

Bee Caves Temporary Special Events Ordinance

ARTICLE 6.03 TEMPORARY SPECIAL EVENTS*

Sec. 6.03.001 Definition

For the purpose of this article, the term “temporary special event” shall be construed to include, but is not necessarily limited to, the following temporary (i.e., not permanent) uses and similar types of uses:

- (1) Carnival or circus;
- (2) Outdoor market or vending from temporary booths, tents, trailers, or other similar devices;
- (3) Stage, set or staging area for the professional filming of motion pictures, documentaries, educational or training films, or other similar media;
- (4) Festival, celebration, or special fundraising event; or
- (5) Any other temporary event or activity (except a temporary retail concession stand - see [article 6.02](#), Temporary Vendor Permits, of this Code of Ordinances) not listed above, and not identified as a permitted use in the zoning regulations (exhibit A of [chapter 32](#)).

(2002 Code, sec. 4.401)

Sec. 6.03.002 Penalty; stop work order; injunctive relief

(a) Whenever any work is being done contrary to the provisions of this article, the building official may order the work stopped by notice in writing (referred to as a “stop work order”) served on any persons engaged in doing or causing such work to be done. The stop work order shall be posted on the property adjacent to the activity in question, and any such person shall forthwith stop work until authorized by the building official to proceed with the work.

(b) Any person violating this article, upon conviction, is punishable by a fine in accordance with the general penalty provision found in [section 1.01.009](#) of the city’s Code of Ordinances.

(c) Any person violating this article is subject to suit for injunction as well as prosecution for criminal violations.

(2002 Code, sec. 4.406)

Sec. 6.03.003 Permit required

Each owner or operator of a temporary special event shall obtain a temporary special event permit from the city to operate within the city. The city administrator or his or her designee shall be authorized to issue such a permit when the application therefor is found to be in compliance with this article. The city administrator, in his or her sole discretion, may forward an application to the city council for approval or denial or in the event that the application is protested, as provided in section 6.03.007. (Ordinance 123, sec. 2, adopted 9/11/12)

Sec. 6.03.004 Required filings

Each owner or operator of a temporary special event shall file with the city a signed and notarized “application for temporary special event” along with a site plan and all of the following additional information:

- (1) Proof of property owner’s and/or operator’s liability insurance which names the city as an additional insured (see [section 6.03.005](#));
- (2) Proof of notification of all adjacent landowners within 200' of any boundary activity of any proposed event;
- (3) A plan or document which describes how the operator will provide for on-site temporary sanitation facilities, including, but not limited to, the proposed method of containment and disposal, on-site locations, capacity, and proof of ADA accessibility;
- (4) Placement and types of all proposed temporary buildings, locations (especially with respect to property lines and setbacks), type(s) of buildings, sizes, proposed uses, and capacities;
- (5) Delineation of parking facilities, location, type of surface treatment(s), parking capacities, parking layout, fire lane delineations, fire lane widths, emergency vehicle turnaround area, and setbacks from residential property lines;
- (6) Delineation of access driveway(s), alignment, width, type of surface treatment(s), setbacks from residential property lines, and distances to any other existing driveways on both sides of the road;

- (7) Proof of state department of transportation (TxDOT) approval of all access driveways' intersections with any state highway, if applicable, and/or proof of county approval of all access driveways' intersections with any county roadway, if applicable;
- (8) Prohibition of on-site camping or sleeping accommodations or uses, except as may be required for security purposes only;
- (9) Agreement to comply with all applicable city codes, regulations, fees and inspections;
- (10) Written plan for the removal of all temporary facilities and temporary improvements, and the complete restoration of the property to the condition it was in before the special event took place;
- (11) Delineation of buffering and screening of parking areas, storage areas, sanitation facilities, solid waste receptacles, and other similar site facilities;
- (12) Temporary outdoor lighting plan and hours of operation for site lighting;
- (13) Noise control plan;
- (14) Dust and erosion control plan;
- (15) Temporary utilities plan;
- (16) Delineation of nonpoint source pollution controls for construction of the temporary site improvements and for the runoff from the buildings, parking areas, storage areas, and driveways (i.e., silt fences and vegetative buffer strips);
- (17) Delineation of all on-site exterior storage areas and how they will be screened from public view and from neighboring properties;
- (18) Identification of all proposed uses of each building and of all exterior areas;
- (19) Identification of allowable hours of use of the site;
- (20) Traffic-control plan, including maximum allowable parking on the site;

- (21) Plan for provision of overflow parking, with off-site shuttle service if necessary, if parking demand exceeds the amount of parking provided on site;
- (22) Complete and accurate description of any potentially hazardous materials that will be stored on site, either in the buildings or on the premises;
- (23) Description, location and placement of all sign(s) to be placed at the event; a sign permit may be required;
- (24) Means for providing safety and security for the site, for the buildings, for users on the site, and for users coming to or leaving the site;
- (25) Overall site ADA accessibility statement review by the state department of licensing and regulation may be required to ensure ADA accessibility;
- (26) Temporary fire control measures; review and approval by the fire chief will be required;
- (27) Daily cleaning of the site for picking up trash, debris and any other foreign matter; and
- (28) If the site is over five (5) acres in size, TCEQ approval will be required.

(2002 Code, sec. 4.403)

Sec. 6.03.005 Insurance

Each owner or operator of a temporary special event shall furnish proof of liability insurance, as well as any other type of insurance that may be deemed appropriate by the city administrator, and shall also name the city as coinsured for personal injury, premises and for \$1,000,000.00 per occurrence. (2002 Code, sec. 4.404)

Sec. 6.03.006 Permit term

The length of time for each permit shall not exceed 183 days unless otherwise approved by the city administrator or the city council for extension for no more than thirty (30) additional days, provided the city administrator or city finds that extending the temporary special event will not be detrimental or injurious to the public health, safety or general welfare. No more than two (2) temporary special event permits may

be issued for any particular land parcel within any calendar year. (Ordinance 123, sec. 3, adopted 9/11/12)

Sec. 6.03.007 Protests

In the event that written objections are received from the owners of 20% or more of the land area covered by the proposed permit or the owners of 20% or more of the land area within 200' of the subject property covered by the proposed permit, the city administrator shall place the application for the permit on the next available meeting agenda of the city council, and a favorable vote of three-fourths of all members of the governing body shall be required to approve such protested application. (Ordinance 123, sec. 4, adopted 9/11/12)

Sec. 6.03.008 Criteria for issuance of a permit

(a) The city administrator or city council shall issue a permit as provided for herein from a consideration of the application and from such other information as may otherwise be obtained, if he, she, or it finds that:

- (1) The conduct of the event will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;
- (2) The conduct of the event will not require the diversion of so great a number of city police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the city;
- (3) The concentration of persons, animals, and vehicles at public assembly points of the event will not unduly interfere with proper fire, police, or ambulance service to the area or areas contiguous;
- (4) The conduct of the event is not reasonably likely to cause injury to persons or property;
- (5) If a parade is involved, the event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
- (6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;
- (7) There are sufficient parking places near the site of the event to accommodate the number of vehicles reasonably expected;
- (8) The applicant has secured police or other security protection;

(9) No special event permit application for the same time and location is already granted or has been received and will be granted;

(10) No special event permit application for the same time but a different location is already granted or has been received and will be granted, and the police resources required for that prior event are so great that, in combination with the subsequent proposed application, the resulting deployment of police services would have any immediate and adverse effect upon the welfare and safety of persons and property; and

(11) No event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed event would have an immediate and adverse effect upon the welfare and safety of persons and property.

(b) No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a city street, sidewalk, or right-of-way unless advance approval for the erection or placement of the structure is obtained as part of the permit.

(Ordinance 123, sec. 5, adopted 9/11/12)

Sec. 6.03.009 Nondiscrimination

The city administrator, or city council if applicable, shall uniformly consider each application upon its merits and shall not discriminate granting or denying permits under this article based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds. (Ordinance 123, sec. 6, adopted 9/11/12)

Sec. 6.03.010 Notice of denial

The city administrator shall act promptly upon a timely filed application for an event permit but in no event shall grant or deny a permit less than five (5) days (120 hours) prior to the event. If the city administrator or city council disapproves the application, he or she shall notify the applicant either by personal delivery or certified mail at least five days prior to the event of his action and state the reasons for denial. (Ordinance 123, sec. 7, adopted 9/11/12)

Sec. 6.03.011 Appeals

(a) Any applicant shall have the right to appeal the denial of an event permit by the city administrator to the city council. The denied applicant shall promptly make the appeal after receipt of the denial by filing a written notice with the city administrator and a copy of the notice with the city secretary, in no event less than eighty-four (84) hours prior to commencement of the proposed event. The city council shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal unless a special meeting is called for that purpose.

(b) If a proposed event that is the subject of a denial of a permit was scheduled to commence prior to a scheduled meeting of the city council, the council may call a special meeting for the purpose of ruling on the denied applicant's appeal.

(c) In the event that the city council rejects an applicant's appeal or fails to call a special meeting for the purpose of considering the appeal, the applicant may file an immediate request for review with a court of competent jurisdiction

(Ordinance 123, sec. 8, adopted 9/11/12)

Sec. 6.03.012 Notification of public officials

Immediately upon the issuance of an event permit, the city administrator shall send a copy thereof to the following:

- (1) The mayor and city council;
- (2) The chief of police;
- (3) The city attorney; and
- (4) Each department head.

(Ordinance 123, sec. 9, adopted 9/11/12)

Sec. 6.03.013 Duties of permittee; bond and insurance requirements

(a) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(b) The event chairman or other person heading such activity shall carry the event permit upon his person during the conduct of the event.

(c) Prior to the issuance of a permit, the applicant may be required to file with the city administrator a surety bond in an amount which will cover the estimated costs of barricading, policing and cleaning up the event site and/or parade route. Upon submission of the application, the city administrator shall calculate the estimated costs based on the information contained in the application. If required by the city, the applicant shall deposit cash, money order, or cashier's check (no personal checks will be accepted) sufficient to cover these estimated expenses. This deposit shall be made no later than fifteen (15) days prior to the date which the event is proposed to commence. After the event has been completed, the city administrator shall deduct the costs of barricading, policing and cleaning up the event site and/or parade route from the deposited amount. The city shall then return any remaining balance from the deposit to the permit holder within thirty (30) days after the event. In the event that the city administrator initially underestimated barricading, policing and cleanup costs and there remains a balance due after

applying the deposited amount toward these expenses, the permit holder shall receive from the city a bill for the difference. The city shall provide such bill to the permit holder within two (2) weeks after the event. The payment for the outstanding balance of the cost of the event shall be due to the city within thirty (30) days after the date of the event. The permit holder shall bear all costs relating to traffic-control devices and any on-duty and overtime police required for the event.

(d) Prior to the date of the event, the permit holder shall submit to the city administrator a certificate of insurance showing commercial general liability coverage, including premises operations, independent contractors, personal injury and contractual liability, at a combined single limit of five hundred thousand dollars (\$500,000.00) per occurrence or with approval of the risk manager according to identified risks involved with the event. The city shall be named as an additional insured and provided with at least thirty (30) days' advance notice of cancellation or material alteration of the insurance policy.

(Ordinance 123, sec. 10, adopted 9/11/12)

Sec. 6.03.014 Revocation of permit

The city administrator shall have the authority to revoke an event permit instantly upon violation of the conditions or standards for issuance as set forth in this article or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the event would have an immediate and adverse effect upon the welfare and safety of persons or property.

(Ordinance 123, sec. 11, adopted 9/11/12)