

ORDINANCE NO. 2015-34

AN ORDINANCE OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING THE MUNICIPAL CODE OF ORDINANCES BY REPLACING THE EXISTING SECTION 18-24 (ENTITLED "PERMITS REQUIRED FOR PARADES AND PROCESSIONS; EXCEPTIONS") IN ITS ENTIRETY WITH NEW SECTION 18-24 (ENTITLED "PERMITS REQUIRED FOR PROCESSIONS AND TEMPORARY STREET CLOSURE"); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE AND PROVIDING FOR PENALTY.

WHEREAS, the City of Copperas Cove is a home rule municipality vested by the Texas Constitution to adopt such rules and regulations necessary to protect the public health, safety and welfare; and

WHEREAS, the City of Copperas Cove holds lawful title to the municipal streets, sidewalks within its corporate limits, for the benefit of the Citizens of the State of Texas; and

WHEREAS, in order to protect the health, safety and welfare of the Citizens of Copperas Cove the City Council deems it appropriate to enact certain regulations relating to public processions and temporary street closures so that such processions or closures do not unnecessarily impede or imperil pedestrian traffic; and

WHEREAS, City Council deems it advisable to authorize and direct the City Manager to administer this Ordinance, subject to an aggrieved applicant for a permit right to appeal to City Council.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, THAT:

Section 1. The Municipal Code of Ordinances, is hereby amended by replacing the existing language of Section 18-24 (entitled "*Permits Required for Parades and Processions; Exceptions*") in its entirety with new Section 18-24 (entitled "*Permits Required for Processions and Temporary Street Closure*");

Section 2. All ordinances or part thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 3. That should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the City as a whole or any part thereof, other ordinance of the City as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. That this ordinance shall go into effect on January 1, 2016.

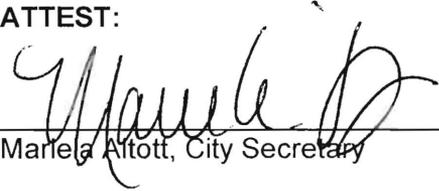
PASSED, APPROVED AND ADOPTED this 3rd day of November, 2015, at a regular meeting of the City Council of the City of Copperas Cove, Texas, which meeting was held in compliance with the Open Meetings Act, *Tex. Gov't. Code* §551.001, et.seq., at which meeting a quorum was present and voting.

CITY OF COPPERAS COVE



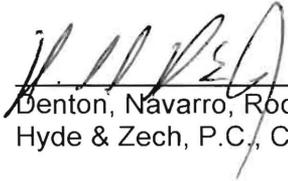
John A. Hull, Mayor

ATTEST:



Marjela Altott, City Secretary

APPROVED AS TO FORM:



Denton, Navarro, Rocha, Bernal,
Hyde & Zech, P.C., City Attorney

Exhibit "A"

Sec. 18-24. - Permits required for Processions and Temporary Street Closure.

Sec. 18-24. - Permits required for Processions and Temporary Street Closure.

- (a) Purpose. To protect the health, safety and welfare of the citizens of Copperas Cove in the conduct of Processions and Temporary Street Closures.
- (b) Scope. This Section 18-24, including Subsections 18-24.1 and 18-24.2, shall set the requirements for application and issuance of permits for Processions and Temporary Street Closures upon the public streets, rights-of-way and sidewalks of the City. Unless, expressly contradicted by language in either Subsections 18-24.1 and 18-24.2, this Section 18.24, shall apply to Processions and Temporary Street Closures, in conjunction with Subsections 18-24.1 and 18-24.2 as the case may be.
- (c) Definitions.
- (1) *Administrator* means the Chief Building Official or the Chief Building Official's designee.
 - (2) *CCPD* means the City of Copperas Cove Police Department.
 - (3) *Coordinator* means the funeral director or other person responsible for coordinating a Funeral Procession
 - (4) *Funeral Procession* means a pedestrian or motor vehicle procession, from a funeral home or church or other place of worship to a cemetery.
 - (5) *Permit* means, as context requires, either a Procession Permit or a Temporary Street Closure Permit.
 - (6) *Police Official* means the Chief of the City of Copperas Cove Police Department, or the Chief's designee.
 - (7) *Procession* means a group of persons, moving along, by whatever means, in an orderly, formal manner on any street, alley, or public thoroughfare from a point of origin to a point of termination or a group of persons moving along, by whatever means, in an orderly, formal manner anywhere else in the city from a point of origin to a point of termination in such a way as to impede the normal flow or regulation of pedestrian or vehicular traffic. Funeral processions, as defined herein, are not included in this definition.
 - (8) *Procession Permit* means a permit required by this Section in order to conduct a Procession.
 - (9) *Section* means this Section 18-24 and as context requires Subsections 18-24.1 and 18-24.2.
 - (10) *Temporary Street Closure* means the closure of a public street or alley for period not to exceed 72 hours.
 - (11) *Temporary Street Closure Permit* means a permit allowing the closure of a public street or alley for period not to exceed 72 hours.
 - (12) *TxDOT* means the Texas Department of Transportation.
 - (13) *TxDOT rights-of-way* means streets roads and highways located within the corporate limits of the City, which TxDOT has primary jurisdiction over.
- (d) TxDOT rights-of-way. It shall be a prerequisite of any application for a Procession or Temporary Street Closure Permit for an activity, which includes use of TxDOT rights-of-way that the applicant obtain the written consent of TxDOT, prior to seeking a Permit under this Section.
- (e) Application fee. Any Applicant for a Permit under this Section shall submit with the required application the appropriate fee as set out on the City's most current Fee Schedule.

- (f) Insurance. Prior to approval of an application for either a Parade Procession or Street Closure, the applicant shall submit to the Administrator, a certificate of insurance and endorsement evidencing commercial general liability coverage, including premises/operations, independent contractors, personal injury, and contractual liability, at a combined single limit of one million dollars (\$1,000,000.00) per occurrence, with the city being named as the additional insured by endorsement. The applicant shall provide at least thirty (30) days' advance notice of cancellation or material alteration of the insurance policy.
- (g) Quarterly Report The Administrator shall report quarterly to City Council a lists of all parade and street closure applications submitted, approved and denied during the period preceding the date of the City Council meeting when the report is submitted.
- (h) Appeal. Any Permit Applicant who is denied a Permit, or has a Permit revoked, or who is otherwise aggrieved by a decision of the Administrator may appeal such decision to the City Manager. A Permit Applicant who is unsatisfied with the City Manager's decision may appeal that decision to City Council. The appeal shall be placed on the City Council's first available agenda. The City Council shall hear the appeal in open session and shall render a decision at the conclusion of the hearing. Said decision of the City Council shall be final.
- (i) Penalty. Any violation of this Section shall, upon conviction, be punishable in accordance with Section 1-5 of this Code.

Sec. 18-24.1 - Permits required for Parades and Processions.

- (a) Procession Permit required.
 - (1) No Procession, shall occupy, march or proceed along any street except in accordance with a permit issued by the Administrator and such other regulations as are set forth herein which may apply.
 - (2) Exceptions to Procession Permit. This Section shall not apply to
 - A. The movement of persons in an orderly, formal manner from a point of origin to a point of termination on a sidewalk, so long as the movement does not impede the normal flow or regulation of pedestrian or vehicular traffic; or
 - B. A public assemblage that does not involve the movement of persons in an orderly, formal manner from a point of origin to a point of termination.
 - C. Funeral Processions. A permit is not required for a Funeral Procession provided the Coordinator contacts the Police Official at least 24 hours prior to the funeral to coordinate the funeral procession route, police escorts and related matters.
- (b) Procession Permit application
 - (1) A person desiring a Procession Permit shall file an application with the Administrator on forms provided by such officer. Such application shall be filed not less than 30 days and not more than 60 days before the date on which it is proposed to conduct the parade.

- (2) The application for a parade permit shall set forth the following information:
- A. The name, address and telephone number of the person seeking to conduct such parade;
 - B. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;
 - C. The name, address and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;
 - D. The date when the parade is to be conducted;
 - E. The route to be traveled, the starting point and the termination point;
 - F. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and description of the vehicles;
 - G. The hours when such parade will start and terminate;
 - H. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
 - I. The location by streets of any assembly areas for such parade;
 - J. The time at which units of the parade will begin to assemble at any such assembly area or areas;
 - K. The interval of space to be maintained between units of such parade;
 - L. If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the chief of police or administrator a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf; and
 - M. Any additional information which the Administrator shall find reasonably necessary to a fair determination as to whether a permit should be issued.
- (3) The Administrator, where good cause is shown therefor, shall have the authority to consider any application under this article which is filed less than thirty days before the date such parade is proposed to be conducted.

(c) Standards for Procession Permit issuance.

- (1) The Administrator, shall issue a parade permit when, from a consideration of the application and from such other information as may otherwise be obtained, the Administrator finds:
- A. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
 - B. The conduct of the parade will not require the diversion of so great a number of police officers of this city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to this city;
 - C. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of this city other than that to be occupied by the proposed line of march and areas contiguous thereto;
 - D. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and

police protection of, or ambulance service to, areas contiguous to such assembly areas;

- E. The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;
- F. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provide disorderly conduct or create a disturbance;
- G. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route; and
- H. The applicant is in compliance with all requirements of this Section.

(d) Notice of Procession Permit denial. If the Administrator disapproves the application for a parade permit, notice shall be mailed to the applicant within three days after the date of such disapproval.

(e) Duties of Permit Holder.

(1) Each Permit Holder shall comply with all requirements of this article, the Permit directions and conditions, and with all applicable laws and ordinances.

(2) Each Permit Holder is responsible for:

- A. Scheduling and the use and pick up of traffic control devices for the Procession in accordance with the City's Public Works Department requirements.
- B. Scheduling the clean up of the Procession route in accordance with the City's Public Works Department requirements.
 - 1. The Permit Holder must immediately clean up behind animals participating in the procession to avoid City personnel overtime costs.
- C. Submitting a traffic control plan approved by the CCPD.
- D. Prior to approval of the application for a Procession Permit, the applicant shall submit to the Administrator, a certificate of insurance and endorsement evidencing commercial general liability coverage, including premises/operations, independent contractors, personal injury, and contractual liability, at a combined single limit of one million dollars (\$1,000,000.00) per occurrence, with the city being named as the additional insured by endorsement. The applicant shall provide at least thirty (30) days' advance notice of cancellation or material alteration of the insurance policy.

(f) At least seventy-two (72) hours before the scheduled start of the event, the Permit Holder shall make a reasonable effort to notify the businesses and residences located around the assembly area, along the Procession route, and around the disbanding area of the scheduled Procession. A copy of any flyer or handout used in making the notification shall be provided to the administrator at least seventy-two (72) hours prior to the beginning of the Procession.

(g) Alternative Procession Permit. The Administrator in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date,

at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the Administrator, file a written notice of acceptance with the Administrator. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under this article.

(h) Contents of Procession Permit.

(1) Each parade permit shall state the name, address and contact number for the applicant and contain the following information:

- A.** Starting point;
- B.** The portions of the streets to be traversed that may be occupied by the parade; and
- C.** Such other information as the Administrator shall find necessary to the enforcement of this article.

(i) Revocation of Procession Permit. The City Manager shall have the authority, after a hearing affording due process, to revoke a parade permit issued under this article upon application of the standards for issuance as set forth in this Section.

Sec. 18-24.2 - Permits required for Temporary Street Closure.

(a) Temporary Street Closure Procedures. Requests for temporary street closures must be submitted to the Administrator, at least ten calendar days prior to the date for which the closure is needed.

(1) Information required in the applicant for all street closures shall include the following:

- A.** Purpose of closure.
- B.** Name of streets to be closed and the names of the cross streets that they intersect.
- C.** Dates and times of beginning and ending of closure.
- D.** A person's name, telephone number, and address as a contact for future information if necessary.
- E.** The City's Street Department will provide barricades for the event (Please note that barricades must comply with the Texas Manual on Uniform Traffic Control Devices).

(2) The review of the permit application shall be coordinated with the Police Department, Fire Department, and the Emergency Medical Services, for planning purposes as well as to ensure that the community follows the correct street barricading procedures for the safety of pedestrians and vehicular traffic.

(3) The permit application shall be approved or denied within ten days of receipt.

PUBLIC NOTICE

ON NOVEMBER 3, 2015 THE COPPERAS COVE CITY COUNCIL PASSED AND APPROVED AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ORDINANCES BY REPLACING THE EXISTING SECTION 18-24 (ENTITLED "PERMITS REQUIRED FOR PARADES AND PROCESSIONS; EXCEPTIONS") IN ITS ENTIRETY WITH NEW SECTION 18-24 (ENTITLED "PERMITS REQUIRED FOR PROCESSIONS AND TEMPORARY STREET CLOSURE") TO BE EFFECTIVE ON JANUARY 1, 2016