

Memorandum



CITY OF DALLAS

DATE March 22, 2019

Honorable Members of the Quality of Life, Arts & Culture Committee: Sandy Greyson (Chair), Mark Clayton (Vice Chair), Rickey D. Callahan, Jennifer S. Gates, Scott Griggs, B. Adam McGough, Omar Narvaez

SUBJECT **Special Events Ordinance – Chapter 42A Update**

On February 27, 2019, the City Council deferred consideration of an ordinance to update Chapter 42A until March 27, 2019. At that time, an alternate motion will be presented to separate film permitting from the posted ordinance and continue under the existing administrative directive pending review and updates through the Office of Economic Development.

The attached proposed version of Chapter 42A excludes film and represents how the ordinance will read if the alternate motion is approved. Additionally, it includes the following revisions to the Dallas Farmers Market (DFM), Neighborhood Markets and Streetlight Pole Banners sections which address stakeholder concerns:

- **DFM / Neighborhood Markets**
 - Redefines DFM to underscore its distinction as a year-round/daily marketplace and incorporates references to the existing contract with the Office of Economic Development
 - Compromises with DFM and Neighborhood Markets by
 - Reinstating one-mile minimum distance between neighborhood markets
 - Adding six additional market days by increasing days to 46
 - Changing the ratio of food/artisan vendors from 50/50 to 40/60
 - Increasing allowable vendors to 75, with 100 allowed twice annually
 - Maintaining 150-mile radius for product sourcing
- **Streetlight Pole Banners**
 - Revises the section to exclude Public Improvement District (PID) identification banners from all application processing fees, underscores that PID management corporations have the exclusive right to district identification banners in defined geographic areas and gives first-right of application renewal for previously permitted poles
 - Designates an annual permit for PIDs rather than a 60-day permit

The attached table summarizes changes since February 27, 2019. Please let me know if you have additional questions.

A handwritten signature in blue ink, appearing to read 'Joey Zapata'.

Joey Zapata
Assistant City Manager

DATE March 22, 2019

SUBJECT Special Events Ordinance – Chapter 42A Update

T.C. Broadnax, City Manager
Chris Caso, City Attorney (Interim)
Carol A. Smith, City Auditor (Interim)
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizzor Tolbert, Chief of Staff to the City Manager

Majed A. Al-Ghafry, Assistant City Manager
Jon Fortune, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
M. Elizabeth Reich, Chief Financial Officer
Laila Alequresh, Chief Innovation Officer
Directors and Assistant Directors

Chapter 42A - revisions since February 27, 2019

SECTION	HEADER	CHANGE
Ordinance (all chapters)		Standardized language across all permit types for the following sections: <i>Application; Issuance, Cancellations, Street Closure, Parking and Denial or Revocation</i>
Ordinance (all chapters)	Insurance	Revised Insurance per request of ORM
Ordinance (all chapters)		Replaced the listing of all permit types (Special Events, Commercial Filming, Neighborhood Market, Dallas Farmers Market and Streetlight Pole Banners) with general wording (<i>a permit issued under this chapter</i>)
Title	Chapter 42A	Added Dallas Farmers Market to overall header
Sec 42A-2	Defintions	Special Event letter (c) clarified the exemption of Neighborhood Markets & the Dallas Farmers Market neighborhood market from needing a special event permit
Sec 42A-3	General Authority	Consolidated generally authority references from across all articles into article 1 (d) and (e)
Sec 42A-5	Exemptions	(3) Revised First Amendment exemption to include allowance for requiring a special event permit when applicable (7) Added the Dallas Farmers Market daily activities
Sec 42A-6	Fees	Streetlight Pole Banner fees were adjusted to include PID district identification banners to be excluded from all permitting fees Dallas Farmers Market exempt from required special event application processing fees
Sec 42A-6	High Impact Areas	(b) Clarified that High Impact Zone Committee must include representatives from at least 5 City departments.
Sec 42A-12	Application; Issuance	Special Event Permits (e) Replaced "shall" with "may"
Sec 42A-12	Application; Issuance	Special Event Permits (7) Updated to revise language, recommended by City Prosecutors (all other sections had been updated previously; this had been missed in earlier revisions)
Sec 42A-13	Security; Crowd Control; and Traffic Control	Special Event Permits Simplified language regarding traffic control plan
Article IV Sec 42A-29 Sec 42A-30	Neighborhood Market	(3) Reverted back to original distance between markets (c) Reverted back to original 150-mile radius for product sourcing (a) Compromised on 46 market days (b) Changed ratio of food/artisan vendors from 50/50 to 40/60 (d) Compromised to increase allowable vendors to 75, with 100 allowed on 2 of the 46 market days (a) Standardized private property approval language to match other permit types
Article V Sec 42A - 36	DALLAS FARMERS MARKET NEIGHBORHOOD MARKET PERMIT	Created separate article for Dallas Farmers Market's annual neighborhood market permit (a) Clarified standardized language in Article V to correspond with all other permit types (c) Reverted back to original 150-mile radius for product sourcing
Article VI	Streetlight Pole Banner	Revised Public Improvement District details to allow for district identification banners to be excluded from all permitting fees (1) This section applies only to PID management corporations. (2) District identification banners are defined as long-term banners that identify a geographic location or place of interest. Streetlight poles must be located within the defined geographic boundaries of the public improvement district. (3) Streetlight pole banner permits granted to a public improvement district management corporation must comply with the standards in this subsection and will be issued on an annual basis. (4) District identification banners are excluded from all permit application processing fees (5) PIDs have first right-of-refusal for streetlight poles previously permitted to a public improvement district before being reissued to an applicant other than that of the public improvement district management corporation; however, an active permit must be maintained by the public improvement management corporation to prevent poles from being reissued to another entity.

ORDINANCE NO. _____

An ordinance amending Chapter 29A, “Neighborhood Farmers Market,” and Chapter 42A, “Special Events,” of the Dallas City Code by reserving Chapter 29A and rewriting Chapter 42A; providing regulations for special events, neighborhood markets, the Dallas Farmers Market, and streetlight pole banners; providing a penalty not to exceed \$2,000 for a violation of this chapter governing fire safety, zoning, or public health and sanitation, and \$500 for all other violations; providing a saving clause; providing a severability clause; and providing an effective date.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Chapter 29A, “Neighborhood Farmers Markets,” of the Dallas City Code is amended to read as follows:

**“CHAPTER 29A.
RESERVED.**

SECTION 2. That Chapter 42A, “Special Events,” of the Dallas City Code is amended to read as follows:

**“CHAPTER 42A.
SPECIAL EVENTS;
NEIGHBORHOOD MARKETS; DALLAS FARMERS MARKET NEIGHBORHOOD
FARMERS MARKET; STREETLIGHT POLE BANNERS.**

**ARTICLE I.
GENERAL PROVISIONS.**

SEC. 42A-1. PURPOSE.

The purpose of this chapter is to facilitate the promotion of temporary outdoor activities including special events, neighborhood markets, the Dallas Farmers Market Neighborhood Farmers Market, and streetlight pole banners within the city, as defined in this chapter. The city’s

overall goal is to encourage activities that benefit the city, stimulate economic growth, and provide a vibrant, active community for all citizens. The city gives priority to established special events.

SEC. 42A-2. DEFINITIONS.

In this chapter:

(1) **AMPLIFIED SOUND** means any sound projected or transmitted by artificial means, including but not limited to, loudspeakers, amplifiers, powered megaphones, or similar devices.

(2) **APPLICANT** means a person who has submitted an application for a permit under this chapter. This term includes the person submitting the application, the secondary person listed on the application, and any person or organization that an applicant applies for a permit on behalf of, as well as any third party providing contracted functions to a permit under this chapter, and the owner or property manager of the property or venue where the permitted activity will occur if a lease or contract has been executed, or will be executed, or if the property owner has provided written approval for the proposed permitted activity, and the property owner or manager is providing services to the event.

(3) **APPLICATION PROCESSING FEES** means non-refundable fees required at the time of application submission.

(4) **CENTRAL BUSINESS DISTRICT** means the area bounded by Woodall Rodgers Freeway on the north, Central Expressway and Julius Schepps Freeway on the east, Interstate Highway 30 on the south, and Interstate Highway 35E on the west.

(5) **CITY** means the city of Dallas, Texas.

(6) **CITY-SPONSORED ACTIVITY** means a temporary outdoor activity that the city council, by resolution, or the city manager, by written notice, has:

(A) determined to be directly related to a recognized function of city government;

(B) declared the city a cosponsor of the event; and

(C) committed the city to significantly sharing in initiating, financing, supporting, and conducting the event.

(7) **CLEAN ZONE** means a geographically defined area surrounding a permitted activity footprint or event host venues, where temporary restrictions are enforced related to temporary advertising, signage, structures, transient merchants, vendors, or otherwise licensed activities.

(8) **DALLAS FARMERS MARKET** means a permanent, indoor and outdoor market on public and private property where produce, merchandise, food, or other products are distributed, offered for sale, or sold and that is:

(A) bounded by Marilla Street on the north, northbound Cesar Chavez Boulevard on the east, Interstate Highway 30 on the south, and Harwood Street on the west; and

(B) described in and subject to a master agreement with the city adopted on February 27, 2013 by Resolution No. 13-0447 and the operating covenants with the city contained in lease and deed documents authorized on March 27, 2013 by Resolution Nos. 13-0535, 13-0536, 13-0537, 13-0538, and 13-0539.

(C) inclusive of future agreements and/or leases executed between the city and Dallas Farmers Market and amendments to existing agreements and/or leases.

(9) **DIRECTOR** means the person designated by the city manager to implement, administer, and enforce this chapter, and includes any designated representative of the director.

(10) **ESTABLISHED SPECIAL EVENT** means an event or activity that:

(A) occurs at least once a year;

(B) has an average expected attendance exceeding 1,000 for each day of the event or activity;

(C) contributes to positive advertising and economic growth of the city; and

(D) is open to the public, with or without an entry fee.

(11) **EXPECTED TOTAL ATTENDANCE** means the estimated attendance at a special event as estimated by the applicant on an application. Expected total attendance includes all event staff, vendors, spectators, participants, and attendees.

(12) **FIRST AMENDMENT ACTIVITY** means all expressive personal religious or political beliefs and associative activity on the public right-of-way that is protected by the United States and Texas constitutions, including freedom of speech, freedom of the press, freedom of assembly, and the right to petition.

(13) **HIGH IMPACT AREA** means an area included on the list published annually in accordance with Section 42A-10.

(14) **INTERMITTENT TRAFFIC CONTROL** means the control of the flow of traffic to temporarily, and for brief periods of time (two minutes or less), stop or slow the flow of vehicular traffic.

(15) **MAJOR CHANGE** means any change to an application that requires subsequent public safety or departmental review. Examples include, but are not limited to, route changes, location or venue changes, date changes, changes in expected attendance, and adding alcohol distribution.

(16) **MOVING EVENT** means an event that is not confined to a fixed location.

(17) **NEIGHBORHOOD MARKET** means a temporary outdoor marketplace outside of the central business district on private property, or on city property with approval of the department controlling the property, where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products.

(18) **PERMIT** means an official document authorizing the activation of an approved activity granted by the director as required under this chapter.

(19) **PERMIT HOLDER** means a person issued a permit under this chapter. This term includes the applicant and any person or organization on behalf of which an applicant applies for a permit on behalf of, as well as the owner or manager of property where the permitted activity will occur.

(20) **PERSON** means an individual, firm, partnership, corporation, association, or other legal entity.

(21) **PRELIMINARY LETTER** means a document sent by the director to the applicant outlining all requirements that must be met prior to permit issuance.

(22) **SPECIAL EVENT** means a temporary outdoor gathering, with an expected total attendance greater than 100, which involves one or more of the following on private or public property where otherwise prohibited by ordinance:

(A) closing or restricting of a public street lane, alley, or sidewalk;

(B) restricting access to public property;

(C) sale of merchandise, food, alcohol, or other beverages where otherwise not permitted as a neighborhood market or by an annual Dallas Farmers Market Neighborhood Farmers Market permit;

(D) erection of a tent larger than 399 square feet in area or erection of multiple tents with a cumulative area of over 399 square feet;

(E) installation of a temporary stage, bandshell, outdoor projection technology, trailer, van, grandstand, bleachers, or portable toilets for public use;

(F) use of city hall plaza;

(G) a run, walk, ride, or special event parade;

(H) placement of temporary no parking, directional, oversized, or identification signs or banners in connection with an event that are placed in or over a public right-of-way, or on private property where otherwise prohibited by ordinance; or

(I) clean zone enforcement.

(23) **SPECIAL EVENT PARADE** means the assembly of 100 or more persons whose gathering is for the common design of traveling or marching in procession from one location to another location for the purpose of advertising, promoting, celebrating, or commemorating a thing, person, date, or event that is not directly related to the expression of feelings and beliefs on current political, religious, or social issues.

(24) **STREET CLOSURE** means any lane or street closure that impacts or disrupts the flow of traffic, unless the closure is intermittent.

(25) **STREETLIGHT POLE BANNER** means a temporary sign suspended between brackets and attached to utility or streetlight poles in city right-of-way, designed for an approved activity, an historical or commemorative event within the city, or identification of a public improvement district.

(26) **TENT** means any structure, enclosure, or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents protected by the material.

(27) **TRAFFIC CONTROL PLAN** means a plan designed for the purpose of safely and efficiently managing traffic or arranging for DART detours associated with a permitted activity under this chapter.

SEC. 42A-3. GENERAL AUTHORITY AND DUTY OF DIRECTOR.

(a) The director shall implement, administer, and enforce the provisions of this chapter.

(b) The director has authority to issue a permit that authorizes one or more of the activities described in this chapter when requirements of this chapter have been met.

(c) The director, police chief, and fire chief may require public safety measures that exceed the minimum standards set forth in this chapter based on specific event risk and threat factors identified by the appropriate city departments.

(d) The director may impose additional permit requirements upon the applicant or permit holder for any activity as required in this chapter if the total attendance is expected to exceed the applicant's expected total attendance, the activity is held in a high impact area, or there will be impact to residents and businesses.

(e) The director may decline or propose alternate dates, times, street closures, venues, or routes or impose additional requirements upon a permit holder based on public safety or impact on residents and businesses.

SEC. 42A-4. CHAPTER CUMULATIVE.

(a) The provisions of this chapter are cumulative of all city ordinances. Except as provided in Subsection (c). 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 permitted activities under this chapter must be applied for separately, in accordance with the applicable ordinance or law.

(b) Application for a permit under this chapter authorizes appropriate city departments to issue permits for the activities authorized by this chapter with Office of Special Events approval.

(c) A license for the use of the public right-of-way required by Article VI of Chapter 43 of this code, and any fees applicable to obtaining the license, is not required for a special event, neighborhood market, or Dallas Farmers Market Neighborhood Farmers Market conducted in compliance with this chapter and the terms of a valid permit.

SEC. 42A-5. EXEMPTIONS.

The provisions of this chapter do not apply to:

(1) a special event conducted entirely on:

(A) property under the control of the park and recreation board;

(B) the "convention center" as defined in Section 43-127 of this code;

or

(C) public property managed by an organization with a lease or operating agreement with the city that details special event permit exemptions.

(2) a funeral procession;

(3) First Amendment activities except that a special event permit must be secured for any activity that triggers a special event permit as detailed in section 42A-2 (22) of this

chapter that is activated in conjunction with the First Amendment activity. All applicable fees will apply;

(4) a neighborhood block party that is conducted on a single block and is expected to have fewer than 200 attendees;

(5) escort vehicles;

(6) moving a structure in accordance with the Dallas Building Code;

(7) the regular indoor, permanent, daily operations of the Dallas Farmers Market

SEC. 42A-6. FEES

(a) Special event permit. An applicant for a special event permit shall pay the following application processing fees:

Special Event Application Processing Fees*	
Base Application Fee Based On Expected Total Attendance	
<200	\$50
201 - 400	\$80
401 - 800	\$100
801 - 1000	\$150
1,001 - 2,000	\$200
2,001 - 4,000	\$300
4,001 - 8,000	\$400
8,001 - 12,000	\$500
12,001 - 20,000	\$600
20,001+	\$700
<i>Plus the following application processing fees:</i>	
No Street Closure - An event with no street closures.	\$0
Static Street Closure Event (Simple) - An event with a set footprint that is limited to one block on residential/neighborhood streets and does not involve the closure of any intersections.	\$50
Static Street Closure Event (Moderate) - An event with a set footprint that includes the closure of one to three street blocks or intersections.	\$100
Static Street Closure Event (Complex) - An event with a set footprint that includes the closure of four or more street blocks or intersections, or any closure in a high impact area.	\$200
Moving Event (Simple) - A moving event that is limited to trails and residential or neighborhood streets.	\$75
Moving Event (Moderate) - A moving event on city streets other than residential/neighborhood streets and outside of a high impact area.	\$150
Moving Event (Complex) - A moving event of which any part moves through a high impact area.	\$300

* No application processing fees for a special event that is open to the public and being conducted at the Dallas Farmers Market as produced by the Dallas Farmers Market in compliance with the market's agreements and covenants with the city.

(c) Neighborhood market. An applicant for a neighborhood market permit shall pay the following application processing fees:

NEIGHBORHOOD MARKET ANNUAL APPLICATION PROCESSING FEES	
Base Application Fee	\$100
Per every 10 vendors	\$25
Street Closure Fee - Simple (1 block, no intersections)	\$50

(d) Streetlight pole banners. An applicant for a streetlight pole banner shall pay the following application processing fees:

STREETLIGHT POLE BANNER APPLICATION PROCESSING FEES	
Base Application Fee	\$100
Per Pole Fee	\$20
Permitted event - First 5 poles at no charge, additional poles will be invoiced at full price (banners must be related to permitted event).	5 poles at no charge
Public Improvement District Annual Permit – excluded from all fees. Banners must be related to PID identification.	

(e) Dallas Farmers Market. The applicant for a Dallas Farmers Market Neighborhood Farmers Market permit shall pay an annual application processing fee of \$400.

(f) Additional application processing fees for all permit types.

(1) A late application processing fee of \$40 per day is required, in addition to the applicable application processing fees required by Subsections (a), (b), (c), (d), and (e) of this section, if the application is filed with the director less than the minimum number of calendar days required by Sections 42A-12, 42A-21, 42A-29, 42A-35, or 42A-36 before the scheduled activity is to begin.

(2) An application processing fee of \$50 per minor change to an application requested by the applicant.

(3) An application processing fee of \$5,000 for a full or half street closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.

(4) An application processing fee of \$2,000 for a partial lane closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.

(5) An application processing fee of \$500 for a clean zone.

(6) An application processing fee of \$50 if alcohol will be provided at a permitted activity.

(7) An application processing fee of \$150 if alcohol will be sold at a permitted activity.

(g) Additional city department related fees when applicable.

(1) A fee of \$1,500 for the required activation of the office of emergency management for a planned permitted activity where the expected attendance is 30,000 or more.

(2) A parking meter hooding or removal fee, computed in accordance with Section 28-114.12 of this code, for each parking meter required by the applicant to be hooded or removed for a planned permitted activity.

(3) A rental fee for city equipment and property used by the applicant for a planned permitted activity.

(4) A fee for the number of Dallas police officers, Dallas fire/rescue officers, or vehicles required by Sections 42A-13, 42A-14, 42A-24, and 42A-25 to provide security, crowd control, and traffic control at a permitted activity.

(5) A fee to reimburse the city for direct costs incurred by the city in providing services at a permitted activity; direct costs include, but are not limited to, the reasonable costs of setup, cleanup, public safety, oversight of city facilities and equipment, electrical services, construction, placement and retrieval of city equipment, and other related services beyond what the city would provide to the general public in the ordinary course of its daily operations.

(6) Fee for all other required permits and licenses must be paid.

(h) Non-profit applicants. The base application fee for all application types will be reduced by 50 percent for a certified 501(c)(3) non-profit applicant.

(i) List of charges. A current list of charges for the items, services, and personnel described in Subsections (g)(3), (4), and (5) and in Subsection (j), and for any other items, services, or personnel that may be required under this chapter, must be maintained by the director and published annually to the office of special events website. The chiefs of the police department and fire-rescue department shall provide to the director the current schedule of charges for the personnel and vehicles described in Subsection (g)(5).

(j) Security deposit. Not less than 10 days before the date of the planned permitted activity, the applicant shall deposit with the appropriate city department an amount equal to a security deposit for any city equipment or property rented under Subsection (g)(3), to be refunded to the applicant if the equipment or property is returned undamaged to the city.

(k) Police and fire/rescue fees. The applicant shall pay any remaining fees owed for all public safety expenses incurred by a special event, or neighborhood market within 15 business days after receipt of an invoice from the city.

(l) Waiver. All or part of the application processing fees required by this section to be paid to the city for a city-sponsored activity may be waived by approval of the city manager or by city council resolution.

(m) Fee credit. If an application or permit is cancelled due to an Act of God and the permitted activity is rescheduled for an available date within 60 days from the original event date, any previously paid application processing fees will be credited toward the rescheduled date.

SEC. 42A-7.

INDEMNIFICATION.

An applicant for a permit issued under this chapter shall execute an agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the permitted activity.

SEC. 42A-8. APPEAL FROM DENIAL OR REVOCATION OF A PERMIT.

(a) If the director denies the issuance of a permit or revokes a permit, after three attempts to contact by phone or email, the director shall send the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right of appeal. Mailed notice shall be deemed received and effective three days after the date of mailing whether the notice was actually received or not or whether the notice was returned unclaimed or undeliverable.

(b) The applicant or permit holder may appeal the decision of the director to the permit and license appeal board in accordance with Section 2-96 of this code.

SEC. 42A-9. AMPLIFIED OUTDOOR SOUND AND LIGHTING.

(a) Except as provided in this section, amplified outdoor sound and lighting is allowed in conjunction with a permit issued under this chapter only between the hours of 8:00 a.m. and 10:00 p.m.

(b) The director may grant a variance to Subsection (a) if he determines that allowing outdoor amplified sound or lighting during additional hours will not result in an excessive negative impact on the quality of life of surrounding residences and businesses.

SEC. 42A-10. HIGH IMPACT AREAS.

(a) The director shall publish a list of high impact areas on the office of special events website annually.

(b) A committee shall meet at least once annually to determine the list of high impact areas. The committee must be comprised of the office of special events and representatives of at least five city departments and partner agencies.

(c) The committee shall consider the following factors in determining which areas to designate as high impact areas:

- (1) Construction in the area.
- (2) Complaints received by the director.

- (3) Input from citizens.
- (4) Historical event and location knowledge of committee members.

SEC. 42A-11. CLEAN ZONE.

(a) The operational restrictions within a clean zone are imposed to negate the impact of a planned permitted activity on neighboring businesses and residents and to protect the integrity of the host and sponsors of the permitted activity. A clean zone does not affect any existing operations, signage, or permitted activity associated with a business's typical operations.

(b) The director may designate the duration and geographic boundaries of a clean zone following consultation with the chief of police and all applicable departments.

(c) The boundaries of a clean zone, as well as any requirements and restrictions for the clean zone, must be in writing and included in the terms of the permit.

(d) If a clean zone is approved, the applicant shall deliver notice a minimum of seven days before the permitted activity begins, at the applicant's expense, to all registered homeowners' associations, religious institutions, schools, and owners or occupants of real property within the boundaries of the area of the clean zone. Notice must include, but not be limited to, the location, boundaries, effective dates and times, and the requirements and restrictions of the clean zone. Complete documentation of this effort must be submitted to the director and approved prior to permit issuance.

**ARTICLE II.
SPECIAL EVENT PERMITS.**

SEC. 42A-12. APPLICATION; ISSUANCE.

(a) A person desiring to hold a special event as defined in Section 42A-2(22) of this chapter shall submit an online application with the office of special events. An application must be filed not less than the number of calendar days indicated in the following table before the special event is to begin. The director may waive the filing requirement if the application is submitted within five days of the submission due deadline and the application can be processed in less than the number of calendar days indicated on the chart, taking into consideration the number and types of additional licenses and permits that may be required to be issued in conjunction with the special event permit and the extent of public safety, department, or agency review required based on the scope of the event.

NO STREET CLOSURES	30 calendar days
STATIC CLOSURES	60 calendar days
MOVING EVENTS	120 calendar days

(b) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a special event permit will be issued. All requirements must be met prior to permit issuance.

(c) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review of city departments and partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include the entity that manages or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt of the request requiring a response. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(d) If the proposed scheduled activity will be held on private property and the applicant does not own the property, the applicant shall obtain the written consent of the property owner to conduct the scheduled activity on the property with the authorization including the date and time of the scheduled activity. The written consent must be submitted at the time of application. The applicant shall present the written consent to the director or any peace officer upon request.

(e) The director may cancel a special event permit application if:

(1) a special event permit has been granted or is in the review process for another special event at the same or a nearby place and at a similar time;

(2) an established special event is customarily held at the same or a nearby place and the same time as the proposed special event;

(3) the proposed special event will occupy any part of a freeway, expressway, or tollway;

(4) the proposed special event will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

(5) the proposed special event cannot comply with high impact area parameters;

(6) the applicant makes a false statement of material fact on an application for a special event permit or fails to properly complete an application for a special event permit;

(7) the applicant has received, within the preceding 14 months, two or more notices of violation or citations related to a provision of a special event permit or this chapter;

(8) the applicant has conducted or sponsored one or more special events within the city on at least 60 days of the same calendar year during which the proposed special event is to be held; or

(9) the applicant has a history of conducting or sponsoring special events in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(f) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 calendar days without a response from the applicant.

(g) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed scheduled activity or a past scheduled activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(h) If the applicant makes major changes to the original submission of an application, after the five-month courtesy review, this will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(i) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(j) After reviewing and confirming all permit requirements have been met, the director shall issue the special event permit unless denial or revocation is required by Section 42A-20. Except as provided in this subsection, a special event permit will be issued for a period not to exceed 10 consecutive days. A special event permit for a city-sponsored event on city hall plaza will be issued for a period not to exceed 30 consecutive days. A special event permit may be extended for additional consecutive 10-day periods not to exceed 60 days in a calendar year. All applicable fees must be paid for any permit extension.

(k) In granting a permit, the city may provide city services and equipment for city-sponsored activities and other events in accordance with the city's special event in-kind sponsorship guidelines and subject to approval of the city manager.

SEC. 42A-13. SECURITY; CROWD CONTROL; AND TRAFFIC CONTROL.

(a) An applicant for a special event permit shall provide police officers for security, crowd control, and traffic control at the special event in accordance with Subsection (b) and the following schedule:

Number of Participants and Spectators at Special Event	Minimum Number of Police Officers Required*
0 to 250	0 or 2
251 to 1,500	2 - 4
1,501 to 3,000	4 - 6
3,001 to 5,000	6 - 15
over 5,000	15 plus 1 police officer for every 1,000 participants and spectators over 5,000 at the special event

* The minimum number of officers in the above table may vary depending on the scope of the event, the sale or service of alcohol, on-stage talent, event geography, historical knowledge of the event, police intelligence, and any other factor that is determined to impact public safety.

(b) The director, upon recommendation from the chief of the Dallas police department, may require a number of police officers, in addition to those required in Subsection (a), if:

- (1) any alcoholic beverage is sold, served, or otherwise made available at the special event;
- (2) special needs for increased security, crowd control, or traffic control are created by:
 - (A) the topography or size of the special event location;
 - (B) weather conditions at the special event; or
 - (C) the time of day during which the special event is conducted;
- (3) the special event requires street closures or rerouting of vehicular or pedestrian traffic; or
- (4) the history of the particular special event indicates that a greater number of police officers are required to protect the public health, safety, and welfare.

(c) The police officers required to be provided at a special event by this section must be sworn members of the Dallas police department, except that the chief of the Dallas police department may authorize a special event applicant or permit holder to provide peace officers from other jurisdictions or entities if the chief determines that an insufficient number of Dallas police

officers will be available for a particular special event. Off-duty jobs for Dallas police officers at a special event must comply with the Dallas Police Department General Orders and Code of Conduct.

(d) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the event, as well as at the special event site the day of the special event, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the special event site within one hour of being contacted by telephone or email.

(e) If the police department requires a traffic control plan in conjunction with a special event, the plan must be submitted in the standard format as approved by the director.

(f) A traffic control plan required by Subsection (e) must receive approval from the applicable city departments.

SEC. 42A-14. EMERGENCY MEDICAL SERVICES.

(a) An applicant for a special event permit shall provide, in accordance with Subsection (b) and the following schedule, emergency medical personnel and emergency medical vehicles to perform first aid and emergency medical services at the special event as required in the preliminary letter:

NUMBER OF EMERGENCY MEDICAL PERSONNEL/VEHICLES REQUIRED (based on estimated total attendance and scope of the special event)					
Type of Emergency Medical Personnel or Vehicle Required	1 - 100 participants/ spectators	101 - 3,000 participants/ spectators	3,001 - 5,000 participants/ spectators	5,001 - 25,000 participants/ spectators	Over 25,000 participants/ spectators
Paramedics	0	2	6	8	14
EMS Supervisors	0	1	1	3	5
Emergency Medical Vehicles	0	1	1	4	7

The fire chief may determine, based on the event scope, special needs, or risks, that emergency medical services will be provided via the 911 emergency response system.

(b) The director, upon recommendation of the chief of the Dallas fire-rescue department, may require a number of emergency medical personnel and emergency medical vehicles, in addition to those required in Subsection (a), if:

- (1) any alcoholic beverage is sold, served, or otherwise made available at the special event;
- (2) special needs for increased emergency medical services are created by:
 - (A) the topography or size of the special event location;
 - (B) weather conditions at the special event; or
 - (C) the time of day during which the special event is conducted;
- (3) the special event requires street closures or rerouting of vehicular or pedestrian traffic that may affect emergency access to the special event;
- (4) the special event involves specific activities that create a higher risk of illness or injury to persons participating in or attending the event, including but not limited to rodeos, sporting or athletic events, events involving motor vehicles, or marathons; or
- (5) the history of the particular special event indicates that a greater number of emergency medical personnel or emergency medical vehicles are required to protect the public health, safety, and welfare.

(c) The emergency medical personnel required to be provided at a special event by this section must be sworn members of the Dallas fire-rescue department, except that the chief of the Dallas fire- rescue department may authorize a special event applicant or permit holder to provide emergency medical personnel from other jurisdictions or entities if the chief determines that an insufficient number of Dallas fire-rescue officers will be available for a particular special event. Off-duty jobs for Dallas fire- rescue officers at a special event must comply with the Dallas Fire-Rescue Rules and Regulations.

SEC. 42A-15. INSURANCE.

(a) An applicant for a permit to hold a special event in which the estimated number of participants and spectators exceeds 2,500 for any day of the event shall procure and keep in full force and effect for the duration of the event insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers, employees, and appointed representatives as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the conduct of the special event by the applicant.

(b) Insurance is required in the following types and amounts:

(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than:

(A) \$500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or

(B) \$1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.

(2) If a special event includes vehicles, aircraft, or other equipment, devices, or activities that are excluded from coverage in the commercial general liability insurance policy required in Paragraph (1) of this subsection, then separate additional liability insurance coverage for the applicable exclusion must be provided by the applicant or the aircraft provider with combined single limits of liability for bodily injury and property damage of not less than:

(A) \$500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or

(B) \$1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.

(3) If any alcoholic beverage is sold, served, or otherwise made available at the special event, then separate additional liquor liability insurance must be provided by the alcoholic beverage license holder in an amount of not less than \$1,000,000 for each claim.

(4) If any fireworks, pyrotechnics, explosives, or other special effects are displayed at the special event, then separate additional general liability insurance must be provided by the pyrotechnics company in an amount of not less than \$3,000,000 for each claim.

(5) If security guards (other than Dallas police officers or city staff) are used at the special event, then separate additional security guard liability insurance must be provided by the security guard company in an amount of not less than \$1,000,000 for each claim.

(6) If emergency response or first aid stations (other than stations staffed by only Dallas fire-rescue officers or city staff) are provided at the special event, then separate additional medical liability insurance must be provided by the applicant in an amount of not less than \$1,000,000 for each claim, and if ambulance service (other than service provided by Dallas fire-rescue officers and vehicles) is provided, then separate additional automobile liability insurance must be provided by the emergency response or ambulance provider in an amount of not less than \$1,000,000 combined single limit for each claim.

(7) If amusement rides are provided at the special event, proof of separate additional general liability insurance meeting the state liability and coverage requirements for each particular ride must be provided by the applicant or the amusement ride provider, along with a current certificate of inspection for each ride.

(8) If animals are part of the special event, then separate additional general liability insurance covering any bodily injury and property damage caused by animals must be provided by the applicant or the animal provider in an amount of not less than \$500,000 for each claim.

(9) If the special event is conducted at a city-owned facility, general liability insurance must be provided by the applicant in an amount of not less than \$500,000 for each claim.

(c) In addition to the insurance requirements of Subsection (b) of this section, the director may require additional insurance for a special event if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.

(d) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to conduct the special event at the facility or property.

(e) An original certificate of insurance completed by an authorized agent of the insurance company and evidencing each insurance coverage required under this section must be delivered to the director at least 15 days before the special event begins.

(f) A special event permit will not be issued until the insurance requirements have been verified by the city's third-party provider.

SEC. 42A-16. STREET CLOSURES.

(a) Street closures shall require approval from applicable partner agencies and city departments.

(b) A permit holder must provide notice of street closures in accordance with Section 42A-18.

(c) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must follow a standard format approved by the director and be approved by the applicable departments prior to permit issuance.

(d) All traffic apparatus required to fulfil a traffic control plan must be acquired at the applicant's expense.

(e) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship.

SEC. 42A-17. PARKING.

(a) A complete parking plan must be submitted with each special event application. The director may waive this requirement for special events with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a special event permit.

(d) Meter hooding and no parking zones in connection with a special event must be limited to the shortest time feasible. “No parking” signs must be posted a minimum of 24 hours in advance of the special event and follow a standard format approved by the director.

(e) When the main use of the property is open for business and the designated parking is to be activated as part of the event space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the event space.

(f) When activating an event in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

(g) When restricting public or private parking, including handicapped accessible parking, the applicant must provide adequate alternate parking.

SEC. 42A-18. NOTICE.

(a) An applicant under a permit of this chapter shall deliver notice at the applicant’s expense. The director will determine the most appropriate method of notification according to the following table:

NOTIFICATION REQUIREMENTS							
COMMUNICATION TYPES	NO STREET CLOSURE	STATIC CLOSURE EVENTS			MOVING EVENTS		
		Simple	Moderate	Complex	Simple	Moderate	Complex
Notifications are NOT required for outdoor events with an expected attendance of 250 or fewer people and with no street/lane closures.	X						
Neighborhood/Residential based events: notify all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 15 days prior to the event date utilizing a minimum of two of the following communication methods: email distribution; electronic notification through web app. e.g. NextDoor; yard signs along the event footprint; posting in a neighborhood association/PTA/PTO newsletter and/or social media page; hand delivered; or mailed.		X	X	X	X	X	X
Deliver written notice to all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 30 days prior to the event date (mail, hand delivered, or door hanger).				X			X
Deliver written notice to all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 15 days prior to the event date (mail, hand delivered, or door hanger). Zone specific communication pieces apply.		X	X	X	X	X	X
Direct communication and notification is required via in-person or phone and a follow-up email to all major employers; multi-family housing; places of worship; and neighborhood associations abutting the event area and all those impacted by the event.			X	X	X	X	X
Contact Waze, Google etc. to request street closures be posted.				X		X	X
Council members are encouraged to post district specific event details to social media.	X	X	X	X	X	X	X
Council members are encouraged to distribute district specific street closure details to stakeholders from OSE weekly report.		X	X	X	X	X	X
Develop targeted (zone specific) communication. Utilize digital neighborhood based platforms and available databases to communicate street closures specific to neighborhoods and business zones impacted.					X	X	X
Develop targeted (zone specific) communication. Provide OSE a final communication piece to distribute to community stakeholders through the City Council Office and OSE (available database).				X	X	X	X
OSE to create and distribute a Traffic Advisory.				X			X
OSE to create and distribute a City Hall Announcement for all City Hall Plaza permitted events and all events that impact city hall garage access.	X			X			X
OSE to post event to web calendar with hyperlink to event website for maps, street closures, rerouting information etc.	X	X	X	X	X	X	X
Provide communication piece to be distributed by OSE through OSE email database (to be developed).		X	X	X	X	X	X

The director will determine the specific notification requirements based on a variety of factors including but not limited to: event size, dates, times, footprint, anticipated impact, and historical knowledge of the event.

(b) Notice must include any information that is required to be provided in the template approved by the director prior to distribution.

SEC. 42A-19. PORTABLE RESTROOM AND TRASH RECEPTACLE REQUIREMENTS.

(a) An applicant for a special event permit shall provide portable restrooms and trash receptacles at the special event in accordance with Subsection (b) and the following table:

MINIMUM NUMBER OF RESTROOM UNITS AND TRASH RECEPTACLES REQUIRED										
EXPECTED ATTENDANCE	HOURS OF EVENT									
	1	2	3	4	5	6	7	8	9	10
500 - 599	2	4	4	5	6	7	9	9	10	12
600 - 699	2	4	5	6	7	7	9	10	11	12
700 - 799	3	5	6	6	7	8	10	10	11	12
800 - 899	3	5	6	7	8	8	10	11	12	13
900 - 999	4	6	7	7	8	9	11	11	12	13
1,000 - 1,999	4	6	8	8	9	9	11	12	13	13
2,000 - 2,999	5	6	9	12	14	16	18	20	23	25
3,000 - 3,999	6	9	12	16	20	24	26	30	34	38
4,000 - 4,999	8	13	16	22	25	30	35	40	45	50
5,000 - 5,999	12	15	20	25	31	38	44	50	56	63
6,000 - 6,999	13	17	24	30	37	45	53	60	67	75
7,000 - 7,999	13	19	27	35	44	53	62	70	79	88
8,000 - 8,999	14	21	31	40	50	60	70	80	90	100
9,000 - 9,999	14	23	34	45	57	68	79	90	102	113
10,000 - 14,999	15	25	38	50	63	75	88	100	113	125
15,000 - 19,999	20	38	56	75	94	113	131	150	169	188
20,000 - 24,999	25	50	75	100	125	150	175	200	225	250
25,000 - 29,999	38	69	99	130	160	191	221	252	282	313
30,000 - 34,999	46	82	119	156	192	229	266	302	339	376
35,000 - 39,999	53	96	139	181	224	267	310	352	395	438
40,000 - 44,999	61	109	158	207	256	305	354	403	452	501
45,000 - 49,999	68	123	178	233	288	343	398	453	508	563
50,000 - 54,999	76	137	198	259	320	381	442	503	564	626
55,000 - 59,999	83	150	217	285	352	419	486	554	621	688
60,000 - 64,999	91	164	237	311	384	457	531	604	677	751
65,000 - 69,999	98	177	257	336	416	495	575	654	734	813
70,000 - 74,999	106	191	277	362	448	533	619	704	790	876
75,000 - 79,999	113	205	296	388	480	571	663	755	846	938
80,000 - 84,999	121	218	316	414	512	609	707	805	903	1001
85,000 - 89,999	128	232	336	440	544	647	751	855	959	1063
90,000 - 94,999	136	246	356	466	576	686	796	906	1016	1126
95,000 - 99,999	143	259	375	491	607	724	840	956	1072	1188
100,000 or more	151	273	395	517	639	762	884	1006	1128	1251

- (b) The director may require additional restroom units if:
 - (1) the estimated number of participants and spectators exceeds 100,000 during any day of the special event;
 - (2) the estimated duration of the special event exceeds 10 hours on any day of the event;
 - (3) any alcoholic beverage is sold, served, or otherwise made available at the special event; or
 - (4) the history of the particular special event indicates that a greater number of portable restroom units are required for public health, safety, and welfare.
- (c) At least five percent of the portable restrooms required by this section must comply with the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12101, et seq.
- (d) The director may reduce restroom requirements with written confirmation that restrooms will be serviced during the permitted event.

SEC. 42A-20. DENIAL OR REVOCATION.

- (a) The director shall deny a special event permit if:
 - (1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter;
 - (2) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the special event;
 - (3) the applicant has had a special event permit revoked within the preceding 14 months;
 - (4) the applicant has received, within the preceding 14 months, two or more notices of violation or citations related to a provision of a special event permit or this chapter;
 - (5) the chief of the police department, the chief of the fire-rescue department, or the director determines that the special event would pose a serious threat to the public health, safety, or welfare;
 - (6) the applicant or any other person responsible for the conduct or sponsorship of the special event is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(7) the applicant has a history of conducting or sponsoring special events in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner;

(8) the director is notified of any code violation on the property where the special event will be held; or

(9) an event will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.

(b) The director shall revoke a special event permit if:

(1) the applicant fails to comply with or the special event is in violation of any provision of the special event permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for a special event permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the special event poses a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the special event location;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed special event or for a past special event;

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the special event is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or

(7) the director is notified of any code violations on the property where the special event will be held.

ARTICLE III. NEIGHBORHOOD MARKET.

SEC. 42A-21. APPLICATION; ISSUANCE.

(a) A person desiring to hold a neighborhood market shall submit an online application with the office of special events. An application must be filed not less than 30 business days before the neighborhood market is to begin. The director may waive the filing requirement if the application is submitted within five days of the submission due deadline and the application can be processed in less than the number of calendar days required, taking into consideration the number and types of additional licenses and permits that may be required to be issued in

conjunction with the neighborhood market permit and the extent of public safety, department, or agency review required based on the scope of the market. An activity that qualifies for a neighborhood market permit under this article is not required to obtain a special event permit under Article II of this chapter.

(b) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a neighborhood market permit will be issued. All requirements must be met prior to permit issuance.

(c) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 business days without a response from the applicant.

(d) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review of the city departments and partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include the entity that manages or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt requiring a response. If no response is received, the director may proceed with permitting; however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(e) If the proposed market will be held on private property and the applicant does not own the property, the applicant shall obtain the written consent of the property owner to conduct the scheduled activity on the property with the authorization including the dates and times of the scheduled activity. The written consent must be submitted at the time of application. The applicant shall present the written consent to the director or any peace officer upon request.

(f) The director shall cancel a neighborhood market permit application if:

(1) a neighborhood market permit has been granted or is in the review process for another neighborhood market at the same or a nearby place and the same time.

(2) an established neighborhood market is customarily held at the same or a nearby place and the same time as the proposed neighborhood market.

(3) the proposed neighborhood market will occupy any part of a freeway, expressway, or tollway.

(4) the proposed neighborhood market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available.

(5) the proposed neighborhood market cannot comply with high impact parameters.

(6) the applicant makes a false statement of material fact on an application for a neighborhood market permit or fails to properly complete an application for a neighborhood market permit.

(7) the applicant had a neighborhood market permit revoked within the preceding 14 months.

(8) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a neighborhood market permit or this chapter.

(9) the applicant has a history of conducting or sponsoring neighborhood markets in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(g) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed scheduled activity or a past scheduled activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(h) If the applicant makes major changes to the original submission of an application, this will result in the original permit application being cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(i) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(j) After reviewing and confirming all permit requirements have been met, the director shall issue the permit unless denial or revocation is required by Section 42A-35. A neighborhood market permit expires one year after issuance and may only be issued for 46 nonconsecutive days in a year.

SEC. 42A-22. LOCATION OF A NEIGHBORHOOD MARKET.

(a) A neighborhood market may not be conducted:

(1) in the central business district;

(2) in a single family, duplex, or townhouse zoning district as defined in the Dallas Development Code;

(3) within one mile of another neighborhood market permitted under this chapter that has the same or overlapping operating dates and times;

(4) at any location where one or more neighborhood markets have already been conducted a total of 28 days during the particular calendar year;

(5) at any location other than the one listed in the permit application;

(6) at a public park; or

(7) on a sidewalk.

SEC. 42A-23. OPERATION OF A NEIGHBORHOOD MARKET.

(a) A neighborhood market must operate a minimum of 12 days in a calendar year at the same location, but may not be operated more than 46 days at the same location in a calendar year and may not be operated on consecutive days.

(b) A neighborhood market may only be operated between the hours of 8 a.m. and 10 p.m. on any day of the week.

(c) The neighborhood market may only be operated in accordance with the schedule filed with the director at the time of permit application. An amendment to the schedule may be approved by the director during the calendar year. An amendment request and the required change fee must be received by the director at least 15 days before implementing any changes. Date changes do not constitute a major change.

(d) Except as provided in this subsection, no more than 75 vendors may participate in a neighborhood market. Two of the 46 market days may be designated as holiday or specialty markets, and as such, will allowed up to 100 vendors. A current vendor list must be on file with the Office of Special Events. Changes or additions to this vendor list may be made throughout the year. Current vendor fees will be assessed with each submission. No change fees will apply.

(e) Each stall area used by a vendor may not exceed 10 feet by 15 feet.

(f) All litter, tents, stalls, food, merchandise, and other evidence of the neighborhood market must be removed from the premises at the end of each market day.

(g) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the neighborhood market, as well as at the neighborhood market site the day of the neighborhood market, to respond to any questions or concerns from police officers or code compliance officers.

This individual shall meet police officers or code enforcement officers at the neighborhood market site within one hour of being contacted by telephone or email.

SEC. 42A-24. STREET CLOSURES.

(a) Street closures are limited to one block with no intersections for a Neighborhood Market.

(b) Street closures shall require approval from applicable partner agencies and city departments.

(c) A permit holder must provide notice of street closures in accordance with Section 42A-18.

(d) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must follow a standard format approved by the director and be approved by the applicable departments prior to permit issuance.

(e) All traffic apparatus required to fulfill a traffic control plan must be acquired at the applicant's expense.

(f) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship.

SEC. 42A-25. PARKING.

(a) A complete parking plan must be submitted with each neighborhood market application. The director may waive this requirement for neighborhood markets with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a neighborhood market permit.

(d) Meter hooding and no parking zones in connection with a neighborhood market must be limited to the shortest time feasible. "No parking" signs must be posted a minimum of 24 hours in advance of the neighborhood market and follow a standard format approved by the director.

(e) When the main use of the property is open for business and the designated parking is to be activated as part of the neighborhood market space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the neighborhood market space.

(f) When activating a neighborhood market in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

(g) When restricting public or private parking, including handicapped accessible parking, the applicant must provide adequate alternate parking.

SEC. 42A-26. PRODUCTS AT A NEIGHBORHOOD MARKET.

(a) Products that may be sold at a neighborhood market include, but are not limited to, the following:

- (1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.
- (2) Meats.
- (3) Dairy products.
- (4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.
- (5) Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.
- (6) Garden items, including but not limited to plants, flowers, and soil.

(b) At least 40 percent of the vendors participating in a neighborhood market must sell produce or other food items.

(c) All products to be distributed, offered for sale, or sold at the neighborhood market have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area.

(d) No products may be offered for resale.

(e) Live animals may not be distributed, offered for sale, or sold at a neighborhood market.

SEC. 42A-27. VENDOR'S STATEMENT.

(a) Each calendar year before vending at a neighborhood market, a vendor shall sign and provide the permit holder with a written statement that:

(1) all products to be distributed, offered for sale, or sold at the neighborhood market have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area; and

(2) no product is being offered for resale.

(b) The permit holder shall maintain a vendor statement for each vendor operating at the neighborhood market and shall present the vendors' statements to the director or any peace officer upon request.

SEC. 42A-28. DENIAL OR REVOCATION.

(a) The director shall deny a neighborhood market permit if:

(1) within one mile of another neighborhood market permitted under this chapter that has the same or overlapping operating dates and times;

(2) the proposed neighborhood market will unreasonably disrupt the surrounding areas or the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

(3) the applicant fails to adequately provide for:

(A) the protection of the vendors and attendees at the neighborhood market;

(B) maintenance of public order in and around the neighborhood market location;

(C) crowd security, taking into consideration the size of the neighborhood market; or

(D) emergency vehicle access.

(4) the applicant fails to comply with or the proposed neighborhood market will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this article;

(5) the applicant makes a false statement of material fact on an application for a neighborhood market permit or fails to properly complete an application for a neighborhood market permit;

(6) the applicant has had a neighborhood market permit revoked within the preceding 14 months;

(7) the applicant or a vendor at the applicant's neighborhood market has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a neighborhood market permit or this chapter;

(8) a neighborhood market has been conducted at the location of the proposed neighborhood market on at least 40 days during the same calendar year in which the proposed neighborhood market is to be conducted;

(9) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood market would pose a serious threat to the public health, safety, or welfare;

(10) the applicant or any other person responsible for the conduct or sponsorship of the neighborhood market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person or the applicant fails to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed neighborhood market or for a past neighborhood market; or

(11) the applicant has a history of conducting or sponsoring a neighborhood market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(b) The director shall revoke a neighborhood market permit if:

(1) the permit holder failed to comply with or the neighborhood market is in violation of any provision of the neighborhood market permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement of material fact on an application for a neighborhood market permit or failed to properly complete an application for a neighborhood market permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood market poses a serious threat to the public health, safety, or welfare;

(4) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed neighborhood market or for a past neighborhood market;

(5) the permit holder or any other person responsible for the conduct or sponsorship of the neighborhood market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person;

(6) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the neighborhood market; or

(7) the director is notified of any code violations on the property where the neighborhood market will be held.

ARTICLE IV.

DALLAS FARMERS MARKET NEIGHBORHOOD FARMERS MARKET.

SEC. 42A-29. APPLICATION; ISSUANCE.

(a) This article relates solely to the Leased Premises as defined in the Dallas Farmers Market Shed 1 lease.

(b) The Dallas Farmers Market shall submit an online application with the office of special events. An application must be filed not less than 30 business days before the Dallas Farmers Market Neighborhood Farmers Market is to begin.

(c) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a permit will be issued. All requirements must be met prior to permit issuance.

(d) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 business days without a response from the applicant.

(e) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by partner agencies. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt requiring a response. Each review phase is allowed 10 business days. Review phases run sequentially with public safety review getting the first 10 business days and department and partner agency review getting the second 10 business days. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the event request, or a resolution cannot be reached, a permit will be denied.

(f) The director shall cancel a Dallas Farmers Market Neighborhood Farmers Market permit application if:

(1) the proposed Dallas Farmers Market Neighborhood Farmers Market will occupy any part of a freeway, expressway, or tollway.

(2) the proposed Dallas Farmers Market Neighborhood Farmers Market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available.

(3) the proposed Dallas Farmers Market Neighborhood Farmers Market cannot comply with high impact parameters.

(4) the applicant makes a false statement of material fact on an application for a Dallas Farmers Market Neighborhood Farmers Market permit or fails to properly complete an application for Dallas Farmers Market Neighborhood Farmers Market permit.

(5) the applicant had a Dallas Farmers Market Neighborhood Farmers Market permit revoked within the preceding 14 months.

(6) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a Dallas Farmers Market Neighborhood Farmers Market permit or this chapter.

(7) the applicant has a history of conducting or sponsoring the Dallas Farmers Market Neighborhood Farmers Market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(g) The building official, departments, and the director may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of the Dallas Farmers Market Neighborhood Farmers Market to be incorporated into the permit before issuance.

(h) Major changes to the original submission of an application require the submission of a new permit application along with new application processing fees. The original permit application will be deemed incomplete and cancelled.

(i) After reviewing and confirming all permit requirements have been met, the director shall issue a Dallas Farmers Market Neighborhood Farmers Market permit unless denial is required by Section 42A-34. A Dallas Farmers Market Neighborhood Farmers Market permit expires one year after issuance.

SEC. 42A-30. STREET CLOSURES.

(a) Street closures shall require approval from applicable partner agencies and city departments:-

(b) An applicant must provide notice of street closures in accordance with Section 42A-18.

(c) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must follow a standard format approved by the director and be approved by the applicable departments prior to permit issuance.

(d) All traffic apparatus required to fulfil a traffic control plan must be acquired at the applicant's expense.

(e) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship.

SEC. 42A-31. PARKING.

(a) A complete parking plan must be submitted with each application. The director may waive this requirement for markets with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a permit.

(d) Meter hooding and no parking zones in connection with a market must be limited to the shortest time feasible. "No parking" signs must be posted a minimum of 24 hours in advance of the market and follow a standard format approved by the director.

(f) When the main use of the property is open for business and the designated parking is to be activated as part of the market space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the event space.

(g) When activating a market in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

(h) When restricting public or private parking, including handicapped accessible parking, the applicant must provide adequate alternate parking.

SEC. 42A-32. OPERATIONS OF DALLAS FARMERS MARKET NEIGHBORHOOD FARMERS MARKET.

(a) The Dallas Farmers Market Neighborhood Farmers Market may only be operated between the hours of 8 a.m. and 10 p.m. on any day of the week.

(e) The Dallas Farmers Market Neighborhood Farmers Market may only be operated in accordance with the schedule filed with the director at the time of permit application. An amendment to the schedule may be approved by the director during the calendar year. The request and the required change fee must be received by the director in writing at least 15 days before implementing any changes.

(c) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the Dallas Farmers Market Neighborhood Farmers Market, as well as at the Dallas Farmers Market site the day of the permitted activity, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the Dallas Farmers Market Neighborhood Farmers Market site within one hour of being contacted by telephone or email.

SEC. 42A-33. PRODUCTS AT DALLAS FARMERS MARKET NEIGHBORHOOD FARMERS MARKET.

(a) Products that may be sold at the Dallas Farmers Market Neighborhood Farmers Market include, but are not limited to, the following:

- (1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.
- (2) Meats.
- (3) Dairy products.
- (4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.
- (5) Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.
- (6) Garden items, including but not limited to plants, flowers, and soil.

(b) At least 40 percent of the vendors participating in the Dallas Farmers Market Neighborhood Farmers Market must sell produce or other food items.

(c) Live animals may not be distributed, offered for sale, or sold at the Dallas Farmers Market Neighborhood Farmers Market.

SEC. 42A-34. DENIAL OR REVOCATION.

(a) The director shall deny a Dallas Farmers Market Neighborhood Farmers Market permit if:

(1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter;

(2) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the Dallas Farmers Market Neighborhood Farmers Market;

(3) the applicant has had a Dallas Farmers Market Neighborhood Farmers Market permit revoked within the preceding 14 months;

(4) the applicant has received within the preceding 14 months, two or more notices of violations or citations related to a provision of the Dallas Farmers Market Neighborhood Farmers Market permit or this chapter;

(5) the chief of the police department, the chief of the fire-rescue department, or the director determines that the Dallas Farmers Market Neighborhood Farmers Market would pose a serious threat to the public health, safety, or welfare;

(6) the applicant or any other person responsible for the conduct or sponsorship of the Dallas Farmers Market Neighborhood Farmers Market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(7) the applicant has a history of conducting or sponsoring the Dallas Farmers Market Neighborhood Farmers Market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner;

(8) the director is notified of any code violation on the property where the Dallas Farmers Market Neighborhood Farmers Market will be held; or

(9) the Dallas Farmers Market Neighborhood Farmers Market will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.

(b) The director shall revoke a Dallas Farmers Market Neighborhood Farmers Market permit if:

(1) the applicant fails to comply with or the market is in violation of any provision of the Dallas Farmers Market Neighborhood Farmers Market permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for the Dallas Farmers Market Neighborhood Farmers Market permit;

- (3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the market poses a serious threat to the public health, safety, or welfare;
- (4) the permit holder fails to maintain public order in and around the market location;
- (5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the market or for a past market;
- (6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or
- (7) the director is notified of any code violations on the property.

ARTICLE V. STREETLIGHT POLE BANNERS.

SEC. 42A-35. APPLICATION; ISSUANCE.

(a) Except as provided for a streetlight pole banner in a special provision sign district in Chapter 51A of this code, an application for a streetlight pole banner permit must comply with the requirements in this section. If there is a conflict between a requirement in this section and a requirement for a streetlight pole banner in a special provision sign district in Chapter 51A, the requirement in Chapter 51A prevails.

(b) The application for a permit authorizing the placement of streetlight pole banners must be submitted online to the office of special events at least 30 business days prior to the proposed streetlight pole banner installation date.

(c) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review of city departments and partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include the entity that manages or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt of the request requiring a response. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(d) An application must be completed in full before it can be invoiced. An application will not be processed, and the streetlight poles will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a permit will be issued. All requirements must be met prior to permit issuance.

(e) The director shall respond in writing by email to the applicant within three business days of receipt of the application acknowledging receipt of the application.

(f) The director shall review the application to determine whether the requested streetlight poles are available for the erection of streetlight pole banners. If the requested streetlight poles are not available, the applicant must resubmit an alternate list of requested streetlight poles within 48 hours of receiving the preliminary letter. If alternate streetlight poles are not submitted within 48 hours of receiving the preliminary letter, the process will continue with only the available poles.

(g) The director shall provide the applicant with a preliminary letter containing the requirements for permit issuance upon completion of departmental and partner agency review.

(h) The director may cancel an application for a streetlight pole banner permit if:

(1) a streetlight pole banner permit has been granted or is in the review process for another streetlight pole banner permit with the same poles and during the same time period;

(2) the applicant makes a false statement of material fact on an application for a streetlight pole banner permit or fails to properly complete an application for a streetlight pole banner permit;

(3) the applicant had a streetlight pole banner permit revoked within the preceding 14 months;

(4) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a streetlight pole banner permit or this chapter; or

(5) the applicant has a history of conducting the installation, maintenance, or removal of streetlight pole banners in a disorderly or unsafe manner.

(i) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 calendar days without a response from the applicant.

(j) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed installation of the streetlight pole banners, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(k) If the applicant makes major changes to the original submission of an application after the preliminary letter has been issued, this will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(l) An application that has been cancelled cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(m) An applicant may not hold more than one active streetlight pole banner permit at a time.

(n) A streetlight pole banner permit application may not be submitted more than one year prior to the banner installation date.

(o) Applications for streetlight pole banners in the arts district must be from cultural institutions located in the arts district. The Arts District Foundation shall provide the office of special events a map with pole assignments for each cultural institution each calendar year.

(p) Applications for streetlight pole banners for pre-determined signature events within the downtown area including, but not limited to, Main Street, Commerce Street, and Elm Street, have a right of first refusal. All other permit applications will be processed on a first-come, first-serve basis.

(q) After reviewing and confirming all permit requirements have been met, the director shall issue the streetlight pole banner permit unless denial or revocation is required by Section 42A-39. Except as provided in this subsection, a streetlight pole banner permit will be issued for a period of 60 consecutive days. A streetlight pole banner permit may be extended for additional consecutive 60-day periods not to exceed a year. All applicable fees must be paid for any permit extension. A streetlight pole banner permit for a Public Improvement District will be issued for a period of one calendar year.

SEC. 42A-36.

PERMIT EXTENSION

a) An applicant may not submit a request to extend a streetlight pole banner permit to the office of special events earlier than two weeks prior to the expiration of an existing streetlight pole banner permit.

b) A streetlight pole banner permit may be extended in additional 60-day increments based upon availability of the streetlight poles.

c) Streetlight pole banner permits may be extended for a maximum of one year.

d) The director shall assess all applicable streetlight pole banner fees in 60-day increments.

e) Except that this section does not apply to the Public Improvement District Annual Streetlight Pole Banner Permit.

SEC. 42A-37. INSURANCE.

(a) A person installing a streetlight pole banner shall procure and keep in full force and effect insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers, employees, and appointed representatives as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the installation of the streetlight pole banner by the applicant.

(b) Insurance required under this article must include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling the insurance policy or before making a reduction in coverage.

(c) Insurance is required in the following types and amounts:

(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence with a \$2,000,000 annual aggregate.

(2) Business automotive liability insurance covering owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of \$1,000,000 per occurrence.

(3) Worker's compensation insurance with statutory limits.

(4) Employer's liability insurance with the following minimum limits for bodily injury by:

(A) accident, \$1,000,000 per each accident; and

(B) disease, \$1,000,000 per employee with a per policy aggregate of \$1,000,000.

(5) Umbrella liability insurance following the form of the primary liability coverage described in Subsection (a) and providing coverage with minimum combined bodily injury (including death) and property damage limit of \$1,000,000 per occurrence and \$1,000,000 annual aggregate.

(d) In addition to the insurance requirements of Subsection (c) of this section, the director may require additional insurance for a streetlight pole banner if such additional insurance

is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.

(e) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to erect a streetlight pole banner at the facility or property.

(f) A streetlight pole banner permit will not be issued until the insurance requirements have been verified by the city's designated third-party provider.

SEC. 42A-38. STREETLIGHT POLE BANNER REGULATIONS.

(a) In general.

(1) Except as provided for a streetlight pole banner in a special provision sign district in Chapter 51A of this code, streetlight pole banners must comply with the requirements in this section. If there is a conflict between a requirement in this section and a requirement for a streetlight pole banner in a special provision sign district in Chapter 51A, the requirement in Chapter 51A prevails.

(2) A streetlight pole banner must be in general compliance with the streetlight pole design manual published by the office of special events.

(3) The sign hardware for a streetlight pole banner may be left in place between displays of a banner.

(4) A streetlight pole banner and its sign hardware must:

- (A) be mounted on a streetlight pole;
- (B) be at least 12 feet above grade, unless it overhangs a roadway, in which case it must be at least 15 feet above grade;
- (C) be made out of weather resistant and rust proof material especially designed for outdoor use;
- (D) be printed on both sides of material;
- (E) not be illuminated;
- (F) not project more than three feet from the pole onto which it is mounted;

(G) not exceed 25 square feet in effective area;

(H) not obstruct the view of traffic or any traffic control devices or impede or endanger the flow of traffic; and

(I) not interfere with emergency equipment, including fire, police, medical, electrical, commercial vehicles and trucks, or bus transportation.

(5) The maximum number of streetlight pole banners is two per pole, with each banner on one opposite side of the pole.

(b) Public improvement districts.

(1) This section applies only to PID management corporations.

(2) District identification banners are defined as long-term banners that identify a geographic location or place of interest. Streetlight poles must be located within the defined geographic boundaries of the public improvement district.

(3) Streetlight pole banner permits granted to a public improvement district management corporation must comply with the standards in this subsection and will be issued on an annual basis.

(4) District identification banners are excluded from all permit application processing fees

(5) PID's have first right-of-refusal for streetlight poles previously permitted to a public improvement district before being reissued to an applicant other than that of the public improvement district management corporation; however, an active permit must be maintained by the public improvement management corporation to prevent poles from being reissued to another entity.

SEC. 42A-39. DENIAL OR REVOCATION.

(a) The director shall deny a streetlight pole banner permit if:

(1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter;

(2) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the installation, maintenance, or removal of the streetlight pole banners;

(3) the applicant has had a streetlight pole banner permit revoked within the preceding 14 months;

(4) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a streetlight pole banner permit or this chapter;

(5) the chief of the police department, the chief of the fire-rescue department, or the director determines that the installation, maintenance, or removal of the streetlight pole banners would pose a serious threat to the public health, safety, or welfare;

(6) the applicant or any other person responsible for the installation, maintenance, or removal of the streetlight pole banners is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person; or

(7) the applicant has a history of conducting the installation, maintenance, or removal of streetlight pole banners in a disorderly or unsafe manner.

(b) The director shall revoke a streetlight pole banner permit if:

(1) the applicant fails to comply with, or the streetlight pole banners are in violation of any provision of the streetlight pole banner permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for a streetlight pole banner permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the installation, maintenance, or removal of the streetlight pole banners pose a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the installation, maintenance, or removal of the streetlight pole banners;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the installation, maintenance, or removal of the streetlight pole banners; or

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the installation, maintenance, or removal of the streetlight pole banners is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person.

ARTICLE VI. ENFORCEMENT.

SEC. 42A-40. OFFENSES.

(a) A person commits an offense if he commences set up or conducts a special event, or neighborhood market, or erects a streetlight pole banner:

(1) without a permit issued under this chapter or, for a streetlight pole banner in a special provision sign district, a sign permit issued under Chapter 51A of this code; or

(2) in violation of any provision of a permit issued under this chapter, this chapter, or any other city ordinance or applicable law.

(b) A person commits an offense if he is the individual named by the permit holder as the contact person for the event and he fails to meet police officers or code enforcement officers at the site of the special event, or neighborhood market within one hour of being contacted by a police officer or code enforcement officer by telephone or email.

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

(d) This chapter may be enforced by the director of the office of special events, the director of code compliance, the chief of police, the fire chief, or their designated representatives.

SEC. 42A-41. PENALTY.

(a) A person who violates a provision of this chapter or a requirement of a permit issued under this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.

(b) Each offense is punishable by a fine not to exceed:

(1) \$2,000 for a violation of a provision of this chapter or a requirement of a permit governing fire safety, zoning, or public health and sanitation, including dumping of refuse; or

(2) \$500 for all other violations of this chapter or requirements of a permit issued under this chapter.”

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 4. That Chapters 29A and 42A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 7. That this ordinance shall take effect on June 1, 2019, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By _____
Assistant City Attorney

Passed _____