

CITY OF SEGUIN

ORDINANCE NO.

STATE OF TEXAS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS, AMENDING CHAPTER 90, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE II, STREETS, DIVISION I, GENERALLY, OF THE CITY OF SEGUIN CODE OF ORDINANCES TO CREATE NEW OPPORTUNITIES AND PROCEDURES FOR DOWNTOWN EVENTS; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES

WHEREAS, with the increased number of businesses in the downtown area staff has received requests for changes to the procedures governing special events that utilize Central Park and city streets in the downtown area; and

WHEREAS, with the increased businesses there is an increasing number of requests for after-hours events in downtown Seguin; and

WHEREAS, fencing off multiple streets over a multi-day period has had a detrimental effect on many of the businesses in the area; and

WHEREAS, limiting set-up time and amount street closure would help minimize any detrimental effect on surrounding businesses; and

WHEREAS, city staff and the Main Street Advisory Board recommend changes to the City Ordinance to allow more downtown events while limiting the impact on surrounding businesses.

NOW THEREFORE BE IT ORDAINED by the City Council of Seguin, Texas:

SECTION ONE. The Seguin Code of Ordinances Chapter 90, Streets, Sidewalks and Other Public Places, Article II, Streets, Division 1, Generally , is amended as follows (underlining indicates added text, ~~strike through~~ indicates deleted text):

Sec. 90-31. - Street closures in the downtown historic district and the use of certain park areas.

(a) This section applies to the following areas:

(1) Use of any city streets in the downtown historic district;

~~(2) Use of the 200 block of Live Oak Street; and~~

(2) ~~3~~) Use of Central Park and the Memorial Rose Garden on S. Travis Street.

(3) ~~4~~) Use of the 100 block of W. Washington Street.

(b) Any use of the areas described in subsection (a) must comply with the following requirements:

(1) A request to close a street or reserve a city park area for use during an event must be submitted to the Main Street Director in writing at least 15 days before the date of the event, except that requests for multi-day events or events at which alcohol will be served must be

submitted at least 60 days in advance of the event. An application form may be obtained at the Main Street Director's Office and a completed form with required deposits and fees shall be submitted with the request. No reservation shall be considered final until the deposit and required fees are paid.

(2) Park areas not reserved in advance and not requiring city services are available at no cost on a first-come, first-served basis.

(3) Any event that includes a street closure and/or the sale of alcohol shall require approval of the city council; provided, however, that single-day events closing a single block ~~held in the 100 block of E. Donegan Street and the 100 block of W. Washington Street~~ held outside of regular business hours and that do not include the sale of alcohol on the city property shall not be required to obtain city council approval but must be approved by city staff. These events shall pay the appropriate published fees for street closures and other city services utilized by the event.

(4) All multi-day events shall require approval of city council. No more than four multi-day events per year shall be allowed. Multi-day events shall be limited to no more than three consecutive days.

(5) No more than four events per month which require street closures or the sale of alcohol shall be allowed.

(6) The police chief shall review and approve each street closure request, event request and alcohol sales request to develop, as needed, a security plan and traffic safety plan using professional officers from the Seguin Police Department, the Guadalupe County Sheriff Department or licensed officers from other law enforcement agencies approved by the Seguin Police Department. If the event requires a street closure but does not otherwise require use of city services, a barricade plan must be approved by the police chief.

(7) This section shall apply equally to events sponsored by the city.

(8) Recurring annual events will be given first priority when scheduling events for upcoming years.

(9) The closing hours for events in the downtown historic district must be observed, with all events ending at or before midnight, unless otherwise approved by city council. Failure to shut down events on time will result in the loss of the deposit.

(10) The event sponsor is responsible for tear down of all fencing, booths, lighting and other equipment, and is further responsible for all clean up in the event area, sidewalks and adjacent private property. Street sweeping will only be provided prior to and after the event not during the event. The Main Street Director will designate a set time for finalizing tear down and clean up, which must be observed. Failure to finalize tear down and clean up on time may result in the loss of some or all of the deposit.

(11) If food is served, a hand-washing station must be provided along with required health permits. All cooking equipment, including BBQ grills, stoves, fryers and warmers, must be in a secure area and protected from the public. No grills, fires, grease or other equipment is allowed that will burn or damage the grass or pavement.

(12) No stakes are allowed in the ground or in the street. No tarps or carpets may be placed on the ground in the park.

(13) Streets may not be barricaded ~~before 5:00 p.m. on the day~~ more than twelve (12) hours preceding the event. Stand-alone fencing shall be limited to one block at any given time.

(14) All areas must be left in the same condition that they were found.

(15) No tape, wire, string or any items may be used to attach garland, flowers, streamers, flags, banners, signs or other items to the bandstand.

(16) No rice, confetti, silly string, poppers or cascarones or anything which would produce an undue litter problem or public safety hazard are allowed in Central Park or the bandstand.

(17) Wading and swimming in the fountain in Central Park is prohibited.

(18) Only freestanding canopies are allowed.

(19) No glass beverage containers are allowed.

(20) Amusement devices such as kiddie trains and inflatable castles must be granted permission in advance.

(21) Private Property, or utilities or services from private property, may not be used without the express written permission of the property or business owner, or the deposit will be forfeited.

(22) The event sponsor is required to notify property owners within one block of the event area of the upcoming event at least one week in advance of the event. Such property owners may require the event sponsor to barricade or otherwise secure their property from use by the public during the event. Failure to comply with the property owner's request will result in the deposit being forfeited.

(23) If an event is multiday and/or involves the sale of alcohol or a gate fee, the sponsor of the event must provide proof of general liability insurance coverage in the city's standard required amounts naming the City of Seguin as additional insured. Liquor liability insurance shall be required if alcohol is sold. Carnival Insurance shall be required if a carnival is present.

(24) Deposits and fees will not be refunded in the event of a rain-out or no-show on the day of the event. Cancellations less than two weeks prior to the event will be entitled to a 50-percent return of their fees and deposits. Cancellations more than two weeks prior to the day of the event are entitled to a 100-percent return of fees and deposit.

SECTION TWO. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION THREE. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION FOUR. This Ordinance shall become effective ten days after the date of its publication.

SECTION FIVE. Authorization to prepare this Ordinance for submission as a supplement to the Code of Ordinances.

PASSED AND APPROVED on first reading this 7th day of February, 2017.

PASSED AND APPROVED on second reading this 21st day of February 2017.

DON KEIL, Mayor

ATTEST:

Naomi Manski, City Secretary