

CITY OF LUBBOCK, TEXAS

APPLICATION FOR CIRCUS AND CARNIVAL PERMIT
(PURSUANT TO THE CITY OF LUBBOCK CIRCUS AND CARNIVAL ORDINANCE)
(Ordinance No. 8465)

Date: _____

I. (a) Name of Promoter: _____
Date of Birth: _____ Social Security Number: _____
Address: _____
City: _____ State: _____ Zip: _____
Home Telephone: _____ Business Telephone: _____

(b) Name of Sponsor: _____
Address: _____
City: _____ State: _____ Zip: _____
Home Telephone: _____ Business Telephone: _____

(c) Names of Owners of all Booths, Stores, Game Concessions and Etc. (If Different from Promoter.)
(1) Name of Owner: _____
Date of Birth: _____ Social Security Number: _____
(USE ADDITIONAL PAPER IF NECESSARY)

II. (a) Location of Proposed Circus or Carnival: _____
(b) Zoning of Proposed Site: _____
(c) Proposed Location of Parking Area (One Parking Space for Every 100 Square Feet of Ground Area):

III. (a) Dates of Circus or Carnival: _____
(b) Time Period that Circus or Carnival will be Open each Day:

IV. Estimated Number of People Attending per Day: _____

V. Proposed Security Plan: _____

VI. Description and Number of Toilet Facilities to be Provided:

VII. Description of Food Concessions:
(a) Type of Food Stands (Completely Enclosed, Self-Contained, Tents, Temporary Structures, Etc.):

(b) Menu of all Foods to be Served:

Chapter 3

AMUSEMENTS*

- Art. I. In General, §§ 3-1-3-18
- Art. II. Reserved, §§ 3-19-3-37
- Art. III. Reserved, §§ 3-38-3-67
- Art. IV. Reserved, §§ 3-68-3-104
- Art. V. Coin-Operated Machines, §§ 3-105-3-142
- Art. VI. Motion Picture Ratings, §§ 3-143-3-149

ARTICLE I. IN GENERAL

Sec. 3-1. Premises; inspection by building, fire and zoning officials.

All places of public amusement which require a permit or license under this chapter, shall be inspected by the city building, fire and zoning officials prior to the issuance of any such permit or license and the approval of such inspectors as to the compliance with applicable building, fire and zoning regulations shall be a condition of the issuance of any such permit or license. (Ord. No. 6901, § 1, 5-23-74; Ord. No. 6929, § 1, 7-11-74; Code 1959, § 26-2.1)

Cross reference—Zoning, Ch. 29.

Sec. 3-2. Circuses and carnivals—Permit required.

No person shall operate any circus or carnival within the corporate limits of the City of Lubbock without first obtaining a permit from the city manager or authorized representative. This shall apply to traveling shows, carnivals and exhibitions which operate for a temporary period and use temporary structures or tents in connection with such show or exhibition. This

***Editor's note**—A former provision on loitering around a place of public amusement with the intention of avoiding the payment of an admission charge was found in Ord. No. 214, § 1, enacted on August 16, 1922. Former regulations applicable to domino parlors were found in Ord. No. 517, enacted on August 9, 1934, and Ord. No. 645, enacted on May 9, 1940.

Charter references—Power of city to establish amusements in parks and playgrounds, Ch. 1, Art. II, § 21; power of city to regulate the location and control the conduct of public amusements, Ch. 1, Art. II, § 23; admission of policemen to public amusements without charge, Ch. 1, Art. IX, § 4.

Cross references—Civic centers, § 2-77 et seq.; permit and license appeal board, § 2-163 et seq.; park and recreation board, § 2-257 et seq.; Lubbock libraries board, § 2-329; recommendations by planning and zoning commission for public amusements, § 2-387; electric utility, Ch. 9; fire prevention and protection, Ch. 11; food and food establishments, § 12-16 et seq.; swimming, etc., pools, § 12-46 et seq.; massage parlors, § 14-191 et seq.; parking at entrance to theater, § 16-231; bicycles, § 16-287 et seq.; parades, § 16-306 et seq.; minors' access to bar or cocktail lounge, § 18-36 et seq.; subminors' curfew, § 18-46 et seq.; parks and recreation, Ch. 19; touring vehicles, § 27-86 et seq.

State law references—Power of city to regulate the location and control the conduct of places of public amusement, VTCS Art. 1175(22); public houses or amusements, VTCS Art. 178 et seq.; theft of service, VTPC § 31.04.

that the minimum standards of health, sanitation, zoning, safety, buildings and fire safety will be provided.

(Ord. No. 8465, § 4, 7-28-83)

Sec. 3-5. Same—Findings of city manager.

The city manager or authorized representative may deny the circus or carnival a permit to operate upon a finding of any of the following:

- (1) The application contains false or misleading information or required information is omitted; or
- (2) The location selected for the circus or carnival is inadequate for the purposes for which it is to be used; or
- (3) The description of the circus or carnival does not assure that minimum standards of sanitation, health, zoning, safety, buildings or fire safety will be provided; or that the circus or carnival will be conducted in an orderly fashion and the physical safety of property and persons in attendance and in surrounding area will be adequately protected; or
- (4) The circus or carnival has not received final approval from the city health officer, zoning administrator, fire marshal, police chief and building official; or
- (5) The circus or carnival does not have adequate toilet facilities on the premises where the circus or carnival is to be held; or
- (6) No bond, cash or liability insurance policy has been posted to insure the safety of the people attending or to serve as reimbursement for personal or property damages.

The decision to deny a permit shall be accompanied by a statement of the reasons for denial.
(Ord. No. 8465, § 5, 7-28-83)

Sec. 3-6. Same—Compliance with city codes and ordinances.

Any person issued a permit under this article shall comply with all applicable codes and ordinances of the City of Lubbock.

(Ord. No. 8465, § 6, 7-28-83)

Sec. 3-7. Same—Penalty.

Any person who shall hold, give or exhibit any circus, show, carnival, or any other performance or exhibition whatever for which a permit is required to be obtained under section 3-2 without first obtaining such permit shall be deemed guilty of an offense, and shall upon conviction thereof be punished as provided in section 1-4, and each day that such violation of this article shall continue shall constitute a separate offense, and such person's permit shall be revoked.

(Ord. No. 8465, § 7, 7-28-83)

First Reading
June 24, 1999
Item No. 55

Second Reading
Aug. 12, 1999
Item No. 65

ORDINANCE NO. 10175

AN ORDINANCE AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS, WITH REGARD TO PERMITTING THE ZONING BOARD OF ADJUSTMENT TO GRANT SPECIAL EXCEPTIONS FOR CARNIVALS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully complied with, including giving notices in compliance with Section 29-29 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT Section 29-28(f)(2)m of the Code of Ordinances of the City of Lubbock, Texas, is hereby amended to read as follows:

- m. Permit carnivals in all zoning districts subject to the following conditions:
1. That all necessary permits be procured and all requirements and conditions of Chapter 3 of this Code of Ordinances be met.
 2. That all owners of real property lying within four hundred (400) feet of the purposed property on which the special exception to permit a carnival is sought shall be given notice of the hearing of the zoning board of adjustment. Notices shall be given in accordance with Section 29-28(c)(3), except as changed herein.
 3. That the potential impact of the proposed carnival on parking and the adjacent property owners shall be assessed by the zoning board of adjustment.

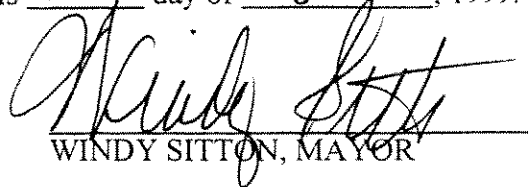
SECTION 2. THAT should any paragraph, section, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby.

SECTION 3. THAT the City Secretary of the City of Lubbock, Texas, is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative means of publication provided by law.

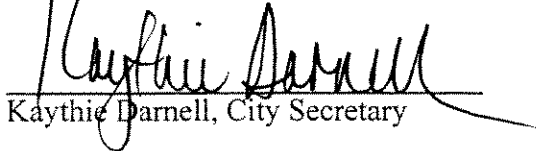
AND IT IS SO ORDERED.

Passed by the City Council on first reading this 24th day of June, 1999.

Passed by the City Council on second reading this 12th day of August, 1999.


WINDY SITTON, MAYOR

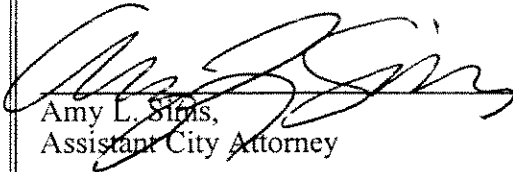
ATTEST:


Kaythie Darnell, City Secretary

APPROVED AS TO CONTENT:


Randy Henson, Senior Planner

APPROVED AS TO FORM:


Amy L. Sitas,
Assistant City Attorney

FIRE MARSHAL'S OFFICE PERMIT APPLICATION:
(TENTS, CANOPIES AND TEMPORARY MEMBRANE STRUCTURES)

MUST BE SUBMITTED A MINIMUM OF 48 HOURS PRIOR TO SET-UP DATE

Tent Owners/Agents Name: _____ Phone #: _____

Organization/Group using tent or canopy:

Name: _____ Contact Person: _____

Address: _____

Phone #: _____ Tent #: _____

Site Address: _____ Space Number: _____

Dates: Installation _____ Removal _____

Final Inspection Date and Time: Option #1 _____ Option #2 _____

Remarks: (General description; size, color, and intended use)

(Fire Marshal's Office/806-775-2646, Environmental Inspection Services Office/806-775-2123)

Revised: September 8, 2003



VIII. Types of Animals to be Exhibited:

(USE ADDITIONAL PAPER IF NECESSARY)

- IX. A site plan of the proposed "set up" must be submitted with this application. The site plan should include a description of all buildings and/or tents and a description of the electrical wiring, equipment and mechanical rides.
- X. The promoter hereby assures by signing this application that the circus or carnival will adhere to other City of Lubbock Electrical Code and that a duly bonded and Licensed Master Electrician whose name is given below will do the wiring. The contractor shall request inspection of all electrical work performed.
Name of Licensed Master Electrician: _____
- XI. The promoter or sponsor must include with this application a copy of a certificate that tents and tarpaulins meet the requirement for fire resistance prescribed in the National Fire Protection Association "Standard Methods of Fire Tests for Flame-Resistant Textiles and Films NFPA No. 701" and that such fire resistance is effective for the period specified by the certificate.
- XII. A bond or cash, at the promoter's option, must be posted in the amount of \$5,000 to insure the reimbursement to the City for expenditures for the services of policemen, firemen, cleaning of the grounds, damages, etc. The City shall refund the amount of cash posted less any amount expended by the City of said services or other costs.
- XIII. A copy of a liability insurance policy in the amount of not less than \$500,000 for bodily injuries, including accidental death per occurrence and \$100,000 for property damage.
- XIV. A non-refundable application fee in the amount of \$195.00 shall be included with this application.

The fees stipulated in this application do not include other costs for City services and inspections that need to be done.

The promoter or sponsor certifies that all information in this application, and all information furnished in support of this application is true and complete to the best of the promoter's or sponsor's knowledge and belief.

Promoter's or Sponsor's Signature

Title (Promoter or Sponsor)

Date