

ORDINANCE NO. 3843

AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AMENDING CHAPTER 10, AMUSEMENTS AND ENTERTAINMENTS_ OF THE CODE OF ORDINANCES OF THE CITY OF NORTH RICHLAND HILLS TO ADD ARTICLE I, MODIFYING AND PROVIDING REGULATIONS FOR THE PERMITTING OF TEMPORARY COMMUNITY EVENTS WITHIN THE CITY; AMENDING APPENDIX A, FEE SCHEDULE, AND AMENDING THE TABLE OF PERMITTED USES; PROVIDING A PENALTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEALING CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The City of North Richland Hills, Texas (“the City”) is a home rule city acting under its power adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the citizens of North Richland Hills engage in outdoor events on City-owned property and private property, including festivals, parades, and neighborhood parties; and

WHEREAS, it is recognized that events in communities provide a venue for residents to get to fellowship with one another and help build a strong and safe community; and

WHEREAS, outdoor events require careful and effective planning and coordination to provide necessary public health, safety and welfare for attendants; and

WHEREAS, it is the intent of the City of North Richland Hills to protect visitors and residents while providing an atmosphere and space to engage in community events and activities which allow property and business owners the freedom to utilize the outdoor spaces of their properties;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS:

Section 1: The City Council hereby finds the recitals above to be true and correct, and such recitals are hereby incorporated into this Ordinance as if written herein.

Section 2: Section 18-735 of the Code of Ordinances of the City of North Richland Hills is hereby repealed.

Section 3: Section 118-723 of the Code of Ordinances of the City of North Richland Hills is hereby repealed.

Section 4: Subparagraphs (b) and (c) of Section 118-715 of the Code of Ordinances of the City of North Richland Hills are hereby repealed. The remaining subparagraphs are hereby renumbered to reflect subparagraphs (a), (b), and (c).

Section 5: Chapter 10, Article 1, of the Code of Ordinances of the City of North Richland Hills is hereby amended to add the following:

ARTICLE I. COMMUNITY EVENTS

Sec. 10-1. Definitions

When specifically used in this article, the following words and terms, unless the context indicates a different meaning, shall have the meaning assigned to them below.

Portable toilet means a freestanding, movable toilet structure equipped with a watertight impervious container which receives waste discharged through a hopper, seat, urinal or similar device, and into which container may be placed disinfecting or deodorizing chemicals, and which is not designed or intended for connection to a sewer system with a standard connection.

Public restroom means any facility that provides toilet and hand-washing facilities for the general public.

Sec. 10-2. Garage/estate sales.

- (a) *Single residence garage/estate sale.* In conjunction with the residential occupancy of a one or two family dwelling, the occupants thereof may offer their personal belongings and household effects for sale to the general public in a garage or otherwise on the property; provided, however, that a permit is granted by the city. No more than two sales shall be held within a calendar year, and no sale period shall extend for more than four consecutive calendar days. The occasional sale of a personal automobile, trailer, boat, or similar personal motor vehicle may be allowed without a permit.
- (b) *Neighborhood garage/estate sale.* A recognized homeowners association or organized neighborhood group as described in this section may conduct two neighborhood garage/estate sales per calendar year, with no sale period extending for more than four consecutive calendar days. If no homeowners' association exists, the applicant must show by name and signature of each homeowner on the application, that six or more homes in a contiguous area will participate in the event. Participation in a neighborhood garage/estate sale will not affect an individual property owner's right to their allowed single residence occasional sales.
- (c) A garage/estate sale does not grant additional authority to sell food products or prepared items that would require a food establishment permit to sell. Garage/Estate sales shall not be misconstrued to conflict with the exemptions for cottage food production operations authorized in the Texas Health and Safety Code.

Sec. 10-3. Garage/estate sale requirements.

Garage/estate sales are permitted in residential zoned districts, provided that:

- (a) A permit has been applied for and issued for the garage/estate sale;
- (b) Tangible personal property shall be sold only on the premises of the owner or lessee of the premises where the sale is conducted;
- (c) The sale shall be confined to the premises and the tangible personal property displayed for sale shall not be placed within ten feet of the public right-of-way;
- (d) No new merchandise, or merchandise solely acquired for the purpose of resale, shall be sold at such garage/estate sale;
- (e) No garage/estate sale shall begin before seven o'clock in the morning, nor continue after seven o'clock in the evening.

Sec. 10-4. Permit required.

- (a) A garage/estate sale permit shall be obtained no less than 24 hours prior to the sale and may only be obtained by the legal owner, lessee, or agent who has been granted permission by the legal owner or lessee of the residential property upon which the sale is proposed to be conducted.
- (b) The application for such permit shall be on a form designated by the City.
- (c) The applicant shall pay a fee as authorized in the Fee Schedule, Appendix A, of the Code of Ordinances of the City of North Richland Hills for such permit.
- (d) Each garage/estate sale permit must be kept and displayed on the premises at all times during the sale, and shall be presented for inspection by any city official or representative upon request.
- (e) An garage/estate sale permit may not to be transferred to another person or location.

Sec. 10-5. Garage/estate sale signs.

- (a) One temporary sign, not to exceed two square feet in area, shall be permitted to advertise sales on the premises where the sale is being conducted.
- (b) Two additional temporary signs not to exceed two square feet in area, shall be permitted to advertise sales on premises other than the premises where the sale is being conducted with the permission of the owner or tenant of the premises where the sign is being displayed.
- (c) Signs may only be displayed on the days the garage/estate sale is permitted and must be removed by the applicant no later than 11:59pm on the final day of the garage/estate sale.

- (d) Signs must be staked into the ground and may not be attached to utility poles or public street sign posts. Signs may not be placed within ten (10) feet of the edge of a roadway, in a median, or in a parkway.
- (e) The garage/estate sale permit number must be included on all signs.

Sec. 10-6. – Temporary commercial events

- (a) Temporary commercial events on properties zoned LR, C-1, C-2, OC, I-1, I-2, and U, by the occupants of such properties, may be permitted upon the application and granting of a temporary commercial event permit by the City Manager or his or her designee.
- (b) Each temporary commercial event may not exceed fourteen consecutive calendar days. The number of total event days in a calendar year may not exceed thirty. Events containing the sale of goods shall meet the special conditions, if any, imposed by the building official and/or fire marshal for the protection of public safety and the welfare of the community.
- (c) Tents and bounce houses may be installed as part of a temporary commercial event. Tents shall conform to the latest adopted version of the International Fire Code. No tent shall be erected without first obtaining such permit through the North Richland Hills Fire department.
- (d) No outside use of property for a temporary commercial event will be allowed except by the existing occupants of the property, and only when the site has been found to contain sufficient room to adequately accommodate the event without encroaching on required parking spaces, fire lines, and building setbacks. This includes parking of vehicles for a purpose other than conducting business on the premises. If the premises is occupied by multiple tenants, written permission must be obtained from the owner of the property. Notice must be given to other tenants on the property.
- (e) Access to restroom facilities shall be made available to all attendees, including handicap accessible facilities.
 - (1) The owner, operator, and sponsor of the temporary commercial event are responsible for providing proper cleaning, sanitizing and disposal services for the portable toilets.
- (f) Temporary commercial events shall not operate before 8:00 a.m. and operation shall cease before 11:00 p.m. on all nights except on Saturdays when the event shall cease operation no later than 11:59pm. One employee of the sponsoring business must be on the property while the event is operating.
- (g)

Sec. 10-7. – Temporary non-profit events

- (a) A non-profit organization may hold a maximum of eight (8) temporary outdoor events per calendar year in the City of North Richland Hills.
- (b) A maximum of one (1) non-profit sponsored circus or carnival containing mechanized attractions shall be counted as one of the eight annual non-profit events afforded to each non-profit organization. A non-profit sponsored circus or carnival containing mechanized attractions may not exceed a duration of three consecutive days. Except for public, private or charter schools and churches or other houses of worship, such events shall be on a site containing not less than two acres and located in a nonresidential zoning district.
- (c) The sponsor of a non-profit event shall:
 - (1) Ensure that adequate parking is made available for all attendees;
 - (2) Ensure that adequate portable toilets or public restrooms are made available to all attendees, including handicap accessible facilities. and
 - (3) Be responsible for providing proper cleaning, sanitizing and disposal services for the portable toilets.
- (d) No circus, carnival or non-profit event shall begin operation before 8:00 a.m. and operation shall cease before 11:00 p.m. on all nights except on Saturdays when the event shall cease operation no later than 11:59pm.
- (e) The City Manager or his or her designee shall establish the terms and conditions for the temporary use at the time of approval. In the event that a sponsor is dissatisfied with the decision of the City Manager or his or her designee, the sponsor may appeal the requested use to the City Council.
- (f) No outside use of property for temporary outdoor events will be allowed until the city determines that the premises contains sufficient room to adequately and safely accommodate the event without encroaching on required parking spaces, fire lanes, and building setbacks.
- (g) Any limitation on maximum number of events that may be held under this article shall not apply to events sponsored by a public, private or charter schools and churches or other houses of worship if such events are held on their property.

Sec. 10-8 – Permit and application fees.

- (a) A permit application must be made for all temporary commercial events and temporary non-profit events on a form designated by the city and must be filed with the Neighborhood Services Department not less than 30 days prior to all temporary commercial events and temporary non-profit events. A permit application must contain the following information:
 - (1) The name, address, and telephone number of the owner, operator, and sponsor(s) of the event;

- (2) The exact location of the property for which the application is being made;
 - (3) Written permission from the owner of the property where the event is to be held;
 - (4) The dates and hours of operation of the event, including the set up and tear down dates;
 - (5) A site plan and list containing the location of each amusement ride, mid-way attraction, device, booth, concession stand, sanitary facilities, power generator, and parking area(s) associated with the event;
 - (6) Temporary commercial events which include a carnival, circus, animal rides or amusement rides must provide a certificate of liability insurance indicating a valid insurance policy in the amount of not less than \$1,000,000.00 for liability against injuries suffered by any person while using any of the amusement rides or devices.
 - (7) Upon approval of the application, the applicant shall pay a permit fee authorized in the Fee Schedule of Appendix A of the Code of Ordinances of the City of North Richland Hills before a permit is issued.
- (b) Fees may be waived for community events co-sponsored by the city or sponsored by the Birdville Independent School District or other local civic organization.

Section 6: That Appendix A, Fee Schedule, of the North Richland Hills Code of Ordinances be amended by adopting the schedule of fees for issuing permits for garage/estate sales, temporary commercial events, and temporary non-profit events, as established by Chapter 10, Article I, of the City of North Richland Hills Code of Ordinances, and as set forth in Exhibit "A" attached hereto and made a part of this Ordinance for all purposes.

Section 7. Section 118-631 Table of Permitted Uses, shall be amended to allow for the permitting of garage/estate sales, temporary commercial events, and temporary non-profit events as set for the attached Exhibit "B."

Section 8. Section 106-9 Table of Permitted Signs, shall be amended to delete garage sale signs and allow for garage/estate sale signs as set forth in the attached Exhibit "C."

Section 9: Any person, firm, corporation, or organization who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 10: This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

Section 11: It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 12: All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances in the Code of Ordinances of the City of North Richland Hills that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 13: The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clause of this ordinance once.

Section 14: This ordinance shall be in full force and effect upon publication as required by Section 13 herein.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on the ____ day of _____, 2024.

CITY OF NORTH RICHLAND HILLS

By:

Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary/Chief
Governance Officer

APPROVED TO FORM AND LEGALITY:

Maleshia B. McGinnis, City Attorney

EXHIBIT "A"

THIS ORDINANCE AMENDS APPENDIX A, FEE SCHEDULE, TO ADD FEES FOR CHAPTER 10, ARTICLE I, , COMMUNITY EVENTS, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH RICHLAND HILLS.

Location in Code	Description	Fee
Chapter 10, Article 1, Garage/Estate Sales		
Section 10-2	Garage/estate sales	
	Singe residence	\$8.00
	Neighborhood	\$30.00
Chapter 10, Article I, Temporary Commercial Events and Temporary Non-Profit Events		
Section 10-6 and 10-7	Permit fee per event	\$150.00

EXHIBIT “B”

Section 118-631, the Table of Permitted Uses, shall be amended to allow for the permitting of garage/estate sales, temporary commercial events, and temporary non-profit events.

EXHIBIT “C”

Section 106-9 Table of Permitted Signs, shall be amended to delete garage sale signs and allow for garage/estate sale signs.