

ORDINANCE NO. 2021-005

AN ORDINANCE OF THE CITY OF TODD MISSION, TEXAS AMENDING AND REPLACING ORDINANCE NUMBER 2018-003; PROVIDING FOR PROVISIONS RELATING TO SPECIAL EVENTS AND TEMPORARY BUSINESSES; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR VIOLATIONS OF ALL PROVISIONS THAT GOVERN FIRE SAFETY OR PUBLIC HEALTH AND SANITATION; A FINE NOT EXCEEDING \$4,000.00 FOR VIOLATIONS FOR DUMPING OF REFUSE, AND NOT EXCEEDING \$500.00 FOR ALL OTHER VIOLATIONS; EACH DAY OF AN OFFENSE IS A SEPARATE VIOLATION; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TODD MISSION, TEXAS:

Section 1. The following ordinance is hereby amended to read as follows:

ADDITIONS ~~DELETIONS~~

ARTICLE I. - GENERAL PROVISIONS

Section 1.100- Purpose.

It is the policy of the city to ensure the peaceful use and enjoyment of city parks, streets, and other city property by all members of the public, including persons and groups engaging in demonstrations or expressive activity or a special event regulated by this ordinance.

Section 1.101. - Definitions.

The following words, terms and phrases when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant shall mean a person, as defined herein, who has filed a written application for a permit for a special event

Chief of Police shall mean the Chief of the Police Department for the City of Todd Mission.
City shall mean the City of Todd Mission, Texas.

City council shall mean the city council of the City of Todd Mission.

City Administrator shall mean the city administrator of the City of Todd Mission.

City property shall mean a city park, street, public right-of-way, or other property owned or held by the city.

Demonstration shall mean a public display of the attitude of assembled persons toward a person, cause, issue, or other matter.

Department shall mean the City of Todd Mission Police Department.

Expressive activity shall mean protests, demonstrations and similar conduct, the sole or principal purpose of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas that are protected by the United States and Texas Constitutions.

Facilities shall mean, without limitation, all equipment, materials and apparatus associated with the conduct of the special event, including, without limitation: barriers, cables (electrical or otherwise), safety equipment and devices, water, sound system and related equipment, fencing, fence covering material, signs, tents, vehicles, fire protection equipment and apparatus, medical equipment and apparatus, seals, wiring, banners, structures and components thereof, furniture, furnishings, special lighting fixtures, trade fixtures and equipment furnished and installed or used in the operation of the event. The

quality level, design and appearance of all facilities shall be of high quality appropriate to the circumstances.

Force majeure shall mean and includes fire, casualty, strikes, lockouts, the inability to procure materials or supplies, failure of power, inclement weather, acts of God, war or terrorism or the potential or actual threat thereof, public safety or public welfare considerations, riots, or local, national or international emergencies, or other reason of like nature.

Parade shall mean any march or procession consisting of people, animals, vehicles of any type, or a combination thereof, upon any public street, sidewalk, alley or combination thereof, which does not comply with normal and usual traffic regulations or controls.

Person shall mean an individual, firm, partnership, corporation, association, organization, or other legal entity.

Permittee shall mean a person, as defined herein, who has been granted a permit for a special event

Special event shall mean a temporary outdoor event, gathering or activity, including but not limited to parades, bike races, marathons, walk-a-thons, concerts, carnivals, celebrations demonstrations and expressive activities, that involve one or more of the following:

- (1) Closing or partial closing of a public street;
- (2) Blocking or restricting access to private property or to public property, including public rights-of-way;
- (3) Sale of merchandise, food, or beverages on public property or on private property;
- (4) Sale of alcoholic beverages on public property, or on private property;

(5) Erection of a tent or canopy on public property, or on private property;

(6) Installation of a stage, band shell, trailer, van, portable building, grandstand, or bleachers on public property, or on private property;

(7) Involve 50 or more attendees per day, inconsistent with the permanent use to which the property may legally be used, or the occupancy levels permitted on the property;

(8) The sale of merchandise, food, or beverages on public property or on private property Thursday through Sunday; and/or

(9) Placement of temporary informational signs including, but not limited to: no-parking, directional, or identification, special event signs or banners in or over a public right-of-way, or on private property.

Special event permit or permit shall mean the city's written authorization to hold a special event. The permit may impose terms and conditions, with written authorization being subject to the guidelines of the permit.

Traffic Control Plan shall mean a written proposal for the operation and regulation of traffic-control devices and any proposed street closures necessary to facilitate vehicular and pedestrian traffic safely and efficiently.

Section 1.102- Exemptions.

(a) The following are exempt from the requirement to obtain a permit prior to a special event:

(1) A private party held on private property and to which the public is not invited, involving 49 or fewer attendees per day; provided such party does not impact public rights-of-way or involve activities or facilities not permitted by applicable laws and regulations;

(2) An event wholly contained on property specifically designed or suited for the event and that holds a certificate of occupancy for such use including adequate parking (e.g., a hotel ballroom);

(3) An event or activity conducted entirely on the property of a religious institution, fairground, educational institution, college or university campus;

(4) Funeral processions;

(5) Events held for National Night Out

(6) Activities under the control or supervision of a governmental entity conducted on property owned, leased or operated by a governmental entity and that does not affect public rights-of-way;

(7) Expressive activity conducted entirely on public sidewalks or public parks.

ARTICLE. II SPECIAL EVENT PERMITS

Section 2.100. - Permit required.

(a) No special event may be held within the city without first obtaining a special event permit. Special event permits are issued by the Police Department. A special event application form may be obtained from the Department or as otherwise provided by the Department. All applications will be reviewed on a case-by-case basis.

(b) Except as otherwise provided in this ordinance, a special event application form must be completed and submitted to the Department no fewer than Forty-five (45) days prior to a proposed special event, excluding the requirements for special events for an expressive activity.

(c) The issuance of a special event permit grants permission to use public property proposed to be used in connection with the special event and/or authorizes the use of private property in a manner not otherwise permitted by the City in connection with the special event (the "licensed premises"). The use of such licensed premises shall be solely for the purpose of constructing, installing, operating and maintaining the special event,

and for such other purposes consistent with promoting and conducting the special event as the Department authorizes in writing.

(d) The issuance of a special event permit authorizes appropriate city departments to issue permits for activities in connection with the authorized event in locations where such activities would otherwise be prohibited by ordinance.

(e) Setup is allowed no earlier than the day immediately preceding the day of the event and must be completely removed before noon on the next succeeding business day after the event, unless otherwise determined.

(f) The city and its officials, officers, employees and agents shall not be liable for any damage to or loss of any such property or facilities sustained during removal or storage of such property, equipment, tents or other facilities and the permittee shall indemnify the city, its officials, officers, employees and agents against all claims for any such damage or loss.

(g) Issuance of a special event permit does not authorize removal or alteration of public property and any such removal or alteration is strictly prohibited except as expressly allowed in writing by the department, or other authorizing official.

(h) In addition to complying with all conditions of the permit and all applicable city ordinances, regulations, rules, policies and guidelines, the permittee must comply with all applicable federal, state and county laws, rules and regulations.

(i) A permittee may not and shall have no authority to assign, sell, transfer, pledge, encumber or otherwise convey a permit or any rights, duties, responsibilities or obligations thereunder, and any such conveyance shall be null and void and may, in the discretion of the city, result in the revocation of the permit.

(j) No rights granted by a permit shall create rights in anyone other than the permittee.

(k) This section shall apply to all aspects of this ordinance for the authorization of special events within the City:

(1) No permit shall be denied nor shall the applicant be given less favorable treatment as to time, manner or place based upon race, color, creed, religion, gender, domestic relationship status, parental status, veteran status, sexual orientation, national origin or the political affiliation of the applicant and/or the participants of the event.

(2) No permit shall be denied nor shall the applicant be given less favorable treatment as to time, manner or place based upon the message of the event, nor based on the identity or associational relationships of the applicant and/or participants.

(3) No permit shall be denied nor shall the applicant be given less favorable treatment as to time, manner or place based upon an assumption or predictions as to the amount of hostility which may be aroused in the public by the content of the speech or message conveyed by the event, provided that reasonable accommodation as to time, manner and place maybe required in order for the City to provide the resources necessary for police, fire and emergency services protection.

Section 2.101. - Application process.

(a) The applicant shall contact the Department to discuss desired or available dates for the event.

(b) In addition to the information required in this ordinance, the application must contain the following information, all of which is public information subject to the Texas Public Information Act and other applicable law:

(1) Applicant information. Applicant's name, organization name, type of organization; a representation that the applicant and organization are in good standing under the laws of this State and the United States; address, including city, state, zip code, e-mail address and web site address; mobile telephone number; telephone number; facsimile number; driver's license number; date of birth; and on-site contact name and mobile telephone number. If the applicant is a corporation, the applicant must provide copies of a current certificate of account status issued by the state comptroller's office and a current certificate of existence issued by the state secretary of state's office, or, if the corporation is not incorporated in or holding a certificate of authorization in the state,

copies of similar current certificates from the state in which the corporation is incorporated;

(2) Event information. Event name; dates and times requested; type of event; any previous dates such event has been held; previous attendance; expected attendance; whether the event will be open to the public; admission fee; estimated budget; proposed event area; setup dates; teardown dates; event sponsors; and event beneficiaries;

(3) Event special features. Plans for sound amplification; stage; dance floor; food and beverage service, including participating concessionaires and caterers; sale or distribution of alcohol; open flames; cooking; road closures; tents or canopies; temporary fencing; restrooms; sinks; dumpsters; trash containers; trash collection; electrical service; rentals; professional parking/valet; carnival or amusement rides or attractions; climate control; pyrotechnics; seating; animals; barricades; bicycles; decorations; golf carts; inflatables; security; transportation; signage; ticket sales; and any other special features planned for or in conjunction with the event;

(4) Insurance. The applicant shall, at its own expense, procure, pay for and maintain the following insurance written by companies approved by the state and acceptable to the city. The permittee shall furnish to the city certificates of insurance executed by the insurer or its authorized agent stating coverages, limits, expiration dates and compliance with all applicable required provisions.

a. Commercial general liability insurance, with the City of Todd Mission, its officers and officials as additional insureds, including, but not limited to premises/operations, personal and advertising injury, products/completed operations, independent contractors and contractual liability, with minimum combined single limits of \$1,000,000 per occurrence, \$1,000,000 Products/Completed Operations Aggregate and \$1,000,000 general aggregate. Coverage must be written on an occurrence form. The General Aggregate shall apply on a per project basis.

b. Liquor liability insurance, either endorsed onto the above policy or written on a "stand alone" basis, if any of the following applies:

1. The applicant is in the business of manufacturing, selling, or distributing alcoholic beverages;

2. The applicant serves or furnishes alcoholic beverages for a charge, whether or not such activity requires a license or is for the purpose of financial gain or livelihood; or

3. The applicant serves or furnishes alcoholic beverages without a charge, if a license is required for such activity.

c. Business automobile liability insurance covering owned, hired and non-owned vehicles, with a minimum combined bodily injury and property damage limit of \$1,000,000 per occurrence.

(5) References. List of three organizations an applicant has done business with in connection with the proposed event;

(6) Advertising and promotion. Listing of types of advertising and promotion, including radio, television, print ads, press releases, fliers, posters, direct mail, etc.; and

(7) Application fee. A non-refundable application fee of \$150.00, plus any costs incurred by the city, must be submitted with the application and is required for each permit or renewal of a permit, which permit shall extend only to those dates requested in the application and which are approved by the Department.

(8) Temporary Vendor Fee. A non-refundable temporary vendor fee of \$50.00 for the sale of merchandise, food, or beverages for events on public property or on private property Thursday through Sunday.

(c) Fees must be in the form of a check, money order or credit card (as directed by the Department) in the name of the organization stated on the application and shall be made payable to the city. Any amounts invoiced by the city must be paid within 30 days from the date of the invoice.

(d) The Department shall review the application and make its determination within fourteen (14) days after a complete application for a special event, including all required

fees and licenses and/or permits, has been submitted to the Department, unless the application is for a special event involving expressive activity.

(e) If the Department determines that clarification or additional information is necessary for proper consideration of an application, this time period may be extended an additional ten days from the date clarification or additional information is provided. The Department may approve, approve with conditions, or deny an application. The Department may also revoke a permit if it determines at any time after approval that the event is not in compliance with the permit or with this ordinance.

Section 2.102. Special Provisions for Expressive Activities

(a) A demonstration, parade or assembly related to the expression of feelings and beliefs on political, religious, or social issues at a fixed location other than a public right-of-way (sidewalk or Public Park) is exempt from the requirement to pay an application fee to obtain a special event permit.

(b) An application for a special event permit for expressive activities must be filed with the Department not less than ten (10) days before the proposed event. The Department may issue a special event permit if the application is filed less than ten (10) days before the event, provided there is adequate time for the Department to process the application and to assure that there are adequate measures in place for the orderly movement of traffic and the participants in the expressive activities. The Applicant shall communicate with the Police and Fire Departments prior to the event.

(c) The Applicant must submit a Traffic Control Plan which shall provide traffic controls for the expressive activity, including any streets to be closed and all other streets or public areas in close proximity that may be utilized for alternative routes or for parking of vehicles of persons attending the event.

(d) The Applicant shall be required to pay any additional costs incurred by the city for street closures and traffic control to conduct specific activities in conjunction with or as a part of the expressive activity.

(e) The insurance requirements for special events may be waived by the Department if the special event involves expressive activity and poses no substantial risk of public liability or property damage.

(f) The Department shall review the application and make a determination, within five (5) days of receipt of the application, to grant or deny the permit for a special event involving expressive activity.

Section 2.103. - Directives of department or other authorizing official.

The permittee shall comply with the printed guidelines and with all other reasonable rules, regulations and directives of the Department as may be issued from time to time.

Section 2.104. - Force majeure.

(a) The city may, in its sole discretion, postpone, cancel, suspend or close any special event or revoke a permit for any force majeure event.

(b) The city shall have no liability for such postponement, cancellation, suspension or closing. Further, the city shall have no liability for failure to postpone, cancel, suspend, or close a special event for a force majeure event or any other reason.

Section 2.105. – Denial and revocation of a Special Event Permit.

(a) The Department may deny a special event permit if:

(1) A special event permit has been granted for another special event at the same place and time;

(2) An established special event is customarily held at the same place and time as the proposed special event;

(3) 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;

(4) The applicant fails to adequately plan for:

a. The protection of special event participants and spectators;

b. Maintenance of public order in and around the special event location;

c. Crowd security, taking into consideration the size of the event;

d. Emergency vehicle access; or

e. Portable restroom facilities for the special event as required by the department.

(5) The applicant fails to comply with or the proposed special event will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this chapter;

(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 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;

(8) The applicant has had a special event permit revoked within the preceding 14 months;

- (9) The applicant has committed, within the preceding 14 months, two or more violations of a provision of a special event permit of this chapter;
- (10) The applicant fails to pay any outstanding fees assessed under this ordinance for the proposed special event or for a past special event;
- (11) The applicant has conducted or sponsored one or more special event(s) within the city on at least 60 days of the same calendar year during which the proposed special event is to be held, except that this 60-day limitation does not apply to a special event that involves a commercial movie production;
- (12) The chief of the police department or the chief of the fire department determines that the special event would pose a serious threat to the public health, safety, or welfare;
- (13) 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;
- (14) The applicant has a history of conducting or sponsoring special events in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner;
- (15) An event has been previously scheduled for the same time on property described in this ordinance that is adjacent to the location of the proposed special event; or
- (16) The applicant, if it is a corporation, fails to provide copies of a current certificate of account status and current certificate of existence as required by this ordinance.

- (b) The Department may revoke a special event permit if:
- (1) The permittee 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 permittee made a false statement of material fact on an application for a special event permit or failed to properly complete an application for a special event permit;
 - (3) The chief of the police department or the chief of the fire department determines that the special event poses a serious threat to the public health, safety, or welfare;
 - (4) The permittee failed to pay any outstanding fees assessed under this chapter for the proposed special event or for a past special event;
 - (5) The permittee or any other person responsible for the conduct of the special event is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permittee or such other person;
 - (6) The permittee, if it is a corporation, failed to provide copies of a current certificate of account status and current certificate of existence as required by this ordinance; or
 - (7) The permittee is found guilty or pleads guilty or no contest or is placed on deferred adjudication for a citation alleging a violation of this ordinance.

Section 2.106. - Appeal from denial or revocation of a Special Event Permit.

If the Department denies the issuance of a permit or revokes a permit, the Department shall issue written notice of the denial or revocation and of the right to an appeal. The applicant or permittee may appeal the decision of the Department to the City Administrator within five (5) days after the date of the denial or revocation. The appeal shall be decided by the City Administrator within five (5) days after the date of a timely filed appeal, and the decision of the City Administrator shall be final.

Section 2.107. - Right of entry.

The city through its officials, employees, agents, and representatives shall have the right at all reasonable times to enter upon all permitted premises for the purpose of inspecting the permitted premises, for observing the performance of obligations under this ordinance, and for the doing of any act or thing which the city may be obligated to or have the right to do under the permit, this chapter, or other applicable city ordinance, rule or regulation.

ARTICLE III. – OTHER PROVISIONS AND REQUIREMENTS

Section 3.101. - City services.

To best serve the safety and welfare of the public, the following services shall be provided by the city when available and required (as determined by the Department) in conjunction with a special event. The applicant shall reimburse the City for the cost of these services.

- (1) Police protection, security and crowd control.
- (2) Fire protection, emergency medical services, and emergency management services.
- (3) Park maintenance.

- (4) Public works: street closures and water services.
- (5) Traffic and parking control.
- (6) Building inspections, environmental health compliance, code, et al.

Section 3.102. – Traffic Control Plan.

Certain streets within the city may be temporarily closed to limit or exclude vehicular or pedestrian traffic prior to, during or after a special event. An applicant requesting street closure(s) for a special event shall submit for approval a traffic control plan approved by the Department showing the layout of all barricades and signs at the time of application. The Department shall consider such request in evaluating the application and may recommend additional or fewer street closures. Some street closures may require consent of businesses and property owners in the adjacent area. Should street closures be approved, the city public works department shall supervise the operation of any traffic control devices, and the placement of all barricades and signs placed on public streets or on any public rights-of-way.

Section 3.103. - Outdoor activities.

(a) Any outside area to be occupied by persons attending the event must be completely enclosed by a temporary (during the term of the event only) interlocking fence if alcohol is served or allowed to be consumed in such area. If required fencing crosses a fire lane, a 20-foot wide emergency gate must be utilized and kept closed. The gate must be kept closed, but unlocked, at all times to accommodate public safety vehicles and provide an emergency exit. The fencing set-up must ensure that customers are not forced to re-enter an adjacent structure, if any, in order to vacate the licensed premises in case of an emergency.

(b) All outdoor activities and entertainment must be confined to the area within the licensed premises (and if fencing is required by paragraph (a) of this section, then such activities and entertainment must be confined to the area within the fencing).

(c) All fire lanes throughout the property on which the event takes place must be kept completely unobstructed by vehicular traffic.

(d) Any portion of the licensed premises where alcohol is served, if less than the entire licensed premises is utilized for alcohol service, must be covered by a roof.

Section 3.104---Parking

(a) If parking needs for the event are expected to exceed the area(s) owned by or assigned to the host establishment(s), appropriate parking arrangements must be made with affected properties or establishments.

(b) Any required handicapped parking space affected by the outdoor fencing for the event must be temporarily replaced using a space(s) outside the fenced area that is as close as practicable to the entrance to the establishment. Such temporary space must meet all requirements for handicapped spaces including the required "clear zone" on the driver's side of the vehicle and appropriate signage.

Section 3.105. - Alcoholic beverages.

(a) Access points into the licensed premises must be constantly manned to prevent patrons from entering or exiting with alcoholic beverages.

(b) A copy of the permit to use public property must be provided to the Texas Alcoholic Beverage Commission ("TABC") or its successor agency.

(c) Any required permit or letter of approval from the TABC and the city must be posted on the premises where the event takes place.

(d) A copy of a current permit from TABC authorizing the permittee to sell, dispense or otherwise serve alcohol at the location must be submitted 12 days prior to the event.

Section 3.106. - Noise.

No loud, excessive or unusual noise is allowed Sunday through Friday between the hours of 11:00 p.m. and 7:00 a.m. and Saturday between the hours of 12 a.m. and 7 a.m. during setup, operation or teardown of an event. Failure to comply with a request from the Department concerning noise may result in the immediate revocation of the special event permit.

It is unlawful for a person to use or cause to be used any loudspeaker, loudspeaker system, sound amplifier, or any other machine or device that produces, reproduces, or amplifies sound outside of a building or enclosed structure or causes sounds produced, reproduced, or amplified within a building or enclosed structure to exceed the levels specified in this section, when measured from the property line of the property where the sound is being received, without first obtaining a permit to do so. In no event shall the issuance of a permit authorize, allow, or otherwise permit the production, reproduction, or amplification of sound that exceeds 75 dB(A) when measured from the property line of the nearest receiving property. Permits shall be granted only for the amplification of music or human speech, or both; provided however, no permit shall be issued to an applicant who has:(1) Had a permit revoked within the twelve-month period prior to the date of application; or (2) Received two or more convictions or entered two or more pleas of guilty or nolo contendere, or any combination thereof, in return for a grant of deferred disposition for violations of this Ordinance within the 36 month period prior to the date of application.

Each applicant desiring to obtain a permit shall apply on a form provided by the Department and shall submit the following information:(1)The date of the application and the date and hours for which the permit is requested, including the permit classification being requested;(2)The name and address of the applicant;(3)The name and address of the person who will have charge of the sound amplification equipment;(4)The purpose for

which the sound equipment will be used;(5)The physical address and a description of the location or proposed location route where the sound amplification equipment will be used; (6) A description of the type of sound amplifying equipment to be used; and (7) Any other information reasonably requested by the Department.

Whenever this Ordinance prohibit sound over a certain decibel limit, measurement shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American National Standards Institute (A.N.S.I. S1.4-1984/85A). Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used. Measurements of sound generated shall be taken from the property line of the nonresidential property or residential property where the sound is received towards the source of the sound.

Section 3.107. - Signs.

(a) All signs used in connection with a special event shall be professionally executed and must comply with all applicable ordinances, rules, and regulations of the city, and be approved in writing by the department.

(b) Written permission from the city must be obtained prior to placing signs on public property. The design of signs placed on public property must be approved by the city. Signs placed on public property must be designed and constructed such that they do not leave adhesive residue on property when removed. Inflated signs anchored to the ground, a building, or other structure are prohibited.

(c) Permanent, existing signs on public property may not be removed or covered.

(d) The city shall supervise the placement of all directional or promotional signs placed on public streets. The rental cost of directional signs is the responsibility of the applicant and payment is required in advance of the event.

Section 3.108. - Fees.

(a) The City Council shall set fees, Applications, Vendors and Special events.

ARTICLE IV. – ENFORCEMENT

Section 4.100. - Offenses.

(a) A person commits an offense if the person commences or conducts a special event:

(1) Without a special event permit; or

(2) In violation of any provision of a special event permit, or any other city ordinance or applicable law, rule, standard, or regulation.

(b) A culpable mental state is not required for the commission of an offense under this section.

Sec. 13.402. - Penalty.

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

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

(1) \$2,000.00 for a violation of a provision of this ordinance or a requirement of a special event permit governing fire safety, zoning, or public health and sanitation; or

(2) \$500.00 for all other violations of this chapter or requirements of a special event permit; or

(3) \$4,000.00 for a violation involving the dumping of refuse.

Section 2. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Todd Mission, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and ADOPTED this _____ of _____, 20__.

George Coulam
Mayor

ATTEST:

Julie Lunsford
City Secretary