

CITY OF ANNA, TEXAS
ORDINANCE NO. 828-2019

AN ORDINANCE OF THE CITY OF ANNA, TEXAS, AMENDING THE ANNA CITY CODE OF ORDINANCES BY AMENDING PART II (GENERAL ORDINANCES), ARTICLE 47 (CITY PARKS, RECREATION AND SPECIAL EVENTS) BY AMENDING SECTION 1 (DEFINITIONS) AND SECTION 4 (SPECIAL EVENTS); PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Anna, Texas City Council ("City Council") has previously adopted standards, requirements, and procedures for and otherwise governing parks, recreation and certain events held on City-owned facilities; and

WHEREAS, the City Council has investigated and determined that it would be beneficial and advantageous to add regulations governing criteria for approval of special events that utilize City facilities, use of City park facilities by nonprofit organizations and similar groups, and related matters;

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

Section 1. Recitals Incorporated.

The above-referenced recitals are incorporated herein as if set forth in full for all purposes.

Section 2. Amendments.

2.01 Amendment to Section 1 (Definitions).

Part II (General Ordinances), Article 47 (City Parks, Recreation and Special Events), Section 1 (Definitions) of The Anna City Code of Ordinances is hereby amended by amending the definition of "Special Event" as follows:

<p><i>Special Event</i> means any event that operates is wholly or partially held on or which utilizes facilities owned or controlled by the City if such event is organized or operated wholly or partially by a person or organization other than within the incorporated city limits of the City of Anna which may require the use of or assistance from the any department or employee of the City, or any other public service department; provided, however, that "Special Event" does not include City events merely because the City utilizes third parties or contractors to assist with organizing or operating a City event.</p>
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2.02 Amendments to Section 4 (Special Events).

Part II (General Ordinances), Article 47 (City Parks, Recreation and Special Events), Section 4 (Special Events) of The Anna City Code of Ordinances is hereby amended by amending Section 4 (Special Events) to renumber Section 4.05 (Penalty) as Section 4.06 and to replace Section 4.05 as follows:

Section 4.05. Criteria for approval, additional fees, nonprofit groups and organizations

- (a) In addition to any other fees or charges required to be paid under this article, a permit holder shall pay all amounts necessary to provide for recovery of all direct and indirect City expenses associated with the special event as determined by the Parks Board or community services department, utilizing normal and customary methods. Sponsors of commercial functions, activities, or services may also be charged a percentage of gross revenues and/or rents as deemed appropriate by the City Manager or the City Manager's designee.
- (b) Criteria for approving a special event include a determination that the event and all related functions, activities or services:
- 1) shall not conflict with City-sponsored programs;
 - 2) shall not restrict the public use of City-owned or leased facilities for unreasonable periods of time; and
 - 3) should provide a positive public service and legitimate benefit to the community.
- (c) Unless approved in advance by the City Council, the City will not supplement special events or related functions, activities, or services with public funds.
- (d) Reduced rates or free use of facilities may be granted to community-sponsored groups, non-profit organizations, and governmental entities including but not limited to:
- (1) Anna Independent School District;
 - (2) Anna Parent Teacher Associations;
 - (3) Greater Anna Chamber of Commerce;
 - (4) Anna Community Development Corporation;
 - (5) Anna Economic Development Corporation;

- (6) Anna Fire and Police Associations;
- (7) Anna Area Historical Preservation Society;
- (8) Anna Area Rotary International;
- (9) Anna Boy Scouts of America;
- (10) Anna Girl Scouts of the USA;
- (11) Other community sponsored non-profit groups as approved by the Parks Board.

Special events and related functions, activities and services associated with the types of organizations listed in this subsection may be approved by the City Manager or the City Manager's designee. The City Manager may require such organization to provide a written statement detailing the positive public service and legitimate public benefit provided to the community. Any reduction or waiver of fees or charges is at the City's discretion and all other City regulations related to special events shall be applicable.

- (e) Special events and related functions, activities and services that are not associated with the types of organizations listed in subsection (d) must be approved by the Parks Board.

Section 4.06. Penalty

Any violation of any of the terms of this article, whether denominated in this article as unlawful or not, shall be deemed a misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed \$500 for each incidence of violation. Each violation is considered a separate offense and will be punished separately.

Section 3. Savings, Severability and Repealing Clauses.

All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The City declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 4. Effective Date.

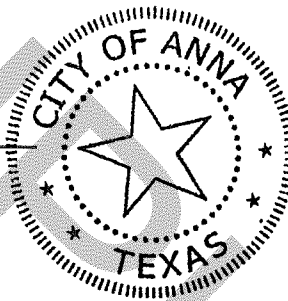
This Ordinance shall be in force and effect from and after its passage on the date shown below.

PASSED AND APPROVED on this the 25th day of June 2019.

APPROVE:



Mayor Nate Pike



ATTEST:



City Secretary, Carrie Smith