

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS PROVIDING FOR REPEAL OF ORDINANCE NO. 00-04-15; PROVIDING ENFORCEMENT, PERMIT FEES, RULES AND REGULATIONS IN REGARD TO TEMPORARY OUTDOOR PARKING LOT/SIDEWALK SALES FOR BUSINESSES, TENTS AND OTHER TEMPORARY STRUCTURES FOR SALES, SEASONAL SALES AND/OR OTHER OUTDOOR EVENTS; PROVIDING FOR SPECIAL EVENTS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF SAID ORDINANCE; PROVIDING FOR A PERMIT FEE; PROVIDING FOR THE ISSUANCE AND REVOCATION OF PERMITS; PROVIDING FOR A PENALTY; PROVIDING FOR REPEALINGS, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND AN EFFECTIVE DATE THEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined it would be advantageous and beneficial to the citizens and inhabitants of the City of Frisco, Texas ("Frisco" or "City") to regulate outdoor sales for businesses, placing of tents and other temporary structures for sales, seasonal sales, and other outdoor events as provided herein.

WHEREAS, the City Council has determined that it would be advantageous and beneficial to the citizens and inhabitants of Frisco to repeal Frisco Ordinance No. 00-04-15 and replace it with this Ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS THAT:

SECTION 1: FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: PARKING LOT SALES / SIDEWALK SALES; DEFINITION AND REGULATIONS

Parking Lot Sale / Sidewalk Sale – For the purposes of this Ordinance, a Parking Lot Sale / Sidewalk Sale is defined as the sale of products, merchandise or services related to the trade of a business located in a shopping center or other properly zoned district within the City of Frisco that is conducted on the parking lot or the sidewalk.

- Businesses and/or property owners are eligible to receive permits to hold up to four (4) Sidewalk Sales and two (2) Parking Lot Sales each calendar year, upon compliance with the terms of this Ordinance. The calendar year commences January 1st. Each Parking Lot Sale / Sidewalk Sale shall be for no more than seven (7) consecutive days.
- Local schools, local religious organizations and local civic groups (i.e., Girl Scouts, Boy Scouts, or local athletic teams, drama clubs, debate teams, etc.) who have permission by a business or property owner to sell fundraising or sponsor-related items or services (i.e., car washes, annual Girl Scout cookie sales, bake sales, etc.) in front of the business or property owners' premises are exempt from the permit fee required to be paid with the permit application. These sales shall not count toward the total Parking Lot

Sales / Sidewalk Sales allowed for the business and/or property owner in a calendar year.

- Pet stores, veterinarians or other domestic animal-related businesses located in the City of Frisco who sell, provide adoption for, or give away domestic pets such as dogs, cats, rodents, fowl, amphibians, and/or rabbits for outside sale or outside display at an animal-related business establishment must meet the requirements of the current City of Frisco Zoning Ordinance and Animal Control Ordinance as the ordinances currently exist or may be amended. Animal-related sales and give-aways shall not count toward the total Parking Lot Sales / Sidewalk Sales for an animal-related business establishment.
- A Parking Lot Sale / Sidewalk Sale may be held in Retail, Commercial-1, Commercial-2, Original Town Commercial, non-residential planned development districts or other areas approved by the Building Official or his/her designee.
- A Parking Lot Sale / Sidewalk Sale Permit must be obtained from the Development Services Division prior to commencement of the sale. Other applicable permits in addition to the Parking Lot Sale / Sidewalk Sale Permit may be required from other Departments or Divisions.
- The Parking Lot Sale / Sidewalk Sale Permit fee is one hundred dollars (\$100.00) for each sale.
- A Temporary Tent may be installed for the Parking Lot Sale / Sidewalk Sale with the issuance of a Temporary Tent Permit. See Section 3 (below) for Temporary Tent Permit requirements.
- Written permission or a copy of the tenant's lease agreement that provides permission, for a Parking Lot Sale / Sidewalk Sale is required from the property owner and must accompany the Parking Lot Sale / Sidewalk Sale Permit Application seeking a permit for the temporary use on the property.
- Temporary lighting and/or security lighting may be used at a Parking Lot Sale / Sidewalk Sale location. Electrical Permits are required for temporary power and any other electrical installations at the premises. Electrical contractors must be a registered contractor with the City's Development Services Division. Electrical work installed requires inspection by a City Building Inspector. Temporary lighting must meet the requirements of the City's Comprehensive Zoning Ordinance, as it currently exists or may be amended. Any lights located on the premises may not flash, travel, blink, fade, move, or scroll.
- No required parking spaces, as set forth in applicable Frisco ordinances, may be used for the display of items at a Parking Lot Sale.
- Sales items, display tables and stands, tents, jump houses and/or any other related items for the Parking Lot / Sidewalk Sale shall not block any fire lanes, fire hydrants or public access areas.
- Sale items cannot reach a vertical height that exceeds four (4) feet.
- Items for display located under a store canopy, which was installed in compliance with applicable Frisco ordinances, on a permanent basis are exempt from this Ordinance.
- Sidewalks and pedestrian access ramps shall have six (6) foot clearance width at all times and meet all Americans with Disabilities Act requirements as they currently exist or may be amended.
- An applicant who elects to have a Parking Lot Sale / Sidewalk Sale must be the property owner or a tenant of the property owner whose premises is being used.
- Signage displayed at a Parking Lot Sale / Sidewalk Sale requires the issuance of Sign Permits. Sign Permit(s) must be obtained from the Building Inspection Division prior to the display of any signage at the Parking Lot Sale / Sidewalk Sale. All signage must

meet the requirements of the current Frisco Sign Ordinance as it currently exists or may be amended.

- If an applicant elects to serve or provide food and/or drinks at the Parking Lot / Sidewalk Sale, a Health Permit must be obtained from the Health & Food Safety Division and meet all requirements of the current Frisco health ordinance as it currently exists or may be amended.

SECTION 3: TEMPORARY TENT PERMIT & TEMPORARY TENT BANNER; DEFINITIONS AND REGULATIONS

Temporary Tent – A tent or canopy cover is defined as a movable shelter consisting of cloth, plastic, canvas or other light material stretched over supporting framework.

Temporary Tent Banner – A sign having characters, letters, or illustrations applied to plastic, cloth, canvas, or other light material for the purpose of attracting patrons to a Parking Lot Sale / Sidewalk Sale, Temporary Outdoor Seasonal Sale or special event.

- Business and/or property owners are eligible to receive up to five (5) Temporary Tent Permits each calendar year, upon compliance with the terms of this Ordinance. A calendar year commences January 1st.
- Temporary Tents may be erected in Retail, Commercial-1, Commercial-2, Original Town Commercial, non-residential planned development districts or other areas approved by the Building Official or his/her designee.
- Temporary Tent Permits are required from the Building Inspection Division prior to the installation of a Temporary Tent and are valid for two (2) consecutive weeks only.
- The Temporary Tent Permit fee is seventy-five dollars (\$75.00) for each Temporary Tent installation.
- An applicant who has a valid Temporary Tent Permit may elect to install one (1) Temporary Tent Banner. The Temporary Tent Banner may not exceed forty-eight (48) square feet in area and must be securely attached to the front, side or rear of the Temporary Tent. A Temporary Tent Banner may not be attached to vertical supports or poles of a Temporary Tent and must otherwise comply with Frisco's Sign Ordinance, as it exists or may be amended. The Temporary Tent and Temporary Tent Banner must be removed no later than the date the Temporary Tent Permit expires.
- Temporary Tents must comply with the current Fire Code adopted by Frisco, as it currently exists or may be amended, and a Flame Retardancy Certificate must accompany each Temporary Tent Permit Application.
- A thirty (30') foot clearance must be maintained around the perimeter of the Temporary Tent at all times.
- Written permission or a copy of the tenant's lease agreement that provides permission for a Temporary Tent and Temporary Tent Banner is required from the property owner and must accompany the Temporary Tent Permit Application seeking a permit for the temporary use on the property.
- No required parking spaces, as set forth in applicable Frisco ordinances, may be used as a location of the Temporary Tent installation.

SECTION 4: TEMPORARY OUTDOOR SEASONAL SALE; DEFINITIONS AND REGULATIONS

Temporary Outdoor Seasonal Sale – A Temporary Outdoor Seasonal Sale is for the sale of, including but not limited to, firewood, nuts, pumpkins & gourds, wreaths, dried corn stalks, square hay bales, Christmas trees, Christmas tree ornaments & crafts, illuminated & non-illuminated Christmas, Halloween, Patriotic, or Easter yard art & crafts, Valentine flowers, and Valentine-related gifts, crafts, yard art and similar seasonal products (“Seasonal Products”) by City, civic, school, philanthropic, religious, or other non-profit organizations. Seasonal Products may lawfully be sold during periods approved by the Building Official or his/her designee at the time of permit application. Philanthropic individuals or businesses and non-profit organizations may be required to provide a copy of their valid federal and State of Texas Tax Identification Numbers with the application submittal for the Temporary Outdoor Seasonal Sale Permit at the discretion of the Building Official or his/her designee.

Local businesses within the City may grant permission to a person or entity eligible to receive a permit to hold a Temporary Outdoor Seasonal Sale on their parking lots.

Temporary Outdoor Seasonal sales shall meet the all the permit requirements listed below:

- Temporary Outdoor Seasonal Sales are allowed in Retail, Commercial-1, Commercial-2, Original Town Commercial, non-residential planned development districts or other areas approved by the Building Official or his/her designee.
- Off-street parking must be provided on site and be constructed of concrete.
- No required parking spaces, as set forth in applicable Frisco Ordinances may be used.
- Livestock (i.e., equine, cattle, sheep, goats, lambs, pigs, etc.), fowl, rodents, reptiles, amphibians, or any other animal does not qualify for a Temporary Outdoor Seasonal Sale.
- Temporary lighting and/or security lighting may be used at a Temporary Outdoor Seasonal Sale location. Electrical Permits are required for temporary power and any other electrical installations at the premises. Electrical Contractors must be a registered contractor with the City’s Development Services Division. Electrical work installed requires inspection by a City Building Inspector. Temporary lighting must meet the requirements of the City’s Comprehensive Zoning Ordinance, as it currently exists or may be amended. Any lights located on the premises may not flash, travel, blink, fade, move, or scroll.
- Sales items, display areas, jump houses and/or any other related items in conjunction with the Temporary Outdoor Seasonal Sale may not block any fire lanes, fire hydrants or public access areas.
- Sidewalks and pedestrian access ramps are required to have a minimum of six (6) feet clearance at all times and meet the requirements of the Americans with Disabilities Act as it currently exists or may be amended.
- Any individual, business, firm, non-profit corporation, business entity, school, civic group, or religious organization that elects to have a Seasonal Sale must obtain a Temporary Outdoor Seasonal Sale Permit from the Development Services Division prior to the sale. A valid Temporary Outdoor Seasonal Sale Permit is required to be displayed at the premises.
- A Temporary Outdoor Seasonal Sale Permit is valid for maximum of forty-five (45) consecutive days for each sale.

- A Temporary Outdoor Seasonal Sale Permit is one hundred and fifty dollars (\$150.00) for each sale.
- Written permission must be obtained from the property owner and must accompany the Temporary Outdoor Seasonal Sale Permit Application seeking a permit for the temporary use at the property.
- Signs Permits must be obtained from the Development Services Division prior to the display of any signage for a Temporary Outdoor Seasonal Sale. All signage must meet the requirements of the City's Sign Ordinance as it currently exists or may be amended.
- Restroom facilities are required to be on-site at the Temporary Outdoor Seasonal Sale premises. Restroom facilities are required to be within one-hundred (100) feet from any point of sale or cash register. The Building Official or his/her designee may require additional toilet facilities to be provided to adequately provide for the number of patrons anticipated at the premises.
- If the applicant elects to install a Temporary Tent, a Temporary Tent Permit must be obtained prior to installation from the Development Services Division and must meet all Temporary Tent requirements as they currently exist or may be amended.
- If food and/or drinks are served a Health Permit must be obtained from the Health & Food Safety Division and meet the requirements of the Health Ordinance as it currently exists or may be amended.
- An individual, business, firm, non-profit corporation, entity or organization shall be required to provide a liability insurance policy in amounts of not less than fifty thousand dollars (\$50,000) for injury to a person and one hundred thousand dollars (\$100,000) per accident. The Building Official or his/her designee shall require a certificate of insurance that shows that such policy is in full force and effect prior to commencement of the Temporary Outdoor Seasonal Sale and provides that Frisco shall receive notice of cancellation of the insurance coverage. Non-profit organizations and government entities may have this requirement waived at the discretion of the Building Official or his/her designee.
- An individual, business, firm, corporation, entity or organization shall deposit with the City Secretary a cash bond to Frisco in the amount of one thousand dollars (\$1,000) or an equivalent surety bond issued by a company authorized to do business in the State of Texas, conditioned upon the operation of the Temporary Outdoor Seasonal Sale in accordance with the ordinances of the City of Frisco and the laws of the State of Texas, and further conditioned to indemnify, keep and save harmless the City of Frisco, its officers, agents and employees from all liability or causes of action which might arise by virtue of the granting of such Temporary Outdoor Seasonal Sale permit or the operation of such Temporary Outdoor Seasonal Sale, and further conditioned that no damage will be caused, suffered or permitted by the Temporary Outdoor Seasonal Sale individual, business, firm, corporation, entity or organization, its agents, officers, servants or employees to the streets, alleys, or public areas of the City of Frisco or to any private property, and that no dirt, paper, litter or other debris will be permitted to remain upon the streets, alleys or public ways of the City of Frisco or upon any private property as a result of the operation of such Temporary Outdoor Seasonal Sale. In the event all the terms of such bond are complied with, it shall be returned to the individual, business, firm, corporation, entity, civic group, religious organization, or organization that has the Temporary Outdoor Seasonal Sale at the completion of the term of the Temporary Outdoor Seasonal Sale.
- Non-profit organizations registered with the State of Texas or government entities may have the cash bond requirement and/or the proof of liability insurance waived at the Building Official or his/her designee's discretion.

- Equipment used for a Temporary Outdoor Seasonal Sale shall comply with the City's Noise Ordinance, as it currently exists or may be amended.

SECTION 5: SPECIAL EVENTS

Special events requiring street closures or other participation from Frisco will be allowed only with City Council approval.

SECTION 6: OTHER REQUIREMENTS

All federal, state, and local codes and ordinances will be adhered to by all participants and applicants.

SECTION 7: FEES

The Building Official or his/her designee may add additional inspections and/or fees at his/her discretion, should, in his/her sole opinion, any additional fees be necessary.

SECTION 8: NOTICE OF VIOLATION

In the event any owner, tenant, agent or person (hereinafter "owner") responsible for or claiming or having supervision or control over a Parking Lot Sale / Sidewalk Sale, Temporary Tent, Temporary Outdoor Seasonal Sale, or special event fails to comply with provisions of this Ordinance, the City of Frisco, by and through its Code Enforcement Division or designee, shall give notice of the violation to such owner. Such notice shall be given to the owner in any one of the following ways:

1. verbal or written to the owner or responsible person;
2. by posting notice at the site or sale location; or
3. by letter addressed to the responsible owner on said application and/or property owner at premises as recorded in the appraisal district records of the appraisal district in which the property is located.

SECTION 9: CITATIONS; WORK OR IMPROVEMENTS BY THE CITY OF FRISCO; CHARGES AGAINST OWNER

An applicant, owner, tenant, agent or individual who fails or refuses to comply with a demand for compliance may be issued citations and/or their permit(s) may be suspended or revoked. The City of Frisco may do the work or make improvements required to abate violations, pay for the work done or improvements made, and charge all expenses to the owner, tenant, agent or individual.

SECTION 10: APPEALS

Any applicant who has been denied a permit or any person, whose permit has been suspended or revoked, shall have the right to a hearing before the City Manager or his/her designee. Request for a hearing must be made in writing and received by the City Manager or his/her designee within ten (10) days of the date of the denial or the date of the notice of suspension or revocation. The City Manager, or his/her designee, may review the appeal at a

staff level and has the authority to reverse the decision of the Building Official or his/her designee and order that a permit be granted or to reinstate a suspended or revoked permit.

SECTION 11: REPEAL OF ORDINANCE NO. 00-04-15

Frisco Ordinance No. 00-04-15 is hereby repealed, such repeal to be effective as of the effective date of this Ordinance. Such repeal shall not abate any pending prosecution for violation of the repealed Ordinance No. 00-04-15, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of Ordinance No. 00-04-15.

SECTION 12: PENALTY PROVISION

Any person, firm, corporation or business entity that violates this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not exceeding two thousand (\$2,000) dollars. Each continuing day's violation shall constitute as a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City of Frisco from filing suit to enjoin the violation. The City of Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 13: ENFORCEMENT AND INTERPRETATION; PRIVILEGE

The Building Official or his/her designee shall enforce this Ordinance. The Building Official or his/her designee shall be responsible for interpreting and administering Sections 2, 3, and 4 of this Ordinance. The City Manager or his/her designee shall be responsible for interpreting and administering Section 5 of this Ordinance. The receipt of a permit required by this Ordinance is a privilege and not a property right.

SECTION 14: REPEALING/SAVINGS CLAUSE

All provisions of any Ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining provisions shall remain in full force and effect.

SECTION 15: SEVERABILITY

Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City of Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more section, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 16: EFFECTIVE DATE

This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO,
TEXAS ON THIS 20th day of September, 2005.



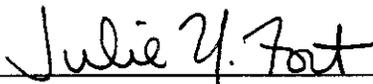
E. MICHAEL SIMPSON, Mayor

ATTESTED:

APPROVED AS TO FORM:



NAN PARKER
City Secretary



ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.
JULIE Y. FORT
City Attorneys



DATES OF PUBLICATION: 9-30 + 10-7, 2005, Frisco Enterprise

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS PROVIDING FOR REPEAL OF ORDINANCE NO. 00-04-15; PROVIDING ENFORCEMENT, PERMIT FEES, RULES AND REGULATIONS IN REGARD TO TEMPORARY OUTDOOR PARKING LOT/SIDEWALK SALES FOR BUSINESSES, TENTS AND OTHER TEMPORARY STRUCTURES FOR SALES, SEASONAL SALES AND/OR OTHER OUTDOOR EVENTS; PROVIDING FOR SPECIAL EVENTS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF SAID ORDINANCE; PROVIDING FOR A PERMIT FEE; PROVIDING FOR THE ISSUANCE AND REVOCATION OF PERMITS; PROVIDING FOR A PENALTY; PROVIDING FOR REPEALINGS, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND AN EFFECTIVE DATE THEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined it would be advantageous and beneficial to the citizens and inhabitants of the City of Frisco, Texas ("Frisco" or "City") to regulate outdoor sales for businesses, placing of tents and other temporary structures for sales, seasonal sales, and other outdoor events as provided herein.

WHEREAS, the City Council has determined that it would be advantageous and beneficial to the citizens and inhabitants of Frisco to repeal Frisco Ordinance No. 00-04-15 and replace it with this Ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS THAT:

SECTION 1: FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: PARKING LOT SALES / SIDEWALK SALES; DEFINITION AND REGULATIONS

Parking Lot Sale / Sidewalk Sale – For the purposes of this Ordinance, a Parking Lot Sale / Sidewalk Sale is defined as the sale of products, merchandise or services related to the trade of a business located in a shopping center or other properly zoned district within the City of Frisco that is conducted on the parking lot or the sidewalk.

- Businesses and/or property owners are eligible to receive permits to hold up to four (4) Sidewalk Sales and two (2) Parking Lot Sales each calendar year, upon compliance with the terms of this Ordinance. The calendar year commences January 1st. Each Parking Lot Sale / Sidewalk Sale shall be for no more than seven (7) consecutive days.
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Sales / Sidewalk Sales allowed for the business and/or property owner in a calendar year.

- Pet stores, veterinarians or other domestic animal-related businesses located in the City of Frisco who sell, provide adoption for, or give away domestic pets such as dogs, cats, rodents, fowl, amphibians, and/or rabbits for outside sale or outside display at an animal-related business establishment must meet the requirements of the current City of Frisco Zoning Ordinance and Animal Control Ordinance as the ordinances currently exist or may be amended. Animal-related sales and give-aways shall not count toward the total Parking Lot Sales / Sidewalk Sales for an animal-related business establishment.
- A Parking Lot Sale / Sidewalk Sale may be held in Retail, Commercial-1, Commercial-2, Original Town Commercial, non-residential planned development districts or other areas approved by the Building Official or his/her designee.
- A Parking Lot Sale / Sidewalk Sale Permit must be obtained from the Development Services Division prior to commencement of the sale. Other applicable permits in addition to the Parking Lot Sale / Sidewalk Sale Permit may be required from other Departments or Divisions.
- The Parking Lot Sale / Sidewalk Sale Permit fee is one hundred dollars (\$100.00) for each sale.
- A Temporary Tent may be installed for the Parking Lot Sale / Sidewalk Sale with the issuance of a Temporary Tent Permit. See Section 3 (below) for Temporary Tent Permit requirements.
- Written permission or a copy of the tenant's lease agreement that provides permission, for a Parking Lot Sale / Sidewalk Sale is required from the property owner and must accompany the Parking Lot Sale / Sidewalk Sale Permit Application seeking a permit for the temporary use on the property.
- Temporary lighting and/or security lighting may be used at a Parking Lot Sale / Sidewalk Sale location. Electrical Permits are required for temporary power and any other electrical installations at the premises. Electrical contractors must be a registered contractor with the City's Development Services Division. Electrical work installed requires inspection by a City Building Inspector. Temporary lighting must meet the requirements of the City's Comprehensive Zoning Ordinance, as it currently exists or may be amended. Any lights located on the premises may not flash, travel, blink, fade, move, or scroll.
- No required parking spaces, as set forth in applicable Frisco ordinances, may be used for the display of items at a Parking Lot Sale.
- Sales items, display tables and stands, tents, jump houses and/or any other related items for the Parking Lot / Sidewalk Sale shall not block any fire lanes, fire hydrants or public access areas.
- Sale items cannot reach a vertical height that exceeds four (4) feet.
- Items for display located under a store canopy, which was installed in compliance with applicable Frisco ordinances, on a permanent basis are exempt from this Ordinance.
- Sidewalks and pedestrian access ramps shall have six (6) foot clearance width at all times and meet all Americans with Disabilities Act requirements as they currently exist or may be amended.
- An applicant who elects to have a Parking Lot Sale / Sidewalk Sale must be the property owner or a tenant of the property owner whose premises is being used.
- Signage displayed at a Parking Lot Sale / Sidewalk Sale requires the issuance of Sign Permits. Sign Permit(s) must be obtained from the Building Inspection Division prior to the display of any signage at the Parking Lot Sale / Sidewalk Sale. All signage must

meet the requirements of the current Frisco Sign Ordinance as it currently exists or may be amended.

- If an applicant elects to serve or provide food and/or drinks at the Parking Lot / Sidewalk Sale, a Health Permit must be obtained from the Health & Food Safety Division and meet all requirements of the current Frisco health ordinance as it currently exists or may be amended.

SECTION 3: TEMPORARY TENT PERMIT & TEMPORARY TENT BANNER; DEFINITIONS AND REGULATIONS

Temporary Tent – A tent or canopy cover is defined as a movable shelter consisting of cloth, plastic, canvas or other light material stretched over supporting framework.

Temporary Tent Banner – A sign having characters, letters, or illustrations applied to plastic, cloth, canvas, or other light material for the purpose of attracting patrons to a Parking Lot Sale / Sidewalk Sale, Temporary Outdoor Seasonal Sale or special event.

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- Temporary Tents may be erected in Retail, Commercial-1, Commercial-2, Original Town Commercial, non-residential planned development districts or other areas approved by the Building Official or his/her designee.
- Temporary Tent Permits are required from the Building Inspection Division prior to the installation of a Temporary Tent and are valid for two (2) consecutive weeks only.
- The Temporary Tent Permit fee is seventy-five dollars (\$75.00) for each Temporary Tent installation.
- An applicant who has a valid Temporary Tent Permit may elect to install one (1) Temporary Tent Banner. The Temporary Tent Banner may not exceed forty-eight (48) square feet in area and must be securely attached to the front, side or rear of the Temporary Tent. A Temporary Tent Banner may not be attached to vertical supports or poles of a Temporary Tent and must otherwise comply with Frisco's Sign Ordinance, as it exists or may be amended. The Temporary Tent and Temporary Tent Banner must be removed no later than the date the Temporary Tent Permit expires.
- Temporary Tents must comply with the current Fire Code adopted by Frisco, as it currently exists or may be amended, and a Flame Retardancy Certificate must accompany each Temporary Tent Permit Application.
- A thirty (30') foot clearance must be maintained around the perimeter of the Temporary Tent at all times.
- Written permission or a copy of the tenant's lease agreement that provides permission for a Temporary Tent and Temporary Tent Banner is required from the property owner and must accompany the Temporary Tent Permit Application seeking a permit for the temporary use on the property.
- No required parking spaces, as set forth in applicable Frisco ordinances, may be used as a location of the Temporary Tent installation.

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Temporary Outdoor Seasonal Sale – A Temporary Outdoor Seasonal Sale is for the sale of, including but not limited to, firewood, nuts, pumpkins & gourds, wreaths, dried corn stalks, square hay bales, Christmas trees, Christmas tree ornaments & crafts, illuminated & non-illuminated Christmas, Halloween, Patriotic, or Easter yard art & crafts, Valentine flowers, and Valentine-related gifts, crafts, yard art and similar seasonal products (“Seasonal Products”) by City, civic, school, philanthropic, religious, or other non-profit organizations. Seasonal Products may lawfully be sold during periods approved by the Building Official or his/her designee at the time of permit application. Philanthropic individuals or businesses and non-profit organizations may be required to provide a copy of their valid federal and State of Texas Tax Identification Numbers with the application submittal for the Temporary Outdoor Seasonal Sale Permit at the discretion of the Building Official or his/her designee.

Local businesses within the City may grant permission to a person or entity eligible to receive a permit to hold a Temporary Outdoor Seasonal Sale on their parking lots.

Temporary Outdoor Seasonal sales shall meet the all the permit requirements listed below:

- Temporary Outdoor Seasonal Sales are allowed in Retail, Commercial-1, Commercial-2, Original Town Commercial, non-residential planned development districts or other areas approved by the Building Official or his/her designee.
- Off-street parking must be provided on site and be constructed of concrete.
- No required parking spaces, as set forth in applicable Frisco Ordinances may be used.
- Livestock (i.e., equine, cattle, sheep, goats, lambs, pigs, etc.), fowl, rodents, reptiles, amphibians, or any other animal does not qualify for a Temporary Outdoor Seasonal Sale.
- Temporary lighting and/or security lighting may be used at a Temporary Outdoor Seasonal Sale location. Electrical Permits are required for temporary power and any other electrical installations at the premises. Electrical Contractors must be a registered contractor with the City's Development Services Division. Electrical work installed requires inspection by a City Building Inspector. Temporary lighting must meet the requirements of the City's Comprehensive Zoning Ordinance, as it currently exists or may be amended. Any lights located on the premises may not flash, travel, blink, fade, move, or scroll.
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- Sidewalks and pedestrian access ramps are required to have a minimum of six (6) feet clearance at all times and meet the requirements of the Americans with Disabilities Act as it currently exists or may be amended.
- Any individual, business, firm, non-profit corporation, business entity, school, civic group, or religious organization that elects to have a Seasonal Sale must obtain a Temporary Outdoor Seasonal Sale Permit from the Development Services Division prior to the sale. A valid Temporary Outdoor Seasonal Sale Permit is required to be displayed at the premises.
- A Temporary Outdoor Seasonal Sale Permit is valid for maximum of forty-five (45) consecutive days for each sale.

- A Temporary Outdoor Seasonal Sale Permit is one hundred and fifty dollars (\$150.00) for each sale.
- Written permission must be obtained from the property owner and must accompany the Temporary Outdoor Seasonal Sale Permit Application seeking a permit for the temporary use at the property.
- Signs Permits must be obtained from the Development Services Division prior to the display of any signage for a Temporary Outdoor Seasonal Sale. All signage must meet the requirements of the City's Sign Ordinance as it currently exists or may be amended.
- Restroom facilities are required to be on-site at the Temporary Outdoor Seasonal Sale premises. Restroom facilities are required to be within one-hundred (100) feet from any point of sale or cash register. The Building Official or his/her designee may require additional toilet facilities to be provided to adequately provide for the number of patrons anticipated at the premises.
- If the applicant elects to install a Temporary Tent, a Temporary Tent Permit must be obtained prior to installation from the Development Services Division and must meet all Temporary Tent requirements as they currently exist or may be amended.
- If food and/or drinks are served a Health Permit must be obtained from the Health & Food Safety Division and meet the requirements of the Health Ordinance as it currently exists or may be amended.
- An individual, business, firm, non-profit corporation, entity or organization shall be required to provide a liability insurance policy in amounts of not less than fifty thousand dollars (\$50,000) for injury to a person and one hundred thousand dollars (\$100,000) per accident. The Building Official or his/her designee shall require a certificate of insurance that shows that such policy is in full force and effect prior to commencement of the Temporary Outdoor Seasonal Sale and provides that Frisco shall receive notice of cancellation of the insurance coverage. Non-profit organizations and government entities may have this requirement waived at the discretion of the Building Official or his/her designee.
- An individual, business, firm, corporation, entity or organization shall deposit with the City Secretary a cash bond to Frisco in the amount of one thousand dollars (\$1,000) or an equivalent surety bond issued by a company authorized to do business in the State of Texas, conditioned upon the operation of the Temporary Outdoor Seasonal Sale in accordance with the ordinances of the City of Frisco and the laws of the State of Texas, and further conditioned to indemnify, keep and save harmless the City of Frisco, its officers, agents and employees from all liability or causes of action which might arise by virtue of the granting of such Temporary Outdoor Seasonal Sale permit or the operation of such Temporary Outdoor Seasonal Sale, and further conditioned that no damage will be caused, suffered or permitted by the Temporary Outdoor Seasonal Sale individual, business, firm, corporation, entity or organization, its agents, officers, servants or employees to the streets, alleys, or public areas of the City of Frisco or to any private property, and that no dirt, paper, litter or other debris will be permitted to remain upon the streets, alleys or public ways of the City of Frisco or upon any private property as a result of the operation of such Temporary Outdoor Seasonal Sale. In the event all the terms of such bond are complied with, it shall be returned to the individual, business, firm, corporation, entity, civic group, religious organization, or organization that has the Temporary Outdoor Seasonal Sale at the completion of the term of the Temporary Outdoor Seasonal Sale.
- Non-profit organizations registered with the State of Texas or government entities may have the cash bond requirement and/or the proof of liability insurance waived at the Building Official or his/her designee's discretion.

- Equipment used for a Temporary Outdoor Seasonal Sale shall comply with the City's Noise Ordinance, as it currently exists or may be amended.

SECTION 5: SPECIAL EVENTS

Special events requiring street closures or other participation from Frisco will be allowed only with City Council approval.

SECTION 6: OTHER REQUIREMENTS

All federal, state, and local codes and ordinances will be adhered to by all participants and applicants.

SECTION 7: FEES

The Building Official or his/her designee may add additional inspections and/or fees at his/her discretion, should, in his/her sole opinion, any additional fees be necessary.

SECTION 8: NOTICE OF VIOLATION

In the event any owner, tenant, agent or person (hereinafter "owner") responsible for or claiming or having supervision or control over a Parking Lot Sale / Sidewalk Sale, Temporary Tent, Temporary Outdoor Seasonal Sale, or special event fails to comply with provisions of this Ordinance, the City of Frisco, by and through its Code Enforcement Division or designee, shall give notice of the violation to such owner. Such notice shall be given to the owner in any one of the following ways:

1. verbal or written to the owner or responsible person;
2. by posting notice at the site or sale location; or
3. by letter addressed to the responsible owner on said application and/or property owner at premises as recorded in the appraisal district records of the appraisal district in which the property is located.

SECTION 9: CITATIONS; WORK OR IMPROVEMENTS BY THE CITY OF FRISCO; CHARGES AGAINST OWNER

An applicant, owner, tenant, agent or individual who fails or refuses to comply with a demand for compliance may be issued citations and/or their permit(s) may be suspended or revoked. The City of Frisco may do the work or make improvements required to abate violations, pay for the work done or improvements made, and charge all expenses to the owner, tenant, agent or individual.

SECTION 10: APPEALS

Any applicant who has been denied a permit or any person, whose permit has been suspended or revoked, shall have the right to a hearing before the City Manager or his/her designee. Request for a hearing must be made in writing and received by the City Manager or his/her designee within ten (10) days of the date of the denial or the date of the notice of suspension or revocation. The City Manager, or his/her designee, may review the appeal at a

staff level and has the authority to reverse the decision of the Building Official or his/her designee and order that a permit be granted or to reinstate a suspended or revoked permit.

SECTION 11: REPEAL OF ORDINANCE NO. 00-04-15

Frisco Ordinance No. 00-04-15 is hereby repealed, such repeal to be effective as of the effective date of this Ordinance. Such repeal shall not abate any pending prosecution for violation of the repealed Ordinance No. 00-04-15, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of Ordinance No. 00-04-15.

SECTION 12: PENALTY PROVISION

Any person, firm, corporation or business entity that violates this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not exceeding two thousand (\$2,000) dollars. Each continuing day's violation shall constitute as a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City of Frisco from filing suit to enjoin the violation. The City of Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 13: ENFORCEMENT AND INTERPRETATION; PRIVILEGE

The Building Official or his/her designee shall enforce this Ordinance. The Building Official or his/her designee shall be responsible for interpreting and administering Sections 2, 3, and 4 of this Ordinance. The City Manager or his/her designee shall be responsible for interpreting and administering Section 5 of this Ordinance. The receipt of a permit required by this Ordinance is a privilege and not a property right.

SECTION 14: REPEALING/SAVINGS CLAUSE

All provisions of any Ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining provisions shall remain in full force and effect.

SECTION 15: SEVERABILITY

Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City of Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more section, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 16: EFFECTIVE DATE

This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO,
TEXAS ON THIS 20th day of September, 2005.

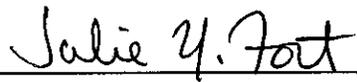

E. MICHAEL SIMPSON, Mayor



ATTESTED:

APPROVED AS TO FORM:


NAN PARKER
City Secretary


ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.
JULIE Y. FORT
City Attorneys

DATES OF PUBLICATION: 9-30-05 : 10-7-05, Frisco Enterprise