

**ORDINANCE NO. 2018-4256**

**AN ORDINANCE GRANTING A TEMPORARY SPECIAL USE PERMIT FOR “TRUNK OR TREAT FESTIVAL 2018” TO BE HELD WEDNESDAY, OCTOBER 31, 2018 AT EL BUEN PASTOR UNITED METHODIST CHURCH AND WAIVER OF FEES, BEING LOTS 21 – 24, BLOCK 238, EDINBURG ORIGINAL TOWNSITE, LOCATED AT 705 EAST UNIVERSITY DRIVE, EDINBURG, HIDALGO COUNTY, TEXAS, AS PROVIDED IN ARTICLE 2.511 OF THE CITY OF EDINBURG UNIFIED DEVELOPMENT CODE, PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING A WAIVER OF THE THREE (3) SEPARATE READINGS; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.**

**WHEREAS**, El Buen Pastor United Methodist Church, has applied for a Temporary Special Use Permit under Article 2.511 of the Unified Development Code of the City of Edinburg, Texas for “Trunk or Treat Festival 2018”; and

**WHEREAS**, this type of activity is prohibited by said Zoning Ordinance unless a Temporary Special Use Permit is granted; and

**WHEREAS**, the City Council of the City of Edinburg may by an affirmative two-thirds’ (2/3) vote, grant, by a temporary special use permit the location of this type of activity in any zoning district, but not within three hundred (300) feet of any Residential District;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDINBURG, TEXAS, AS FOLLOWS:**

**SECTION I. AUTHORITY OF LAW:** All requirements of the law have been met in the passing of this Ordinance.

**SECTION II.** That a Temporary Special Use Permit under Article 2.511 of the Unified Development Code of the City of Edinburg, Texas, be granted to El Buen Pastor United Methodist Church for “Trunk or Treat Festival 2018 to be held on Lots 21 – 24, Block 238, Edinburg Original Townsite, located at 705 E. University Dive, with the following conditions:

1. **Duration:** The proposed days and hours requested by the applicant are as follows:

Wednesday – October 31<sup>st</sup> – 5:00 p.m. to 8:00 p.m.

2. **Access Control:** Access is readily available to the event from University Drive and 17<sup>th</sup> Street.
3. **Security services.** Security services are to be provided by off-duty Hidalgo County Sheriff Department officers for this event.
4. **Sanitation:** Arrangements are being made with the Solid Waste Department for a roll off container for the event.
5. **Electric and Lighting:** Indoor events will be provided with church electricity and outdoor events will provide electricity with generators.
6. **Noise:** Noise is usually minimal and not a major issue for this type of event.
7. **Site Restoration:** Church volunteers and staff will clean up the site and along street right-of-way after the event.
8. **Liability Insurance:** The City is provided with a copy of the liability insurance carried by El Buen Pastor United Methodist Church for the event.
9. **Indemnity:** The City is indemnified by the applicant of any and all liability in accordance with the provisions set out in a Hold Harmless Agreement between the applicant and the City of Edinburg.
10. **Health Permit:** A temporary health permit for food vendors must be obtained through the Code enforcement Division for this event.

**SECTION III. REPEALER CLAUSE:** This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any ordinance in direct conflict with any provision of this ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

**SECTION IV. SAVINGS CLAUSE:** If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

**SECTION V. PUBLICATION AND EFFECTIVE DATE:** This Ordinance shall take effect immediately upon its passage and publication according to law.

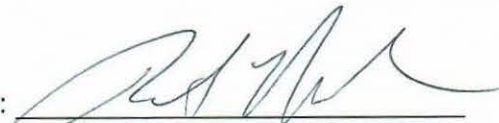
**SECTION VI. CODIFICATION:** That this Ordinance shall not be published in the Code of Ordinances of the City of Edinburg, Texas, as it is not amendatory thereof.



**SECTION VII. WAIVER CLAUSE:** This requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

**READ, CONSIDERED, PASSED AND APPROVED** on this first reading at a regular meeting of the City Council of the City of Edinburg, Texas, at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551.041, on the 16<sup>th</sup> day of October, 2018.

**CITY OF EDINBURG**

By:   
Richard Molina Mayor

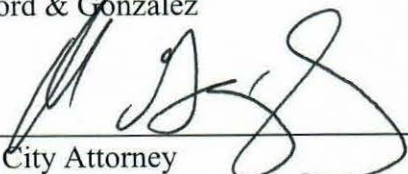
**ATTEST:**

By:   
Ludivina Leal, City Secretary



**APPROVED AS TO FORM:**

Oxford & Gonzalez

By:   
City Attorney