



PERMIT APPLICATION FOR:

Carnival

Circus

Temporary Amusement Show

Religious Activity

Planning & Development Dept.
 502 E. Tyler Avenue
 Harlingen, TX 78550
 (956) 216-5101
 (956) 216-5265 (fax)

NAME/PHONE OF PROPERTY OWNER: _____ () -
 NAME/PHONE OF PRINCIPAL OPERATOR: _____ () -
 CURRENT MAILING ADDRESS: _____

LOCAL SPONSOR/ORGANIZATION: _____ CONTACT NAME: _____

DATES EVENT WILL BE HELD: _____

LOCATION PROPOSED: _____ (Attach Detailed Site Plan)

LIST/DESCRIPTION OF ALL SHOWS/RIDES/GAMES AND/OR CONCESSIONS:

(If needed, continue on back of form)

WILL ALCOHOL BE SERVED ON SITE: YES NO

DESCRIPTION OF HOW SANITATION, SECURITY, TRAFFIC CONTROL, AND FIRE PREVENTION WILL BE ADDRESSED:

(If needed, continue on back of form)

I, _____, as Manager/Operator/Owner of _____, do solemnly swear the above information and foregoing is true and correct.

Signature

Printed Name

Date

Notary signature & seal

INITIAL PROCESSING FEE (non-refundable) \$150 rec. by _____ Date _____

after APPROVAL GRANTED (see worksheet)

Non-refundable fee per Ordinance \$ _____ rec. by _____ Date _____

DEPOSIT FOR CLEANING (refundable) \$200 rec. by _____ Date _____

Total \$ _____

Written refund request requested by _____ Date _____

Site checked by _____ Date _____

FEE SCHEDULE:

CARNIVAL:

Non-refundable permit fee due upon approval of permit in the following amount:

Up to five rides - \$100 base fee plus \$5 for each ride, concession, show, etc

Six to 10 rides - \$150 base fee plus \$5 for each ride, concession, show, etc

11 or more rides - \$200 base fee plus \$5 for each ride, concession, show, etc

The fees apply to each ride, concession, show whether operable or not. The permit and fee is applicable for a period not to exceed two weeks. If the carnival extends longer than two weeks another equal fee is due and payable.

CIRCUS:

Permit fee of \$250 for a continuous period of operation not to exceed two weeks (non-refundable) upon approval of permit.

TEMPORARY AMUSEMENT/RELIGIOUS REVIVAL FEES:

Permit fee of \$250 for a continuous period of operation not to exceed two weeks (non-refundable) upon approval of permit.

STAFF USE ONLY:

Detailed Site Plan attached: YES NO Verified by Planning: _____ Date _____

Adequate Insurance Rider provided: YES NO

Dates conflicting: YES NO

Application Routed to:

Code Enforcement: _____

Public Works: _____

Fire Department: _____

Police Department: _____

Health Department: _____

City Manager: _____

Written Request for Refund within 15 days of event end: YES NO

Rec. by _____ Date: _____ Inspection ok'd by: _____ Deposit refunded: _____

ORDINANCE NO. 04-20

AN ORDINANCE REPEALING SECTION 112 OF THE CITY OF HARLINGEN CODE OF ORDINANCES IN ITS ENTIRETY, INCLUDING REGULATIONS REGARDING TENT SHOWS, EXHIBITIONS, CARNIVALS, CIRCUSES, TEMPORARY AMUSEMENT SHOWS, RELIGIOUS ACTIVITIES AND PERMANENT AMUSEMENT PARKS WITHIN THE LIMITS OF THE CITY OF HARLINGEN AND ESTABLISHING REGULATIONS GOVERNING NEW PROCEDURES FOR APPLICATION, APPROVAL AND ADMINISTRATION OF SUCH EVENTS, ESTABLISHING A PENALTY FOR VIOLATIONS OF SUCH REGULATIONS, PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.

WHEREAS, it is deemed to be in the best interest of the citizens of the City of Harlingen, Texas to regulate temporary and permanent shows, amusements and religious activities; and

WHEREAS, the Elective Commission has heretofore held a public hearing at a meeting of the Elective Commission at the City Commission Room at City Hall, 118 E. Tyler Avenue, Harlingen, on March 17, 2004; and

WHEREAS, at such hearings all interested persons were heard concerning the advisability of amendments to the Code of Ordinances regarding temporary and permanent shows and amusements; and

WHEREAS, the Elective Commission of the City of Harlingen, finds that the inclusion of such regulations will be of benefit to the City of Harlingen;

THEREFORE BE IT ORDAINED BY THE CITY OF HARLINGEN, that the Code of Ordinances, Section 112 is hereby repealed in its entirety and replaced with the following:

**CARNIVALS, CIRCUSES, RELIGIOUS REVIVALS &
TEMPORARY AMUSEMENT SHOWS**

112.01 DEFINITIONS

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

CARNIVAL: A transient or traveling show temporarily erected for the amusement of those attending, normally consisting of mechanical rides, and normally, but not necessarily, including a combination of two or more of the following attractions: (1) a ferris wheel; (2) a side show; (3) a mechanical merry-go-round; (4) a roller coaster; (5) a game of skill with prizes awarded to winners.

CIRCUS: A transient or traveling show performed for the amusement of those attending, featuring shows by performers normally including but not limited to clowns, acrobats, jugglers, trapeze artists and trained animals. Any circus in combination with a carnival or containing the attractions as set forth in the definition of a CARNIVAL above shall be considered a carnival for the purposes of this chapter and not a circus.

PERMANENT AMUSEMENT PARK: a permanent place of entertainment containing permanent buildings, permanent and temporary attractions normally associated with carnivals and located within an enclosed area. Such enclosed area may be enclosed by surrounding buildings, or fence at least 75% of which will be a permanent screening fence of masonry or solid redwood or cedar, no less than six feet in height, with the remaining 25% of such fence to be of chain link type, no less than six feet in height.

RESIDENTIAL STRUCTURE: a single-family residence, duplex, multifamily residence or mobile home occupied as a residence whether or not zoned for that purpose.

SCHOOL/CHURCH CARNIVAL: a carnival as defined above, but sponsored and conducted by and exclusively controlled by the public, private, or parochial schools or churches of the city, staffed by teachers and students (or their parents) and operated on the grounds of the school or church involved. Said carnival may consist of a transient or traveling show or be totally originating locally. (These carnivals shall be exempt from the provisions set forth in this chapter.)

TEMPORARY AMUSEMENT SHOW OR RELIGIOUS ACTIVITY: a show other than a carnival or a circus, such as a transient or temporary skating rink or temporary religious revival or service, petting zoo, rock concert or other outdoor musical concert performed by a transient or traveling musical group or band; to be held for a limited time with a fixed or anticipated termination date, whether conducted in a tent structure, rented building, storage building, or an open air space.

112.02 PERMITS REQUIRED/APEAL OF DENIAL

No carnival, circus, religious activity or temporary amusement shall operate within the limits of the city without a permit as granted by the Planning & Development Department or City Commission by the process set forth below.

(A) Carnivals, circuses, religious activities or temporary amusements are hereby required to submit the following to the City Planning Department a minimum of 45 days and a maximum of 90 days prior to the event for consideration of a permit:

1. A completed application form with all required attachments (see attached Exhibit A). The application must provide contact names and phone numbers for the permanent

owner and/or principal operator of such carnival, circus, religious activity or temporary amusement; a description of how the minimum standards of sanitation and health will be maintained, how traffic control, security and fire safety will be addressed if necessary, a list of all shows, acts, rides, games, concession stands (whether or not alcohol will be served), booths, sideshows and other business and attractions to be operated in conjunction with any such event fully describing each so that city staff may determine if such events are noninjurious and nondangerous to the health, education, and morals of the citizens of Harlingen; listing of the hours of operation and duration of events;

2. A site plan indicating the location of the property, parking areas and location of sanitary facilities
3. Temporary food permit application for each concession to be provided (see attached Exhibit B);
4. Initial processing fee of \$150 payable to the City of Harlingen (non-refundable);
5. Insurance rider evidencing adequate liability insurance as indicated below; and
6. Copies of applicable licenses from the state authorizing the operator to operate.

(B) The City will notify all property owners within two hundred (200) feet of the proposed site and advertise in the newspaper within 15 days of the application submission of the dates carnival, circus, religious activity or temporary amusement is proposed after it has been determined that the application complies with the city requirements. The notice will include a copy of the site map depicting the location of the event, number of rides, concessions, booths and sideshows proposed and the duration of the event (days and times) and information including operator name. Such notice will also state that the application will be administratively approved unless written objections are received in the office of the Planning Department within 10 days of the date of the notice.

(C) If a written complaint is received the application will not be administratively approved and will require a public hearing before the City Commission to hear such concerns presented. The City Commission may, in the best interest of the public welfare, and to assure compliance with the intent of this ordinance, establish conditions of operation, location, arrangement and may impose standards and other safeguards as deemed necessary for the protection of adjacent property and occupants thereof from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions. Deviation or departure from such imposed conditions shall void the permit for the duration of the issuance period.

(D) If city staff denies a permit, the applicant will have the right to appeal to the City Commission within five (5) calendar days of written staff decision. The appeal should be in writing in the form of a letter to the City Secretary stating the reasons why such staff decision is unjust and request a hearing in front of the elective Commission. The item will be taken to the next regular City Commission meeting for a final decision. If a

regular City Commission meeting does not fall between the time of denial and the time proposed for such event, the Commission will not be required to hear such item at a special meeting.

112.03 PERMIT FEES/DEPOSITS

If the permit is granted, the applicant will be required to pay the appropriate fees as required by this ordinance or as amended from time to time in the following amounts:

CARNIVAL FEES

a. Initial processing fee (mentioned above) \$150 (non-refundable) – due prior to permit processing.

b. Non-refundable permit fee due upon approval of permit in the following amount:

Up to five rides - \$100 base fee plus \$5 for each ride, concession, show, etc

Six to 10 rides - \$150 base fee plus \$5 for each ride, concession, show, etc

11 or more rides - \$200 base fee plus \$5 for each ride, concession, show, etc

The fees apply to each ride, concession, show whether operable or not. The permit and fee is applicable for a period not to exceed two weeks.

c. Refundable cleanup deposit of \$200

All cleanup deposits shall be refunded upon written request within 15 days of the end of the event and certification by a city official that the cleanup provisions of this chapter have been complied with. Such inspection will be completed within ten days of the event conclusion. In the event the city must provide cleanup crews to fulfill the operator's obligations, then 150% of the actual costs thereof shall be deducted from the cleanup deposit and any balance may be refunded to the operator. In the event costs exceed the deposit amount the deposit shall be forfeited and the operator billed for any additional amounts. No future permits will be issued to such operator until all amounts due the city are paid.

CIRCUS FEES

a. Initial processing fee of \$150 (non-refundable) – due prior to permit processing.

b. Permit fee of \$250 for a continuous period of operation not to exceed two weeks (non-refundable) upon approval of permit.

c. Refundable cleanup deposit of \$200

All cleanup deposits shall be refunded upon written request within 15 days of the event end and certification by a city official that the cleanup provisions of this chapter have been complied with. Such inspection will be completed within ten days of the event conclusion. In the event the city must provide cleanup crews to fulfill the operator's obligations, then

150% of the actual costs thereof shall be deducted from the cleanup deposit and any balance may be refunded to the operator. In the event costs exceed the deposit amount the deposit shall be forfeited and the operator billed for any additional amounts. No future permits will be issued to such operator until all amounts due the city are paid.

TEMPORARY AMUSEMENT/RELIGIOUS REVIVAL FEES

a. Initial Processing fee of \$150 (non-refundable) – due prior to permit processing.

b. Permit fee of \$250 (non-refundable) upon approval of permit.

c. Refundable cleanup deposit of \$200

All cleanup deposits shall be refunded upon written request within 15 days of event end and certification by a city official that the cleanup provisions of this chapter have been complied with. Such inspection will be completed within ten days of the event conclusion. In the event the city must provide cleanup crews to fulfill the operator's obligations, then 150% of the actual costs thereof shall be deducted from the cleanup deposit and any balance may be refunded to the operator. In the event costs exceed the deposit amount the deposit shall be forfeited and the operator billed for any additional amounts. No future permits will be issued to such operator until all amounts due the city are paid.

112.04 LIABILITY INSURANCE; FIRE SAFETY – TENTS, GENERATORS, GENERAL; PRIZES; DRAINAGE; SANITATION

(A) Any applicant requesting a permit from the city to conduct a carnival, circus, temporary amusement show or religious revival shall furnish to the Planning & Development Department an original or memo copy of liability insurance policy or policies issued by a casualty insurance company licensed to do business in the State of Texas and approved by the city's Risk Manager and insuring the applicant for personal injury and property damages incurred from the operation of such event, in the following amounts:

Commercial General Liability (CGL) Insurance, minimum coverage of \$1,000,000 per occurrence and a \$2,000,000 aggregate for bodily injury and property damage. Coverage must include products liability and completed operations, if applicable, with a \$2,000,000 aggregate.

(B) Tents shall require a certificate of flame resistance. Minimum exit widths are six feet. Exit opening on tents are to remain open or provide curtain contrasting with tent's color. "No Smoking" signs must be conspicuously posted. Aisles must be no less than 48 inches in width. Open flame appliances are prohibited inside a tent structure. Weeds and combustible vegetation must be removed from the premises or within 35 feet of the tent. Hay bales are not permitted inside the tent.

An electrical generator system must be marked with "High Voltage – Keep Out" signage and secured by a hurricane/metal fence around it. Minimize frayed high voltage electrical wires. Maintain (2) 60 B.C. rated fire extinguishers by a generator area. Maintain a minimum of (2) 20 B.C. rated fire extinguishers in constantly monitored areas.

- (C) No prizes that simulate knives, guns or other weapons shall be allowable.
- (D) The grounds or premises upon which such carnival, circus or temporary amusement show or religious revival shall be established shall provide reasonable and adequate surface drainage for rainfall. It shall meet all of the health, safety and sanitation standards required by the various construction and safety codes of the city. Each event shall obtain and install trash receptacles of a type to be approved by the Public Works Director or his designee and maintained and located in the areas provided for appropriate garbage collection by the city. The operator of such event shall pay a garbage collection fee to be charged by the city, commensurate with the established garbage collection fees of the city to be paid on Friday of each week of operation of the event. Failure to pay such fees will result in the fee being deducted from refundable deposits on hand. Each event shall provide and maintain a cleanup staff and crew sufficient to keep trash and debris picked up and deposited in garbage containers throughout the period of operation of the event.
- (E) Each such event shall install and operate public restroom facilities in compliance with the various city building and sanitary codes and to be reasonably clean and of a sufficient size and number to reasonably accommodate the anticipated guests and customers of each activity.

112.05 LOCATION RESTRICTIONS

Carnivals, circuses, religious activities or temporary amusements are allowed only in the following zoned areas of the city:

1. General Retail (GR)
2. Light Industry (LI)
3. Heavy Industry (HI)
4. Not Designated (N)

An event may be operated on city-owned land under whatever limitations or regulations the City shall impose. These limitations shall be determined individually or on a case by case basis with nothing herein set forth to be construed as requiring the city to make available to any even such city-owned property, whether open air or enclosed.

No portion of such event shall be set up, located, and/or operated within 300 feet of any private residential structure located in a residentially zoned district (R-1, R-2, M-1, M-2, MH) as defined in this ordinance. City Commission may, after public hearing, make exception to this location restriction where good cause exists, but shall not be bound to do so.

112.06 PARKING

- (A) Carnivals: fifteen off-street parking spaces must be provided for each mechanical ride contiguous to the grounds where the carnival is operated.
- (B) Circuses: one off-street parking place must be provided for each four seats available to view circus acts contiguous to the grounds on which the circus is operated.
- (C) Religious Activities or other Temporary Amusements: one off-street parking place must be provided for each four seats of seating available or for each 400 square feet of activity area, whichever is greater, contiguous to the grounds on which the event is operated.

112.07 USE OF AMPLIFIED SOUND SYSTEMS NEAR RESIDENTIAL STRUCTURES

- (A) For the purposes of this section all distances shall be measured from the point of amplification directly as the crow flies to the nearest residential structure in a residential zone.
- (B) No amplified sound systems or portable generators shall be allowed to operate within 600 feet of a private residential structure, including single-family residences, duplexes, apartments or mobile homes used as a residence and located within a residentially zoned district (R-1, R-2, M-1, M-2 or MH). This distance requirement is reduced to 300' when such activity is held entirely within an enclosed building as opposed to open air or within a tent structure.
- (C) Amplified sound systems between 600 and 1,000 feet from a private residential structure shall be required to silence such sound systems no later than 9:00 p.m.
- (D) Amplified sound systems more than 1,000 feet from a private residential structure shall be required to silence such sound system no later than one hour before the closing time of the event or midnight (whichever is earlier).

112.08 HOURS/DATES OF OPERATION

No event shall be open to the public or otherwise operated between the hours of 10 p.m. and 9 a.m. of the following day Sundays through Thursday or between midnight and 9 a.m. of the following day on Fridays and Saturdays. Such times may be extended after a public hearing and action by City Commission upon good cause. Nothing contained herein shall be construed to require the City Commission to grant such an extension.

Two carnival, circus, religious activity or other temporary amusement may operate simultaneously unless city staff determine that the presence of two events at one time will overtax the City ability to provide adequate police and fire protection to the citizens without incurring overtime charges for their personnel.

112.09 SPONSORSHIP

No carnival, circus or other temporary amusement shall be permitted to operate within the limits of the city unless sponsored by a charitable, religious, business, or civic organization operating within the limits of the city. However, local businesses exhibiting carnivals for promotional purposes must hold said carnivals on the grounds of or immediately adjacent to the business sponsoring same.

112.10 PERMIT FOR DANCE OR BALL WHERE CHARGE IS MADE

Any person giving or permitting to be given a public ball or dance at his residence or place of business, where any charge is made for dancing or any person inviting or permitting persons to congregate at his residence, place of business, house, hall, or on any lot, street or alley, owned, leased or controlled by him within the city limits of the city for the purpose of dancing or engaging in a public ball or dance or any description, where any charge is made, shall first obtain from the Chief of Police his written consent for the purpose of giving or permitting to be given such dance or ball.

112.11 PERMANENT AMUSEMENT PARKS

Permanent amusement parks in the city shall be prohibited except in the area zoned general retail, light industry, heavy industry.

No permanent amusement park shall be located closer than 600 feet from any permanent residential structure, including single-family residences, duplexes, multifamily residences, and mobile homes occupied as residences and located within residentially zoned districts (R-1, R-2, M-1, M-2 or MH).

No such permanent amusement park shall be open to the public or otherwise operated between the hours of 10 p.m. of one day and 9 a.m. of the following day except on Friday and Saturday nights at which time the closing hour may be extended to midnight.

Nothing contained in this subchapter pertaining to permanent amusement parks shall be construed as an exemption from compliance by such permanent amusement park with any other subdivision requirements, zoning requirements, Housing Code, Building Code, or other ordinances of the city, which shall be complied with prior to the utilization of such permanent amusement park by the general public.

112.12 PENALTY

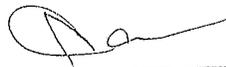
Any violation of the provisions hereof, including operating without a current and valid license and/or permit shall constitute a misdemeanor and, upon conviction thereof in the Municipal Court of the city, shall be subject to a fine as provided in Section 10.99 of this code. Each day of operation without a valid and current license and permit shall constitute a separate violation. The provisions of this chapter may be enforced by the city in addition to the criminal penalties

provided herein by civil injunction and/or mandamus, obtained in a civil court of appropriate civil jurisdiction.

112.13 PUBLICATION

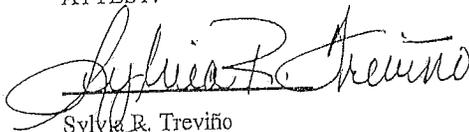
That the City Secretary of the City of Harlingen, Texas is hereby authorized and directed to cause a true and correct copy of the caption of this ordinance to be published in a newspaper having general circulation in the City of Harlingen, Cameron County, Texas.

FINALLY ENACTED THIS 7th day of April, 2004 at a regular meeting of which the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.



BY: C. Connie de la Garza
Mayor, City of Harlingen

ATTEST:



Sylvia R. Treviño
City Secretary