

ORDINANCE 2021-07-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PRINCETON, TEXAS, AMENDING THE PRINCETON MUNICIPAL CODE, CHAPTER 50 "PARKS AND RECREATION" BY REVISING DEFINITIONS AND NONATHLETIC FACILITY AVAILABILITY, AND CLARIFYING PROHIBITED ACTIVITIES; AND AMENDING CHAPTER 66 "STREETS, SIDEWALKS, AND OTHER PUBLIC PROPERTY" BY ADDING DEFINITIONS, DELETING AN EXCEPTION TO PERMIT REQUIREMENTS, AND ESTABLISHING A CRIMINAL OFFENSE FOR VIOLATIONS OF SPECIAL EVENT PERMIT TERMS; PROVIDING A PENALTY CLAUSE FOR A FINE NOT TO EXCEED \$500; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

**SECTION 1.** This ordinance amends Chapter 50, "Parks and Recreation", Article I, "In General", to reflect the changes below to the Princeton Municipal Code, with new language depicted by underline text (example) and deleted language depicted by strikethrough text to read as follows:

**CHAPTER 50 – PARKS AND RECREATION**

[ ... ]

**ARTICLE I. – IN GENERAL**

**Sec. 50-1.- General.**

- (a) The city operates a park system and provides facilities for recreational activities.
- (b) The city-owned areas that are part of the park system shall be named and designated as follows:
  - (1) *Veterans Memorial Park*. The park area south of the ~~former~~ city hall and bounded by North Front Street on the north, Woody Drive on the south, Fourth Street on the east, and Third Street on the west shall be known as Veterans Memorial Park. Notwithstanding any other provision of this code, the facilities and open spaces of Veterans Memorial Park designated by the city for memorial uses only shall not be reserved for exclusive or special event use by members of the public.
  - (2) *J.M. Caldwell Sr. Community Park*. The park area to the northwest of the intersection of College Street and Longneck Road and bounded by a fence line on the north, College Street on the south, Longneck Road on the East and a fence line on the west shall be known as city J.M. Caldwell Sr. Community Park.

(Ord. No. 2002-06-25-B, §1, 6-25-2002; Ord. No. 2004-02-24-01, §1, 2-24-2004; Ord. No. 2020-09-14-03, § 1, 9-14-2020; Ord. No. 2021-07-12, 07-12-2021)

[...]

**Sec. 50-6.- Facility and program operation.**

(a) *Prohibited activities.*

(1) *Generally.*

- a. It shall be unlawful for any person, persons, firm, or corporation to do any of the acts specified in this section, except as otherwise provided, in all areas and facilities owned, leased, loaned to, or otherwise controlled by the city. The city manager shall issue written authorization for suspensions of some or all of the prohibitions of this Section 50-6 in conjunction with a city-sponsored event.
- b. It shall be unlawful for any person, persons, firm, or corporation:
  - [...]
  - 10. To charge fees or solicit donations or contributions for any activity, except in accordance with a fee schedule promulgated by the city, or except for an activity, or in accordance with a fee schedule or special event permit, approved, in advance, by the city manager's designee.
  - 11. To sell or offer for sale any food, drinks, confections, merchandise, or services, except as provided by an approved special event permit from the city.
  - 12. To conduct any commercial or business activities of any kind, except as provided by an approved special event permit from the city.
  - 13. To distribute, post, place or erect any advertising, handbill, circular, bill, notice, billboard, paper, or other advertising device on public property, except with written approval and authorization from the city.

(Ord. No. 2002-06-25-B, §6, 6-25-2002; Ord. No. 2004-02-24-01, §6, 2-24-2004; Ord. No. 2020-09-14-03, § 1, 9-14-2020; Ord. No. 2021-07-12, 07-12-2021)

[...]

**Sec. 50-8. – Pavilion, picnic area and nonathletic facility use and reservation.**

- (a) *Purpose.* The purpose of this section is to establish the criteria and procedures under which residents and organizations will be permitted to schedule the exclusive use of facilities other than athletic fields. The procedures of this section apply to the use and/or exclusive use of all facilities outside of the excluded areas of Veterans Memorial Park that are not primarily

designed for use in athletic competition. These facilities include, but are not limited to, pavilion, picnic areas and tables, playgrounds, and other similar facilities.

(Ord. No. 2002-06-25-D, § I(2), 6-25-2002; Ord. No. 2006-12-12, § 3, 12-12-2006; Ord. No. 2021-07-12, 07-12-2021)

[...]

(b) *Rules and regulations governing facility use.* All facility use is subject to the following rules and regulations. In addition to other penalties that may be provided by this article, violation of these rules may result in suspension of reservation privileges for a period of time up to one year. The city manager may issue written authorization for suspensions of some or all of the prohibitions of this Section 50-8 in conjunction with a city-sponsored event.

(1) All facilities outside of Veterans Memorial Park and under the control of the city parks and recreation department may be reserved, for exclusive use, on a space available basis.

(Ord. No. 2021-07-12, 07-12-2021)

[...]

**SECTION 2.** This ordinance amends Chapter 66, “Streets, Sidewalks, and Other Public Property”, Article IV, “Parades and Special Events”, to reflect the changes below to the Princeton Municipal Code, with new language depicted by underline text (example) and deleted language depicted by strikethrough text to read as follows:

## **CHAPTER 66 – STREETS, SIDEWALKS, AND OTHER PUBLIC PROPERTY**

[...]

### **ARTICLE IV. – PARADES AND SPECIAL EVENTS**

[...]

#### **Sec. 66-79.- Definitions.**

[...]

*Pre-planned special event* means a special event for which one or more organizers or hosts either schedules to occur, arranges, advertises, distributes information about, or otherwise invites persons to attend 48 or more hours in advance of the earlier to occur of either (1) the beginning of on-site preparations by organizers or (2) the time which the assembly of guests, invitees, spectators, or other attendees is anticipated to begin. The term includes both private events and events open to attendees from the general public, including without limitation all gatherings, events, rallies, demonstrations,

protests/counter-protests, whether advertised via social media, e-mail mailings lists, group text, or other means of bulk communication.

[ . . . ]

*Special event* means a temporary event or gathering using either private or public property, which may or may not be open to attendance or participation by the general public, which involves one or more of the following activities, except when the activity is for construction or house moving purposes only:

- (1) Closing a public street;
- (2) Block or restriction of public property and streets;
- (3) Offer of merchandise, food, or beverages on public property, or on private property where otherwise prohibited by ordinance;
- (4) Erection of a tent on public property, or on private property where otherwise prohibited by ordinance;
- (5) Installation of a stage, band shell, trailer, van, portable building, grandstand, or bleachers on public property, or on private property where otherwise prohibited by ordinance;
- (6) Involving amplified sound;
- (7) Placement of portable toilets on public, or on private property where otherwise prohibited by ordinance;
- (8) Placement of temporary no parking signs in a public right-of-way;
- (9) Outdoor amusement(s).

(Ord. No. 2002-06-25-D, § I(1), 6-25-2002; Ord. No. 2006-12-12, § 2, 12-12-2006; Ord. No. 2021-07-12, 07-12-2021)

**Sec. 66-80. – Permit required; exceptions.**

- (a) Except as specified in subsection (b) of this section, no special event or parade, or other pre-planned event to be held in whole or in part on City property or public rights-of-way, shall be held without first making written application for and receiving a permit from the city. Applicants are responsible for notifying the City of, and demonstrating with suitable supporting documentation, any claim to exemption from the permitting requirement or the payment of fees associated with a permit required by this section.
- (b) No permits shall be required under this section for the following:
  - (1) Private party upon private property when no public property or right-of-way is used.
  - (2) Public school district sponsored and supervised when school property is used.
  - (3) The Armed Forces of the United States of America, the military forces of the state, political subdivisions of the state, and the forces of the police and fire departments acting within the scope of their duties.

(Ord. No. 2002-06-25-D, § I(2), 6-25-2002; Ord. No. 2006-12-12, § 3, 12-12-2006; Ord. No. 2021-07-12, 07-12-2021)

**Sec. 66-81.- Violations.**

- (a) It shall be unlawful for any person to sponsor, hold, participate in the holding or aid or assist in the holding of any special event within the corporate limits of the city without first having obtained a permit from the city.
- (b) After having obtained a permit, it shall be unlawful for any person to hold such special event in any area other than that designated in the approved permit.
- (c) It shall be unlawful for any person or entity lacking proper written authorization from the city to hold or participate in such special event without complying with all requirements prescribed in such permit and it shall also constitute a violation should any act or omission of applicants and/or organizers be found to contribute to violation of such requirements by any or all of their agents, employees, volunteers, guests, and other invitees to the extent permitted by state law.
- (d) It shall be unlawful for any person to operate a special event in whole or in part after the permit expires or after it has been revoked.
- (e) It shall be unlawful for any person to submit any fictitious, false, or deceptive information to the city regarding a special event, including without limitation the materials submitted with a permit application, or to withhold information pertinent to a special event lawfully requested by the city.
- (f) Violations of any section or sections of this article shall be classified as a Class C misdemeanor and, upon conviction, may be punished by the assessment of a fine not to exceed \$500.00. Allegations and evidence of a culpable mental state is not required for proof of an offense. Each type of violation may be charged and punished separately.

(Ord. No. 2002-06-25-D, § I(3), 6-25-2002; Ord. 2021-07-12, 7-12-2021)

[ . . . ]

**Sec. 66-87.- Security, crowd control and traffic control.**

An applicant shall provide officers for security, crowd control and traffic control at the parade or special event in accordance with the following schedule:

# of participants or spectators	Minimum # of officers
<u>0-75</u>	0
<u>76-,250</u>	<u>1</u>
251-1,500	2
1,501-3,000	4
3,001-5,000	6
Over 5,000	6 plus 1 for every 1,000

(Ord. No. 2002-06-25-D, §I(9), 6-25-2002; Ord. No. 2021-07-12, 7-12-2021)

**SECTION 3. PENALTY CLAUSE.** Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon thereof shall be fined in any sum not to exceed Five Hundred

Dollars (\$500), unless otherwise authorized by state law or this Ordinance. Unless otherwise specifically set forth herein, or in state law as adopted or required, allegation and evidence of culpable mental state are not required for the proof of an offense defined by this Ordinance.

**SECTION 4. REPEAL OF CONFLICTING ORDINANCES.** All ordinances, orders and resolutions heretofore passed and adopted by the City Council of the City of Princeton, Texas are hereby repealed to the extent said ordinances, orders or resolutions, or parts thereof, are in conflict herewith.

**SECTION 5. SEVERABILITY CLAUSE.** If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid, void, or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and publication as required by law, and the City Secretary is directed to arrange for such publication.

**PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PRINCETON, TEXAS, THIS THE 12<sup>th</sup> DAY OF JULY, 2021.**

**CITY OF PRINCETON**

  
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**BRIANNA CHACÓN**  
**MAYOR**

**ATTEST:**

  
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**TABATHA MONK**  
**CITY SECRETARY**

