

CHAPTER 4
BUSINESS REGULATIONS

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§ 1-00. PRIVATE CLUBS SERVING ALCOHOLIC BEVERAGES

§ 1-01. Definitions

(a) The term "alcoholic beverage" as used in this section shall be construed to mean and include any liquid or beverage for human consumption containing more than one-half of one percent (1/2 of 1%) of alcohol by volume, which is capable of use by beverage purpose, either alone or when diluted.

(b) "Private club" is a club which is an association of persons that holds a private club registration permit allowing alcoholic beverages to be served for on-premises consumption to members of the club and their guests as authorized by the Alcoholic Beverage Commission under the provisions of the Alcoholic Beverage Code of the State of Texas. Such alcoholic beverages can either be:

(1) Stored, possessed, and mixed on the club premises; or

(2) Served for on premises consumption only to members of the club and their families and guests, by the drink or in sealed, unsealed or broken containers of any legal size.

§ 1-02. Private Clubs Near Schools, Churches, and Hospitals Prohibited

No private clubs serving alcoholic beverages of any kind shall be located within 300 feet of any church, public or private school or child care center, or hospital. The measurement of distance shall be along the property lines of the street fronts and front door to front door in a direct line across intersections.

§ 1-03. Private Clubs to Provide Regular Food Service

All private clubs holding a private club registration permit shall provide and make available to club members and their guests regular food service which is to be served on the premises. In order to adequately determine whether such food service is being provided for regularly at least one third (33-1/3%) of the total food and beverage gross sales must be in food sales. Each private club shall keep and maintain such records of food and beverage sales which shall be subject to inspection by the city upon request. (Ordinance adopting Code)

§ 2-00. PEDDLERS AND SOLICITORS

This section is and shall be deemed an exercise of the police powers of the state and of the city for the public safety, comfort, convenience, and protection of the city and the citizens thereof, and all of the provisions of this section shall be constructed for the accomplishment of that purpose.

§ 2-01. Peddler or Solicitor Defined

For the purpose of this section, a "peddler" or "solicitor" shall mean any person, partnership, firm, or corporation going from house to house or from place to place in the city soliciting, exhibiting, selling, canvassing for or taking orders for, or offering to sell or take orders for any goods, wares, merchandise, meats, fish, and subscriptions to magazines, publications, newspapers, photographs, or services. The same shall also include any persons, partnerships, firms, or corporations soliciting, exhibiting, selling, taking orders for, or offering to sell or take orders for such goods, wares, merchandise, meat, fish, publications, or services upon or from a truck or other vehicle whether on the streets or from any property whatever in the city, whether public or private. Also anyone who solicits orders and, as a separate transaction, makes deliveries to purchasers as a part of a scheme or design to evade these provisions shall be deemed a "peddler" or "solicitor." The terms "peddler" and "solicitor" shall also be synonymous with "itinerant merchant" and "transient vendor," as well as each other.

§ 2-02. Permit Required

It shall be unlawful for any person, partnership, firm, or corporation to peddle, sell, solicit, exhibit, or take orders for or offer to take order for any goods, wares, merchandise, meat, fish, or subscriptions to magazines, publications, newspapers, photographs, or services without first having obtained a permit to do so from the city.

§. 2-03. Application For Permit

(a) Every person desiring to obtain a permit as required by this section shall make written application to the city secretary which application shall show at least the following:

- (1) The name and address of the applicant;
- (2) The name and address of person which such applicant represents;
- (3) The applicant's date of birth, height, weight, color of hair and color of eyes, social security number, and driver's license number, if existent;
- (4) Whether the applicant has ever been convicted of a felony or a misdemeanor involving theft, fraud, bribery, or perjury;
- (5) The name of the immediate last preceding three towns in which he worked, if any;
- (6) The kind of goods, wares, and merchandise offered or to be offered for sale;
- (7) Whether such applicant upon any such order so obtained will demand, accept, or receive payment or deposit of money in advance of final delivery; and

(b) In addition, there shall also be attached to each application for a permit the following:

(1) A recent photographic likeness of the applicant's face as well as any assistant working with him;

(2) Satisfactory proof of applicant to represent the company or individual such applicant so states that he represents.

(c) In addition, the applicant may be required to submit to fingerprinting. Such fingerprinting shall be kept as a permanent record with the application.

§ 2-04. Surety Bond Required

(a) In the event the application shows the applicant is to take orders for future delivery, he shall give bond signed as surety by some surety company authorized to do business in Texas, conditioned for the final delivery of goods, wares, merchandise, meat, fish, photographs, publications, or services in accordance with the terms of such order obtained and also conditioned to indemnify any and all purchases or customers for any and all defects in material or workmanship that may exist in the articles, sold by the principal in such bond, at the time of delivery, that may be discovered by such purchaser or customer within 30 days after delivery. Such bond shall be in the sum of not less than one thousand dollars (\$1,000.00) and shall remain in full force and effect for the entire duration of the license permit. The bond required herein shall be in substantially the following form:

STATE OF TEXAS
COUNTY OF HENDERSON

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned _____ as Principal, and the _____ as Surety, are held and firmly bound unto the Mayor of the City of Payne Springs, Texas, and his successors in office in the penal sum of ONE THOUSAND DOLLARS (\$1,000.00), lawful money of the United States of America, for the payment of which in Payne Springs, Henderson County, Texas, we bind ourselves, and our heirs, personal representatives, successors, and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is that whereas the principal in this bond has applied to the proper authorities in and for the said city for a permit to solicit orders for and to sell goods, wares, merchandise, meats, fish, photographs, publications, or services.

Now if the said principal in this bond will make final delivery of all such goods, wares, merchandise, meats, fish, photographs, publications, or services to the respective purchasers in accordance with the orders therefor, and will indemnify all of said purchasers and customers and save them harmless from any and all defects in material or workmanship that may exist in any articles sold by the principal in this bond, at the time of sale, and that may be discovered by such purchaser or customers within thirty (30) days after delivery, then in such event this obligation is to be null and void, otherwise it is to be and remain in full force and effect.

This bond is for the use and benefit of any and all persons, firms, and corporations that may make any purchase from the principal in this bond or give any order to said principal, and the right of action hereunder shall not be exhausted by the first recovery, but successive suits may be brought hereon for all breaches that may occur so long as the total damages sued for shall not exceed the penalty of this bond.

IN TESTIMONY WHEREOF WITNESS the hands and seal of the aforesaid parties, this _____ day of _____, 19____.

Principal

Date

Principal

Date

Aforementioned Bond Expires on _____, 19_____.

(b) Any bonafide charitable, religious, educational, or philanthropic organization or any person engaged in interstate commerce, shall not be required to give a surety bond even though orders may be taken for future delivery.

§ 2-05. Investigation of Applicant

It shall be the duty of the mayor to investigate each applicant referred to him by the city secretary that has been made an application for a permit. The mayor shall as promptly as possible make a report of his investigation to the city secretary before a permit is issued.

§ 2-06. Issuance and Duration of Permit

Upon completion of the investigation, the city secretary shall issue or refuse to issue a permit. All permits issued shall be valid for a period of one year, unless sooner revoked.

§ 2-07. Permit Fees

Each and every person seeking a permit under the provisions herein shall pay an application fee of \$50.00. Such fee shall be paid by the person desiring such permit and payable at the time of application. This fee shall be charged to help defray the cost of investigation and administration incident to said permit. This fee shall not be prorated nor refunded to the applicant regardless of whether a permit is issued or not. No fee shall be charged to any bonafide charitable, religious, educational, or philanthropic organization, or persons engaged in interstate commerce.

§ 2-08. Permit to be Carried on Person and Presented on Request

It shall be unlawful for any peddler or solicitor to do business within the city unless he carries such permit on him at all times. Every peddler or solicitor shall display his permit upon request of any person and failure to so display such permit shall be grounds for revocation or constitute a violation of this section.

§ 2-09. Revocation of Permit

If, ~~after the permit~~ as hereinbefore provided, has been issued and the city finds that the permit was obtained by false representation in the application, or that the permit holder has committed any act or practice that violates Section 17.46 et.seq., Texas Business and Commerce Code, otherwise known as the Texas Deceptive Trade Practice Act; any act or practice which violates the Home Solicitation Sales Act; the commission, during the term of the permit, of any crime or misdemeanor involving moral turpitude; or any violation of

this section or any other city ordinance or state or federal law, may revoke such permit by giving written notice to the holder.

§ 2-10. Permit Not Transferable

No permit issued under this section shall be transferable or assignable nor give authority to more than one person to engage in the business as a peddler or solicitor, but any person having obtained such permit may have the assistance of one or more persons in conducting such business.

§ 2-11. Refusal to Leave Premises Prohibited

Any peddler or solicitor who enters upon premises owned, or occupied by any person and willfully refuses to leave said premises after having been notified by the owner or tenant of said premises, or his agent, to leave the same shall be deemed guilty of a misdemeanor.

§ 2-12. No Peddling Where Posted

It shall be unlawful for any peddler or solicitor to enter upon any private premises when the same is posted with a sign stating "No Peddlers Allowed" or "No Solicitation Allowed" or other words to such effect.

§ 2-13. Carrying of Weapons, Knives, and Cutting Utensils Prohibited

It shall be unlawful for any peddler or solicitor to carry on or about his person, or within his immediate reach, during peddling or solicitation activity, any weapon defined in Section 46.01 of the Texas Penal Code or knife of any length or any other bladed cutting utensil. Any samples to be provided or distributed must be pre-cut and none of the implements hereinabove described may be displayed before another person during such peddling or soliciting activity.

§ 2-14. Hours When Peddling Not Permitted

It shall be unlawful for any peddler to engage in the business of peddling at any time after sunset and 30 minutes after sunrise, except when the peddler has specific invitation and appointment with the customer.

§ 2-15. Consumers Right to Cancel Order

(a) All peddlers or solicitors shall provide to the consumer in writing the right to cancel a solicitation transaction made in person or by telephone until midnight of the third business day after the day on which the consumer signs an agreement or offer to purchase any goods, wares, merchandise, meat, fish, photographs, publications, or services. For the purpose of telephone solicitation, the date of transaction means the day the consumer receives the goods, wares, merchandise, meat, fish, photographs, publications, or services purchased in a solicitation transaction. If the consumer chooses to cancel the solicitation transaction, notification by mail shall be considered given at the time mailed, as evidenced by the postmark; notification by telegram shall be considered given at the time filed for transmission; and notification by any other writing shall be considered given at the time delivered to the merchants designated place of business.

(b) It shall be unlawful for any peddler, solicitor, or company represented to refuse to allow the customer to cancel the solicitation transaction.

§ 2-16. Exemptions

The following persons, partnerships, firms, or corporations shall be exempt from the permit provisions of this section:

- (a) Ordinary commercial travelers who sell or exhibit for sale goods, wares, merchandise, meat, fish, photographs, publications, or services to local firms or businesses and not homes;
- (b) Daily deliveries of milk and bakery and other food products, liquor deliveries, or newspaper deliveries;
- (c) Insurance salesmen, real estate salesmen, and other professionals licensed by the state;
- (d) Any bonafide charitable, religious, educational, or philanthropic organization; and
- (e) Persons engaged in interstate commerce. The term "interstate commerce" means soliciting, selling, or taking orders for or offering to take orders for any goods, wares, merchandise, photographs, publications, or services, or acting in any function as a peddler or solicitor, as the terms are used in this section, which, at the time the order is taken, are in or will be produced in any federal district or territory, any commonwealth, or any state other than the State of Texas, and shipped or introduced into this city in the fulfillment of such orders. (Ordinance adopting Code)

§ 3-00. *STREET RENTAL FEES*

§ 3-01. Street Rental Charge Established and Reports Required

No person, firm or corporation shall use or occupy the public streets, avenues, alleys or grounds of the city without approval of the city council and paying a street rental fee. All persons, firms or corporations owning, managing or operating any company or other business for private purposes located within the city shall on or before the first day of April each year file a sworn report with the city secretary showing the gross receipts derived from conducting business within the city and pay a rental for the use of city streets, alleys and public ways equal to 2% of the gross receipts derived from the use of such streets, avenues, alleys or grounds for the 12 months preceding January 1st each year. Such gross receipts reports and payments may, at the option of the city, be required quarterly on or before the 1st day of January, April, July and October for the next preceding quarter.

§ 3-02. Authorization to Utilize Street and Other Public Places

The payment of the rental as above provided and the issuance of the receipt thereof, shall authorize such persons, firms, or corporations to use and occupy the streets, avenues, alleys, easements and other public grounds of the city in carrying on its business under the regulations of the city for 12 months from January 1st of such year.

§ 3-03. Rental is Not a Tax

The rental charge for the privilege of using the streets, avenues, alleys and public ways of the city provided for in this section is not charged as a tax, but is made for the privilege now enjoyed and to be enjoyed by such persons, firms or corporations for the use of the streets, avenues, alleys and public ways in the city in the conduct of their respective business; and such charges are additional to any ad valorem or other taxes of any nature whatsoever, except franchise taxes, against the persons, associations, companies or corporations mentioned herein.

§ 3-04. City May Require Audit

The city council may, when it may see fit, have the books and records of the person, association, organization or corporation rendering the statement examined by the mayor to ascertain whether such statement is accurate, but nothing in this section shall be construed to prevent the city from ascertaining the facts by any other method.

§ 3-05. Not a Waiver

Nothing herein is intended to release any person, association, organization, or corporation of any condition, restriction, or requirement, imposed by any law or ordinance of the city.

§ 3-06. Not a Franchise

This section does not grant a franchise to any utility or persons, firms or corporations, to use the streets, easements, alleys and other public ways and shall never be so construed by the court or otherwise, and the city reserves the right to cancel the privileges granted hereunder and refund any earned rentals paid to the city, if any.

§ 3-07. Other Restrictions May be Implemented

The city hereby reserves the right to put into effect at any time other restrictions and regulations as to the re-erection and maintenance of poles, wires, pipes, and other apparatus in the streets, avenues, easements, alleys, and other public ways of the city from time to time, to require such poles, pipes, wires, and other property, equipment and fixtures, as it may deem proper, to be removed and to require wires to be run in conduits on such terms as the city may deem proper. Also any street, driveway, alley or other property damaged by the utility company conducting business within the city shall be restored back to its original condition or better.

§ 3-08. Fire Marshal May Inspect

The city fire marshal, and such other persons designated by the city, shall have power to examine and inspect, from time to time, all telegraph, telephone, electric wires or other poles, gas pipeline, sewer lines and all other pipes and fixtures in the public places within the city for the purpose of seeing that all of the same are in safe and suitable condition and when any such item is found to be unsafe or unsuitable the persons using, possessing or maintaining same, shall be notified and required to place same in a safe and suitable condition. (Ordinance adopting Code)

§ 4-00. AUTOMOBILE SALVAGE DEALERS

§ 4-01. Automobile Salvage Dealer Defined

An "automobile salvage dealer" means an individual, corporation, association, partnership, organization, or other entity engaged in the business of obtaining abandoned, wrecked, or junked motor vehicles or motor vehicle parts for scrap disposal, resale, repairing, rebuilding, demolition or other forms of salvage.

§ 4-02. License Required

No person shall exercise, carry on or engage in the business of operating an automotive wrecking and salvage yard unless such person first obtains a license to do so from the city council. A separate license shall be required for operators of automotive wrecking and salvage yards for each place of business. The license for each automotive wrecking and salvage yard shall be \$100.00 per annum, and shall be renewed annually.

§ 4-03. Removal of Flammable Liquids From Vehicles Required

All oil, gasoline, and other flammable liquids shall be completely drained and removed from any junked, wrecked, or abandoned automotive vehicle before said vehicle is placed in any automotive wrecking and salvage yard in the city.

§ 4-04. Fencing, Wall Requirements

(a) Every automotive wrecking and salvage yard within the city shall be completely surrounded and enclosed by a solid or opaque fence or wall as follows:

(1) Any side of such yard which extends generally parallel to, and within 100 feet of any public street or right-of-way shall be bounded by a solid fence or wall at least 8 feet in height.

(2) All sides of such yard not included in (1) above, shall be bounded by a solid fence or wall at least 6 feet in height.

(b) Every fence or wall herein required shall be constructed and maintained as follows:

(1) All fences shall be constructed of wood, masonry, corrugated sheet metal, chain link, or any combination thereof; provided, however, that any one side of an automotive wrecking and salvage yard shall be bounded by a fence or wall constructed of only one of the above materials.

(2) Chain link fences shall be constructed of galvanized chain link fencing with wood or metal slats or strips run through all links of the chain link fence.

(3) All fences or walls shall extend downward to within 3 inches of the ground and shall test plumb and square at all times.

(c) Any part of a fence or wall required by this section hereof may consist in whole or in part of a solid wall and door, or walls and doors of any completely enclosed building on said premises, if such wall or door meets all construction requirements hereinabove set forth.

(d) Openings in the prescribed enclosure which are necessary to permit reasonable access to said automotive wrecking and salvage yards shall be equipped with a solid gate or gates, constructed and maintained in accordance with the requirements for a fence or wall hereinabove set forth. Such gates shall be closed and securely locked at all times except during normal daytime business hours.

§ 4-05. Use of Premises Outside Fence or Wall Unlawful

It shall be unlawful for any owner, operator, his agents, or employees, to display, store or work on any junked or wrecked automotive vehicle, or parts, accessories or junk therefrom outside of or above herein required fence or wall.

§ 4-06. Arrangement of Vehicles, Parts, and Materials

All automotive vehicles, parts, and other materials located in or on the premises of any automotive wrecking and salvage yard in the city shall be so arranged to allow reasonable access to, and inspection of, the premises by authorized officials of the city.

§ 4-07. Inventory Records to be Kept

(a) An automobile salvage dealer shall keep an accurate and legible inventory of each major component part purchased by or delivered to him as follows:

- (1) Date and purchase of delivery;
- (2) Name, age, address, sex, and driver's license number of the seller;
- (3) The license number of the motor vehicle used to deliver the major component part;
- (4) A complete description of the item purchased; and
- (5) The vehicle identification number of the motor vehicle from which a major component part was removed. In lieu of these recordkeeping requirements, an automobile salvage dealer may record the name of the dismantler and the Texas Certificate of Inventory number.

(b) An automobile salvage dealer shall keep all records required to be kept by this section for one year after the date of sale or disposal of the item, and he shall allow an inspection of the records by a police officer at any reasonable time.

§ 4-08. Inspection of Records

A police officer may inspect the inventory of the premises of the automobile salvage dealer at any reasonable time in order to verify, check, or audit the records. An automobile salvage dealer shall allow and shall not interfere with a full and complete inspection by a police officer of the inventory, premises and records of the dealer.

§ 4-09. Police May Confiscate Stolen Vehicle or Part

A police officer may seize, hold, and dispose of any motor vehicle or part thereof which has been stolen or which has been altered so as to remove, change, mutilate, or obliterate a permanent vehicle identification number, derivative number, motor number, serial number, or federal safety sticker. (Ordinance adopting Code)

**§ 5-00. *MASSAGE ESTABLISHMENTS AND
NUDE MODELING STUDIOS***

§ 5-01. License Required

It shall be unlawful for any person to operate a massage establishment or nude modeling studio within the city without first having obtained a license therefor from the city council. The fee for such license shall be \$100.00 for a one-year period and shall be renewed annually.

§ 5-02. Operation in Residential Areas Prohibited

It shall be unlawful to operate any massage establishment or nude modeling studio in any area of the city which is zoned for residential use. No such establishment shall be operated within any building used for living or sleeping quarters.

§ 5-03. Operation Within 500' of Church or School Prohibited

It shall be unlawful to operate any massage establishment or nude modeling studio within 500 feet of any church or school. (Ordinance adopting Code)

**§ 6-00. *DRILLING OIL AND GAS WELLS;
MINERAL EXCAVATIONS***

§ 6-01. Person Defined

The word "person" whenever used in this section means and includes any natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator and fiduciary or representative of any kind.

§ 6-02. Prohibited Acts; Permit Required

(a) It shall be unlawful for any person to drill or commence operations to drill any well in search of oil or gas within the city limits of Payne Springs, Texas, or to work upon or assist in any way in the prosecution of such operations for drilling of any such well without a permit for the drilling, completion and operation of such well having first been issued by authority of Payne Springs city council in accordance with the provisions, hereof.

(b) It shall be unlawful for any person to explore or engage in any operations of any kind for exploration for oil and gas or any other mineral within the city limits of Payne Springs, Texas, without a permit for exploration having first been issued by authority of the Payne Springs city council in accordance with the provisions, hereof.

(c) It shall be unlawful for any person to excavate or commence excavation operations for the production of any kinds of minerals within the city limits of Payne Springs, Texas, without a permit for same having first been issued by Payne Springs city council in accordance with the provisions, hereof.

§ 6-03. Permit Issuance

(a) The "city council" of Payne Springs, Texas, shall be the permit issuing authority hereunder in accordance with the following requirements:

- (1) Proposed location or site of operation.
- (2) Type of operations (drilling, excavation, proposed depth, etc.)
- (3) Type of production sought.
- (4) A lay-out plat or map showing the proposed location of drilling or mine site along with equipment, holding tanks, lines, etc., proposed to be used in connection with such operation.

(b) A fee of \$250.00 must be paid upon issuance of a permit hereunder for operations and a fee of \$100.00 for exploration.

(c) A bond shall be filed upon issuance of a permit hereunder before the commencement of any operation in an amount to be determined by the issuing authority but not less than \$50,000.00. Such bond shall be executed by a reliable insurance company authorized to do business in the State of Texas, as surety, and with the permittee and successors or assigns of permittee as principal, running to the city, for the benefit of the city and all persons concerned. Such bond shall be conditioned that the permittee and successors or assigns of permittee will comply with the terms and conditions of this section in all operations. Such bond shall become effective on or before the date it is filed with the city secretary and remain in force and effect for at least a period of six (6) months subsequent to the expiration of the term of the permit issued. In addition the bond will be conditioned that the permittee and successors or assigns of permittee will promptly restore the streets and sidewalks and other public property of the city, which may be disturbed or damaged in the operations, to their former conditions, and that the permittee and successors or assigns of permittee will promptly clear all premises of all litter, trash, waste and other substances used, allowed or occurring in the drilling, mining or producing operations, and will, after abandonment, grade level and restore the property to the same surface condition, as nearly as possible, as existed when operations for the drilling of the well or mining operations were first commenced, and that the permittee and successors or assigns of permittee will indemnify and hold the city harmless from any and all liability growing out of or attributable to the granting of the permit.

If at any time the city council shall deem any permittee's or successors or assigns of permittees bond to be insufficient for any reason, it may require the permittee to file a new bond.

(d) Permits may be withheld by the issuing authority, subject to appellate procedures established herein, upon the following grounds:

- (1) Proximity of proposed site to residences, hospitals, churches or business establishments.
- (2) If in judgment of issuing authority, operations of the type proposed in application for a permit would pose a general nuisance to the citizens of Payne Springs, Texas.
- (3) Traffic or fire hazards that may result from operations for which permit is applied.

(4) The likelihood of irreparable damage being done by operations for which permit is applied to surrounding area.

(5) The failure of applicant to produce a sufficient bond hereunder.

§ 6-04. Application Filing Procedure

All applications for permits hereunder shall be filed with the city secretary and submitted by the city secretary to the city council. The city council shall act on such applications as follows:

(a) A public hearing will be scheduled by the city council giving at least 10 days and nor more than 20 days notice in a newspaper of local circulation.

(b) The city council shall conduct a public hearing on the application giving all citizens present at such hearing and the applicant or applicant's representatives a chance to testify or speak. Rules for the conduct of the hearing may be laid down at the outset of such hearing by the mayor.

(c) The applicant or applicant's representatives shall attend the public hearing provided for herein to respond to questions relating to the application.

§ 6-05. Right of Entry

Representatives of the city shall have the right to enter upon the premises of any operations regulated hereby at reasonable times, for the purpose of insuring that this section is being complied with by the permittee and the successors or assigns or permittee.

§ 6-06. Exercise of Police Power

This entire section is enacted for the protection of the health, safety, and welfare of the citizens of Payne Springs, Texas.

§ 6-07. Penalty for Violations

Any person violating any of the provisions of this section shall be fined in an amount not less than \$20.00 or more than \$1,000.00. Each day of violation shall be considered a separate offense hereof. (Ordinance No. 22 adopted February 2, 1987)

**§ 7-00. *PARADES, CARNIVALS, CIRCUSES
AND TENT SHOWS***

§ 7-01. Permit Required

It shall be unlawful for any person, group, or organization to conduct a parade upon the city streets or hold a circus, carnival or tent show without first obtaining a permit from the city. However, this subsection shall not apply to funeral processions; school functions such as pep rallies, fund raisers, marching bands, etc... providing such conduct is under the immediate direction and supervision of the proper school authorities; or a government agency.

§ 7-02. Application for Permits

(a) Any person desiring to conduct a parade or to hold a circus, carnival or tent show within the city shall make an application in writing to the city secretary at least 10 days prior to the date such parade, circus, carnival, or tent show is to be conducted.

(b) The application for a permit shall be on forms furnished by the city which shall set forth the following information:

- (1) The name, address, and telephone number of the person, sponsor, group, or organization desiring such permit.
- (2) The name, address and telephone number of the person who will be responsible for the conduct of the parade, circus, carnival or tent show.
- (3) The proposed date(s) the parade, circus, carnival or tent show is to be held.
- (4) The proposed route of parade or location of the circus, carnival or tent show.
- (5) A description of the proposed parade (number of vehicles, animals, etc...), circus, carnival, or tent show which is to be held, and
- (6) Any additional information which the city may deem pertinent as to whether a permit should or should not be issued.

(c) Each application for a permit shall be accompanied with a permit fee of \$10.00 before its consideration. This fee shall be a non-refundable fee regardless of whether the permit is granted or denied.

§ 7-03. Consideration of the Application

(a) Upon the filing of an application for a permit for a parade, circus, carnival, or tent show, the city secretary shall cause or make an investigation to determine whether or not the proposed event is in conflict with any laws or ordinances and not detrimental to the public health, safety and welfare. When reviewing the permit application the following concerns, and any other information as may otherwise be obtained, shall be considered before approving any permit:

- (1) The proposed event will not substantially interrupt the safe and orderly movement of traffic, both vehicular and pedestrian;
- (2) The proposed event will not require the diversion of so great a number of police officers of the city to properly police the event preventing normal protection to the entire city.
- (3) The concentration of persons, animals and vehicles will not unduly interfere with proper fire and ambulance service to all portions of the city.
- (4) The conduct of the event is not reasonably likely to cause injury to persons or property or to provoke disorderly conduct or create a disturbance.
- (5) The event is for a meaningful purpose and is of sufficient interest to the general public to justify any inconvenience it may cause.

(6) That the event has been planned to ensure that the general safety, health and welfare of all persons is provided as is reasonably possible.

§ 7-04. Compliance with Permit Conditions and Applicable Laws and Ordinances

It shall be unlawful for any person participating in any parade, for which a permit hereunder has been issued, to fail to comply with all directions and conditions of such permit and all applicable laws and ordinances. (Ordinance adopting Code)