

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**PART 1.** Chapters 4-5 and 14-7 of the City Code are repealed.

**PART 2.** Sections 14-8-5, 14-8-13, 14-8-15, 14-8-18, 14-8-31, 14-8-32, and 14-8-33 of the City Code are repealed.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

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

APPLICANT means the individual or entity, including any governmental agency, that is legally responsible for conducting a right-of-way event, filing an application and documentation, and receiving a permit issued under this chapter.

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

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

CLOSURE AREA means the public right-of-way area that the applicant requests be closed for a right-of-way event or First Amendment event.

CLOSURE PERMIT means a permit issued by the director for a right-of-way event or First Amendment event under this chapter.

~~[(3)]~~ DEPARTMENT means the department or office designated by the city manager to administer permits issued under this chapter.

~~[(4)]~~ DIRECTOR means the department director or administrative head of the department [designated by the city manager].

~~[(5)]~~ FEE-PAID EVENT means a right-of-way [street] event that is in a fixed or stationary location and requires the payment of a gate [entrance] fee to access the public right-of-way.

~~[(6) NEIGHBORHOOD COLLECTOR means a roadway that collects traffic from 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 (1) issue a closure permit for a right-of-way event that would exceed the  
2 maximum number of right-of-way events, as established by council,  
3 for which a particular public right-of-way may be closed during a  
4 calendar year; or

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

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

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

9 (2) ~~12 permits for street events on any one arterial street, including~~  
10 ~~permits for fee paid events.]~~

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

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

14 (2) ~~[(C) The director may not issue a permit for]~~ a right-of-way [street]  
15 event on Sixth Street that allows event activities to continue past 10  
16 [8] p.m. [, except for Halloween and New Year's Eve events.]

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

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

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

28  
29 **PART 7.** Section 14-8-4 (*Street Closure Guidelines*) of the City Code is amended to  
30 read as follows:

31 **§ 14-8-4 [STREET] RIGHT-OF-WAY CLOSURE RULES [GUIDELINES] AND**  
32 **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 10<sup>th</sup> 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 5<sup>th</sup>  
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 10<sup>th</sup> 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            20<sup>th</sup> 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

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

3 **§ 14-8-~~14~~13 DOCUMENTATION REQUIREMENTS FOR RIGHT-OF-WAY**  
4 **EVENTS [SUPPORTING DOCUMENTS REQUIRED].**

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

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

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

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

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

29 (4)[(3)] a copy of the promotional literature the applicant intends to use  
30 to advertise the right-of-way [~~street~~] event, which shall encourage  
31 persons who attend the right-of-way event to walk or use mass transit  
32 facilities;

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

- 1 (5) a certificate of liability insurance naming the city as an additional  
2 insured in the amount and type of coverage required by the City's risk  
3 manager ~~[that names the City as an additional insured]~~;
- 4 (6) a statement that the applicant has not been convicted of violating the  
5 terms of a permit issued under this chapter during the two years  
6 immediately preceding the date of the application;
- 7 (7) a notice of proposed closure as prescribed by Section 14-8-14 ~~[14-8-~~  
8 ~~16]~~ (*Notice of Proposed Closure and Signature Requirement*),  
9 including a statement that the applicant has: ~~[provided a map of the~~  
10 ~~closure area and the event's promotional literature to each property~~  
11 ~~owner and tenant on streets adjacent to the proposed closure area;~~  
12 ~~and]~~
- 13 (a) provided a map of the closure area and copies of the event's  
14 promotional literature to each affected person on streets  
15 adjacent to the proposed closure and neighborhood  
16 organizations whose boundaries include or abut the proposed  
17 closure area; and
- 18 (b) used the City's community registry to identify affected persons  
19 and encouraged affected persons and other community groups  
20 to register on the City's community registry;
- 21 (8) approval to conduct the right-of-way event from the fire chief,  
22 emergency medical services director, and police chief; and
- 23 (9) for any right-of-way event proposing a closure area that includes or is  
24 on public right-of-way adjacent to any part of city parkland, approval  
25 to conduct the right-of-way event from the director of the Parks and  
26 Recreation Department. ~~[an emergency medical services special~~  
27 ~~events information and resource form.]~~

28 (C) The following documentation must be received no later than the 45<sup>th</sup> day  
29 prior to the start of a right-of-way event:

- 30 (1) if a revised route is necessary because sufficient written objections are  
31 received to reject the proposed route, a scaled electronic map, in a  
32 form prescribed by the director, of the closure area showing the  
33 revised closure area, any revised information required under  
34 Subsection (B), and other streets affected by the closure; and



- 1                   (2) a final traffic control plan signed and sealed by a professional  
2                   engineer licensed in the State of Texas showing the location of all  
3                   barricades, signs, and devices to be used for redirecting traffic around  
4                   the closure area.  
5

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

8 **§ 14-8-~~16~~14 NOTICE OF PROPOSED CLOSURE AND SIGNATURE**  
9 **REQUIREMENT.**

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

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

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

32           (C) The property owner or property manager of a multi-occupant building is the  
33 affected person under Subsection (A). If the property owner or property  
34 manager [does not approve the notice, or] is unavailable, the applicant shall  
35 [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 60<sup>th</sup> 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~~

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

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

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

18  
19 **PART 14.** Section 14-8-19 (*Determination on Application*) of the City Code is  
20 ~~[renumbered and]~~ amended to read as follows:

21 **§ 14-8-~~19~~16 DETERMINATION ON APPLICATION.**

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

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

28 **§ 14-8-~~20~~17 APPEAL OF DENIAL OF APPLICATION.**

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

34 (B) Following receipt of a recommendation under Subsection (A), the ~~[The]~~  
35 director shall submit an appeal for consideration by the city council. If the  
36 \_\_\_\_\_ 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 31<sup>st</sup> of each year will file a report with  
2 council and the \_\_\_\_\_ on the total financial  
3 expenditures and expenses related to 1<sup>st</sup> 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



AGENDA ITEM #25

MOTION TO AMEND THE ORDINANCE TO AGENDA ITEM #25  
OF THE APRIL 30, 2009 AGENDA

**Move to amend the ordinance to Item #25 as follows:**

- **Substitute the following for Part 2 of the ordinance.**

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

- **Revise Part 17 by not renumbering section 14-8-34.**
- **Revise Part 18 by not renumbering section 14-8-41.**

#25

2 cm  
Leffing.

MOTION TO AMEND THE ORDINANCE TO AGENDA ITEM #25  
OF THE APRIL 30, 2009 AGENDA

Move to amend the ordinance to Item #25 as follows:

- Delete subsection 14-8-3(B)(4) and correct the subsection numbering in Part 6 of the ordinance.
- Insert the "Urban Transportation Commission" into the blanks in Parts 7, 15, and 21 of the ordinance.
- Insert a new subsection (D) to section 14-8-12 and re-letter the following subsections in Part 10 of the ordinance as follows:

(D) The director shall provide the applicant with an estimated costs of police security for a right of way event not later than the 15<sup>th</sup> day before the right of way event.
- Delete subsection 14-8-13(B)(9) and correct the subsection numbering in Part 11 of the ordinance.
- Substitute the following subsections for Subsection 14-8-14(A)(1) and (2) in Part 12 of the ordinance:

## Amendments for 2<sup>nd</sup> and 3<sup>rd</sup> reading of Street Closures

### Background

- strike 14-8-3-B-4. All fee paid events already have to come before Council, so it doesn't make sense to have a separate threshold of protests for the item to come before Council. If 20% or more protest a fee-paid or non-fee-paid event, it goes to the UTC and/or Council (if UTC can't broker a compromise).
- amendment to both 2-1 (Boards and Commissions ordinance) and 14-8-17-A and 14-8-17 B to define Urban Transportation Commission as appellate body for protested applications. (You can still pass street closure ordinance on 3<sup>rd</sup> reading even if UTC changes in the Boards and Commissions section of code are not finished).
- In 14-8-12, add new section D that calls for an applicant to receive a pre-event estimate for the cost of police security prior to the event. This was a stakeholder request that seemed reasonable. Re-number remaining sections accordingly.
- Strike section 14-8-13-B-9 related to Parks Director authority; this was inserted by staff without any Task Force deliberation or discussion. This could be incorporated into rules or later into the ordinance after one year of trying out the ordinance.
- Changes/deletions in Subsection 14-8-14(A)(1) and (2). What this does is clarify that a promoter only needs to provide affected parties with a form, and then the affected parties have to sign and return the form if they protest. As it read earlier, it looked as if promoters had to get every signature from every affected person.
- Strike section 14-8-14-F related to parking signoffs; again, a staff insertion that doesn't really apply to new system.
- Fix a lettering mistake in 14-8-15 part 13.
- At the end of the ordinance, add a clause that reads something like "Council or CMO or Transportation should review the ordinance in twelve months and report to Council on its effectiveness and any recommended remedies." This gives everyone piece of mind that any problems can be addressed again.

- (1) the ~~[name,]~~ address, and, if available, the name, facsimile number, e-mail address and telephone number of each affected person and neighborhood association;
  - (2) ~~[the original signature of each affected person, including]~~ a space for the typed or printed name of the affected person, and a space in which [notation that] the signer may indicate with an original signature whether the affected person [either supports or] opposes the [street] closure; and
- Delete subsection 14-8-14(F) in Part 12 of the ordinance.
  - Correct the subsection lettering in Section 14-8-15 of Part 13 of the ordinance.
  - Insert a new Part 24 and renumber the following parts as follows:

**2 YEARS**

PART 24. Within [REDACTED] ~~days~~ following the first anniversary of the effective date of this ordinance, the City Manager is directed to report to Council on the effectiveness of the implementation of these changes to Chapter 14-8 and any recommendations to improve its implementation.