



## Hoppy Haden, County Judge

110 S. Main Street  
Lockhart, TX 78644  
(512) 398-1808

### Mass Gathering Permit Application Caldwell County, Texas

**At least forty-five (45) days prior to the first day of the planned gathering, the Caldwell County Mass Gathering Permit Application Packet must be received at the County Judge's Office, 110 S. Main Street (1<sup>st</sup> Floor), Lockhart, TX 78644.** The mass gathering permit application packet may be downloaded below. The mass gathering permit process is governed by **Texas Health and Safety Code Section 751.007.**

**No application shall be considered to have been submitted until it is accompanied by an application fee.** Fees shall be paid with cashier's check or money order, payable to "Caldwell County Treasurer." The standard application fee for a mass gathering permit is \$400.00 (nonrefundable). If it is determined during the application review process that additional security measures are needed, the promoter is responsible for the scheduling and costs associated with those services.

**Not later than ten (10) days before the event, for which the application is submitted, the County Judge shall hold a hearing to determine whether the mass gathering permit shall be granted.** Applications may be denied for any of the reasons enumerated in Section 751.007 of the Texas Health and Safety Code.

The Caldwell County Sheriff, Emergency Management Chief, and Local Health Authority will investigate preparations for the mass gathering. **At least five (5) days before the date on which the hearing, described by Section 751.006 is held, the authorities listed above will submit to the County Judge a report stating whether they believe the minimum standards for ensuring public safety and order that are prescribed by state and local laws, rules, and orders will be maintained.**

Applicants are encouraged to review Chapter 751 of the Texas Health and Safety Code for a comprehensive perspective on mass gatherings and the application of Texas law to such events.

### Caldwell County Mass Gathering Permit Application Packet

#### For Caldwell County Use Only:

Fee Paid: \_\_\_\_\_ Permit Number: \_\_\_\_\_

## A. Permit Application Details:

1. Name of Event: \_\_\_\_\_

2. Promoter's Full Name: \_\_\_\_\_

★ *This SHALL be the person who will be on scene with the event, and who is in charge as required by Texas Health and Safety Code Chapter 751.*

3. Promoter's Address (Physical and Mailing) and Other Contact Information:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Individual: \_\_\_\_\_

DOB: \_\_\_\_\_ Driver's License: State \_\_\_\_\_ No. \_\_\_\_\_

E-mail address: \_\_\_\_\_ Telephone: \_\_\_\_\_

4. Backup Person's Full Name: \_\_\_\_\_

★ *This person SHALL be on the scene with the event and will be second in charge.*

5. Backup Person's Address (Physical and Mailing) and Other Contact Information:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Individual: \_\_\_\_\_

DOB: \_\_\_\_\_ Driver's License: State \_\_\_\_\_ No. \_\_\_\_\_

E-mail address: \_\_\_\_\_ Telephone: \_\_\_\_\_

6. Full name of the Owner of the Property on which the Mass Gathering will be held:

\_\_\_\_\_

DOB: \_\_\_\_\_ Driver's License: State \_\_\_\_\_ No. \_\_\_\_\_

E-mail address: \_\_\_\_\_ Telephone: \_\_\_\_\_

7. Property Owner's Address (Physical and Mailing):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. Address of the Property where the Mass Gathering will be held:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. Description of the Property where the Mass Gathering will be held (e.g., Open Field, Residence, Commercial Property, etc.):

\_\_\_\_\_

\_\_\_\_\_

**Note:** As the property owner, I agree that any Law Enforcement personnel may enter my property at any time to enforce the provisions of this permit or for any other lawful entrance. In addition to Law Enforcement, I agree that any Fire, Medical or Emergency Management personnel may enter at any time if the need for these services arises.

Property Owner's Name (print): \_\_\_\_\_

Property Owner's Signature: \_\_\_\_\_

Date and Title: \_\_\_\_\_

**Insurance:** It is required that the event promoter or property owner secure a liability insurance policy with a minimum amount of \$1,000,000 coverage for the event and list Caldwell County as an additional insured to cover any damages that may occur to Public/County/State property or Right-of-Way, and/or injuries that may occur during the event, or any other activity connected to this event.

10. Date(s) of Mass Gathering (indicating whether this will be a repeating event):

\_\_\_\_\_

★ *Please note that repeat events must go through the Mass Gathering Permit Application process 45 days prior to the first day of the event.*

11. Time of Event(s):

\_\_\_\_\_

12. Number of Persons Allowed to Attend:

\_\_\_\_\_

★ *If the number of participants, attendees, vendors, and staff exceeds the number provided above, the event shall be terminated immediately.*

13. Will this be a private or public event? Private \_\_\_\_\_ Public \_\_\_\_\_

14. Will live music or DJ be provided? Yes \_\_\_\_\_ No \_\_\_\_\_

15. Will this event have any amplified sound? Yes \_\_\_\_\_ No \_\_\_\_\_

a) If a mass gathering permit is approved, the applicant must cooperate with the Caldwell County Sheriff's Office and any other County personnel to monitor noise levels. Unreasonable noise may result in violation of §42.01, Penal Code, Disorderly Conduct.

b) Start time for music: \_\_\_\_\_

c) End time for music: \_\_\_\_\_

16. Will food be served? \_\_\_\_\_ By whom? \_\_\_\_\_

17. Will there be any open fires? Yes \_\_\_\_\_ No \_\_\_\_\_

★ *Please note that no open fires are allowed if there is a **burn ban in effect** at the time of the event.*

18. Will alcohol be served? \_\_\_\_\_ By whom? \_\_\_\_\_

19. Will attendees be allowed to bring food or alcohol? \_\_\_\_\_

20. Are minors (under 21 years of age) allowed into the event? \_\_\_\_\_

21. If minors are allowed, estimate how many will attend? \_\_\_\_\_

22. How will the event be advertised:

Social Media

Other

Flyers/Brochures

Newspaper/Publication

## **B. Event Financial and Contractual Obligations:**

The following documents must be attached to this application (typed):

1. A certified copy of the agreement between the promoter and each property owner **(Labeled Section B – Attachment 1)**.
2. A list of names and addresses of each performer and their agent who has agreed to appear at the mass gathering, including a description of the terms of the agreement **(Labeled Section B – Attachment 2)**.
3. Financial statement reflecting the funds being supplied to finance the mass gathering and each person supplying the funds **(Labeled Section B – Attachment 3)**.
4. Liability Insurance Policy **(Labeled Section B – Attachment 4)**.
5. Indemnity Agreement and Waiver of Liability **(Labeled Section B – Attachment 5)**.

## **C. Health & Sanitation Compliance:**

*Following the minimum standards of the Texas Administrative Code, Title 25, Section 265.3 (water supply, toilet facilities, vector control, solid waste facilities, noise control, food sanitation, medical and nursing care, and final site cleanup). A copy of this section is included in this packet.*

The Permit Application must contain the following items. Please attach a thorough, typed statement detailing:

1. Steps taken to ensure the minimum standards of health and sanitation to be maintained during the mass gathering **(Labeled Section C – Attachment 1)**.
2. Steps taken to ensure the physical health and safety of persons attending the mass gathering **(Labeled Section C – Attachment 2)**.
3. All preparations taken to provide adequate medical and nursing care for persons attending the mass gathering **(Labeled Section C – Attachment 3)**.

## **D. Public Safety Compliance:**

*Following the minimum standards of the Texas Administrative Code, Title 37, Part 1, Chapter 1, Subchapter L. Section 1.161-1.169. A copy of this section is included in this packet.*

The Permit Application must contain the following items. Please attach a thorough, typed statement detailing:

1. How attendance will be limited to the maximum number stated in the event description above (**Labeled Section D – Attachment 1**).
2. The preparations you will make to provide traffic control (**Labeled Section D – Attachment 2**).
3. The steps you will take to ensure the mass gathering will be conducted in an orderly manner, including the steps taken to address hazardous conditions, evacuations, cancellations, or delays of the mass gathering (**Labeled Section D – Attachment 3**).
4. The preparations you will take to supervise minors who may attend the mass gathering (**Labeled Section D – Attachment 4**).
5. A description and/or a map identifying the location on the grounds where the promoter or a representative will always be available during the event (**Labeled Section D – Attachment 5**).

### **E. Event Site Plan:**

**Attach a site plan** (diagram/map that shows the area where your event is being held and the infrastructure, existing services, and temporary equipment, etc.). Please include the following areas in your site plan:

1. Parking area for attendees
2. Entrances/exits and interior roadways and walkways  
(There must be enough room for two emergency vehicles to be able to enter/exit at the same time, or there must be two entrances/exits)
3. All first aid stations and emergency medical resources
4. Restroom facilities
5. Water stations
6. Number of food booths/trailers and the types of food being served (if applicable)
7. Number, type and provider of solid waste containers
8. Location of promoter's headquarters at the location of the Mass Gathering
9. Parking areas and/or bus pick up/drop off areas designated for the gathering under the promoter's control
10. Health inspectors access points

**Attach a plan** to provide lighting adequate to ensure the comfort and safety of attendees and staff if the planned event is held after sunset.



**Acknowledgment**

THE STATE OF TEXAS           §  
  §  
COUNTY OF CALDWELL       §

I (We) affirm that the information given in this document and its attachments are true and correct to the best of my knowledge, and I (we) hereby set my (our) hand on this the

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Promoter

\_\_\_\_\_  
Signature of Backup Person

THE STATE OF TEXAS           §  
  §  
COUNTY OF CALDWELL       §

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by

\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

(SEAL/STAMP)

**RECEIPT BY COUNTY JUDGE’S OFFICE**

Received by the Caldwell County Judge’s Office, on this the \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_



## Signature of Officials

This permit application must be approved and signed by an authorized representative from each of the following departments at least five (5) days prior to the hearing, described within Section 751.006.

### Approved By:

#### **CALDWELL COUNTY SHERIFFS OFFICE**

Name (Print): \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Cell Phone #: \_\_\_\_\_ Alt. Phone #: \_\_\_\_\_

Email address: \_\_\_\_\_

#### **LOCAL HEALTH AUTHORITY**

Name (Print): \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Cell Phone #: \_\_\_\_\_ Alt. Phone #: \_\_\_\_\_

Email address: \_\_\_\_\_

#### **CALDWELL COUNTY OFFICE OF EMERGENCY MANAGEMENT**

Name (Print): \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Cell Phone #: \_\_\_\_\_ Alt. Phone #: \_\_\_\_\_

Email address: \_\_\_\_\_



**CALDWELL COUNTY COMMISSIONERS COURT ACTION**  
**MASS GATHERING PERMIT APPLICATION FINDINGS**

Pursuant to the Texas Mass Gathering Act, Chapter 751 of the Texas Health and Safety Code (the Act), the Caldwell County Judge finds and decides as follows:

1. The Caldwell County Judge received an application for a mass gathering permit from \_\_\_\_\_ to hold a mass gathering called \_\_\_\_\_ at \_\_\_\_\_ on \_\_\_\_\_.
2. With notice given as prescribed by the Act, on \_\_\_\_\_, the Caldwell County Judge conducted a hearing on the application under the Act, at which members of the public and the promoter had the opportunity to appear and testify for or against granting the permit.
3. Based on testimony at the hearing and investigations under the Act regarding the application, the Caldwell County Judge:

\_\_\_ **GRANTS** the mass gathering permit.

\_\_\_ **DENIES** the mass gathering permit for the following reason(s):

- The promoter's financial backing is insufficient to ensure that the mass gathering will be conducted in a manner stated in the application.
- The location selected for the mass gathering is inadequate for the purpose indicated.
- The promoter has not made adequate preparations to limit the number of persons attending the mass gathering or to provide adequate supervision for minors attending the mass gathering.
- The promoter does not have any assurance that scheduled performers will appear.
- The preparations for the mass gathering do not ensure that minimum standards of sanitation and health will be maintained.
- The preparations for the mass gathering do not ensure that the mass gathering will be conducted in an orderly manner and that the physical safety of the people attending will be protected.
- Adequate arrangements for traffic control have not been provided.
- Adequate medical and nursing care will not be available.

These findings and this decision were made on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and filed with the Caldwell County Clerk.

\_\_\_\_\_  
Caldwell County Judge

HEALTH AND SAFETY CODE

TITLE 9. SAFETY

SUBTITLE A. PUBLIC SAFETY

CHAPTER 751. MASS GATHERINGS

Sec. 751.001. SHORT TITLE. This chapter may be cited as the Texas Mass Gatherings Act.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 751.002. DEFINITIONS. In this chapter:

(1) "Mass gathering" means a gathering:

(A) that is held outside the limits of a municipality;

(B) that attracts or is expected to attract:

(i) more than 2,500 persons; or

(ii) more than 500 persons, if 51 percent or more of those persons may

reasonably be expected to be younger than 21 years of age and it is planned or may reasonably be expected that alcoholic beverages will be sold, served, or consumed at or around the gathering; and

(C) at which the persons will remain:

(i) for more than five continuous hours; or

(ii) for any amount of time during the period beginning at 10 p.m. and ending

at 4 a.m.

(2) "Person" means an individual, group of individuals, firm, corporation, partnership, or association.

(3) "Promote" includes organize, manage, finance, or hold.

(4) "Promoter" means a person who promotes a mass gathering.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 553, Sec. 1, eff. June 18, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 692 (S.B. [270](#)), Sec. 1, eff. June 17, 2005.

Sec. 751.0021. APPLICABILITY TO CERTAIN HORSE AND GREYHOUND RACES.

(a) This chapter applies to a horse or greyhound race that attracts or is expected to attract at least 100 persons, except that this chapter does not apply if the race is held at a location at which pari-mutuel wagering is authorized under Subtitle A-1, Title 13, Occupations Code (Texas Racing Act).

(b) This section does not legalize any activity prohibited under the Penal Code or other state law.

Added by Acts 2015, 84th Leg., R.S., Ch. 1274 (S.B. [917](#)), Sec. 1, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. [1969](#)), Sec. 2.05, eff. April 1, 2019.

Sec. 751.003. PERMIT REQUIREMENT. A person may not promote a mass gathering without a permit issued under this chapter.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 751.004. APPLICATION PROCEDURE. (a) At least 45 days before the date on which a mass gathering will be held, the promoter shall file a permit application with the county judge of the county in which the mass gathering will be held.

(b) The application must include:

- (1) the promoter's name and address;
  - (2) a financial statement that reflects the funds being supplied to finance the mass gathering and each person supplying the funds;
  - (3) the name and address of the owner of the property on which the mass gathering will be held;
  - (4) a certified copy of the agreement between the promoter and the property owner;
  - (5) the location and a description of the property on which the mass gathering will be held;
  - (6) the dates and times that the mass gathering will be held;
  - (7) the maximum number of persons the promoter will allow to attend the mass gathering and the plan the promoter intends to use to limit attendance to that number;
  - (8) the name and address of each performer who has agreed to appear at the mass gathering and the name and address of each performer's agent;
  - (9) a description of each agreement between the promoter and a performer;
  - (10) a description of each step the promoter has taken to ensure that minimum standards of sanitation and health will be maintained during the mass gathering;
  - (11) a description of all preparations being made to provide traffic control, to ensure that the mass gathering will be conducted in an orderly manner, and to protect the physical safety of the persons who attend the mass gathering;
  - (12) a description of the preparations made to provide adequate medical and nursing care;
- and
- (13) a description of the preparations made to supervise minors who may attend the mass gathering.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 751.005. INVESTIGATION. (a) After a permit application is filed with the county judge, the county judge shall send a copy of the application to the county health authority, the county fire marshal or the person designated under Subsection (c), and the sheriff.

(b) The county health authority shall inquire into preparations for the mass gathering. At least five days before the date on which the hearing prescribed by Section [751.006](#) is held, the county health authority shall submit to the county judge a report stating whether the health authority believes that the minimum standards of health and sanitation prescribed by state and local laws, rules, and orders will be maintained.

(c) The county fire marshal shall investigate preparations for the mass gathering. If there is no county fire marshal in that county, the commissioners court shall designate a person to act under this section. At least five days before the date on which the hearing prescribed by Section [751.006](#) is held, the county fire marshal or the commissioners court designee shall submit to the county judge a report stating whether the fire marshal or designee believes that the minimum standards for ensuring public fire safety and order as prescribed by state and local laws, rules, and orders will be maintained.

(d) The sheriff shall investigate preparations for the mass gathering. At least five days before the date on which the hearing prescribed by Section [751.006](#) is held, the sheriff shall submit to the county judge a report stating whether the sheriff believes that the minimum standards for ensuring public safety and order that are prescribed by state and local laws, rules, and orders will be maintained.

(e) The county judge may conduct any additional investigation that the judge considers necessary.

(f) The county health authority, county fire marshal or commissioners court designee, and sheriff shall be available at the hearing prescribed by Section [751.006](#) to give testimony relating to their reports.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 553, Sec. 2, eff. June 18, 1999.

Sec. 751.0055. DELEGATION OF DUTIES OF COUNTY JUDGE. (a) The county judge of a county may file an order with the commissioners court of the county delegating to another county officer the duty to hear applications for a permit under this chapter. The order may provide for allowing the county officer to revoke a permit under Section [751.008](#).

(b) An order of a county officer acting under the delegated authority of the county judge in regard to a permit has the same effect as an order of the county judge.

(c) During the period in which the order is in effect, the county judge may withdraw the authority delegated in relation to an application and the county judge may hear the application.

(d) The county judge may at any time revoke an order delegating duties under this section.

Added by Acts 2001, 77th Leg., ch. 1, Sec. 1, effective March 26, 2001.

Sec. 751.006. HEARING. (a) Not later than the 10th day before the date on which a mass gathering will begin, the county judge shall hold a hearing on the application. The county judge shall set the date and time of the hearing.

(b) Notice of the time and place of the hearing shall be given to the promoter and to each person who has an interest in whether the permit is granted or denied.

(c) At the hearing, any person may appear and testify for or against granting the permit.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 751.007. FINDINGS AND DECISION OF COUNTY JUDGE. (a) After the completion of the hearing prescribed by Section [751.006](#), the county judge shall enter his findings in the record and shall either grant or deny the permit.

(b) The county judge may deny the permit if he finds that:

(1) the application contains false or misleading information or omits required information;

(2) the promoter's financial backing is insufficient to ensure that the mass gathering will be conducted in the manner stated in the application;

(3) the location selected for the mass gathering is inadequate for the purpose for which it will be used;

(4) the promoter has not made adequate preparations to limit the number of persons attending the mass gathering or to provide adequate supervision for minors attending the mass gathering;

(5) the promoter does not have assurance that scheduled performers will appear;

(6) the preparations for the mass gathering do not ensure that minimum standards of sanitation and health will be maintained;

(7) the preparations for the mass gathering do not ensure that the mass gathering will be conducted in an orderly manner and that the physical safety of persons attending will be protected;

(8) adequate arrangements for traffic control have not been provided; or

(9) adequate medical and nursing care will not be available.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 751.008. PERMIT REVOCATION. (a) The county judge may revoke a permit issued under this chapter if the county judge finds that preparations for the mass gathering will not be completed by the time the mass gathering will begin or that the permit was obtained by fraud or misrepresentation.

(b) The county judge must give notice to the promoter that the permit will be revoked at least 24 hours before the revocation. If requested by the promoter, the county judge shall hold a hearing on the revocation.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 751.009. APPEAL. A promoter or a person affected by the granting, denying, or revoking of a permit may appeal that action to a district court having jurisdiction in the county in which the mass gathering will be held.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 2001, 77th Leg., ch. 1, Sec. 2, eff. March 26, 2001.

Sec. 751.010. RULES. (a) After notice and a public hearing, the executive commissioner of the Health and Human Services Commission shall adopt rules relating to minimum standards of health and sanitation to be maintained at mass gatherings.

(b) After notice and a public hearing, the Department of Public Safety shall adopt rules relating to minimum standards that must be maintained at a mass gathering to protect public safety and maintain order.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. [219](#)), Sec. 3.1507, eff. April 2, 2015.

Sec. 751.011. CRIMINAL PENALTY. (a) A person commits an offense if the person violates Section [751.003](#).

(b) An offense under this section is a misdemeanor punishable by a fine of not more than \$1,000, confinement in the county jail for not more than 90 days, or both.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 751.012. INSPECTIONS. (a) The county health authority may inspect a mass gathering during the mass gathering to ensure that the minimum standards of health and sanitation prescribed by state and local laws, rules, and orders are being maintained. If the county health authority determines a violation of the minimum standards is occurring, the health authority may order the promoter of the mass gathering to correct the violation.

(b) The county fire marshal or the person designated under Section [751.005](#)(c) may inspect a mass gathering during the mass gathering to ensure that the minimum standards for ensuring public fire safety and order as prescribed by state and local laws, rules, and orders are being maintained. If the marshal or commissioner's court designee determines a violation of the minimum standards is occurring, the marshal or designee may order the promoter of the mass gathering to correct the violation.

(c) The sheriff may inspect a mass gathering during the mass gathering to ensure that the minimum standards for ensuring public safety and order prescribed by state and local laws, rules, and orders are being maintained. If the sheriff determines a violation of the minimum standards is occurring, the sheriff may order the promoter of the mass gathering to correct the violation.

(d) A promoter who fails to comply with an order issued under this section commits an offense. An offense under this section is a Class C misdemeanor.

Added by Acts 1999, 76th Leg., ch. 553, Sec. 3, eff. June 18, 1999.

Sec. 751.013. INSPECTION FEES. (a) A commissioners court may establish and collect a fee for an inspection performed under Section [751.012](#). The fee may not exceed the amount necessary to defray the costs of performing the inspections. The fee shall be deposited into the general fund of the county.

(b) A commissioners court may use money collected under this section to reimburse the county department or, if a state agency performs the inspection on behalf of the county, the state agency, the cost of performing the inspection.

Added by Acts 1999, 76th Leg., ch. 553, Sec. 3, eff. June 18, 1999.



# Texas Administrative Code

Title 25	HEALTH SERVICES
Part 1	DEPARTMENT OF STATE HEALTH SERVICES
Chapter 265	GENERAL SANITATION
Subchapter A	HEALTH AND SANITATION FOR MASS GATHERINGS
RULE §265.3	Minimum Standards

(a) Water supply.

(1) The quality of water to be supplied shall meet the approval of the county health officer, and on his request an evaluation of the supply may be made by the Department of Health Resources.

(2) Water shall be provided at the rate of at least one pint per hour for each person present at the site.

(3) Water shall be delivered to the dispensing points in such a manner as to preclude the possibility of contamination. All water conveyor facilities shall be cleaned and disinfected prior to being used and any containers used for water delivery shall be covered to prevent the entrance of dust, insects, or other contaminants.

(4) A suitable water outlet or water container shall be provided for each 100 persons and be conveniently located for dispensing the water. If containers are utilized for water distribution, the containers shall be properly covered and provisions made for keeping the covers locked. A chlorine residual of at least 0.2 milligrams per liter shall be maintained at all times at each water distribution point.

(5) The use of the common drinking cup is prohibited. At least one dispensable cup shall be provided for each person per hour of attendance.

(b) Toilet facilities.

(1) Toilet facilities, separate for each sex and plainly marked "Men" and "Women," shall be provided at a rate of no more than 50 persons per toilet seat. Such facilities shall be designed to shield the occupants from public view.

(2) Privies, if provided, shall be structurally sound and shall be designed to prevent access of flies to deposited excreta.

(3) Portable type toilets, if provided, shall have waste therefrom collected at intervals of sufficient frequency to preclude overflow and the wastes therefrom shall be disposed of in a manner that does not create a health hazard or nuisance.

(4) Handwashing and drying facilities shall be provided in the vicinity of each toilet building or location. Waste produced from such handwashing facilities shall be collected and disposed of either by holding tanks or subsurface absorption fields.

(c) Vector control. Sufficient equipment and chemicals shall be available to control insect vector problems in a manner approved by the county health officer.

(d) Minimum area. An area of at least 50 square feet per person shall be provided at the premises.

(e) Solid waste facilities.

(1) All solid waste shall be stored in suitable containers with tight fitting lids and such containers shall be conveniently located throughout the area.

(2) All solid waste shall be collected twice daily or at such more frequent intervals as may be necessary to maintain sanitary conditions at the site and be disposed of in a facility which has been approved by the county health officer.

(f) Noise control. Amplifying equipment used shall be designed to control the noise level at the perimeter of the site on which the gathering shall take place and be so operated that at no time more than 70 decibels is registered on the "A"

scale at slow response of a standard sound level meter which meets the specifications of the American National Standards Institute.

(g) Food sanitation.

- (1) All food and beverages sold or furnished shall be obtained from approved sources.
- (2) Foods, while being stored, prepared, or served, shall be protected from contamination.
- (3) All perishable food shall be stored at such temperatures as will protect against spoilage.
- (4) All potentially hazardous food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, and shellfish shall be maintained at safe temperatures (45 degrees Fahrenheit or below, or 140 degrees Fahrenheit or above).
- (5) The washing and sanitizing of food equipment and utensils shall be in compliance with the requirements set forth in the State Sterilization Law, Texas Civil Statutes Article 4476-9.
- (6) All food service personnel shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. Handwashing facilities shall be provided.

(h) Medical and nursing care.

- (1) At least one emergency aid station for each 10,000 persons or fraction thereof shall be maintained and be clearly identifiable by a prominent sign during the entire time of the mass gathering.
- (2) Each emergency aid station shall have on duty at all times at least two persons who have had, as a minimum, training in first aid either by the American Red Cross or as a medical corpsman in the armed services. One shall be in charge.
- (3) Each emergency aid station shall be provided with the following equipment and supplies:

(A) a tent or other suitable temporary shelter shall be erected at a convenient location on the grounds of the mass gathering to house the emergency aid station.

- (B) folding cots-six;
- (C) blankets-eight;
- (D) chest or box (for supplies)-one;
- (E) chairs-two;
- (F) flashlights-two;
- (G) pail or plastic wastebasket-two;
- (H) paper bags for waste-24;
- (I) paper towels (roll or package)-four;
- (J) pitcher (with cover)-two;
- (K) tourniquet (rubber tubing)-three;
- (L) adhesive bandages (assorted)-four dozen;
- (M) adhesive tape, three inches and four inches-four rolls each size;
- (N) bandages, two inches and four inches-12 rolls each size;
- (O) triangular bandage, 40 inches-six;
- (P) cotton balls (prepackaged)-400;
- (Q) alcohol, isopropyl-two pints;
- (R) scissors, blunt-one pair;
- (S) snake bite kit-one;
- (T) splints-six;
- (U) bag mask resuscitator with oxygen supply-one;
- (V) stretcher-one;
- (W) thermometer, oral-two;
- (X) bandage compress, two inches, three inches, and four inches-six each size;
- (Y) four inches by four inches cotton gauze squares-100.

(4) A written plan for the evacuation of sick or injured persons shall be provided and approved by the county health officer covering the following services and a copy of the plan shall be placed in a conspicuous place in the emergency aid station.

(A) name, location, and telephone number(s) of one or more available licensed physicians;

(B) name, location, and telephone number(s) of an available ambulance;

(C) name, location, and telephone number(s) of an available nearby hospital;

(i) Final site cleanup. At the conclusion of a mass gathering, the site shall be inspected by the county health officer for health and sanitation considerations. The landowner, upon notification by the county health officer of the existence of any unsanitary conditions, shall immediately cause such conditions to be corrected.

# Texas Administrative Code

Title 37	PUBLIC SAFETY AND CORRECTIONS
Part 1	DEPARTMENT OF PUBLIC SAFETY
Chapter 265	ORGANIZATION AND ADMINISTRATION
Subchapter L	PUBLIC SAFETY AT MASS GATHERINGS

## Rule §1.161

(a) All admission tickets sold or offered for sale by the promoter, or by others acting in his behalf, will be serially numbered or otherwise coded in such a manner so as to be able to determine the days of admission and the number of people that have been admitted at any given time. The promoter will advise the issuing officer at the time of the hearing on the application of the number of tickets known or believed to have been sold and the anticipated number to be sold.

(b) The promoter will certify to the sheriff or the issuing officer, upon request, the number of tickets known to have been sold at the time the request is made.

(c) The promoter will grant admission to spectators only on the presentation of a valid ticket to the event, and each spectator will be required to present an individual ticket. The promoter will retain all tickets so presented, and will make them available for inspection by the sheriff of the county, in which the mass gathering is being held, or by any other peace officer, at any time during the period of time for which the permit is granted, and for 10 days thereafter.

## Rule §1.162

An adequate parking space shall be provided for the parking of vehicles. The parking area shall be deemed adequate if it meets the following requirements.

- (1) Provides a parking space large enough to accommodate one four-wheeled vehicle for each four tickets sold.
- (2) The parking area shall be well drained and the surface of such consistency so as to provide for easy entry and exit during any type of weather conditions.

## Rule §1.163

Any area provided by the promoter as a camping area for the benefit of paying spectators shall be separated from the entertainment area and the area provided for the parking of vehicles by a distance of at least 1,000 feet. No overnight camping will be permitted in the area designated for the parking of vehicles.

## Rule §1.164

Provisions shall be made to light adequately the entire area provided for the occupancy of spectators. The required lighting shall be deemed adequate if it is sufficient to make clearly recognizable the features of any person within the area provided for the occupancy of

spectators by an observer 50 feet from that person, and if the required illumination may be turned on by the operation of not more than two devices.

## Rule §1.165

The promoter will at all times during the time for which the permit is issued maintain a clear and unobstructed access route through the area under his control for the use of emergency vehicles attempting to reach any platform, stage, bandstand, grandstand, or other seating facility, concession stand, or parking area.

## Rule §1.166

(a) The promoter will plan, construct or otherwise make provisions necessary to assure that spectators or others seeking admittance to the facility under his control at which the mass gathering is to be held may enter the facility without

impeding the progress of those who follow to the extent that exit from any federal, state, or county highway giving access to the facility is delayed in any manner.

(b) This section is to be interpreted to mean that it is the responsibility of the promoter to expedite, by any necessary means, the flow of traffic into the facility he provides to the extent that persons seeking admission will not be delayed to the extent that their presence will interfere with the normal movement of traffic on adjacent public streets or highways.

**Rule §1.167**

Any platform, bandstand, stage, grandstand, or other facility upon which people may assemble to make music, dance, or otherwise entertain or sit or stand as spectators shall be constructed in such a manner as to safely support the weight of the maximum number of people who are able to assemble thereon.

**Rule §1.168**

The promoter will be responsible for and will be held accountable for preserving order within the confines of the area designated in the permit application.

**Rule §1.169**

The promoter or a representative designated by him in his permit application will be present and available on the grounds at all times during the period for which the permit is issued and until all those in attendance have departed the area. The permit application shall specify a location on the grounds at which the promoter or his designated representative may be located within undue delay.



## Indemnity Agreement & Waiver of Liability

### Release and Waiver:

The undersigned hereby RELEASES, WAIVES, DISCHARGES AND COVENANTS NOT TO SUE the County of Caldwell, Texas, all its elected officials, agents and employees, (collectively, the "Releasees"), from and for any liability resulting from any personal injury, accident or illness (including death), and/or property loss, however caused, arising from, or in any way related to the mass gathering the subject of this application (the "Event"), except for those caused by the willful misconduct, gross negligence or intentional torts of the Releasees.

### Indemnification and Hold Harmless:

The undersigned also hereby agrees to INDEMNIFY, DEFEND AND HOLD HARMLESS the Releasees from any and all claims, actions, suits, procedures, costs, expenses, damages, and liabilities including, but not limited to, attorney's fees, arising from, or in any way related to the Event, except for those arising out of the willful misconduct, gross negligence, or intentional torts of the Releasees.

### Severability:

The undersigned expressly agrees that the foregoing release and waiver and indemnification and hold harmless agreements are intended to be as broad and inclusive as is permitted by the law of the State of Texas and that if any portion thereof is held invalid, it is agreed that the balance shall continue in full legal force and effect.

## STATE OF TEXAS COUNTY OF CALDWELL

I affirm that the information I have given in this document and its attachments are correct and I hereby set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_