
ORDINANCE _____

AN ORDINANCE AMENDING CHAPTER 25, ARTICLE V, PARADES AND ASSEMBLIES, AND REPEALING CHAPTER 5, ARTICLE IV, SHOWS, ETC., OF THE CITY OF KILLEEN'S CODE OF ORDINANCES AMENDING REGULATIONS FOR SPECIAL EVENTS; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City find that it is in the City's best interest to update its regulations for special events;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I: That Chapter 5, Article IV, Shows, Etc. is repealed in its entirety;

SECTION II: That Chapter 25, Article V, Parades and Assemblies, of the City of Killeen Code of Ordinances is hereby amended to read as follows:

CHAPTER 25 – STREETS, SIDEWALKS AND MISCELLANEOUS PUBLIC PLACES

ARTICLE V. SPECIAL EVENTS ~~PARADES AND ASSEMBLIES~~

DIVISION 1. GENERALLY

Sec. 25-141. Short title and purpose.

This article shall be known ~~and referred to~~ as the "Special Events~~Parade and Assembly~~ Ordinance of the City of Killeen."

Due to their size and special requirements, some gatherings or organized activities may place unique demands on public resources or pose a danger to public health, safety, or welfare. In order to plan for and manage these demands, and to ensure the protection of public health and safety, it is necessary that the City receive advance notice of such special events.

This article is intended to address those operational and public safety concerns and is not intended to place an unnecessary burden on any person's rights of association, expression, or peaceful assembly. It shall be interpreted and applied in a content- and viewpoint-neutral manner, and solely as a reasonable regulation of the time, place, and manner of special events.

In administering and enforcing this article, the City shall balance the right of individuals and groups to engage in expressive or associative activity with the City's obligation to protect public health, safety, and welfare and to manage limited public resources. Nothing in this article requires the City to issue a permit where objective public safety, operational capacity, or documented historical impacts demonstrate that the event would create unreasonable risk or burden.

(Code 1963, Ch. 13, art. 7, § 1 [Ord. No. 72-72, § 2, 11-16-72])

Sec. 25-142. Definitions.

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

Applicant means a person who has filed a written application for a special event permit.

Application fee means a base fee established by City ordinance for processing a special event permit application.

Assembly ~~shall~~ means ~~any concerted~~ meeting ~~together~~ of twenty-five (25) or more individuals ~~or persons~~ for a substantial period of time at a specific place upon any public roadway, sidewalk, or other public place or property at a place within the regulatory jurisdiction of the eCity, including expressive or associative activities protected by law. The term does not include commercial advertising, revenue-generating activities, fundraising, or parade as defined herein.

~~*Assembly permit* shall mean a written authorization to assemble issued by the city of Killeen as required by this article.~~

Association ~~shall~~ means a group of individuals or persons who are joined together for a specific purpose at a specific time and are acting together without the issuance of a charter by a unit of government; it is not a legal entity separate from the individuals or persons who compose it.

Block party means an organized activity that closes a local residential street that is initiated by and intended to attract only local residents who live on or in close proximity to the street being closed and not intended for the general public.

Force majeure means fire, casualty, strikes, lockouts, labor trouble, inability to procure materials or supplies, failure of power, governmental authority, inclement weather, war or terrorism or the potential or actual threat thereof, public safety or public welfare considerations, riots, or local, national, or international emergencies, or other reason of like nature.

Parade ~~shall~~ means ~~any concerted~~ walk, column, march or procession of any kind, or any similar display consisting of twenty-five (25) or more individuals, or five (5) or more vehicles, moving together in or upon any public roadway, sidewalk, or other public property in a place within the regulatory jurisdiction of the eCity.

Permittee means the person to whom a permit is granted pursuant to this article.

Public safety plan means any plan submitted by the applicant setting forth a description and location of emergency services, evacuation, fire prevention, and fire suppression on the property being used for the event, and emergency medical services for entertainers, exhibitors, attendees, and other persons at the event.

Sidewalk means that portion of a street between the curb lines or lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

Special event means a planned public gathering, entertainment, assembly, demonstration, festival, parade, block party, or organized activity, including but not limited to parades, bike races, marathons, fun runs, block parties, concerts, carnivals, circuses, performances, or festivals involving twenty-five (25) or more persons that occurs on public property or impacts public resources. Operational impacts requiring a special event permit include, but are not limited to, events that:

- 1) Impact City services, traffic, or property;
- 2) Close or impact a public street, sidewalk, or trail;
- 3) Block or restrict City-owned property;
- 4) Commercial sale of merchandise, food, or beverages on City-owned property;
- 5) Erect tents, canopies, or temporary structures subject to regulation under other applicable City ordinances;
- 6) Install a stage, band-shell, trailer, van, portable building, grandstand, or bleachers;
- 7) Place portable toilets on City-owned property;
- 8) Place temporary no-parking signs in a public right-of-way;
- 9) Place pedestrian boundary markers on City-owned property;
- 10) Place additional waste containers; or
- 11) Have an impact to public safety.

Special event permit means a written authorization issued by the City of Killeen as required by this article.

Street means the entire width between the boundary lines of every way publicly maintained, when any part thereof is open to use by the public for vehicular traffic.

~~Parade permit shall mean a written authorization to parade issued by the city of Killeen as required by this article.~~

(Code 1963, Ch. 13, art. 7, § 2 [Ord. No. 72-72, § 3, 11-16-72]; Ord. No. 98-29, § I, 4-28-98)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 25-143. Penalty.

Unless stated otherwise, violations of this article shall be punished as provided in ~~s~~Section 1-8. Any event conducted without a required special event permit may be immediately suspended or shut down by City personnel in the interest of public safety.

Sec. 25-144. Unlawful actions not permitted.

Nothing in this article authorizes the use of public sidewalks, streets, roadways, alleys, parks, or grounds, or the use of any private or public property, by any person in or by any manner, means or method, that violates the laws of the United States, the state, or ordinances of the ~~eCity-applicable thereto~~. Any person who violates such other laws and ordinances are punishable according to the provisions of such other applicable laws and ordinances.

(Code 1963, Ch. 13, art. 7, § 4 [Ord. No. 72-72, § 5, 11-16-72])

Sec. 25-145. Exceptions.

This article does not apply to ~~special events~~~~parades or assemblies~~ consisting of:

- 1) ~~a~~ funeral or funeral procession; ~~nor to~~
- 2) ~~s~~Students in grades one (1) through twelve (12) going to and from school classes or participating in educational activities when such conduct is under the immediate direction and supervision of school authorities; ~~nor to~~
- 3) ~~g~~Governmental bodies or units of the ~~eCity~~;
- 4) Private events held on private property when the property is zoned appropriately;
- 5) Events that are authorized under a separate agreement or permit issued by the City; or
- 6) Events wholly contained on property specifically designed or suited for the event and that holds a certificate of occupancy for such use, including adequate parking (e.g. a hotel ballroom, rodeo arena, special events center) without impact to City services.

These exceptions shall be construed narrowly so as not to undermine the public safety and resource-management purposes of this article.

(Code 1963, Ch. 13, art. 7, § 4 [Ord. No. 72-72, § 5, 11-16-72])

Sec. 25-146. Compliance generally.

It is unlawful for any person applying for a permit, ~~or engaging,~~ participating ~~or aiding in,~~ ~~or forming or starting,~~ any ~~special event~~~~parade or assembly for which a permit has been issued,~~ to fail to comply with all the directions and conditions of such permit and all laws and ordinances applicable to such ~~special event~~~~parade or assembly~~.

(Code 1963, Ch. 13, art. 7, § 4(c) [Ord. No. 72-72, § 5, 11-16-72])

Secs. 25-147—25-155. Reserved.

DIVISION 2. PERMIT

Sec. 25-156. Required.

(a) — Every individual ~~has the right to~~ may engage in, participate in, form, organize, ~~start~~ or aid in the conduct of ~~engaging in, participating in, forming, starting or continuing any a~~ special event, parade or assembly if provided that a special event ~~parade permit or assembly~~ permit ~~for such parade or assembly~~ has first been obtained from the ~~e~~City by at least one responsible person ~~some individual~~.

(b) — It is unlawful for any person to engage in, participate in, ~~aid~~, form, organize, or ~~start~~ aid in the conduct of any special event ~~parade or assembly~~ that requires a permit under this section unless a valid special event permit ~~parade permit or assembly permit therefor~~ has first been obtained ~~as required by~~ in accordance with this section and the City's Special Events Guide this section.

The City shall classify special events into tiers based on event scope, size, and operational impact. Each tier carries distinct application timelines and minimum insurance requirements.

1) Tier 1 – Minor Events

- a) Includes homeowners' association events, block parties, and similar small-scale events with limited residential road closures and anticipated or recorded attendance of one hundred (100) or fewer persons.
- b) Applications must be submitted not later than twenty-one (21) days prior to setup.

2) Tier 2 – Limited Impact Events

- a) Includes small-scale single-day events with no road closures; restricted to parking lots or private property open to the public; anticipated or recorded attendance of one hundred one (101) to five hundred (500) persons; no sale or service of alcoholic beverages; and does not require public safety personnel and/or vehicles.
- b) Applications must be submitted not later than thirty (30) days prior to setup.
- c) Minimum liability insurance requirements may be required as determined by the City Manager or designee if the event includes food vendors, amusement rides or other activities presenting elevated risk:
 - i) \$300,000 per person
 - ii) \$500,000 per occurrence
 - iii) \$50,000 property damage

3) Tier 3 – Moderate Impact Events

- a) Includes single-day events with any of the following characteristics: closure of parking lots, roads, and/or intersections; anticipated or recorded attendance of five hundred one (501) to one thousand (1,000) persons; no sale or service of alcoholic beverages; or the need for public safety personnel and/or vehicles.
- b) Applications must be submitted not later than sixty (60) days prior to setup.

c) Minimum liability insurance requirements:

- i) \$1,000,000 per person
- ii) \$2,000,000 per occurrence
- iii) \$100,000 property damage

4) Tier 4 – Major Impact Events

- a) Includes single- or multi-day events, including setup and teardown. Characteristics include: closure of parking lots, roads, and/or intersections; anticipated or recorded attendance exceeding one thousand (1,000) persons; sale or service of alcoholic beverages; requirement of public safety personnel or vehicles; or a request for noise waiver.
- b) Applications must be submitted not later than ninety (90) days prior to setup.
- c) Minimum liability insurance requirements:
 - i) \$1,000,000 per person
 - ii) \$5,000,000 per occurrence
 - iii) \$250,000 property damage

5) Recurring Events

- a) Includes a series of substantially similar recurring markets or events with closures of parking lots, roads, and/or intersections and anticipated or recorded attendance exceeding one hundred (100) persons, and with a substantially similar event footprint, operating hours, and public safety plan.
- b) Applications must be submitted not later than sixty (60) days prior to the first event.
- c) Recurring events must meet the minimum insurance requirements of the applicable tier classification.
- d) Approval of a recurring special event permit shall not exceed one (1) calendar year and shall require annual renewal.

The City Manager or designee may reclassify an event to a higher tier when public safety, prior event history, resource impact, or credible risk factors justify heightened requirements, based on objective and documented criteria. If, upon a review of the application, the City determines that a special event will require the special attention and involvement of City personnel or facilities, the City shall so notify the applicant and determine the anticipated additional cost to be incurred by the City because of the special event, using the adopted fee schedule. Payment of such anticipated additional costs shall be a condition of permit issuance.

Any application for a special event permit that does not substantially comply with this article shall not be accepted by the City Secretary, nor considered by the City Manager or designee.

(Code 1963, Ch. 13, art. 7, § 4(a), (c) [Ord. No. 72-72, § 5, 11-16-72])

Sec. 25-157. Procedures; emergencies.

- 1) Any person desiring to organize a special event ~~parade or assemble~~ within the regulatory jurisdiction of the eCity, and seeking issuance of a special event~~parade permit or an assembly permit~~, ~~therefor~~, shall ~~deliver~~ submit a completed application ~~therefor~~ to the eCity sSecretary ~~on forms available upon request to the city secretary~~. An application is complete when it contains all information required by this article and the City's Special Events Guide.
 - 2) Prior to the issuance of a special event permit, the applicant shall, within the time specified by City staff and in any event at least fifteen (15) days in advance of the date of the event, agree in writing to meet all conditions set forth by City staff, including payment of any anticipated additional costs to the City incurred because of the special event.
 - 3) For purposes of this section, an "emergency" is a sudden, unexpected, and unforeseeable occurrence that gives rise to the desire to lawfully communicate concerning such occasion or event by means of a special event, and that is of such a nature as to make compliance with the ordinary application timelines in this article impractical or impossible.
 - a) An applicant seeking an emergency special event permit must describe in the application the specific facts constituting the alleged emergency, explain how and why such facts meet the definition of an emergency under this subsection, and provide a written statement affirming the truth of the emergency conditions.
 - b) Emergency applications for a special event permit should be filed with the City Secretary not less than forty-eight (48) hours prior to the special event or, where that is not practicable under the circumstances, as soon as reasonably practicable in light of the emergency conditions.
 - a)c) The City Manager or designee may waive the ordinary timing requirements and any affidavit requirements under this article for emergency applications when immediate public health, safety, or significant civil concerns exist, provided that the City can reasonably accommodate the event consistent with public safety and the standards in this article. Emergency applications shall be processed as promptly as reasonably practicable, in a content- and viewpoint-neutral manner and using the objective criteria set forth in this article.
- ~~(1) *Who may apply.* An individual may apply for a parade or assembly permit. An individual may apply for a parade or assembly permit on behalf of a group if the individual is a member in good standing and submits written authorization to apply for the group. The written authorization must accompany every application.~~
- ~~(2) *When to apply.* An application for a parade permit or an assembly permit shall be delivered to the city secretary not less than twenty one (21) days prior to the date upon which the applicant proposes to conduct the parade or assembly, except in an emergency as hereinafter provided for in this section.~~
- ~~(3) *Only one (1) parade or one (1) assembly may be held at any one (1) given time on a day.*~~
- ~~(4) *Emergency application.* No application shall be considered unless made in the manner herein prescribed, unless the failure to apply in such manner is due to the emergency~~

~~nature of the occasion for a parade or assembly. For purposes of this subsection, an "emergency" is specifically defined as a sudden, unexpected and unforeseeable occurrence that gives rise to the desire to lawfully communicate concerning such occasion or event by parade or assembly, and of such a nature as to make compliance with the timing requirements for application specified herein impossible. The applicant must completely describe in the application the facts constituting the alleged emergency, specifying how and why such facts constitute an emergency under this subsection, and making sworn verification as to the truth of the facts constituting such emergency before an officer authorized to administer oaths, and attaching such sworn affidavit to the application. Emergency applications for a parade permit must be filed with the city secretary not less than forty-eight (48) hours prior in time to the proposed commencement of the proposed parade or assembly.~~

~~(5) *Contents of application.* An application for a parade or assembly permit shall provide the following information:~~

- ~~a. The name, address and telephone number of the individual applying.~~
- ~~b. If the applicant is applying on behalf of another person or group, then the person or group's address and telephone number of the main office, location or headquarters of the group or person, the names, addresses, and telephone numbers of the authorized and responsible officers and leaders of such person. In those instances where the main office, location or headquarters of the person is not within the city limits, then state the address and telephone numbers of the office, location or headquarters located nearest to the city, and the names, addresses, and telephone numbers of the authorized and responsible officers and leaders located nearest to the city.~~
- ~~c. The name, address, and telephone number of the individual who will be parade or assembly leader, and who agrees to be responsible for the parade and assembly conduct in accordance with any permit issued, together with a signed statement agreeing to be responsible for the conduct of the assembly and parade, in accordance with the permit and all laws applicable thereto.~~
- ~~d. The proposed date for the parade or assembly.~~
- ~~e. The proposed starting point, termination point, and route of a parade; and the proposed place, address and street, or building name, designated for an assembly.~~
- ~~f. The approximate number of individuals that will be in the proposed parade or assembly, and the number and kinds of animals and vehicles proposed to be in the parade or assembly.~~
- ~~g. The hours when the proposed parade or assembly will begin and terminate.~~
- ~~h. A statement describing the specific portion of particular streets, sidewalks, or other public property proposed to be used, in connection with the parade or assembly.~~
- ~~i. The specific location of the staging area for a proposed parade.~~
- ~~j. The time at which participants in a proposed parade or assembly will actually begin to arrive at the proposed designated staging or assembly area.~~

k. ~~An accurate written description of sound, or sounds, planned to be produced incidental to the proposed parade or assembly, whether by human speech, music, or otherwise, and whether, how, and to what extent, it is to be amplified in volume.~~

l. ~~An accurate written description of proposed planned conduct of participants incidental to the proposed parade or assembly.~~

~~(6) Number of copies. Not less than two (2) copies of each application for a parade or assembly permit shall be delivered to the city secretary.~~

~~(7) Rejection. Any application for a parade or assembly permit that does not substantially comply with this division shall not be considered by the city manager.~~

(Code 1963, Ch. 13, art. 7, § 5 [Ord. No. 72-72, § 6, 11-16-72]; Ord. No. 98-29, §§ I, 4-28-98)

Sec. 25-158. Decisions on applications~~Granting and appeal from refusal to consider, modification, or denial of application.~~

~~(1)~~ Upon receipt of an application, the eCity sSecretary shall ~~immediately promptly~~ forward ~~it the application, along with any subsequent documentation, to relevant City departments to the city manager~~ for review. ~~The city manager must approve, modify and approve, or deny the application within 7 days.~~ The eCity mManager or designee must make the decision based upon the standards for issuance stated in this article and shall, within ten (10) business days after receipt of a substantially complete application, or as soon as reasonably practicable under the circumstances, take one of the following actions: ~~The manager may~~

1) Approve the application as submitted;

2) mModify the application and grant a permit as provided in sSection 25-161, specifying reasons for such modifications to the applicant in writing; ~~If the city manager~~

3) rRefuses to consider an the application because of applicant's failure to comply with the prescribed required procedures for the application; or

1)4) dDenyies a permit, or modifies a permit, the specifyingie the reasons for such denial shall be sent to the applicant in writing.

~~(2)~~ If an application is not considered by the eCity mManager or designee, or is modified or denied, any appeal from the decision shall be made to the eCity eCouncil in the following manner:

1) ~~(a)~~ A written letter of appeal, signed by the permit applicant, and stating the grounds ~~therefor~~ for appeal, shall be delivered to and filed with the eCity sSecretary within five (5) business days of receiving the City Manager or designee's determination.

2) ~~(b)~~ A true copy of the application ~~refused~~ shall be attached to the petition.

3) ~~(c)~~ The eCity sSecretary shall place a copy of the appeal letter and application, along with any pertinent documents, on the agenda for the next

available regular eCity eCouncil meeting, or as soon thereafter as reasonably practicable.

- 4) ~~(d)~~ — The City eCouncil shall consider the contents of the application; the eCity mManager's ~~letter-notice~~ stating the reasons for the refusal to consider, modification, or denial; the letter of appeal; the facts surrounding the matter as shown by testimony of parties; any argument of counsel; and the standards for issuance stated in this article.
- 5) ~~(e)~~ — It shall be presumed that the only reasons for refusal, modification, or denial are those set out in the eCity mManager's or designee's written explanation.
- 6) ~~(f)~~ — The eCity eCouncil may consider the application at that meeting, or set a date, time, and place for a hearing on each appeal, and shall notify the ~~appealing~~ individual or party appealing in writing ~~or person thereof~~.
- 7) ~~(g)~~ — The order of procedure upon such hearing is as follows:
 - a) ~~i.~~ — The eCity aAttorney, or a person designated to do so, shall present any evidence justifying the modification, denial, or refusal to consider the application.
 - b) ~~ii.~~ — The applicant, or applicant's attorney, shall have the right to cross-examine any witness and see any documents relied upon by any witness testifying, and to challenge or object to such evidence.
 - c) ~~iii.~~ — The applicant, or applicant's attorney, shall thereafter present any rebutting evidence justifying consideration and approval of the application or rebutting the modification.
 - d) ~~iv.~~ — The eCity aAttorney shall have the right of cross-examination and inspection.
 - e) ~~v.~~ — Both the applicant and the eCity may offer rebuttal evidence.
 - f) ~~vi.~~ — The applicant shall open and close argument.
 - g) ~~vii.~~ — The mMayor, or other person presiding, shall determine what evidence will be accepted. The eCity eCouncil is not a court and is not bound by nor required to follow formal rules of evidence or judicial procedure, beyond those described in paragraphs ~~i—via - f~~ above. The City eCouncil will not debate questions of law or admissibility.
- 8) ~~(h)~~ — By majority vote, the eCity eCouncil shall vote to either affirm the eCity mManager's denial, modification, or refusal to consider, or vote to reverse, and/or further modify the eCity mManager or designee's decision and grant the application for a permit.
 - a) ~~(i)~~ — If the eCity eCouncil affirms the City mManager's or designee's decision, it shall have prepared written findings of fact and references to this ~~division~~article, specifically indicating the reason or reasons justified, supporting the decision.

(Code 1963, Ch. 13, art. 7, § 6 [Ord. No. 72-72, § 7, 11-16-72]; Ord. No. 98-29, §§ I, 4-28-98)

Sec. 25-159. Standards for issuance.

In applying this article, the City shall rely on objective, content- and viewpoint-neutral criteria, including documented historical event impacts, staffing availability, emergency service capacity, traffic analysis, and the prior compliance history of the applicant. Special event permits shall not be denied, modified, or revoked based on the content, viewpoint, or message of the expressive activity, but solely on the objective factors and standards provided in this article.

The ~~C~~city ~~m~~Manager ~~and city council~~ shall consider, and issue or deny, special event ~~parade permits and assembly~~ permits, in the order in which applications ~~for same~~ are ~~received~~ forwarded by the ~~e~~City ~~s~~ecretary, subject to emergency application under Section 25-157. The following standards shall be considered by the ~~e~~City ~~m~~Manager ~~and city council~~ in evaluating all information gathered through the application and hearing process:

- 1) ~~(1)~~ — The conduct ~~of a proposed parade,~~ or ~~the~~ location of the special event ~~a proposed assembly,~~ will substantially interrupt either the safe and orderly movement of other vehicular and pedestrian traffic, in and through the ~~e~~City, or adversely affect the safety and health of the individuals participating, or those normally situated immediately adjacent to the site of the special event ~~a parade or an assembly;~~ or
- 2) ~~(2)~~ — The conduct of the special event ~~a proposed parade or assembly~~ will require the use of a greater number of police officers of the ~~e~~City, to properly police the assembly event, than are regularly scheduled to be on duty at the proposed time, and will substantially curtail necessary police protection of other areas of the ~~e~~City; or
- 3) ~~(3)~~ — The conduct of ~~a parade or assembly~~ the special event will require the diversion of so great a number of the ambulances available in the ~~e~~City as to substantially curtail and interfere with necessary ambulance services to all individuals within any portion of the ~~e~~City; or
- 4) ~~(4)~~ — The concentration of individuals, animals, or vehicles associated with the special event ~~at the proposed staging points of a proposed parade, in the parade, or at the proposed assembly,~~ will substantially interfere with the ability to provide necessary fire and police protection or ambulance service to and for the remainder of the individuals and portions of the ~~e~~City; or
- 5) ~~(5)~~ — The conduct of the special event ~~a parade or assembly~~ will substantially and unreasonably interfere with and curtail necessary garbage collection or street cleaning services; or
- 6) ~~(6)~~ — The conduct of the special event ~~a parade or assembly~~ will substantially interfere with and curtail necessary movement of firefighting equipment en route to fires, or with the necessary movement of ambulances en route to emergencies; or
- 7) ~~(7)~~ — There is a ~~high degree of probability or~~ reasonable and documented likelihood that the conduct of the special event ~~particular proposed parade or assembly~~ will cause, or will tend to cause, injury or damage to individuals, persons or property, or to provoke extremely disorderly conduct, or to create a

great disturbance of the peace; or to cause entry upon private property, or upon public property lawfully dedicated to purposes which are inconsistent with the particular ~~special event~~parade or assembly; or

~~(8) A proposed parade is scheduled to move from its point of origin to its point of termination, with delays en route, entailing such a substantial total period of time as to thereby necessarily require an assembly permit; or~~

~~(9) A proposed assembly is scheduled to convene and disperse at such time or times, and in such manner, means or methods as to require a parade permit; or~~

8) ~~(10) The route of a parade, or the place of the special event~~an assembly, is so close to a ~~building or place in or at which a school, church, or class thereof is in session, or is so close to a particular building or place in or at which there is being conducted a specific~~other lawful activity ~~normally requiring, for its accomplishment,~~ quiet and orderly performance that, due to the time, manner, and nature of the event, it is reasonably likely to cause imminent disruption of such activity ~~deliberation and consideration, or absence of and freedom from the intrusion of loud noise or disruptive acts, similar to the requirements of a school; and, that the paraders or assemblers will in reasonable probability, make noise or engage in acts that would cause, or tend to cause, imminent disruption and interference with the normal activity of such school, class, or other lawful activity or occupation with which such noises or disruptive acts are incompatible or inconsistent;~~ or

9) ~~(11) The conduct of a special event~~particular proposed parade or assembly will necessarily result in an unreasonable or disproportionate expenditure of ~~so large a sum or sums of public funds~~ monies that, in relative proportion to other needs of the public for the use of the same public monies as to be unreasonable, inequitable or confiscatory in nature, and, in determining same, the city council may taking into consideration ~~the total amount of monies expended for parades and assemblies held at the request of the same, or substantially the same individuals and persons, prior special events conducted by the same applicant within the preceding~~ during the twelve (12) months ~~period immediately preceding the date for which the permit is sought;~~ or

10) ~~(12) The applicant~~ particular individual, or person, or some substantial combination thereof, seeking a permit ~~has~~ conducted or already been issued ~~applied for and received~~one or more a permit to parade, or assemble, permits for substantially the same purpose, or purposes, ~~one (1) or more times during~~ within the preceding ~~twelve (12) months~~ period ~~next immediately preceding the date for which the permit is being sought,~~ and approval of the current application would therefore the issuance of another or new permit would ~~unreasonably, unfairly, or inequitably~~ limit the opportunity for other applicants to access public spaces or City resources in a manner inconsistent with the public interest; ~~prevent another applicant from obtaining a permit to parade or assemble;~~ or

11) (13) A permit for another special event~~parade or assembly~~ has previously been issued, scheduling and lawfully permitting another special event~~parade or~~

~~assembly~~, in the same location and at the same time for the date and time sought by the applicant.

~~11)~~12) If the special event involves a show, performance, exhibition, or place of amusement, the event shall either be conducted in a regularly constructed and operated auditorium, theater, or similar facility, or the applicant must present written consent from the owner of the lot, tract, or parcel of land on which the event is located.

(Code 1963, Ch. 13, art. 7, § 7 [Ord. No. 72-72, § 8, 11-16-72]; Ord. No. 98-29, §§ I, 4-28-98)

Sec. 25-160. Modification of application.

The ~~e~~City ~~m~~Manager ~~or city council~~ may modify in writing the place, boundaries, route, time, number of participants, and manner of conduct of the special event as reasonably necessary ~~a proposed parade, and the place, boundaries of location, time, number of participants and manner of conduct of a proposed assembly, in such manner, means, or methods as it deems or finds necessary or conducive~~ to ensure compliance with the criteria provided in sSection 25-159 and to protect public health, safety, and welfare.

If an applicant is dissatisfied with any modification of an application which has been properly filed and accepted, he or she may present evidence in support of the original application and argue for its approval, as provided for in sSection 25-158.

(Code 1963, Ch. 13, art. 7, § 9 [Ord. No. 72-72, § 10, 11-16-72]; Ord. No. 98-29, §§ I, 4-28-98)

Sec. 25-161. Issuance.

A permit is issued under this ~~division~~ article to the individual applicant and, if applicable, to another person or group for whom the application is made, and is binding on all individuals and persons who participate in the ~~parade or assembly~~ special event.

(Code 1963, Ch. 13, art. 7, § 10 [Ord. No. 72-72, § 11, 11-16-72]; Ord. No. 98-29, §§ I, 4-28-98)

Sec. 25-162. Contents of the permit.

~~Each parade~~ A special event permit issued by the ~~e~~City shall state the starting and ~~termination~~ ending time; the portions of the sidewalks, streets, roadways, highways, alleys, and other public thoroughfares and property to be traversed and that may be occupied by the special event ~~parade~~; and such other information as the ~~e~~City ~~m~~Manager and ~~e~~City ~~e~~Council finds necessary to the enforcement of this article and other ~~e~~City ordinances and laws of the ~~s~~State and the United States.

~~Each assembly permit shall state the starting and termination time of the assembly; the boundaries of the location of the assembly area; and such other information or conditions as the city manager or city council finds necessary to the enforcement of this article, other city ordinances, the laws of the state and of the United States, and to protect the public health and safety.~~

All special event ~~parade and assembly~~ permits shall identify by name and address the applicant and the person, or persons, to whom the permit is issued.

(Code 1963, Ch. 13, art. 7, § 11 [Ord. No. 72-72, § 12, 11-16-72]; Ord. No. 98-29, §§ I, 4-28-98)

Sec. 25-163. Duties of permittees.

All persons to whom a ~~parade or assembly~~special event permit is issued must comply with all the permit directions and conditions, and with all applicable laws and ordinances, and they must inform all those who participate of all permit directions and conditions. The named ~~parade or assembly~~special event leader must carry the ~~parade or assembly~~special event permit upon his person at all times during the ~~parade or assembly~~special event, and must produce such permit upon request of the ~~p~~Police ~~e~~Chief, ~~or~~ his or her subordinate officers, or City staff.

(Code 1963, Ch. 13, art. 7, § 12 [Ord. No. 72-72, § 13, 11-16-72]; Ord. No. 98-29, §§ I, 4-28-98)

Secs. 25-164—25-169. Reserved.

DIVISION 3 – SPECIAL PROVISIONS

Sec. 25-170. Parking.

Applicants shall describe in the public safety plan how parking for the special event will be provided. If parking is planned to be on private property, written evidence that the applicant has a right of possession of the property through ownership, lease, license, or other property interest must be provided. Parking arrangements shall be designed to minimize traffic congestion and protect public safety.

Sec. 25-171. Amusement rides.

Rides and/or attractions associated with special events shall conform with the statutory rules and regulations set forth in state and local laws. Copies of inspection reports will be required.

Sec. 25-172. Tents and temporary structures.

Any special event that includes the use of tents, canopies, or temporary structures shall comply with all applicable City ordinances, including but not limited to those regulating commercial or business use of tents.

Tents should not block business storefront or residence without express permission from property owner or occupant.

Sec. 25-173. Food service.

Where food service is provided, said operation shall be in compliance with all provisions of the food and food establishment ordinances of the City, as well as all other applicable state and local laws.

Sec. 25-174. Sanitary facilities.

Enough portable sanitary facilities must be provided on the premises as determined necessary using standards established by City staff. Sanitary facilities must be collected within two (2) days of the special event.

Sec. 25-175. Animal waste.

The applicant shall provide cleanup for animals at the conclusion of the special event in accordance with City ordinance.

Sec. 25-176. Trash disposal.

Trash disposal containers must be provided onsite for all outdoor special events. There may be costs associated with the disposal of waste and recycling for larger special events, in accordance with City ordinance. The appropriate waste and recycling containers to be selected are dependent upon the location and the number of event participants and visitors and is to be handled on a case-by-case basis as determined by the Director of Solid Waste and Recycling or designee. If special events are held on City-owned property, waste containers, excluding dumpsters, are available onsite for use by the special event, and additional containers or dumpsters may be necessary to provide adequate waste and recycling collection service. The applicant shall ensure that all waste and recycling are collected and removed so that the area is returned to its pre-event condition.

Sec. 25-177. Police protection.

When the presence of law enforcement officers is necessary for special events, the applicant shall be responsible for the cost of providing police personnel. Police protection and security must be provided by a licensed peace officer commissioned by a law enforcement agency in Bell County. The cost for police personnel provided by the Killeen Police Department shall be paid at the rate set by fee schedule using the Killeen Police Department off duty management process.

The objective standards used to determine the number of law enforcement officers shall be as follows:

- 1) General traffic conditions in the area requested, both vehicular and pedestrian;
- 2) Route to be taken if the special event is a parade or other moving event;
- 3) Duration of the special event;
- 4) Whether all or any portion of a roadway will be closed;
- 5) The estimated number of people who will attend;
- 6) Uses adjacent to the special event, such as residential or commercial areas;
- 7) Time and date of the special event;
- 8) Alcoholic beverages available for consumption at the special event;
- 9) Wild or undomesticated animals at the special event; and
- 10) Need for safety zones (balloon/helicopter launch or landing area, etc.).

Sec. 25-178. Emergency medical services.

When the presence of emergency medical service is necessary for the special event, the applicant shall be responsible for reimbursing the City for the cost of providing personnel. The cost for City provided EMS personnel shall be in accordance with City ordinances.

The objective standards used to determine the number of EMS personnel and ambulances shall be as follows:

- 1) The estimated number of people who will attend;
- 2) The peak hourly attendance;
- 3) Duration of the special event;
- 4) Whether all or any portion of a roadway will be closed;
- 5) Uses adjacent to the special event, such as residential or commercial areas;
- 6) Time and date of the special event;
- 7) Alcoholic beverages available for consumption at the special event; and
- 8) Need for safety zones (balloon/helicopter launch or landing area, etc.).

Sec. 25-179. Clean up.

The applicant shall clean up immediately after the conclusion of the special event.

Sec. 25-180. Insurance

The applicant for a special event permit shall furnish the City with a certificate of insurance complying with minimum standards set forth in this article and sufficient to protect event attendees, the public, and City-owned property, including property damage arising from the special event that impacts or occurs on City property as outlined in Section 25-156. The required coverage shall, at a minimum, meet the tier-based liability limits established in Section 25-156. The City Manager or City Attorney may require higher limits or additional coverages where documented risk factors, including but not limited to attendance, duration, type of activities, presence of alcohol, or use of amusement rides, justify heightened coverage to reasonably protect the public and the City.

Additional insured: The insurance required shall name the City as an additional insured.

Sec. 25-181. Indemnification.

To the fullest extent permitted by law, the applicant, permittee, and/or event sponsor(s) shall defend, indemnify, protect, and hold harmless the City, its officers, directors, employees, agents, successors, contractors, subcontractors, assigns, sponsors, and volunteers from and against any and all liens, claims, demands, loss, liability, cost (including but not limited to attorneys' fees, accountants' fees, engineers' fees, consultants' fees and experts' fees), expense, damage, and causes of action for damages because of injury to persons (including death) and injury or damage to or loss of any property or improvements arising from or caused, in whole or in part, by the acts and/or omissions of the applicant, permittee, event sponsor(s), their officers, directors, agents, employees, contractors, subcontractors, volunteers, and participants in the special event.

Sec. 25-182. Permit revocation and enforcement authority.

The City Manager or designee may revoke or suspend a special event permit at any time when the permittee violates material permit conditions, provides materially false or misleading information in the application or supporting documents, or when continued operation of the special event creates an imminent risk to public health or safety. Where practicable under the circumstances, the City Manager or designee shall first provide oral or written notice of the violation and a reasonable opportunity to cure before revoking or suspending the permit; however, no prior notice or opportunity to cure shall be required where immediate suspension is necessary due to an imminent risk to public health or safety.

Law enforcement officers and authorized City personnel are empowered to enforce compliance with this article and any permit issued under it, and may order the immediate cessation of activities when necessary to address an imminent risk to public health or safety or to enforce a lawful revocation or suspension of a permit.

SECTION III. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION IV. That should any section or part of any section or paragraph of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION V. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION VI. That this ordinance shall be effective after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this ____ day of _____, 20__, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED:

Debbie Nash-King, MAYOR

ATTEST:

Laura Calcote, CITY SECRETARY

APPROVED AS TO FORM:

Holli Clements, CITY ATTORNEY