

ORDINANCE NO. PL-2010-01-91

AN ORDINANCE OF THE CITY OF DONNA PROVIDING FOR THE SAFE OPERATIONS OF A CIRCUS AND CARNIVAL, PROVIDING FOR A TITLE; PROVIDING FOR SCOPE AND PURPOSE; PROVIDING FOR DEFINITION OF TERMS USED IN SAID ORDINANCE; PROVIDING FOR PERMIT REQUIREMENTS, PROVIDING FOR MINIMUM ELECTRICAL REQUIREMENTS; PROVIDING FOR PARKING REQUIREMENTS; PROVIDING FOR HEALTH AND SANITATION REQUIREMENTS; PROVIDING FOR SITE PLAN REQUIREMENTS; A PENALTY FOR THE VIOLATION OF THE TERMS OF THIS ORDINANCE; PROVIDING FOR A SAVINGS AND REPEAL CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DONNA, TEXAS THAT:

Section 1: TITLE.

This ordinance may be cited as the Circus and Carnival Ordinance of the City of Donna.

Section 2: SCOPE AND PURPOSE

In the interpretation and application, the provisions of this ordinance shall be deemed to be minimal in nature and whenever the principles, standards, or requirements of any applicable provision of other ordinances of the City of Donna which are higher or more restrictive, the latter shall control. The purpose of this ordinance is to achieve order for the operation of a Circus and Carnivals within the corporate limits of the City of Donna and to protect and promote the health, safety and general welfare.

Section 3: DEFINITIONS.

1. *City*: Shall mean the City of Donna, Texas.
2. *Inspector*: Shall mean the Chief Building Official of the City of Donna or his authorized representative.
3. *Circus or Carnival*: Shall mean a business establishment generally characterized by the Trade of having performing artists, clowns, display of animals and Carnivals having mechanical rides, concession stands, booths or sideshows in open air or in tents.

4. **Circus or Carnival Owner:** The person, firm, partnership, corporation or legal entity having legal control of the Circus or Carnival it operates.

5. **Person:** An individual, firm, corporation, partnership or legal entity.

6. **Fire Inspector:** Shall mean the Fire Inspector of the City of Donna or his duly authorized representative.

7. **Day:** Shall mean a calendar day, unless otherwise specified.

8. **International Building Code:** (2006 Edition) The minimum building codes adopted by the City of Donna, as published by the International Code Council, Inc., and as amended.

9. **International Plumbing Code** (2006 Edition) The minimum plumbing standard as adopted by the City of Donna as published by the International Code Council Inc., and as amended.

10. **Electrical Code:** (2005 N.E.C. Edition) The minimum electrical standard as adopted by the City of Donna as published by the National Electrical Code, and as amended.

11. **International Fire Code:** (2006 Edition) The minimum fire codes as adopted by the City of Donna as published by the International Fire Code, and as amended.

The applicant hereby agrees to abide by and governed by said regulations.

Section 4. PERMIT REQUIREMENTS.

The following minimum standards are hereby established for the operation of a Circus and Carnival:

1. A Circus or Carnival owner must secure a permit from the City of Donna. The fee for said permit shall be \$100.00 per each visit, set-up and duration of time to the city.
2. The Circus or Carnival owner shall make a written application, which shall include the name, address, telephone number, a list of shows, rides, booths, and other businesses or attractions operated in connection with the Circus and Carnival, and other pertinent information as required by the City. Insurance or bond require in the amount of \$1,000,000.00. In case of a firm or corporation, the application shall include the name and addresses of the partners or officers of the corporation. The application shall be submitted to the Planning Department, Director or his authorized representative. The application must be submitted at least Thirty (30) days, prior to opening of Circus or Carnival. The initial application must be accompanied by a plat or site plan, which identifies the legal description, any existing improvements, pedestrian walkways, fire access ways, and parking spaces. The plat or site plan must show the number of parking

spaces if available. The application will then be forwarded to the City's Circus and Carnival Review Committee designated by the City Manager. The Carnival and Circus Review Committee will then review and comment on the application prior to the approval.

3. The application shall include the following wording: "The permit hereby applied for is subject to all provisions and regulations of the National Electrical Code, International Fire Code, and Circus and Carnival Ordinance". The applicant hereby agrees to abide by and be governed by said regulations.
4. The application shall be signed and acknowledged before a notary public.
5. The permit must be conspicuously displayed or posted at the Circus or Carnival site and available for inspection during normal working hours.
6. The owner shall maintain the premises free of debris, trash, mud puddles and other unsightly conditions and provide sanitary public restroom facilities.
7. The circus or carnival owner who violates the terms and conditions of this ordinance may have his permit temporarily suspended or revoked, depending on the severity of the violations.
8. Should a violation exist or be discovered, the owner shall be given a written notice in person or by certified mail listing the violations and the time allowed to rectify said violations.
9. Upon the owner's failure to correct the violations, the case shall be referred to the Municipal Court. The Municipal Court shall hear evidence from city staff concerning the alleged violations. The Circus or Carnival owner shall have an opportunity to present evidence and arguments on his behalf. The owner shall have the right to be represented by counsel. The Municipal Court shall make a determination based on the evidence presented during the hearing concerning the violations and possible suspension or revocation. Based on the evidence presented and applicable law(s), the Municipal Court shall render a decision.
10. Nothing in this ordinance shall prevent the City Inspector, Fire Inspector and/or their authorized representatives from taking corrective necessary actions if a condition exists which poses an immediate and imminent threat to the health, safety and welfare of the public.
11. The owner shall be notified in person or by certified mail at least three (3) calendar days prior to the hearing.
12. The owner shall hire a minimum of two (2) City of Donna Police Officers for security at a rate of \$25.00 per hour during hours of operation. Additional police officers may be

required depending on the size of the circus/carnival and amount of people on the grounds as determined by the police department.

Section 5: FOOD ESTABLISHMENTS

1. All food establishments shall comply with all the provision of the City's Health Ordinance No. 719 and 746, upon compliance with said requirements, the City shall issue a health permit to the applicant at the cost of \$50.00.
2. Any food establishment that violates the requirements of the Health Ordinance No. 719 and 746 shall be penalized in accordance with provisions under the Health Ordinance and this ordinance.

Section 6: ELECTRICAL AND PLUMBING REQUIREMENTS

1. All electrical work must be done by a licensed and bonded contractor in accordance with the National Electrical Codes.
2. The contractor must secure the required permits from the city.
3. The electrical system must be maintained in safe working order by the Circus or Carnival owner, as applicable.
4. Unsafe or hazardous wiring and unsanitary conditions may be grounds for permit suspension or revocation.

Section 7: PARKING REQUIREMENTS

1. At a minimum, the Circus and Carnival owner shall provide one off street parking space per person plus one parking space for each 400 square feet of open area or tent space. In any event, the parking area shall be adequate to accommodate the normal traffic generated by the business activity.
2. The parking lot shall be paved in accordance with standard engineering practices. The parking lot shall be properly drained. The parking area shall have the necessary entrances and traffic directions as to provide for safe and orderly flow of traffic.

Section 8: SANITATION

1. Trash, rubbish, rotted fruits and discarded items, shall be properly disposed by Circus and Carnival owners. The Circus and Carnival owners shall supply an adequate number of containers and dumpster's boxes. Trash shall not be allowed to overflow in any containers or remain around the containers.

3. The Circus and Carnival owner shall provide bathrooms in accordance with City ordinance and the International Plumbing Code. The bathrooms shall be centrally located to provide easy access to the public.
4. The circus/carnival owner shall keep the bathrooms in a clean and sanitary condition at all times.

Section 9: PENALTIES FOR VIOLATIONS

Any Circus/Carnival owner who violates any provisions on this ordinance shall be subject to suspension or revocation of this permit. The City shall have the right to file charges for violation of this ordinance in Municipal Court. Any person, firm or corporation found in violation of the provisions of this ordinance shall be guilty of a misdemeanor and fined no more than \$200.00. Each and every day any offense occurs will constitute a separate violation or offense.

Section 10: CONFLICTING ORDINANCES REPEALED

All ordinances, orders, or resolutions or parts thereof, heretofore passed and adopted by the City of Donna in conflict herewith shall be, and the same are, hereby repealed.

Section 11: SEVERABILITY CLAUSE

If any portion of this ordinance shall be held invalid or inoperative, the remaining portions hereof shall not be affected but remain in full force and effect.

Section 12: EFFECTIVE DATE OF ORDINANCE

This ordinance will become effective after the second and final reading is approved by City Council.

Read, passed and approved upon first reading on this the 5th day of January 2010.

Passed, approved and adopted upon second and final reading on this the 2nd day of February 2010.



A handwritten signature in black ink, appearing to read "David S. Simmons".

David S. Simmons
Mayor

Attest:

A handwritten signature in black ink, appearing to read "Martha Alvarado".
Martha Alvarado
City Secretary

Approved as to form and substance:

A handwritten signature in black ink, appearing to read "Eddy Trevino".
Eddy Trevino
City Attorney