or deny the permit

within forty-five (45) days after the application is filed with the City Manager.
A Larger Scale Special Event is one which meets any one of the following
criteria as estimated in good faith by the City Manager: (1) the estimated
cost to put on the event exceeds \$7,000.00; (2) the estimated number of
people who will be attending the event any day it is to be held exceeds
3,000; (3) the estimated number of people who will be attending the event
for its duration exceeds 10,000; (4) the duration exceeds three (3) days.
Any application which is not acted on by the City Manager or City Council
within the time hereinabove set forth is deemed denied. Any application
which has been denied can be reconsidered without a new filing.

SECTION 2. AMENDMENT. Section 18-118, Port Aransas Code of Ordinances, is hereby amended to read as follows, new matter being indicated by underscoring and deleted matter by interlineation and brackets:

Sec. 18-118. Authorization and city agents.

(a) The City Manager and facilities director under the supervision of the City Manager are authorized to act as the City's agents to seek, negotiate and schedule lease agreements for the rental of both the civic center and the community center. Verbal agreements are not recognized under any circumstances. A contract to lease must be written and executed by the City and Lessee. The contract must be accompanied by the appropriate deposit specified in the lease.

The contract may not be altered, modified or amended, except in writing executed by the City and lessee.

(b) This subsection concerns special event permits issued by the City Manager or City Council allowing special events to be held in the City parks and harbor areas. "Special events," as used herein, means any event which promotes recreation, leisure or education, including, but not limited to, the following: artistic, crafts, music, and sports contests, events, showings, and competitions, including commercial activities associated therewith. If a permit is granted, the City Manager or City Council, depending upon which of them issues the permit, shall define the locations where the event shall be conducted, the type of activities which may be engaged in as part of said event and the hours of operation of said event at each such location, and may impose any other conditions to ensure a safe, public oriented event and further to ensure that no such event substantially interferes with the use of the harbor area by the boating public and to ensure that traffic, noise, sanitation, security, and other safety and health hazards are avoided, and that said event does not unreasonably and adversely affect the public health, safety, or welfare.

A written application for a special event permit must be filed with the City Manager. The application must be filed no less than thirty (30) days before the event, unless the event is a "Larger Scale Special Event," as hereinafter defined, in which case the application must be filed no less than ninety (90) days before the event. The

application shall be on a City promulgated form and shall include the following information, together with any and all other information as may be called for by said form: the estimated cost to put on the event, the dates the event is to be held, the estimated number of people who will be attending the event each day it is to be held, the time and date the event will commence and end on each day it is to be held, the location where it is proposed to be held and a description of the event, including all associated and collateral activities.

The City Manager shall handle all special event applications, except for larger scale special events, which shall be handled by the City Council. The City Manager shall, within fourteen (14) days after an application for a permit within his jurisdiction is filed, grant or deny the permit. Larger scale special event permits can only be granted by the City Council. The application must be presented to the Council for hearing within forty-five (45) days after it is filed with the City Manager. The City Council must grant or deny the permit within forty-five (45) days after the application is filed with the City Manager. A Larger Scale Special Event is one which meets any one of the following criteria as estimated in good faith by the City Manager: (1) the estimated cost to put on the event exceeds \$7,000.00; (2) the estimated number of people who will be attending the event any day it is to be held exceeds 3,000; (3) the estimated number of people who will be attending the event for its duration exceeds 10,000; (4) the duration exceeds three (3) days. Any application which is not acted on by the City Manager or City Council within the time

hereinabove set forth is deemed denied. Any application which has been denied can be reconsidered without a new filing.

SECTION 3. AMENDMENT. Section 12-1 and Section 12-2, Port Aransas Code of Ordinances, are hereby amended to read as follows, new matter being indicated by underscoring and deleted matter by interlineation and brackets:

Sec. 12-1. Permanent structure required for commercial activities; exceptions.

(a) It shall be unlawful for any person to sell, lease, rent, barter or exchange any goods, wares, merchandise or services on a commercial, retail basis or to offer to do so, except out of a permanent structure complying with all construction codes, ordinances and regulations of the City applicable thereto, including, but not limited to, parking requirements. However, notwithstanding the general prohibition of this subsection, a person who engages in any of the hereinabove described activities out of a permanent structure complying with the hereinabove set forth requirements can engage in such activities outside of his permanent structure so long as he does so on the same premises as his permanent structure is located.

(b) This section is not applicable to the following:

(1) Peddlers as defined and regulated by other provision of this Code;

- (2) Activities upon the public beach which are regulated by other provisions of this Code;
- (3) A sale of used, consumer, household goods by an individual who is not regularly engaged in the business of such sales, the sale being commonly known as a garage sale;
- (4) A nonprofit, charitable or fund-raising event for a charitable purpose;
- (5) Coin-operated vending machines, including newspaper type racks, located on the same property as a permanent structure which complies with the requirements of subsection (a) above; and
- (6) The sale of fuel and other goods and services customarily provided by a gasoline or automobile service station, so long as the sales are made on the same property as a permanent structure which complies with the requirements of subsection (a) above is located.
- (7) Activities upon public places permitted, licensed or otherwise allowed by the City for specific purposes regulated by other provisions of this Code.

Sec. 12-2. Commercial activities prohibited on public property; exception.

(a) It shall be unlawful for any person to sell, lease, rent, barter or exchange goods, wares, merchandise or services on a commercial retail basis or to engage in any other commercial activity or to offer to do so from, out of or upon public property, roadway or rights-of-way.

(b) The term and provisions of this section shall not be applicable to do the following:

- (1) Activities upon the public beach regulated under other provisions of this Code;
- (2) Concessionaires or licensees granted a license under other provisions of this Code to operate upon public property; or
- (3) Newsracks, provided:
 - a. Such racks shall be no larger than six (6) feet high by four (4) feet wide by two (2) feet deep;
 - b. Such racks shall be kept and maintained in a clean, attractive and good operating condition; and

- c. Such racks shall not be placed in a location or in such a way that causes or could cause interference with vehicular traffic on walkways or with the ingress or egress of persons to or from a building.

(4) Special events permits granted under other provisions of this Code to operate upon public property.

SECTION 4. EFFECTIVE DATE. As provided by Article III, Section 12.C. and by Article XII, Section 2 of the Charter of the City of Port Aransas, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Port Aransas.

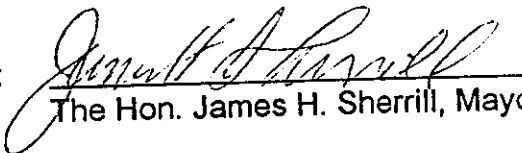
SECTION 5. READING. As provided by Article III, Section 13 and Article III, Section 12.b. of the Charter of the City of Port Aransas, this ordinance or the caption of it shall be read at three city council meetings with at least one week elapsing between each reading.

SECTION 6. SEVERANCE. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

SECTION 7. PUBLICATION. As provided by Article III, Section 12.C., this ordinance shall be published one time in the official newspaper of the City of Port Aransas, Nueces County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

PASSED, ORDAINED, APPROVED AND ADOPTED this 22nd day of April, 1998.

CITY OF PORT ARANSAS

BY: 
The Hon. James H. Sherrill, Mayor

ATTEST:


CITY SECRETARY
Esther Arzola

First Reading: _____

Second Reading: _____

Third Reading: _____