

ORDINANCE NO. _____

**AN ORDINANCE REPEALING CHAPTERS 4-5 AND 14-7 AND AMENDING
CHAPTER 14-8 OF THE CITY CODE RELATING TO RIGHT-OF-WAY EVENT
CLOSURES.**

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

PART 1. Chapters 4-5 and 14-7 of the City Code are repealed.

PART 2. Sections 14-8-5, 14-8-13, 14-8-15, 14-8-18, 14-8-31, 14-8-32, and 14-8-33 of the City Code are repealed.

PART 3. Chapter 14-8 (*Temporary Street Closure for a Street Event*) is amended to rename the chapter "*Temporary Closure for a Right-of-Way Event*."

PART 4. Section 14-8-1 (*Definitions*) of the City Code is amended to read as follows:

§ 14-8-1 DEFINITIONS.

In this chapter:

[4]AFFECTED PERSON means:

- ~~[(a)] the property owner, property manager or tenant of each property fronting on the portion of a public street to be closed. [for an arterial street closure, a property owner, property manager, or tenant of property fronting on the portion of public street to be closed;~~
- ~~(b) for a residential street closure, a property owner or tenant of a residence fronting on the portion of a public street to be closed; and~~
- ~~(c) for both an arterial or residential street closure, a neighborhood association registered with the City, for a neighborhood whose boundaries either include the public street to be closed, or extend to a point within 3/4 of a mile of the public street to be closed, if the neighborhood association has filed a letter with the director;~~

- 1 (i) ~~requesting a notice of a street closure permit application;~~
- 2 (ii) ~~enclosing a map clearly showing the neighborhood~~
- 3 ~~association's boundaries and a 3/4 mile perimeter; and~~
- 4 (iii) ~~providing the name, address, and telephone number of at~~
- 5 ~~least two contact persons for the neighborhood~~
- 6 ~~association.]~~

7 APPLICANT means the individual or entity, including any governmental agency, that is

8 legally responsible for conducting a right-of-way event, filing an application and

9 documentation, and receiving a permit issued under this chapter.

10 ~~[(2) ARTERIAL STREET means:~~

- 11 ~~(a) a street designed to carry a high volume of through traffic and linking~~
- 12 ~~major activity centers; and~~
- 13 ~~(b) all streets located in the geographical area bounded on the north by~~
- 14 ~~Martin Luther King, Jr. Boulevard, on the south by Riverside~~
- 15 ~~Drive/Barton Springs Road, on the east by Interstate Highway 35, and~~
- 16 ~~on the west by Lamar Blvd.]~~

17 CLOSURE AREA means the public right-of-way area that the applicant requests be

18 closed for a right-of-way event or First Amendment event.

19 CLOSURE PERMIT means a permit issued by the director for a right-of-way event or

20 First Amendment event under this chapter.

21 ~~[(3)]~~ DEPARTMENT means the department or office designated by the city manager to

22 administer permits issued under this chapter.

23 ~~[(4)]~~ DIRECTOR means the department director or administrative head of the department

24 [designated by the city manager].

25 ~~[(5)]~~ FEE-PAID EVENT means a right-of-way [street] event that is in a fixed or

26 stationary location and requires the payment of a gate [entrance] fee to access the public

27 right-of-way.

28 ~~[(6) NEIGHBORHOOD COLLECTOR means a roadway that collects traffic from~~

29 ~~residential streets and connects to an arterial street.~~

1 ~~(7) RESIDENTIAL STREET means a roadway with low traffic volumes and low speeds,~~
2 ~~which serves adjoining residential properties and traffic within a neighborhood, and does~~
3 ~~not continue through several districts.~~

4 ~~(8) STREET EVENT means an event requiring the closure of a portion of a public street~~
5 ~~for an athletic event, street celebration, or block party.]~~

6 NEIGHBORHOOD ASSOCIATION means a neighborhood association registered with
7 the City for a neighborhood whose boundaries either include the public street to be
8 closed, or extend to a point within 1/2 of a mile of a public street to be closed.

9 PARADE means a march or procession that:

10 (a) does not comply with normal traffic regulations or controls on a public right-
11 of-way;

12 (b) consists of people, animals, and vehicles;

13 (c) does not exclusively advertise a product or event for private profit.

14 RIGHT-OF-WAY EVENT means an event or parade that requires the full or partial
15 closure or occupation of a public right-of-way or an area adjacent to the public right of
16 way for non-construction and non-parking related use.

17
18 **PART 5.** Section 14-8-2 (*Permit Required*) of the City Code is amended to read as
19 follows:

20 **§ 14-8-2 PERMIT REQUIRED; WAIVER OF DEADLINES.**

21 (A) A person may not temporarily close any portion of a public right-of-way
22 [street] to conduct, start, participate or assist in a right-of-way event [a street
23 event], unless the person obtains and possesses during the right-of-way event
24 a closure permit under this chapter and any other permit required by this
25 chapter or the city [City].

26 (B) The director may waive any deadline established by this chapter at the
27 director's discretion.

28
29 **PART 6.** Section 14-8-3 (*Restrictions on Issuance of Permit*) of the City Code is
30 amended to read as follows:

31 **§ 14-8-3 RESTRICTIONS ON ISSUANCE OF CLOSURE PERMIT.**

32 (A) The director may not:

(1) issue a closure permit for a right-of-way event that would exceed the maximum number of right-of-way events, as established by council, for which a particular public right-of-way may be closed during a calendar year; or

(2) issue a closure permit for a right-of-way event unless the applicant pays the required fees.

~~[. The director may not issue in a calendar year more than:~~

~~(1) four permits for fee-paid events on any one arterial street; and~~

~~(2) 12 permits for street events on any one arterial street, including permits for fee-paid events.]~~

(B) The director may not issue a closure permit for the following events without Council approval:

(1) a fee-paid event; [without Council approval];-

(2) [(C) The director may not issue a permit for] a right-of-way [street] event on Sixth Street that allows event activities to continue past 10 [8] p.m.[, except for Halloween and New Year's Eve events.]

(3) except as provided in Section 14-8-15 (*Calculation of Signatures*), a right-of-way event if 20 percent or more of the affected persons on any block to be closed or a neighborhood association objects to the closure in writing on a form prescribed by the director; or

(4) except as provided in Section 14-8-15 (*Calculation of Signatures*), a fee-paid event if 10 percent or more of the affected persons on any block to be closed or a neighborhood association objects to the closure in writing on a form prescribed by the director.

(C) Beginning on the date following an annual right of way event, the director shall accept written objections regarding the event for the next following year.

PART 7. Section 14-8-4 (*Street Closure Guidelines*) of the City Code is amended to read as follows:

§ 14-8-4 [STREET] RIGHT-OF-WAY CLOSURE RULES [GUIDELINES] AND COMPLIANCE WITH APPLICABLE REGULATIONS.

1 (A) The director shall develop rules [~~guidelines~~] to establish criteria for safe and
2 appropriate right-of-way event [~~street~~] closures. [~~The~~] Following a public
3 hearing on the proposed rules, which shall be conducted by the
4 _____ within 40 days after the director files a notice under
5 Chapter 1-2 (Adoption of Rules), the _____ shall provide a
6 recommendation to the director. [~~shall file a copy of the guidelines with the~~
7 ~~city clerk~~]. If the _____ does not conduct a public hearing or
8 provide a recommendation as required by this section, the director may
9 adopt rules consistent with the requirements of Chapter 1-2 (*Adoption of*
10 *Rules*).

11 (B) An applicant shall comply with any applicable rules [~~guidelines~~] established
12 by the director under this section or by separate ordinance.

13 (C) In addition to permits required under this chapter, an applicant for a right-of-
14 way event shall be responsible for obtaining any additional required permits,
15 including but not limited to permits related to health, food, alcohol, safety,
16 and sound amplification.
17

18 **PART 8.** Article 2 (*Permit Application and Approval Procedures*) of City Code Chapter
19 14-8 (*Temporary Closure for a Street Event*) is amended to rename the Article “*Closure*
20 *Permit Application and Approval Procedures*.”
21

22 **PART 9.** Section 14-8-11 (*Application and Fees Required*) is amended to read:

23 **§ 14-8-11 APPLICATION REQUIREMENTS AND FEES REQUIRED.**

24 (A) An applicant for [~~To obtain~~] a permit under this chapter[~~, a person~~] must
25 submit an application to the director [~~on a form prescribed by the director~~]
26 no later than 180-days prior to the first day of the proposed event, except
27 that an application for a political parade or a parade organized solely to
28 express the participants’ right of free speech may be submitted up to five
29 days prior to the start of the parade.

30 (B) An application shall be on a form prescribed by the director and must
31 include:

32 (1) the name of the applicant and the applicant’s authorized agents, if any;

33 (2) the corporate contact, promoter, or sponsor for the event, if any; and

34 (3) the date, route, and location of the closure area.

1 (C)(B)] An applicant, other than a city department, must submit the following
2 non-refundable fees established annually by [~~separate~~] ordinance [~~with an~~
3 ~~application~~]: an application fee, safety inspection fee, and sound permit fee.

4 (D) An application for an annual right-of-way event has priority over other event
5 applications if it is filed by the applicant not later than the 30th day after the
6 last day of the current year's right-of-way event.
7

8 **PART 10.** Section 14-8-12 (*Security Deposit Required*) of the City Code is amended to
9 read as follows:

10 **§ 14-8-12 SECURITY DEPOSIT AND PAYMENT OF REQUIRED FEES.**

11 (A) An applicant shall pay a security deposit [fee] established by [~~separate~~]
12 ordinance, in addition to any fees required under Section 14-8-11
13 (*Application Requirements and Fees Required*), not later than the 10th day
14 before the beginning of the proposed right-of-way event [~~to insure~~
15 ~~compliance with all permit requirements~~]. A security deposit is not required
16 for a political parade or a parade organized solely to express the participants'
17 right of free speech.

18 (B) An applicant [~~A permittee~~] shall reimburse the city [City] for any additional
19 costs incurred by the city that exceed the amount of the security deposit.

20 (C) Upon written request, the [~~The~~] director shall promptly refund the unused
21 portion of the deposit following the right-of-way [~~not later than the 30th day~~
22 ~~after the street~~] event.

23 (D) The director shall provide the applicant with an invoice for the estimated
24 costs of police security for a right-of-way event not later than the 5th
25 business day after the right of way event.

26 (E) An applicant shall pay to the City:

27 (1) the estimated costs of police security for the right-of-way event not
28 later than the 10th business day after the right-of-way event; and

29 (2) the balance due for the actual cost of police security not later than the
30 20th business day following the right-of-way event.

31 (F) The director may not charge a fee for police security that is provided by on-
32 duty police officers.
33

PART 11. Section 14-8-14 (*Supporting Documents Required*) of the City Code is
[renumbered and-] amended to read as follows:

**§ 14-8-[14]13 DOCUMENTATION REQUIREMENTS FOR RIGHT-OF-WAY
EVENTS [SUPPORTING DOCUMENTS REQUIRED].**

(A) In addition to the application materials required under Section 14-8-11
(*Application Requirements and Fees Required*), an applicant for a right-of-
way event must provide the supporting documentation required under this
section. The requirements of this section do not apply to a political parade
or a parade organized solely to express the participants' right of free speech.

(B) The following documentation must be received no later than the 120th day
prior to the start of a right-of-way event: [An applicant shall provide the
following supporting documents for the application:]

(1) a scaled electronic map, in a form prescribed by the director, of the
closure area, showing [the location of] all lane configurations,
sidewalks, pavement markings, curb and gutter, fire lanes, booths,
stages, portable toilets, trash and recycling containers, first aid
stations, EMS stations, and any other equipment or materials the
applicant intends to place within the closure area;

(2) a preliminary traffic control plan signed and sealed by a professional
engineer licensed in the State of Texas showing the location of all
[each barricade] barricades, [sign] signs, and [device] devices to be
used for [to redirect] redirecting traffic around the closure area; [,
including]

(3) a letter from a private [professional] barricade entity [company]
stating that [the company will set up and remove] all devices to be
used during the closure will be set up and removed by the barricade
entity in accordance with the Texas Manual on Uniform Traffic
Control Devices and the City's Transportation Criteria Manual;

(4)[(3)] a copy of the promotional literature the applicant intends to use
to advertise the right-of-way [street] event, which shall encourage
persons who attend the right-of-way event to walk or use mass transit
facilities;

[(4) the names of the promoter, the owner, and the sponsors of the street
event;]

- (5) a certificate of liability insurance naming the city as an additional insured in the amount and type of coverage required by the City's risk manager ~~[that names the City as an additional insured]~~;
- (6) a statement that the applicant has not been convicted of violating the terms of a permit issued under this chapter during the two years immediately preceding the date of the application;
- (7) a notice of proposed closure as prescribed by Section ~~14-8-14~~ ~~[14-8-16]~~ (*Notice of Proposed Closure and Signature Requirement*), including a statement that the applicant has: ~~[provided a map of the closure area and the event's promotional literature to each property owner and tenant on streets adjacent to the proposed closure area; and]~~
- (a) provided a map of the closure area and copies of the event's promotional literature to each affected person on streets adjacent to the proposed closure and neighborhood organizations whose boundaries include or abut the proposed closure area; and
- (b) used the City's community registry to identify affected persons and encouraged affected persons and other community groups to register on the City's community registry;
- (8) approval to conduct the right-of-way event from the fire chief, emergency medical services director, and police chief; and
- (9) for any right-of-way event proposing a closure area that includes or is on public right-of-way adjacent to any part of city parkland, approval to conduct the right-of-way event from the director of the Parks and Recreation Department. ~~[an emergency medical services special events information and resource form.]~~
- (C) The following documentation must be received no later than the 45th day prior to the start of a right-of-way event:
- (1) if a revised route is necessary because sufficient written objections are received to reject the proposed route, a scaled electronic map, in a form prescribed by the director, of the closure area showing the revised closure area, any revised information required under Subsection (B), and other streets affected by the closure; and

- (2) a final traffic control plan signed and sealed by a professional engineer licensed in the State of Texas showing the location of all barricades, signs, and devices to be used for redirecting traffic around the closure area.

PART 12. Section 14-8-16 (*Notice of Proposed Closure and Signature Requirement*) of the City Code is amended to read as follows:

§ 14-8-[16]14 NOTICE OF PROPOSED CLOSURE AND SIGNATURE REQUIREMENT.

(A) A [The] notice of proposed closure shall be issued to all affected persons and neighborhood associations no later than the 90th day prior to the start of a right-of-way event, except that notice of a revised route under Subsection 14-8-13(D) (*Documentation Requirements for Right-of-Way Events*) must be issued no later than the 55th day prior to the start of the event. The notice [required by Section 14-8-14 (*Supporting Documents Required*), shall be on a form approved by the director and] must include:

- (1) the name, address, and, if available, facsimile number, e-mail address and telephone number of each affected person and neighborhood association;
- (2) the original signature of each affected person, including the typed or printed name of the affected person, and a space in which the [notation that] the signer may indicate whether he or she [either supports or] opposes the [street] closure; and
- (3) when applicable, an affidavit by the person circulating the notice that [the person provided] each affected person and neighborhood association was provided [with] a copy of the map of the closure area and the promotional literature for the right of way event [at the time the person signed the form].

(B) A neighborhood association, on its own letterhead, may state its [support or] opposition to the director regarding the proposed closure through the signature of any authorized officer of the neighborhood association.

(C) The property owner or property manager of a multi-occupant building is the affected person under Subsection (A). If the property owner or property manager [does not approve the notice, or] is unavailable, the applicant shall [obtain the approval of each building tenant.

1 ~~(D)~~—An applicant ~~shall~~ provide each tenant in a multi-occupant building with the
2 opposition form, event notice, [a] copy of a map of the closure area and the
3 right of way event's promotional material.

4 ~~(D)~~~~(E)~~ For closures in a residential area ~~[street closure]~~, an applicant must
5 [may] notify all affected persons on any block to be closed of the [and
6 deliver the map] required documentation [by Section 14-8-14(1) (Supporting
7 Documents Required)] by delivering it to at least one adult occupant of a
8 residence.

9 ~~(F)~~—A map provided under this section ~~must contain the information required by~~
10 Section 14-8-14(1) (Supporting Documents Required).

11 ~~(E)~~~~(G)~~ The department shall verify the name~~[,] and~~ address~~[,] and telephone~~
12 number] of each affected person opposing the right of way event [on a notice
13 submitted for closure of a portion of Sixth Street (East) between Congress
14 Avenue and IH-35].

15 (F) An applicant may not request to reserve more than three diagonal parking
16 spaces or more than two parallel parking spaces in a block, unless the
17 applicant receives the approval from each affected person operating a
18 business that abuts the street where the parking spaces are located.
19

20 **PART 13.** Section 14-8-17 (*Calculation of Required Signatures; Request for Reduction*)
21 of the City Code is amended to read as follows:

22 § ~~14-8-[17]~~**15** **CALCULATION OF [REQUIRED] SIGNATURES IN**
23 **OPPOSITION TO A STREET CLOSURE[; ~~REQUEST FOR REDUCTION~~].**

24 (A) ~~[Except as provided in Subsection (E), the director may not issue a permit~~
25 ~~unless the notice submitted by the applicant under this article contains~~
26 ~~signatures from affected persons supporting the closure as follows:~~

27 (1) — ~~for a non fee paid street event, 80 percent of the affected persons on~~
28 ~~each block to be closed must support the closure, including any~~
29 ~~neighborhood associations; and~~

30 (2) — ~~for a fee paid event, 90 percent of the affected persons on each block~~
31 ~~to be closed must support the closure, including any neighborhood~~
32 ~~associations.~~

33 ~~(B)]~~ In determining whether an event may be approved under Subsection 14-8-
34 3(B) (Restrictions on Issuance of Closure Permit), the [The] director shall:

1 (1) consider ~~count~~ an affected person's failure to sign and return the
2 notice of proposed closure provided under Section 14-8-14 (*Notice of*
3 *Proposed Closure and Signature Requirement*) as non-opposition to
4 ~~opposition to~~ the ~~street~~ closure;

5 (2) consider an affected person as opposed to a proposed closure under
6 Subsection 14-8-3(B) (*Restrictions on Issuance of Closure Permit*) if
7 the affected person:

8 (1) indicated his or her opposition on the form provided under
9 Section 14-8-14 (*Notice of Proposed Closure and Signature*
10 *Requirement*);

11 (2) returned the form to the director no later than the 60th day prior
12 to the start of a right-of-way event, except that an objection to a
13 revised route under Subsection 14-8-13(C) (*Documentation*
14 *Requirements for Right-of-Way Events*) may be received up to
15 46 days prior to the start of the right-of-way. ~~[, unless the~~
16 ~~applicant demonstrates that the applicant attempted to contact~~
17 ~~the affected person as required by Subsection (D).]~~

18 (C) If an annual right-of-way event has been held for the past 10 or more years
19 and has not received a violation or changed its character, nature, location, or
20 route, the ~~[The]~~ director may approve the following year's event for the
21 same applicant regardless of whether it satisfies the requirements of
22 Subsection 14-8-3(B) (*Restrictions on Issuance of Closure Permit*). Except
23 for an annual event held by one or more sponsors on Congress Avenue
24 between Cesar Chavez Street and 11th Street or East Sixth Street between
25 Congress Avenue and the IH-35, a right-of-way event may not be approved
26 under this subsection unless the applicant receives approval from the chief of
27 police, the fire marshal, and the emergency services director.

28 ~~[(C) An applicant may request a reduction in the number of signatures required~~
29 ~~under Subsection (A) if the applicant:~~

30 ~~(1) has complied with Subsection (D); but~~

31 ~~(2) is unable to obtain the required percentage of signatures in support of~~
32 ~~the closure.~~

33 ~~(D) An applicant who is unable to obtain the signature of an affected person on~~
34 ~~the notice shall mail to the affected person by registered mail, return receipt~~
35 ~~requested, a portion of the notice form requesting the person's signature. An~~

applicant must include a pre-addressed, postage paid, return envelope with the notice. The applicant must address both the return envelope and registered mail receipt to the department. An applicant must deliver to the department all unclaimed notice envelopes that are returned to the applicant.

(E) The Director may waive the signature requirement for an annual event held by one or more sponsors on Congress Avenue between Cesar Chavez Street and 11th Street or East Sixth Street between Congress Avenue and the IH 35 access road for 10 or more years. A waiver granted under this section may include the streets adjacent to Congress Avenue and East Sixth Street closed in connection with an event. Not less frequently than every two years, the Director shall present Council with a report listing the events that received a waiver under this subsection and a recommendation on repeal or continuation of this subsection.

(F) For a residential street closure, an applicant may mail the notice required under Subsection (D) and the map required by Section 14-8-14(1) (*Supporting Documents Required*) to at least one adult occupant of a residential habitation.]

PART 14. Section 14-8-19 (*Determination on Application*) of the City Code is [renumbered and] amended to read as follows:

§ 14-8-[19]16 DETERMINATION ON APPLICATION.

The director shall approve or deny an application and the route or location of a right-of-way event [in writing] no later than the 30th calendar day [15th working day] after the director receives a completed [the] application. The director shall state the reasons for the denial of an application.

PART 15. Section 14-8-20 (*Appeal of Denial of Application*) of the City Code is amended to read as follows:

§ 14-8-[20]17 APPEAL OF DENIAL OF APPLICATION.

(A) An applicant whose application is denied may file a written appeal with the director no later than the 5th working day after the applicant receives the notice of denial. Upon receipt of the appeal, the director shall submit the appeal to the _____, which shall hold a public hearing and provide a recommendation on the appeal.

(B) Following receipt of a recommendation under Subsection (A), the [The] director shall submit an appeal for consideration by the city council. If the _____ does not submit a recommendation within

1 25 days after the appeal is received by the director, the council may consider
2 the appeal without a recommendation. If the [city] council fails to act before
3 the 30th day after the appeal is received by the director, the appeal is denied.
4

5 **PART 16.** Section 14-8-21 (*Approval and Issuance of Permit*) of the City Code is
6 amended to read as follows:

7 **§ 14-8-~~[21]~~18 APPROVAL AND ISSUANCE OF PERMIT.**

8 (A) The director shall issue a permit to the applicant if the director determines
9 that the application complies with this chapter and rules ~~[guidelines]~~
10 approved under this chapter~~[-, and approves the map of the closure area~~
11 ~~showing the location of services and equipment for the street event].~~

12 (B) The director may not issue a permit before the applicant pays the applicable
13 fee established by ~~[a separate]~~ ordinance.

14 (C) ~~[The director may not issue a permit unless the description of the event in~~
15 ~~the application and related documents meets the requirements of Article 3~~
16 ~~(Specific Event Requirements).]~~

17 ~~[(D)]~~ The director shall issue a sound amplification permit, if applicable, as part of
18 the ~~[street]~~ closure permit.
19

20 **PART 17.** Section 14-8-34 (*Permit Required for the Use of Sound Equipment*) of the
21 City Code is amended to read as follows:

22 **§ 14-8-~~[34]~~21 PERMIT REQUIRED FOR THE USE OF SOUND EQUIPMENT.**

23 An applicant ~~[permittee]~~ may not use sound equipment at a right of way ~~[street]~~
24 event unless the applicant ~~[permittee]~~ obtains a sound amplification permit issued by the
25 director. An applicant ~~[permittee]~~ may not operate sound equipment at a right-of-way
26 ~~[street]~~ event that produces sound greater than:

27 (1) 85 decibels between 10:00 a.m. and 10:00 p.m. and 80 decibels
28 between 10:00 p.m. and 2:00 a.m., as measured from the closer of:

29 (a) a point 100 feet in front of the sound equipment; or

30 (b) at the edge of the nearest residence from the sound equipment;
31 or

32 (2) the decibel levels and time periods established by the director for a
33 particular right-of-way ~~[street]~~ event.

PART 18. Section 14-8-41 (*Termination of Event for Permit Violation*) of the City Code is amended to read as follows:

§ 14-8-[41]31 MODIFICATION OR TERMINATION OF RIGHT OF WAY EVENT [FOR] PERMIT [VIOLATION].

(A) If the director determines that an applicant [~~a permittee~~] has violated or failed to comply with the terms of a closure permit issued under this chapter, the director may immediately halt all right-of-way event activities and reopen the closure area.

(B) Except as provided in Subsection (C), the director, chief of police, emergency medical services director, or fire chief may modify any route, time, and manner of conduct of any right-of-way event as necessary to protect the safety and welfare of the public, including but not limited to preservation of access to public buildings, maintenance of vehicular and pedestrian mobility.

(C) The route, time, or operation of a parade may not be modified if the modification violates with the applicant's right of free speech.

PART 19. Subsection (A) of City Code Section 14-8-42 (*Offense and Penalty*) is amended to read as follows:

(A) A person commits an offense if the person violates the terms of a [street] closure permit, closes a right-of-way [street] without a closure permit, or violates any provisions of this chapter.

PART 20. Section 14-8-43 (*Previous Conviction*) of the City Code is amended to read as follows:

§ 14-8-43 PREVIOUS VIOLATION [CONVICTION].

An applicant [~~A permittee~~] who is found [~~convicted of~~] violating the terms of a permit issued under this chapter may not apply for or receive another closure permit under this chapter for a minimum period of 24 months [~~two years~~] after the date of the violation [~~conviction~~].

PART 21. City Code Chapter 14-8 (*Temporary Street Closure for a Street Event*) is amended to add a new Section 14-8-44 to read as follows:

§ 14-8-44 REVIEW AND REPORTING REQUIREMENTS.

1 (A) The director on or before December 31st of each year will file a report with
2 council and the _____ on the total financial
3 expenditures and expenses related to 1st Amendment and right of way events
4 for the preceding city fiscal year.

5
6 (B) In addition to other responsibilities assigned under this chapter, the
7 _____ shall periodically provide recommendations
8 regarding:

9 (1) the impact of the chapter on the city;

10 (2) the maximum number of times per year that a particular public right-
11 of-way should be eligible for closure under this chapter;

12 (3) other methods for permitting events under this chapter, including
13 developing a criteria matrix for waiver requests and a tiered system
14 that would provide more consistent approval processes and cost
15 projections for right-of-way events that generate significant economic
16 benefits to the City or have strong track records of working with
17 community stakeholders; and

18 (4) other issues related to right-of-way events.

19
20 **PART 22.** Article 4 (*Enforcement*) of City Code Chapter 14-8 (*Temporary Closure for a*
21 *Street Event*) is amended to rename the Article “*Enforcement and Administration.*”
22

23 **PART 23.** The change in the City Code made by this ordinance applies only to an
24 application filed under Chapter 14-8 on or after the effective date of this ordinance. An
25 application filed under Chapters 4-5, 14-7 or 14-8 filed before the effective date of this
26 ordinance is governed by the City Code in effect immediately before the effective date of
27 this ordinance, and the City Code is continued in effect for that purpose.
28

29 **PART 24.** This ordinance takes effect on _____, 2009.

PASSED AND APPROVED

_____, 2009

§
§
§

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk