

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S CODE OF ORDINANCES, ORDINANCE NO. 06-03-31, AS AMENDED, TO ESTABLISH CHAPTER 76 (SPECIAL EVENTS); ESTABLISHING REGULATIONS AND STANDARDS TO FACILITATE AND COORDINATE SPECIAL EVENTS WITHIN THE CITY OF FRISCO; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that special events offered to the general public or a substantial segment of the public often attract a large gathering of people, which may cause adverse public health and safety conditions requiring municipal regulation to assure adequate sanitation and sewage disposal facilities, police services, fire and emergency medical rescue personnel and equipment, parking, traffic management and control, crowd control and other regulations in the interest of public safety and public health; and

WHEREAS, public safety plans for special events originated, coordinated, developed and finalized well in advance of a special event that detail police, fire, sanitation, emergency medical, emergency management and traffic management safety resources are rational and reasonable to protect citizen and visitor safety and welfare; and

WHEREAS, the public safety specifications in this Ordinance are reasonable and based on public safety industry standards following the Emergency Management Institute recommendations, the United States Department of Justice Law Enforcement Guidelines developed by the Institute for Law and Justice and Mass Gathering/Special Event industry best practices; and

WHEREAS, the City Council finds that this Ordinance protects and promotes the health, welfare and safety of citizens and visitors to the City of Frisco, Texas ("Frisco"); and

WHEREAS, the City Council also finds that this Ordinance should be construed liberally in favor of protecting and promoting the health, welfare and safety of the citizens and visitors to Frisco; and

WHEREAS, the City Council has determined that it would be advantageous, beneficial and in the best interest of Frisco to amend Frisco's Code of Ordinances No. 06-03-31, as amended ("Code of Ordinances"), to establish Chapter 76 (Special Events), as set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:**

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to the Code of Ordinances, Establishing Chapter 76 (Special Events). The Code of Ordinances is hereby amended to establish Chapter 76 (Special Events) as set forth in Exhibit A, attached hereto and incorporated herein for all purposes.

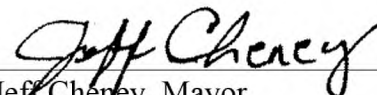
SECTION 3: Savings/Repealing. The Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof regardless of whether any one or more sections, subsections, sentences, clauses and/or phrases may be declared unconstitutional and/or invalid.

SECTION 5: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS** on this 2nd day of July, ~~2018~~2019




  
Jeff Cheney, Mayor

**ATTESTED TO AND  
CORRECTLY RECORDED BY:**

  
Kristi Morrow, City Secretary

**APPROVED AS TO FORM:**

  
Abernathy Roeder Boyd & Hullett, P.C.  
Ryan D. Pittman, City Attorneys

Dates of Publication: July 12 and July 19, 2019, *Frisco Enterprise*



# CITY OF FRISCO SPECIAL EVENTS ORDINANCE

## SECTION 76-1 PURPOSE

The purposes of this chapter are to facilitate and coordinate the review of special events within the City of Frisco and to help ensure citizen and visitor safety by establishing public safety standards for special events. This chapter focuses on public safety and adherence to local, state and federal laws and provides for special event public safety equipment, event sanitation and health, medical care and fire rescue, law enforcement, traffic management and other City services. This chapter enhances the positive image of the City of Frisco while stimulating economic growth, supporting tourism and promoting the health, safety and welfare of the City's residents, businesses and visitors.

## SECTION 76-2 DEFINITIONS

The following words and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **City** means the City of Frisco, Texas.
- B. **Force Majeure Event** means fire, casualty, strikes, lockouts, labor trouble, inability to procure materials or supplies, failure of power, governmental authority, inclement weather, acts of God, war or terrorism or the potential or actual threat thereof, public safety or public welfare considerations, riots, strikes, or local, national or international emergencies or other reason of a similar nature.
- C. **Non-Profit** means an association, corporation, company or organization that is not maintained or organized for profit, as recognized by the State of Texas and the federal Tax Code.
- D. **Organizer** means the person seeking to hold a special event, including the person's employees, agents, affiliates, successors, permitted assigns and other persons controlled by the organizer.
- E. **Person** means any person, firm, partnership, association, corporation, company or organization of any kind, but does not include the City or its departments, officials or employees.
- F. **Public Property** means real property that is owned, leased, operated, maintained or controlled by the City.

- G. **Public Right of Way** means the land owned or controlled by a city, state or political subdivision of the state for the purposes of providing transportation facilities such as streets, sidewalks or hike-and-bike trails. The public right of way typically extends at least eleven feet from the edge of any public street and includes the sidewalk adjacent to the street. Any City hike-and-bike trail that is not adjacent to a public street is also contained within the public right of way.
- H. **Site Plan** means a detailed, to scale, diagram of the entire event area identifying all items to be used for the execution of the event including, but not limited to, parking, proposed street closings, event routes, stages, tents, concessions, restrooms, structures, electrical items, signage and vendor booth locations.
- I. **Special Event or Event** means a preplanned, single gathering or event or series of related, consecutive daily gatherings or events of an entertainment, cultural, recreational, political, sporting or any other nature, to be held in whole or in part on public property. For a preplanned, single gathering or event or series of related, consecutive daily gatherings or events of an entertainment, cultural, recreational, political, sporting or any other nature to be held wholly on non-public property, the gathering or event shall be considered a "special event" under this chapter if the event or gathering is expected to draw 100 or more people as participants, attendees or spectators, or if the person promoting or sponsoring the event or gathering requests or requires one or more City services, including public safety equipment, event sanitation or health, medical care or fire rescue, law enforcement or traffic management. Special events may include festivals, fundraisers, parades, runs, walks, relays, marathons and similar events.
- J. **Special Event Permit** means the document evidencing approval from the City for a special event.
- K. **Special Event Review Committee** means a committee composed of City staff members who are appointed by the City Manager or his/her designee and which reviews special event permit applications; performs functions as set forth in this chapter; procures from organizers clarifications or additional information deemed necessary for the approval, denial or revocation of special event permits; and takes other actions with respect to events as authorized by the City Manager or his/her designee.
- L. **Sponsorship and Event Development Manager** means the City employee designated by the City Manager who is responsible for reviewing the initial special event permit application, coordinating meetings between the organizer and City representatives, collecting special event permit fees, and helping enforce this chapter. The Sponsorship and Event Development Manager shall chair the Special Event Review Committee.
- M. **Venue** means the place or facility where an event is held.

## **SECTION 76-3 SPECIAL EVENT PERMIT APPLICATIONS**

- A. A person desiring to hold, sponsor or promote a special event shall apply for a special event permit by filing a completed special event permit application with the Sponsorship and Event Development Manager on the form provided by the City.

- B. Each special event permit application shall be accompanied by a non-refundable application fee in the amount of \$150. If the application is submitted fewer than ninety (90) days before the start of the event, an additional late fee of \$150 shall be assessed.
- C. The special event permit application must be completed in its entirety. An incomplete special event permit application will not be accepted by the City.
- D. The special event permit application submittal must include the following information:
  - 1. Completed special event permit application form;
  - 2. Application fee;
  - 3. Detailed summary of the event;
  - 4. Site plan;
  - 5. Proof of insurance required by this chapter;
  - 6. Completed park pavilion application or field rental agreement, if applicable;
  - 7. Prior written approval from the property owner(s) is required if any portion of the event is to be held on private property; and
  - 8. The estimated number of participants, attendees and spectators.

#### **SECTION 76-4 FEE EXEMPTIONS**

A special event permit fee shall not be required under this chapter for the following:

- A. An event hosted by the City where the City is the organizer. This does not include events for which the City is only a sponsor of the event.
- B. An event wholly contained on property specifically designed or suited for the event where the City has issued a certificate of occupancy for such activity.
- C. A private event held on property not owned by the City in which the public is not invited, provided that the event does not involve activities or facilities not permitted by applicable zoning laws.
- D. An event for which the armed forces of the United States of America, the military forces of the State of Texas or a political subdivision of the State of Texas is the organizer.

#### **SECTION 76-5 ATTENDANCE ESTIMATES**

For purposes of this chapter, attendance estimates by the special event organizer, including those required by Section 76-3, shall be accompanied by a written statement for the basis of the estimate. Each estimate shall be based upon all the relevant factors known at the time, including past attendance at similar events or functions having the same or similar elements, both in the City and in comparable communities; the price of admission; and the extent of advertising and promotion contemplated. The Special Event Review Committee shall accept the

organizer's attendance estimate representation unless it clearly appears to the Special Event Review Committee from the written statements that the estimate is understated. In such instance, the Special Event Review Committee shall substitute an estimate for that of the special event organizer.

## **SECTION 76-6            APPROVAL OF APPLICATION**

- A. The Special Event Review Committee shall issue a special event permit as provided for in this chapter when, from a consideration of the organizer's complete special event permit application and such other information as may otherwise be obtained, the Special Event Review Committee finds that:
1. The application allows for ample opportunity to properly plan and prepare for the special event;
  2. Police, fire, other City services or the City's residents will not be unduly burdened or adversely affected by the conduct of the special event;
  3. The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance;
  4. The conduct of the special event will meet the requirements of the City for the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;
  5. The conduct of the special 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;
  6. The concentration of persons, animals or vehicles at the special event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such special event areas;
  7. Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;
  8. The organizer has secured police, fire and medical protection based on the standards in this chapter and as required by the City;
  9. No event is scheduled elsewhere in the City where the police, fire or medical resources required for that event are so great that the deployment of public safety services for the proposed event would have an immediate and adverse effect upon the welfare and safety of persons and property; and
  10. The Special Event Review Committee is aware of no other information that would prevent it from making a fair determination that a permit should be issued.
- B. The Special Event Review Committee shall grant or deny the special event permit application no fewer than thirty (30) days prior to the start of the event or as soon as reasonably practicable after submission of the special event permit application.

## **SECTION 76-7 PERMITS REQUIRED**

A person commits an offense if the person engages, participates, aids or commences in a special event within the City without first making a complete, written application for and receiving a special event permit from the City where a permit is required under this chapter.

- A. Issuance of a special event permit does not authorize the removal or alteration of public property. Any such removal or alteration is strictly prohibited except as expressly allowed in writing by the Sponsorship and Event Development Manager or other authorizing official.
- B. In addition to complying with all conditions of the permit and all applicable City ordinances, regulations, rules, policies and guidelines, the organizer must comply with all applicable federal, state, county and local laws, rules and regulations. It is the responsibility of the organizer to obtain all permits necessary to conduct the event and all permits required by other governmental authorities shall be obtained and adhered to.
- C. Special event permits are organizer- and location-specific. An organizer may not, and shall have no authority to, assign, sell, transfer, pledge, encumber or otherwise convey the permit or any rights, duties, responsibilities or obligations thereunder, and no permit may be transferred from place to place. Any such assignment or transfer shall be null and void and may, in the discretion of the City, result in the revocation of the permit.
- D. No rights granted by a permit shall create rights in any person other than the permittee.

## **SECTION 76-8 PERMIT CONDITIONS**

- A. Within thirty (30) days before the event, the organizer shall submit a final site plan, route and/or map that addresses all comments and recommendations made by the Special Event Review Committee.
- B. The Special Event Review Committee may require the organizer to obtain licenses and permits required by other City ordinances or applicable law, restrictions, regulations, cost for City services, safeguards and other conditions necessary for the safe and orderly conduct of a special event.
- C. The Special Event Review Committee shall provide the Sponsorship and Event Development Manager the estimated cost for City services provided by the respective City departments to ensure the safe and orderly conduct of the special event. The Sponsorship and Event Development Manager shall prepare and provide the organizer with a detailed estimate identifying these costs. The organizer shall pay the estimated costs in full not fewer than seven (7) days before the start of the special event. Failure to pay such costs shall be grounds for denial or revocation of the permit. If the actual costs for City services are less than estimated, the City will issue a refund to the organizer no fewer than thirty (30) days after the special event. If actual costs for city services are more than estimated provided, the City will invoice the organizer, with payment due within thirty (30) days of the date of the invoice.

## **SECTION 76-9 DENIAL, CANCELLATION OR REVOCATION OF PERMIT**

- A. The Special Event Review Committee may deny a special event permit if:

1. The organizer fails to comply with any of the terms or conditions of this chapter or any other City ordinance, rule or regulation;
2. The organizer fails to timely submit a complete special event permit application;
3. The organizer fails to pay the required special event permit fee;
4. The organizer fails to adequately plan and provide for:
  - a. The protection of event participants;
  - b. Maintenance of public order in and around the special event location;
  - c. Crowd security, taking into consideration the size and character of the event;
  - d. Emergency vehicle access; or
  - e. Safe, sanitary conditions for preparation or operation of food concessions.
5. The organizer makes a false statement of material fact on the special event permit application;
6. The event would substantially interfere with any other event for which a permit has already been granted, or substantially interfere with the provision of public safety or other City services in support of such other previously-scheduled event or events, or have an unmitigatable adverse impact upon residential or business access and traffic circulation in the area in which it is to be conducted;
7. The event would conflict with previously planned programs organized and conducted by the City and previously scheduled for the same time and place;
8. The event would present an unreasonable danger to the health or safety of the organizer, other users of the venue, City employees or the public;
9. The conduct of the event is prohibited by law, by this Code and ordinances of the City;
10. The conduct of the event would substantially interrupt the safe and orderly movement of aerial navigation, public transportation or other vehicular and pedestrian traffic in the area of the event; or would cause irresolvable conflict with construction or development on City property or at a venue where the event is held; or will close streets or unreasonably restrict the number of traffic lanes during peak commuter hours on weekdays so as to cause unsafe conditions for the public; or the expected attendance at the event will exceed the lawful capacity of the venue under the City's Fire Code; or the parking available at the venue will be inadequate to accommodate the expected attendance at the event.
11. The organizer fails to provide proof that the organizer possesses or is able to obtain all licenses and permits required by this chapter and other City ordinances or other applicable law for the conduct of all activities included as part of the special event;

12. The organizer has had a special event permit revoked within the preceding twelve months or the organizer has committed two or more violations of a condition or provision of a special event permit or this chapter within the preceding twelve months;
  13. The organizer fails to pay any outstanding costs owed to the City for past special events;
  14. The organizer fails to provide payment due for City services associated with the event no fewer than seven (7) days before the start of the event;
  15. The organizer is not legally competent to contract;
  16. The organizer publicly promotes the event before approval of the event permit application;
  17. The organizer makes unauthorized use of the City logo or other intellectual property.
- C. The City may postpone, cancel, suspend or close any special event or revoke a permit for any force majeure event. The City shall have no liability for such postponement, cancellation, suspension or closure.
  - D. The City may revoke a permit at any time due to the failure of the organizer to comply with any of the terms or conditions of the special event permit, this chapter or any other City ordinances, rules or regulations.
  - E. The failure of the City to revoke a permit or to exercise any right, power or authority under this chapter shall not constitute a waiver of the terms or conditions of the permit, this chapter or any other City ordinances, rules or regulations and shall not affect the rights of the City to enforce the same against any other person or a subsequent breach by the organizer.
  - F. The revocation of a permit does not prohibit the City from exercising any and all additional rights and remedies available by law or equity against the organizer for failure to comply with the terms and conditions of the permit, or other City ordinances, rules or regulations.
  - G. The City may revoke a permit if the special event deviates from the approved timeline as determined by the Special Event Review Committee, the City Manager or his/her designee.

## **SECTION 76-10      APPEALS**

- A. Review by Sponsorship and Event Development Manager.
  1. Any organizer who is denied a special event permit or who has had a special event permit revoked or was assessed fees or costs pursuant to this chapter (an “appellant”) may, within five (5) business days of the service of notice of such determination, file a written appeal from such determination with the Sponsorship and Event Development Manager.

2. An appellant may appeal the permit fee or other applicant requirement or cost established by or assessed under this chapter if the applicant demonstrates that the event proposed is exclusively or primarily for speech or other expressive activity protected by the First Amendment to the United States Constitution and that the application of the permit fee or other expense is unreasonably burdensome or cannot be met due to insolvency or indigence.
  3. The Sponsorship and Event Development Manager shall have five (5) business days from the date on which the appeal was received in which to serve upon the appellant a notice that the action appealed from was affirmed, modified or reversed.
  4. The notice to appellant shall be deemed served upon the appellant when it is personally delivered or when it is sent by email or United States mail, with proper postage prepaid, to the name and address set forth on the application for permit.
- B. Form of Appeals. Any appeals filed pursuant to this chapter shall state succinctly the grounds on which it is asserted that the action should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the City and any other papers material to the determination.
- C. Final Decision. The appellant, within five (5) business days after denial or modification of his or her appeal by the Sponsorship and Event Development Manager, may appeal that denial to the City Manager for a final decision based on the documents and circumstances presented within five (5) business days of receiving the appeal. Judicial review of any such final decision may be obtained through the filing of an appropriate action with a court of competent jurisdiction.

## **SECTION 76-11      STREET CLOSURE PLAN**

- A. Certain streets within the City may be temporarily closed to limit or exclude vehicular or pedestrian traffic before, during or after a special event. An organizer requesting one or more street closures for a special event shall submit for approval a street closure plan showing the layout of all barricades, traffic control devices and signs as part of the permit application. The Special Event Review Committee shall consider such request in evaluating the application and may require additional or fewer street closures. Some street closures may require the organizer to obtain the consent of businesses, property owners or other persons in the area. Should street closures be approved, the City shall supervise the placement of all barricades and signs placed on public streets or other public rights of way.
- B. The City's Traffic Engineering Division shall determine the type and number of traffic control devices required to close a public street or other public right of way. Such traffic control devices shall meet the standards of the then-current Texas Manual of Uniform Traffic Control Devices.
- C. The City's Traffic Engineering Division may require the use of electronic changeable message signs to direct event and non-event traffic on major roadways.
- D. Electronic changeable message signs shall be used within the public right of way when road closure or special parking situations require them. Such signage shall not be used to identify or promote an event.
- E. Any event equipment or other property that is permitted to be located within the public right of way during the event shall be removed in a timely manner to facilitate the reopening of a closed street as soon as possible. For races and rallies, equipment and

other property shall be removed as soon as the last participant passes that point of route. For other events, the organizer shall start removing equipment and other property no later than the advertised end time of the event. The organizer shall prioritize removing equipment and other property that is in the public right of way before taking down equipment or other property in other areas.

## **SECTION 76-12      PARKING**

- A. The organizer is responsible for making appropriate parking arrangements for the special event in accordance with the City's Special Event Parking Ordinance (Sections 90-155 – 90-165 of the Code of Ordinances), as it currently exists or is amended in the future.
- B. The organizer is responsible for obtaining and submitting written verification from all owners of property on which parking for the special event will be made available, evidencing that they have agreed to allow their property to serve some or all of the event's parking needs.
- C. Each required accessible/handicapped parking space affected by the event must be temporarily replaced using one or more spaces outside the event area that is as close as feasible to the entrance to the establishment. Such temporary spaces must meet all then-current ADA/TAS requirements.
- D. Remote parking and shuttle routes must be submitted with the proposed site plan for the event and approved by Special Event Review Committee.

## **SECTION 76-13      SPECIAL EVENTS IN CITY PARKS**

All special events taking place in a City park must complete a Parks rental application and pay applicable rental fees. All events are subject to a use fee depending on the scope and size of event. Please refer to Chapter 58 of the Code of Ordinances.

## **SECTION 76-14      POLICE / SECURITY SERVICES**

- A. Sufficient security measures will be solely approved by the City.
- B. If required, the Frisco Police Department will have final say on the number of security personnel needed for the event and the manner in which they are deployed.
- C. The Frisco Police Department may require the organizer to deploy certain security measures during the event at the expense of the organizer.
- D. The City shall maintain a fee schedule for personnel and guidelines for the timeliness and method of payment.

## **SECTION 76-15      FIRE / EMERGENCY MEDICAL SERVICES**

- A. Fire and emergency medical services for special events shall be provided by the Frisco Fire Department, unless specific provisions are authorized by the Fire Chief in accordance with the City's Emergency Medical Services and Private Ambulances Ordinance (Sections 38-191 – 38-203 of the Code of Ordinances), as it currently exists

or is amended in the future. Prior to the issuance of a special event permit, the organizer must coordinate with the Frisco Fire Department to discuss the specific needs of each event and make arrangements to retain the services of Frisco Fire Department personnel. The City shall have final say as to the extent of the services required to properly serve the special event.

- B. Venues that are specifically designed for events and that hold a certificate of occupancy for such activity are required to enter in to a service agreement with the City for police, fire and emergency medical services. Provisions of such agreements shall include:
1. Compensation of personnel as employees of the venue;
  2. Worker's compensation or employer's liability insurance through the venue's insurance provider;
  3. Hourly rates for services determined by the City; and
  4. Adherence to City medical direction protocols.

## **SECTION 76-16 FIREWORKS AND PYROTECHNIC DISPLAYS**

An event with a firework display must coordinate permit approval through the Frisco Fire Department prior to the issuance of a special event permit for such event.

## **SECTION 76-17 TRASH AND RECYCLING SERVICES**

- A. Green Event. An event in excess of 100 estimated attendees shall be designated as a "Green Event." The organizer of a Green Event shall provide recycling and trash services. The organizer of all other events shall provide for trash services. An event with fewer than 100 estimated attendees may, at the organizer's request, be designated as a "Green Event" and all requirements applicable to a Green Event shall apply.
- B. Trash Services. The organizer shall be responsible for the procurement, distribution and placement of City-approved trash receptacles for the storage and collection of trash. The number of required trash receptacles for use at the event shall be determined, before the event, by the Environmental Services Manager or his/her designee. Organizer shall arrange for trash services to be provided by the City's contracted commercial service provider(s). All costs associated with this service shall be the sole responsibility of the organizer. Pricing may vary according to the event needs.
- C. Recycling Services. The organizer shall be responsible for the procurement, distribution and placement of City-approved recycling receptacles for the storage and collection of recyclables, including plastic bottles, aluminum and steel cans, glass, cardboard and paper products (i.e. fliers, brochures). The number of recycling receptacles for use at the event shall be determined, prior to the event, by the Environmental Services Manager or his/her designee. Arrangements for the recycling service shall be provided by the City's contracted commercial service provider. All costs associated with this service shall be the sole responsibility of the organizer. Pricing may vary according to the event needs. Recyclables must be transported to a City-approved materials recovery facility for sorting and processing.

- D. Set up and take down. The organizer shall be responsible for the set up and placement of carts for the event. The organizer is also responsible for moving carts to predetermined, designated area(s) at the conclusion of event for collection by the City's contracted providers.
- E. Prior approval. The organizer shall submit a written plan, outlining trash and recycling services and their implementation, to the City's Environmental Services Manager or his/her designee for review no fewer than thirty (30) days before the start of the event. In the event that said plan fails to meet City requirements, the Environmental Services Manager or his/her designee reserves the right to require further trash/recycling provisions. Failure to comply with recommendations may result in the denial, cancellation or revocation of the special event permit.

## **SECTION 76-18      FOOD**

All temporary food establishments, including caterers, at special events must be approved by the City's Health and Food Safety Division. Temporary food establishments must obtain a health permit from the City's Health and Food Safety Division no fewer than thirty (30) days before the start of the event and pay any required fees, including late fees, applicable for temporary health permits. Refer to the City's Temporary Food Establishment Health Ordinance (Sections 22-19 – 22-26 of the Code of Ordinances), as it currently exists or is amended in the future.

## **SECTION 76-19      ALCOHOL**

The sale and distribution of alcohol at a special event must be coordinated with the City Secretary's Office prior to the issuance of a special event permit for such event, and must comply with City's alcohol permit requirements and other applicable state and local laws, ordinances and regulations.

## **SECTION 76-20      RESTROOM FACILITIES**

- A. The organizer shall provide ample restroom facilities for the event. If the event site does not provide sufficient permanent restroom facilities, the organizer shall arrange for a sufficient number of portable restrooms to be on site.
- B. Restrooms shall be located in close proximity to the event site or venue.
- C. Portable restrooms shall be delivered no earlier than 24 hours before the start of the event and shall be removed from the site no more than 24 hours after the conclusion of the event. Failure to remove portable restrooms within this time period may result in additional fees.
- D. Portable restrooms shall comply with all applicable requirements under the American Disabilities Act, as it exists or may be amended.

## **SECTION 76-21      NOISE**

The organizer shall be responsible for ensuring that the event complies with all applicable provisions of the City's Noise Ordinance at all times. Failure to comply with a requirement from

the Frisco Police Department concerning noise may result in the immediate revocation of the special event permit and/or prosecution under applicable law.

## **SECTION 76-22        SIGNS**

- A. All signs used to advertise, promote or provide information relating to a special event must comply with all then-current applicable ordinances, rules, and regulations of the City.
- B. Written permission from the City must be obtained prior to placing signs/inflatables on public property. The design of signs placed on public property must be approved by the City. Signs placed on public property must be designed and constructed such that they do not leave adhesive residue on property when removed. Inflatable signs promoting special events are permitted on property hosting event; however, inflatables must be anchored to the ground – not a building or other structure. Staking signs deeper than 12 inches is prohibited. Please refer to the City's Sign Ordinance.
- C. Permanent existing signs may not be removed.
- D. Notwithstanding any other provision of this chapter, no signs, banners, streamers, lights, vehicles, balloons, inflatables or any other materials or devices advertising, promoting or providing information relating to the event may be displayed on or within public right of way.

## **SECTION 76-23        ELECTRICAL SERVICES**

A licensed electrician who is registered with the Building Inspections Division and permitted to work in the City must perform any electrical work for or relating to the event. A permit shall be required for new electrical work and temporary generators for special events.

## **SECTION 76-24        TENTS & TEMPORARY STRUCTURES**

Tents that are 400 square feet and greater require a tent permit. A tent permit application and flame-retardant certificate must be submitted in connection with a special event permit application. If the cooking of food is to occur under a tent, a certificate of flame retardancy is required even if a tent permit is not required. Refer to the City's Fire Code for specific requirements regarding tents and other membranes.

## **SECTION 76-25        REQUIRED INSURANCE**

The organizer of an event to be held in whole or in part on public property, as well as all contractors and subcontractors performing work on public property for or on behalf of the organizer in connection with the event, shall procure and maintain insurance at their own expense for and during the event, including its setup and teardown. All such insurance and certificates of insurance shall contain the following provisions:

- A. Name the City, its officers, agents, representatives and employees as additional insureds as to all applicable coverage. Such coverage shall be primary to all other coverage the City may possess.

- B. Provide for a waiver of subrogation against the City for injuries, including death, property damage or any other loss to the extent the same is covered by the proceeds of insurance. All insurance policies that are required to name the City as an additional insured must be endorsed to read as primary and non-contributory coverage regardless of the application of other insurance.

All insurance companies providing the required insurance shall be authorized to transact business in Texas and rated at least "A-" by AM Best or other equivalent rating service.

A certificate of insurance evidencing the required insurance shall be submitted at least ten (10) business days before the start of the event. The event is subject to cancellation without the required insurance.

Type and amount of insurance required: General Liability insurance for personal injury (including death) and property damage with a minimum of \$1 Million Dollars per occurrence and \$2 Million Dollars aggregate, including coverage for advertising injury and products coverage.

## **SECTION 76-26 REIMBURSABLE COSTS**

The organizer shall be required to pay the City for certain costs and expenses incurred by the City for activities associated with the event, including the following:

- A. Utility services provided to the special event, including all the costs of installation, maintenance and connection;
- B. Barricades and traffic cones;
- C. Electronic changeable message signs;
- D. Repair, maintenance and removal of real property, facilities, equipment and other property damaged during the course of the event in the event of a failure of organizer to do so;
- E. Repair of public right of way, parks and other public property damaged during the course of the event;
- F. Police protection;
- G. Fire protection;
- H. Emergency medical service;
- I. Trash and recycling disposal and cleanup;
- J. Traffic control; and
- K. Other direct costs associated with the special event.

## **SECTION 76-27 OFFENSES; PENALTIES**

A person commits an offense if the person commences or conducts a special event:

- A. Without a special event permit, where a permit is required under this chapter;
- B. In violation of any provision of a special event permit, this chapter or any other City ordinance or applicable law, rule, standard or regulation; or
- C. That makes unauthorized use of the City logo or other intellectual property.

A person who commits an offense under this chapter shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding Two Thousand Dollars (\$2,000.00) if the violation relates to zoning, the public health, sanitation or dumping of refuse, otherwise the fine shall be in an amount not exceeding Five Hundred Dollars (\$500.00). A violation of any provision of this chapter or a requirement of a special event permit shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this section shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

#### **SECTION 76-28      CHAPTER CUMULATIVE**

The provisions in this chapter are cumulative of all City ordinances. Except as provided in this chapter, parade permits, park permits, building permits, electrical permits, food establishment permits, amplification 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 special event permit must be applied for separately in accordance with the applicable ordinance or other law. The Sponsorship and Event Development Manager shall receive and coordinate applications for any City-issued permit or license required in addition to the special event permit.

#### **SECTIONS 76-29 – 76-99      RESERVED**