

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CITY CODE SECTIONS 25-10-3 AND 25-10-103 AND ADDING A NEW SECTION 25-10-157 AUTHORIZING THE PLACEMENT OF MEMORIAL MARKERS IN THE PUBLIC RIGHT-OF-WAY.**

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

**PART 1.** City Code Section 25-10-3 (*Definitions*) is amended to add a new definition of “memorial marker” to read as follows and to renumber the remaining definitions accordingly:

- (7) **MEMORIAL MARKER** means a sign honoring a City of Austin public safety officer killed in the line of duty.

**PART 2.** Subsection (H) of City Code Section 25-10-103 (*Signs Prohibited in Public Right-of-Way*) is amended to read:

- (H) This section does not prohibit the installation, use, or maintenance in the right-of-way of:
- (1) a sidewalk sign;
  - (2) a projecting sign in the downtown sign district;
  - (3) a street banner; [Ø]
  - (4) a wall sign that is mounted flat against the building and extends not more than 18 inches from the facade of a building and into right-of-way; or
  - (5) a memorial marker.

**PART 3.** City Code Chapter 25-10 (*Sign Regulations*) is amended to add a new Section 25-10-157 to read as follows:

**§ 25-10-157 MEMORIAL MARKERS.**

- (A) A memorial marker is permitted in the public right-of-way accordance with the requirements of this section.
- (B) The building official shall issue a sign installation permit for a memorial marker if the following requirements are met:
- (1) The memorial marker must be placed in coordination with other permitted right-of-way uses, as determined by the building official.

- 1 (2) The memorial marker may not:
- 2 (a) be placed within:
- 3 (i) 20 feet of a driveway or pedestrian crosswalk; or
- 4 (ii) an ADA accessible sidewalk;
- 5 (b) narrow an existing or planned pedestrian travel way, including a
- 6 sidewalk or crosswalk;
- 7 (c) obstruct the line of sight for oncoming traffic;
- 8 (d) be taller than 5 feet, 4 inches or wider than 20 inches;
- 9 (e) block an entrance or doorway;
- 10 (f) extend onto an abutting property without written approval of the
- 11 landowner; and
- 12 (g) interfere with the maintenance of existing utilities, infrastructure,
- 13 or amenities that lawfully occupy the right-of-way, including but
- 14 not limited to lamp posts, parking meters, mail boxes, traffic signal
- 15 stanchions and control boxes, fire hydrants, trees, benches,
- 16 planters, bus shelters, or traffic control devices.
- 17 (3) At least 10 days prior to issuing an installation permit for a memorial
- 18 marker under this section, the building official shall provide mailed
- 19 notice of the proposed memorial marker to the owners of property within
- 20 25 feet of the proposed memorial marker.

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22 **PART 4.** This ordinance takes effect on June 11, 2010.

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24 **PASSED AND APPROVED**

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28 \_\_\_\_\_, 2010 § \_\_\_\_\_

29 Lee Leffingwell

30 Mayor

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33 **APPROVED:** \_\_\_\_\_

34 David Allan Smith

35 City Attorney

33 **ATTEST:** \_\_\_\_\_

34 Shirley A. Gentry

35 City Clerk