Ordinances Governing

STREETS AND SIDEWALKS

in the

CITY OF ARLINGTON

TEXAS

Amended by Ordinance No. 19-063

(December 3, 2019)

(Chapter Designator: STREETS)

ORDINANCE HISTORY

Number	Date of Adoption	Comments
88-56	03/22/88	
88-64	04/12/88	
88-92	06/28/88	
89-33	03/28/89	
90-103	10/02/90	
91-46	05/07/91	Amend **Article III**, entitled Driveway Access and Design, to provide new standards for the construction, location, relocation and removal of driveways.
92-45	04/28/92	Amend **Section 9.03**, entitled Obstructions Prohibited Within Parkway Areas, relative to violations and exceptions; add **Section 9.04**, entitled **Tree Overhang Of Sidewalks and Streets**, relative to trimming requirements and trees size and renumbering remaining section; add **Article XV**, entitled Violations, providing a penalty clause.
92-74	08/11/92	Amend **Article IX**, entitled Sight Obstructions, relative to the placement and maintenance of sight obstructions in intersection visibility triangles and parkways.
93-74	07/20/93	Amend **Article II**, Disturbing Streets, by repeal of **Sections 2.01, 2.02, 2.03, 2.04, 2.05, 2.06, 2.07, 2.08** and **2.09** and the addition of a new **Section 2.01**, Adoption of Work Area Traffic Control Manual, relative to barricade regulations.
94-55	3/15/94	Amend **Article VI**, Obstructing Streets and Sidewalks, **Section 6.01**, relative to obstructions on streets and public areas; repeal of **Section 6.02**, relative to sales on sidewalks, streets or public thoroughfares; renumbering and retitling of **Section 6.02.1**, Exceptions, to be **Section 6.02** Block Parties; repeal of

ORDINANCE HISTORY

Number	Date of Adoption	Comments
		Section 6.05, relative to distribution of literature or other objects to occupants of motor vehicles in a roadway. Addition of a new **Article XV**, Solicitation, relative to soliciting and distributing on a street or highway.
95-70	06/06/95	Amend **Article XV**, Solicitation and Distribution, by the substitution of a new **Subsection 15.02(D)** relative to sales of products or services on a street that has been closed to vehicular traffic; Amend existing **Subsection 15.02(D)** relative to exceptions to the prohibited acts and relettering of it as **Subsection E**; relettering of the remaining subsections; Amend **Section 15.03**, relative to all locations considered prohibited in **Section 15.02**; Addition of **Section 15.04**, Construction of Overlapping Areas, relative to locations in **Section 15.03** which are listed in more than one section; Addition of **Section 15.05,** Ticket Scalping, relative to locations where sales of tickets in excess of face value is prohibited.
95-79	06/20/95	Amend **Article VI**, Obstructing Streets and Sidewalks, **Section 6.02**, Block Parties, relative to temporary closings of streets for special events.
99-54	04/20/99	Amend **Article IV**, Street Signs and Numbers, **Section 4.01**, House-Numbering Required, relative to conforming with other ordinances which govern the same subject matter.
00-122	10/24/00	Addition of **Article XVII,** Street Maintenance Fee, relative to the establishment of a fund and a maintenance fee for street maintenance, rehabilitation and repair, providing for collecting charges, providing for repeal.
01-114	10/02/01	Repeal **Article XVII**, Street Maintenance Fee, and adopt a new **Article XVII**, Street Maintenance Fee, relative to the Pavement Management Program.

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Number	Date of Adoption	Comments
02-116	10/15/02	Repeal **Article XVII**, Street Maintenance Fee, effective January 1, 2003.
04-052	05/25/04	Amend **Article VIII**, Street Improvements and Assessments, **Section 8.01**, Release of Assessment Liens, relative to updating the reference of Tax Assessor-Collector to Chief Financial Officer.
05-098	10/25/05	Amend **Article V,** Activities Prohibited, by the addition of **Section 5.11,** Motor-Assisted Scooters, relative to prohibiting the operation of motor-assisted scooters on all public roadways and sidewalks in the interest of safety.
06-030	03/14/06	Amend **Article XV**, Solicitation and Distribution, **Section 15.03**, Prohibited Areas, and **Section 15.05**, Ticket Scalping relative to findings and other provisions relating to the foregoing subject.
11-006	01/18/11	Amend **Article XV**, Solicitation and Distribution, **Section 15.05**, Ticket Scalping, **Subsection (A)**, by the amendment of the definition of "Resell".
14-024	05/13/14	Amend **Article XV**, Solicitation and Distribution, **Section 15.01**, Definitions, by the addition of definitions for "Exchange", "Merchandise", "Park or Parked", and "Service"; Amend **Section 15.02**, Prohibited Acts, in its entirety by the inclusion of other means of solicitation, selling, and distributing between pedestrians and vehicles and inclusion of additional locations for distribution.
14-062	10/28/14	Amend **Article XV**, Solicitation and Distribution, **Section 15.01**, Definitions, by the deletion of definitions for "Exchange", "Improved shoulder", "Merchandise", "Park" or "Parked", "Public right-of-way", "Service", "Shoulder", and "Street or highway", and the amendment of the definitions for "Median"

ORDINANCE HISTORY

Number	Date of Adoption	Comments
		and "Roadway"; **Section 15.02**, Prohibited Acts, in its entirety by the replacement of the existing language with new ordinance language identified in the court opinion *Houston Chronicle Publishing Co. v. City of League City*, 488 F.3d 613 (5th Cir. 2007); by the deletion of **Section 15.03**, Prohibited Areas, and the deletion of **Section 15.04**, Construction of Overlapping Areas; and containing findings and other provisions.
19-059	11/12/19	Amend **Article VI,** Obstructing Streets and Sidewalks, **Section 6.02**, Block Parties, relative to the addition of permit conditions and prohibited activities.
19-063	12/03/19	Amend **Article X**, Use of Sound Trucks, **Section 10.06**, Exemption, relative to special events; and repeal **Article XI**, Parades.

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ARTICLE I

MAP OF CITY

Section 1.01 Official Map

The map and plat of the City of Arlington, returned to the Council and revised in 1955 by Freese and Nichols as engineers and surveyors, employed by the City Council of the City of Arlington to draft a map for the City of Arlington, is hereby ratified, validated and declared to be the official map of this City, and the streets and alleys of this City and the names of the said streets as given upon said map and plat are hereby declared to be the proper and official names of said streets.

ARTICLE II

DISTURBING STREETS

Section 2.01 Adoption of Work Area Traffic Control Manual

Regulations for barricading and/or use of other traffic control devices within public rights-of-way, as prepared by the Transportation Department of the City and entitled Work Area Traffic Control Manual, are hereby adopted and made a part hereof as though said manual were copied at length herein. Copies of said manual shall be kept on file in the Office of the City Secretary. (Amend Ord 93-74, 7/20/93)

ARTICLE III

DRIVEWAY ACCESS AND DESIGN

Section 3.01 Title

The provisions embraced within the following sections shall constitute and be known and may be cited as the "Driveway Ordinance".

Section 3.02 Definitions

For the purposes of this article, the following definitions apply:

1. Apartment Property - Property that contains four (4) or more dwelling units.

2. Applicant - Any owner, authorized agent, lessee, contractor or developer who desires to construct, reconstruct, relocate or in any way alter the design or operation of one (1) or more driveways.

3. Arterial - Any existing or future roadway classified as a principal or minor arterial in the Thoroughfare Development Plan. For purposes of this article, a freeway frontage road shall be classified as an arterial roadway.

4. Auxiliary Lane - A separate right turn lane, left turn lane, deceleration lane or acceleration lane.

5. Commercial Property - Property regardless of zoning district upon which any structure is either wholly or partially used for offices or the wholesale or retail sale of goods or services. In addition, for purposes of this ordinance, all properties other than residential, apartment or industrial shall be considered a commercial property.

6. Continuous Deceleration Lane - A deceleration lane that serves two (2) or more driveways, public streets or combination thereof.

7. Deceleration Lane - A lane, including tapered areas, in advance of a driveway or public street used to allow turning vehicles to exit the through traffic lane and slow before making the turn.

8. Design Hour - The one (1) hour period between 4:00 p.m. and 6:00 p.m. of a typical weekday with the highest volume of traffic on the roadway.

9. Director - The Director of Transportation or that person's designee.

10. Driveway - Any approach or access that connects private property to the public street. The driveway is primarily located on public right-of-way but may be considered to extend onto private property when necessary to ensure safe operation of the driveway/street intersection.

11. Driveway Throat Width - The shortest distance between the parallel edges of a driveway.

12. Industrial Property - Property, regardless of zoning district, upon which all the structure or structures is used for warehousing or manufacturing.

13. Internal Driveway - A private road or accessway on private property that connects buildings or abutting ground to the driveway.

14. Major Street Facility - Any of the following: (1) freeway frontage road, (2) principal or minor arterial street, (3) major collector street.

15. Median Type Driveway - A driveway having ingress and egress drives divided by a raised median of ten feet (10') width or less.

16. Residential Property - Property that contains three (3) or less dwelling units.

17. Shared Driveway - A driveway constructed on or near a common property line between two (2) or more properties and providing access to all such properties.

18. Street Class - The functional classification of a street as defined in the Thoroughfare Development Plan or as defined by the Director for those streets not shown in the Thoroughfare Development Plan.

Section 3.03 Purpose

A. It is the purpose of this article to insure that property shall be provided vehicular access to or from the general street system, unless such access has been acquired by a public authority. Further, this article

provides the procedures and standards necessary to protect the public health, safety and welfare in the following ways: by protecting the functional level of public streets while meeting state, regional, local and private transportation needs and interests; by reducing accidents caused by conflicts on the public street system resulting from vehicles entering and leaving the street system via driveways; by maintaining smooth traffic flow; and by maintaining street and right-of-way drainage.

B. The lack of adequate access management of the street system is a major contributor to traffic accidents and adds to the functional deterioration of major thoroughfares in the City. As new driveways are constructed and traffic signals erected, the speed of vehicles and vehicle carrying capacity of the street decrease, while congestion and hazards to the traveling motorist increase and access to adjacent properties becomes more restricted.

C. This article addresses the design and location of driveways and other points of access to public streets under the jurisdiction of the City of Arlington. It is based upon the authority granted in the City Charter and considers the following elements as they change through time: Existing and projected traffic volumes; the functional classification of public streets; the Thoroughfare Development Plan; drainage requirements; the character of properties adjoining the street; the Comprehensive Plan; the type and volume of traffic to use the access; other operational aspects of the access, the availability of reasonable vehicular access from other local streets; and the public health, welfare and safety.

D. The standards in this article are meant to apply to new developments which are not constrained by already existing improvements or severe topography. Infill development in an urban area is often constrained by existing improvements or significant topographical obstacles. To the extent deemed reasonably possible by the Director, infill developments will be required to match these standards. The Director may approve modification of these standards only when necessary to allow private and public construction which is compatible with surrounding in-place improvements and conditions.

Section 3.04 Permit Required

A. No person shall construct, reconstruct, relocate or in any way alter the design or operation of any driveway providing direct vehicular movement to or from any public street from or to property adjoining a public street without a driveway permit issued by the City Building Official. The issuance of such permit shall be governed by Sections 3.01, 3.02, 3.03 and 3.04 of the "Construction" Chapter of the Code of the City of Arlington. The written approval of the Director of Transportation shall be required for all apartment, commercial and industrial property driveways or internal driveways. No work shall be undertaken on a driveway until the executed permit has been received by the applicant.

B. Driveway permits shall be issued only in compliance with this article and may include terms and conditions authorized by the article. In no event shall a driveway be allowed or permitted if it is determined by the Director to be detrimental to the public health, welfare and safety.

C. Vehicular access to or from property adjoining a public street shall be provided to the general street system, unless such access has been acquired by a public authority. Direct access from a subdivision to public streets shall be permitted when the proposed access meets the purpose and requirements of this article. The provisions of this article shall not be deemed to deny reasonable access to the general street system.

D. Where in the course of public street reconstruction by the City or by the State of Texas it becomes necessary to revise or eliminate an existing driveway to be in conformance with this article, the property owner shall be notified in writing of the required changes. Said changes shall be implemented at the cost of the appropriate public agency, and will not result in denial of reasonable access from the property to the general street system.

E. For commercial, industrial or apartment driveways on a major street facility, the Director may require an applicant to submit a driveway volume and capacity analysis of the proposed driveway as part of the driveway permit application and review process. Traffic studies shall be submitted in accordance with the City's Traffic Study Procedures. This requirement may be

waived if the Director determines that driveway has been adequately analyzed in a previous traffic study.

F. A joint private access easement may be required between adjacent lots fronting on arterial and major collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. Lots with sufficient frontage to safely meet the design requirements of Section 3.07 shall be permitted their own driveways. The owner or developer of property required to use shared driveways shall be responsible for obtaining easements on adjacent property as necessary. The City may, but shall not be required to, assist in the acquisition of offsite easements if the owner is unable to acquire them. With a request for assistance, the owner shall provide the City with documentation of his efforts, including evidence of a reasonable offer made to the adjacent property owner. Upon such a written request for assistance, the City may attempt to acquire these easements through negotiations. If the negotiations are unsuccessful, the request may be submitted to Council for consideration of acquisition through condemnation. In either case, the total cost of the acquisition and the cost of the easements shall be paid by the owner (developer). In the event the City elects not to acquire the property through condemnation, alternate driveway locations and designs in conformance with this article shall be required.

Section 3.05 **Changes**

When an application for building permit or change in property use results in changes in the type of driveway operation, and the driveway is not in conformance with this article, the reconstruction, relocation or conformance of the access to the article may be required. The Director may not require driveway revisions unless one or both of the following access change conditions has occurred:

A. The existing use of the driveway is projected in the opinion of the Director using generally accepted transportation engineering standards to increase in actual or proposed daily vehicular volume on the driveway by twenty percent (20%) or more.

B. The change in the use of the property or modifications to the property restricts the flow of vehicles entering the property in a manner which is anticipated to disrupt

normal traffic flow on the public street, thereby creating a hazard.

"Change in property use" may include but is not necessarily limited to: change in type of business; expansion in existing business; change in zoning; and subdivision which creates new parcels. It does not include modifications in advertising, landscaping, remodeling, general maintenance or aesthetics that do not affect internal or external traffic flow or safety.

Section 3.06 Indemnification and Enforcement

A. The applicant shall hold harmless the City of Arlington, its officials, appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of a permit issued hereunder.

B. The City may install barriers across or cause the removal of any driveway providing direct access to a City street which is constructed without a driveway permit after the effective date of this article. The property owner listed on the City's most recent tax rolls shall be sent written notice of the City's action within ten (10) days thereafter. When practical, the City will notify the property owner and/or illegal access user of pending action.

C. It shall be unlawful for any person to drive a vehicle onto or from any City street at a point other than a permitted driveway.

D. When a permitted driveway is constructed or used in violation of this article, permit terms and conditions, the City may obtain a court order enjoining the continued violation of this article, permit terms and/or conditions. Driveway permits may be revoked by the City if at any time the permitted driveway and its use fail to meet the requirements of this article or the terms and conditions of the permit.

Section 3.07 Design Criteria

The following standards shall be followed in the design and construction of driveways within the City of Arlington:

A. Design Standards. The values in Table I represent minimum and/or maximum standards to be applied in

designing and locating driveways on streets in the City of Arlington. For each driveway, the Director may require a specific combination of dimensions within these ranges based on the anticipated traffic flow and safety characteristics of the driveway and public street.

TABLE I

REQUIREMENTS	STREET CLASS	RESIDENTIAL DRIVEWAY	APARTMENT-COMMERCIAL DRIVEWAY	INDUSTRIAL DRIVEWAY
Driveway Throat Width[1]	Local	10-28 ft.	24-36 ft.	24-45 ft.
	Minor Col.	10-28 ft.	24-36 ft.	30-45 ft.
	Major Col.	12-20 ft.	24-36 ft.	35-45 ft.
	Arterial	12-20 ft.	30-36 ft.	40-45 ft.
Driveway Curb Radius[1]	Local	2.5-10 ft.	10-20 ft.	10-20 ft.
	Minor Col.	2.5-10 ft.	15-20 ft.	15-20 ft.
	Major Col.	10-15 ft.	15-20 ft.	20-25 ft.
	Arterial	15 ft.	20-30 ft.	20-30 ft.
Minimum Centerline Driveway Spacing Along Roadway	Local	15 ft.	100 ft.	100 ft.
	Minor Col.	15 ft.	150 ft.	150 ft.
	Major Col.	100 ft.	200 ft.	200 ft.
	Arterial	100 ft.	250 ft.[2]	250 ft.[2]
Driveway Angle[3]		70-90°	90°	90°
Minimum Distance[4] From Driveway to Intersection Along:	Local	30 ft.	75 ft.	75 ft.
	Minor Col.	50 ft.	100 ft.	100 ft.
	Major Col.	100 ft.	150 ft.	150 ft.
	Arterial	100 ft.	180 ft.	180 ft.
Maximum Approach Grade[5]	Local & Minor Col.	+9%	+6%	+6%
	All Others	+6%	+3%	+3%
Minimum Approach Length[6]	Local & Minor Col.	6 ft.	9 ft.	9 ft.
	All Others	9 ft.	17 ft.	17 ft.

NOTES:

1. The requirements for Driveway Throat Width and Driveway Curb Radius are for standard undivided two-way operation and may be varied by the Director if, in that person's discretion, traffic volumes, truck usage, shared driveways, and other factors warrant the variance.

2. Driveways on arterials served by deceleration lanes may be spaced at two hundred foot (200') minimum intervals.

3. Measured as intersection of the tangent centerline of driveway with the tangent portion of the public street curb line, extending a minimum of twenty feet (20') from the future curb line.

4. Distance measured from intersection of extended property lines to centerline of driveway. In no case shall the driveway centerline be closer than one hundred feet (100') to the curb return departure of the major street facility.

5. The percent of slope measured along the centerline of the driveway from the flow line of the future curb line. See Sections 3.07B.12. and 3.08D.

6. The minimum distance over which the maximum approach grade must be maintained measured from the flow line of the present curb or a known future curb, as determined by the Director, or his designee.

The table values may be modified by other sections or subsections of the Driveway Ordinance. In case of conflict, the other sections or subsections shall control.

B. General Design Criteria.

1. The driveway for any apartment, commercial or industrial property that connects to a major street facility shall extend onto private property a minimum distance of fifteen feet (15') from the right-of-way line before intersecting any internal driveway.

2. The use of shared driveways shall require the dedication of a joint-use private access easement on each affected property and the filing of a private maintenance agreement with the City. Said dedication shall be provided on the final plat of the subject properties or be filed by separate instrument with Tarrant County and the City. When the center of the easement is offset from the common lot line, the easement must extend past the lot line in a minimum distance of one foot (1'). The combined size of the access easement must be a minimum of ten feet (10') wide and fifteen feet (15') deep for residential property, and a minimum of twenty-four feet (24') wide and forty-eight feet (48') deep (as measured from the right-of-way line) for all other land uses. As a minimum, the easement width shall encompass the entire width of the future planned driveway.

3. For any driveway, the point of radius return tangency with the street curb shall not extend beyond the property line (projected perpendicular to the street centerline), except as provided in shared driveway agreements and as approved by the Director. See Section 3.17 for further detail.

4. If during the construction or reconstruction of a street, the curb is to be left out for later installation of a driveway, prior to construction a letter from the applicant shall be submitted to the City Engineer requesting the leave-outs. In this letter, the applicant shall hold the City harmless for the location and size of the leave-outs and agree to repair the stand-up curb in a method authorized by the City Engineer if the left-out portion is not used. A permit for the future drive approach(es) shall be applied for and issued by the Building Inspections Department at least thirty (30) days prior to the start of the street construction in the immediate area, or the leave-outs will not be approved. Prior written consent of the City Engineer or his designee is required. The

driveway shall be poured prior to completion of the project or the curb shall be replaced.

5. No portion of any driveway shall be located within four feet (4') of any fire hydrant, electrical pole or any other surface public utility. At the applicant's expense, applicant may have the surface utility moved if the public utility agency involved determines that the move will not detrimentally affect the service.

6. The driveway curb return at the point of tangency with the street curb shall not be located within: (a) four feet (4') of the downstream edge, or eight feet (8') of the upstream edge of a straight curb inlet or inlet extension; nor (b) within ten feet (10') of a recessed inlet without prior written permission of the City Engineer.

7. All vehicle maneuvering on apartment, commercial and industrial properties into a parking space or up to a loading dock or into any other area shall be accomplished by off-street maneuvering areas and internal driveways. No back-in or back-out vehicle maneuvering from a driveway shall be allowed to occur on any public street or right-of-way with the exception of residential drives on local and minor collector streets.

8. Unless contained on the building permit site plan, a site plan showing all existing right-of-way, easements, curbs, storm drain inlets, flumes, underground and overhead utilities, trees and sidewalks shall be required for each non-residential driveway permit application. The proposed driveway grade profile shall also be shown for a minimum distance of fifteen feet (15') past the right-of-way line. All driveways and median openings within one hundred fifty feet (150') of the subject property on both sides of each abutting street shall be shown on the site plan. If an adjacent street contains a raised median, showing driveway(s) on the opposite side of the street shall not be required unless a median opening is present or proposed.

9. Driveways may be prohibited where adequate sight distance is not available for the established speed limit or the design speed of a future street improvement, if higher. Sight distances shall be calculated in accordance with the latest edition of

the Transportation and Traffic Engineering Handbook. If an inspection by the Director indicates that driveway sight distance may be insufficient, the applicant will be required to submit vertical and horizontal information to the City that verifies adequate sight distance is available for the proposed driveway location. The Director may deny access or a specific driveway location to any abutting public street if said access cannot be provided in a reasonable and safe manner. The City shall not deny reasonable access without compensation.

10. Temporary driveways shall only be permitted when a contractual agreement is executed between the property owner and the City. Said agreement shall require annual reviews of driveway use, and the City may require removal of driveway at no cost to the City. The Director of Capital Improvements may require an escrow fee be provided to the City for a maximum ten (10) year period for the removal of the driveway and related expenses.

11. Sidewalks and, in some cases, curbs shall slope down at a grade not more than eight percent (8%) to meet the elevation of the driveway unless approved otherwise by the City Engineer of a method that will provide acceptable use by the handicapped.

12. Any driveway approach shall have an initial positive approach grade not to exceed the values shown in Table I, Section 3.07(A). The initial approach grade shall have a length equal to or greater than the appropriate minimum approach length value shown in Table I, Section 3.07(A), as measured from the present curb or any known future curb line, as determined by the Director or his designee. The initial approach shall extend onto private property if necessary, but driveways shall not be constructed at locations or in such manner that water is diverted from the street onto private property. Any sidewalk affected by driveway approach construction shall be adequately transitioned with the driveway using a maximum eight percent (8%) grade.

13. The Director may authorize variances from the design criteria contained herein whenever the Director determines such variances are necessary to preserve the safe and efficient movement of traffic.

C. Residential Standards.

1. A circular residential driveway may be allowed on any street type provided that the centerlines of the driveways are at least fifty feet (50') apart and the other requirements contained in Section 3.07(A) are met. A circular residential driveway accessing two (2) streets shall only be permitted for twenty-eight foot (28') wide residential streets. The Director may reduce the requirements contained in Section 3.07(A) when the Director determines that a circular driveway will improve safety or traffic flow.

2. A residential driveway shared by two (2) or more properties shall have a minimum throat width of twelve feet (12'). A joint-use private access easement shall also be required, as described in Section 3.07(B)(2).

3. Driveway access to a residential lot from any major street facility shall not be permitted unless that lot has no other public access. If such a driveway is approved on a major street facility, an off-street maneuvering area approved by the Director shall be provided to ensure that vehicles will not back into the public street. Driveway access to a residential lot from a minor collector street may be denied if: (a) the lot has access to a local street and/or (b) the proposed access would create a traffic flow or safety problem.

4. Shared residential driveways may be required for adjoining residential lots on major street facilities to reduce the number of access points on those roadways.

5. To provide adequate vehicle storage and maneuvering area, a minimum twenty foot (20') driveway space shall be required between the street right-of-way and all garages or other structures served by the driveway. For side-yard driveways to local streets, a fifteen foot (15') driveway space will be allowed. A minimum twenty-four foot (24') maneuvering space shall be required for all rear-entry garages which may extend into an adjacent access easement or alley.

D. Auxiliary Lanes.

1. As a condition of a driveway permit, the Director may require the applicant to provide a deceleration lane for any driveway located on an arterial street if the right-turn ingress volume exceeds fifty (50) vehicles in the design hour of the street. If the existing or future speed limit on the street facility exceeds 40 m.p.h., a deceleration lane may be required if forty (40) right-turn ingress vehicles occur in the design hour. Such calculation shall be made by the Director or his designee unless a traffic study is provided by the applicant. The design of such a deceleration lane shall conform to the dimensions shown in Figure 1, unless authorized by the Director.

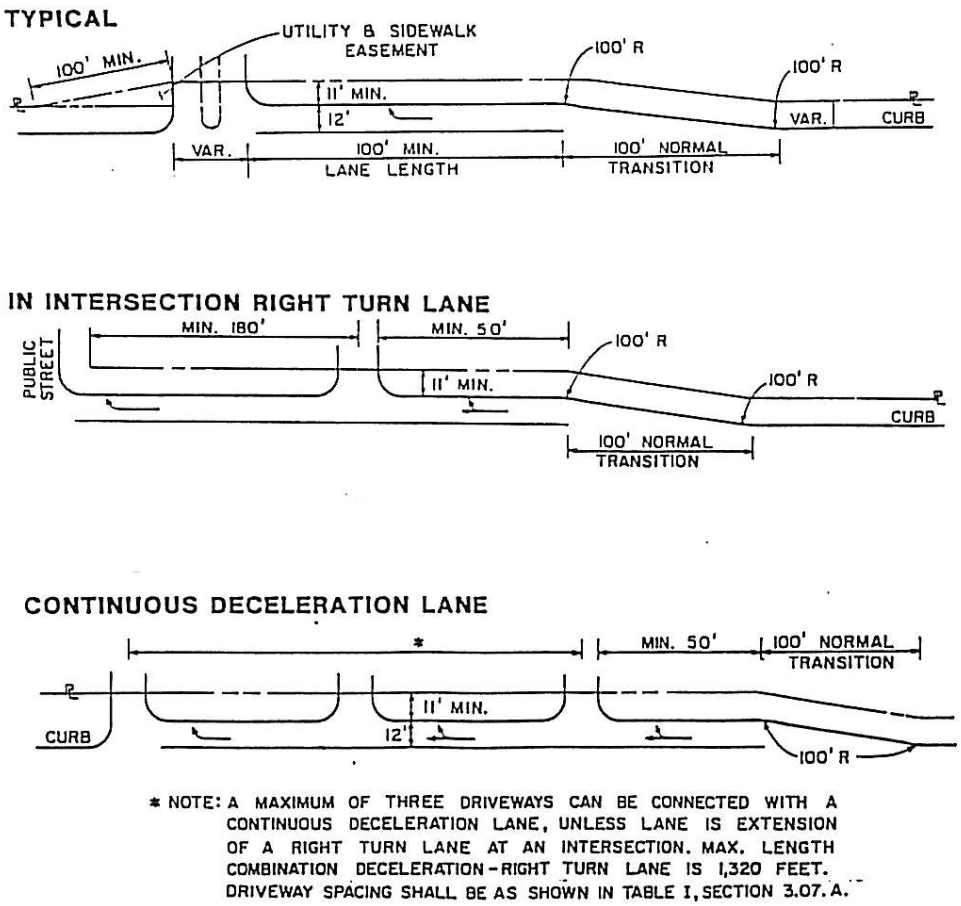


Figure 1

Deceleration Lane Design Standards

2. When a driveway is approved within the separate right-turn lane of a public street intersection, the lane shall be extended a minimum of fifty feet (50') in advance of the driveway. No driveway shall be permitted within the transition area of any separate right-turn or deceleration lane.

3. A continuous deceleration lane may be required as a condition of a driveway permit when two (2) or more deceleration lanes are planned, and their proximity necessitates that they be combined for proper traffic flow and safety. The transition taper for a continuous deceleration lane shall not extend into or beyond a public street intersection.

4. On undivided arterial and collector roadways, a left-turn lane and taper may be required as a condition of the driveway permit when the projected product of the left-turn ingress volume (fifty (50) minimum) and the opposing volume per lane exceeds 25,000 in any design hour. In such cases, the Director will analyze the present and future traffic volumes to verify that the left-turn lane is necessary to maintain minimum levels of traffic flow and safety.

5. On divided arterial roadways, the Director may require as a condition of the driveway permit, construction of a left-turn acceleration lane at an existing public street median opening when the proposed driveway will be served by such median opening and no left-turn lane exists in the median.

6. The Director may require a temporary auxiliary lane to be constructed on existing arterial roadways that are planned for future improvement in accordance with the City's "Guidelines for the Implementation of Auxiliary Lanes."

7. In the event an applicant chooses to locate a driveway that requires an auxiliary lane to extend wholly or partially across one (1) or more adjacent properties, the Director may require the applicant to attempt to obtain any necessary right-of-way for such lane in accordance with the City's "Guidelines for Implementation of Auxiliary Lanes."

8. In the event the applicant is allowed to locate a driveway with deceleration lane within one hundred feet (100') of an arterial intersection, he may be required to extend the deceleration lane to such

intersection. The one hundred feet (100') shall be measured from the center of the driveway to the intersection of the extended right-of-way lines of the arterial intersection.

9. The applicant shall be responsible for the design, right-of-way, adjustment of utilities and construction costs of any auxiliary lane and street widening required as a condition of the driveway permit in accordance with the City's "Guidelines for Implementation of Auxiliary Lanes."

10. The Director shall develop and maintain "Guidelines for Implementation of Auxiliary Lanes," and such guidelines shall be adopted or amended by resolution of the City Council.

E. Signalized Driveways.

1. As a condition of a driveway permit on a major street facility, the Director may require the applicant to submit driveway volume and capacity information when signalization is requested or expected at the driveway intersection. When signal warrants are met and an overall public benefit is shown, the Director may require as a condition of the permit that the applicant pay for the traffic signal installation costs necessary to serve the subject driveway. The applicant may also be required to construct onsite and offsite improvements necessary to provide proper alignment, adequate signal capacity, smooth traffic flow and safety for the public street/driveway intersection.

2. If a driveway is installed at an existing or proposed signalized intersection, the applicant must dowel each expansion joint using #5 bars on twelve inch (12") centers from the street curb to a point sixty feet (60') from the property line. A traffic signal access easement (minimum twenty feet (20') wide by sixty feet (60') deep) must be provided to allow the City to install and/or maintain the signal detectors placed in the concrete.

3. If a driveway is permitted and installed at an existing signalized intersection, the applicant shall pay any costs necessary to modify the existing signal and intersection to accommodate the new driveway.

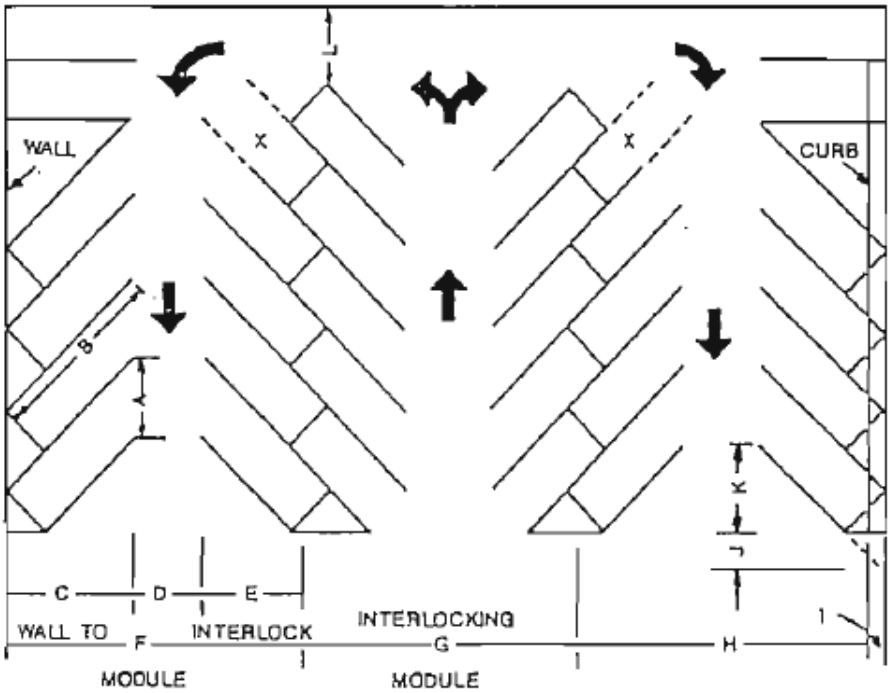
F. Special Driveway Designs.

1. The Director may require internal driveway improvements, turning movement prohibitions, auxiliary lanes and traffic control devices to address safety and/or capacity problems within the property which will have a detrimental effect on the adjacent public street system.

2. All driveways on undivided arterial roadways having a projected exiting left-turn volume that will operate at a level of service "E" or worse may be required to be constructed with a left-turn egress control median. Likewise, any driveway having a projected ingress left-turn volume that will have a level of service "E" or worse may be required to have a left-turn ingress control median. If both conditions exist, a right-in/right-out driveway design may be required by the Director.

3. Driveways having a projected design volume of five thousand (5,000) or more vehicles per day shall have a minimum of one hundred foot (100') continuous approach length without adjacent parking stalls or vehicular cross flow.

G. Parking Lot Design. Parking lots shall be designed in accordance with the standards as shown in Figure 2.



X-STALL NOT ACCESSIBLE IN CERTAIN LAYOUTS

DIMENSION	KEY	0°	30°	45°	60°	75°	90°
Stall width, parallel to aisle	A	9.0	18.0	12.7	10.4	9.3	9.0
Stall length of line	B	24.0	33.6	27.0	23.2	20.4	18.0
Stall depth to wall	C	9.0	16.8	19.1	20.1	19.7	18.0
Aisle width, one way	D	12.0	13.0	13.0	18.0	22.0	24.0
Aisle width, two way		24.0	19.0	20.0	22.0	23.0	24.0
Stall depth, interlock	E	9.0	12.9	15.9	17.9	18.5	18.0
Module, wall to interlock	F	30.0	42.7	48.0	56.0	60.2	60.0
Module, interlocking	G	30.0	38.8	44.7	53.7	59.1	60.0
Module, interlock to curb face	H	30.0	41.7	43.2	51.9	57.1	60.0
Module, curb face to curb face		30.0	40.7	41.7	50.1	55.1	58.0
Bumper overhand (typical)	I	0.0	1.5	1.5	1.8	2.0	2.0
Offset	J	-	9.0	6.3	2.7	0.5	0.0
Setback	K	24.0	15.6	11.0	8.3	5.0	0.0
Cross aisle, one-way	L	18.0	18.0	18.0	18.0	18.0	18.0
Cross aisle, two-way	-	24.0	24.0	24.0	24.0	24.0	24.0

Figure 2

Parking Lot Design Standards

Section 3.08 Drainage Design

A. Rural Areas (unimproved streets/drainage without curb and gutter). Drainage in side ditches shall not be significantly altered or impeded by any driveway. When drainage structures are required, the dimensions of the culvert or opening and other design features, such as slope, capacity of structure, drainage computations and amount of flow, necessary grading upstream and downstream information, end section treatment and similar information on any upstream and downstream structures shall be shown on a site plan and accepted by the City Engineer or his designee. A minimum (smooth flow) pipe size of an eighteen inch (18") diameter shall be required. The restricted areas (defined in Section 3.11) adjacent to the driveways may be filled in or graded, provided they are in compliance with the requirements herein.

1. The drainage structure shall have a minimum capacity of a five (5) year frequency event (and preferably a 25 year or 100 year), unless an analysis is submitted by the applicant that demonstrates the bar ditch capacity on both sides of the proposed installation is less. The City Engineer or his designee may, based on the results of this analysis, allow a culvert with less capacity. In addition, grading of the upstream and/or downstream side ditches may be required to allow the proposed drainage system to function as designed. Proper provisions shall be made for surface drainage, so that all surface water on any filled area shall be carried over the drive and drainage structure by means of a swale (minimum eighteen inches (18") unless otherwise approved) and in accordance with the natural drainage patterns.

2. The drainage system underneath the filled area shall have appropriate end protection; preferably sloped end sections (six feet (6') horizontal to one foot (1') vertical) with necessary concrete rip-rap or State Department of Highways and Transportation standard Type "A" or "B" headwalls. This provision shall apply unless an alternate is requested in writing and approved by the City Engineer or his designee.

3. Any filled or graded area shall allow for the construction of sidewalks when possible and should have a maximum three feet (3') horizontal to one foot (1') vertical slope from the right-of-way line

to the shoulder line when possible, provided that other limits may be specified by the City Engineer or his designee to ensure conformance with proposed future improvements or to the existing conditions.

B. Urban Areas. In urban areas with curb, gutter and appropriate drainage system, the design criteria shall be in accordance with the other sections in this ordinance. Driveways shall not be constructed at such locations or in such manner that water is diverted from the street onto private property, unless requested in writing and specifically approved in writing by the City Engineer or his designee.

Section 3.09 Construction

The following general criteria shall be followed during driveway installation within the City of Arlington:

A. All driveway construction and maintenance shall have traffic control devices installed and maintained in accordance with the latest City of Arlington Work Area Traffic Control Manual.

B. All driveways not approved for "leave-out" under Section 3.07(B)(4) shall be poured and completed between the street and the property line within seventy-two (72) hours after the curb cut has been made. For reasonable cause, the Director may extend this time upon request of the applicant, provided that public safety is not impacted. In any event, if safety is impaired, the Director may require replacement of curb and gutter, sidewalks and other improvements and leveling of the soil. All costs for such remedial work shall be borne by the applicant.

C. The applicant shall perform all work and pay all costs in connection with the construction of any driveway and their appurtenances on the right-of-way. All work shall be subject to inspection and approval of the Building Official.

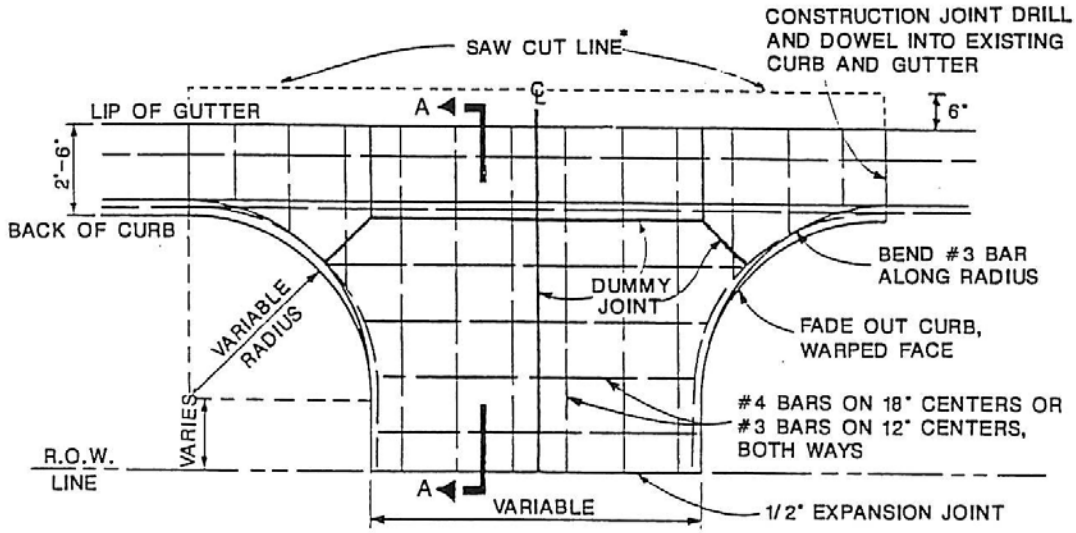
D. All driveways shall be paved from the street curb line to the property line or onto private property if necessary pursuant to Section 3.07(B)(12). The following minimum construction requirements shall be met in the installation of any driveway:

REQUIREMENTS	DUPLEXES OR SINGLE FAMILY RESIDENTIAL	APARTMENTS, COMMERCIAL OR INDUSTRIAL
Concrete Thickness	5" minimum	6" minimum
Reinforcing Steel (Both Ways)	#4 bars on 18" centers #3 bars on 12" centers	#4 bars on 18" centers #3 bars on 12" centers

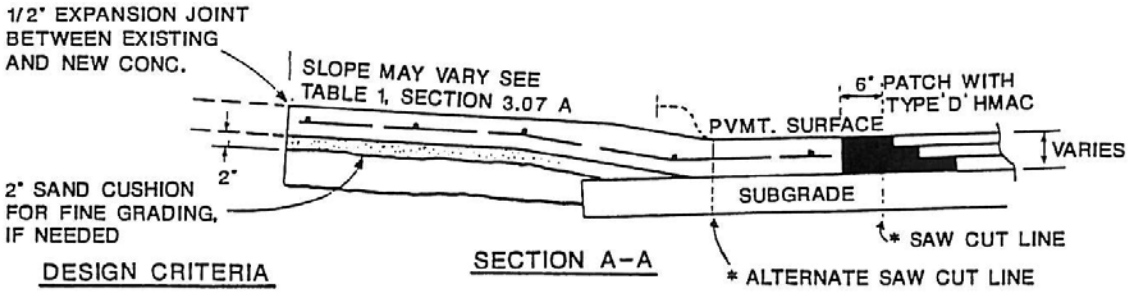
All concrete shall be five (5) sack Portland Cement, Type I (no flyash or admixtures unless prior approval is received from the City Engineer, or his designee) with a minimum compressive strength of 3,000 psi at twenty-eight (28) days, flexural strength of 550 psi at seven (7) days, and a maximum three inch (3") slump. Joints shall be located as shown in Figure 3.

CONSTRUCTION DETAILS

FOR ASPHALT STREETS WITH CURB AND GUTTER



* ALTERNATE DESIGN WILL PERMIT THE PAVEMENT TO BE CUT AT THE FACE OF THE CURB AND THE DRIVEWAY TO BE TIED INTO THE STEEL FROM THE CONCRETE CURB AND GUTTER



SECTION A-A

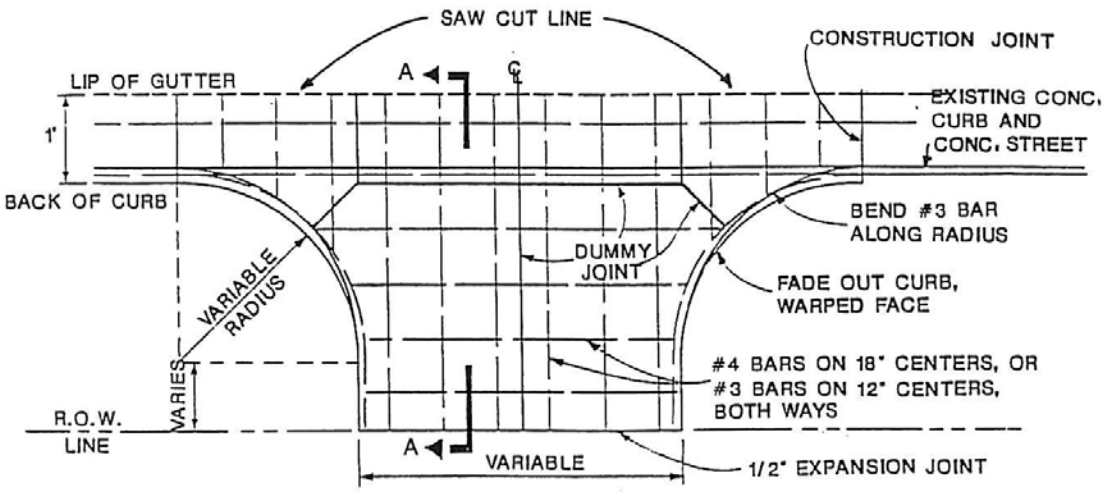
DESIGN CRITERIA

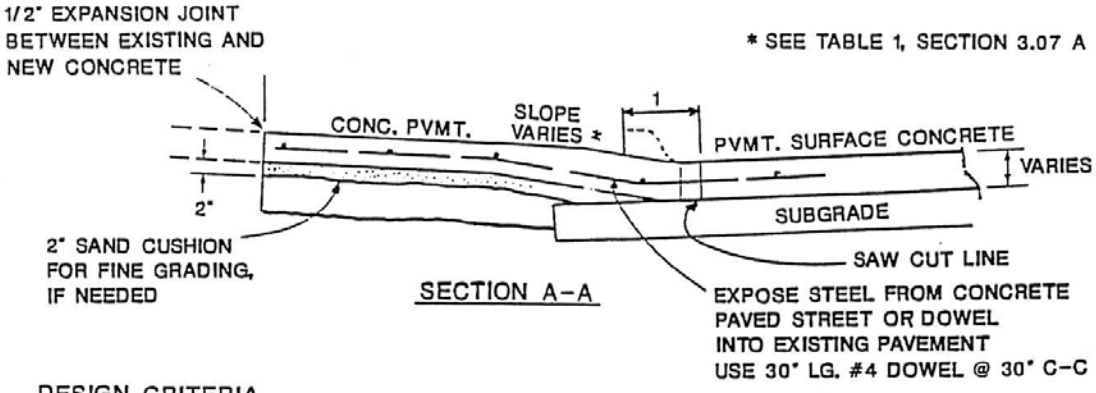
DRIVEWAY TYPE	SLAB THICKNESS	STEEL
RESIDENTIAL	5"	#4 BAR ON 18" CENTERS, OR #3 BAR ON 12" CENTERS, BOTH WAYS
ALL OTHERS	6"	#4 BAR ON 18" CENTERS, OR #3 BAR ON 12" CENTERS, BOTH WAYS

FIGURE 3

CONSTRUCTION DETAILS

FOR CONCRETE STREETS WITH CURB AND GUTTER





DESIGN CRITERIA

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RESIDENTIAL	5"	#4 BAR ON 18" CENTERS, OR #3 BAR ON 12" CENTERS, BOTH WAYS
ALL OTHERS	6"	#4 BAR ON 18" CENTERS, OR #3 BAR ON 12" CENTERS, BOTH WAYS

FIGURE 3

All construction shall be subject to inspection and approval of the Building Official.

Section 3.10 Materials

All materials used in construction of a driveway on the right-of-way shall be of satisfactory quality and shall be subject to approval of the City Engineer.

Section 3.11 Restricted Areas

All parts of the street right-of-way between the street curb or shoulder pavement and the parallel property line along the applicant's property frontage, except the areas contained in driveways, shall be defined as restricted areas. Internal and street curbs shall be installed by the applicant as may be deemed necessary by the Director or the City Engineer to prohibit vehicle parking and access in restricted areas. Internal curbs shall be concrete, asphalt or masonry barrier-type curbs six inches (6") in height. These internal curbs shall be continuously poured in place or shall be attached to the pavement in an approved manner so as to prevent unstable movement. This internal curbing shall be painted to prevent traffic hazards when so determined by the Director. The street curb lines shall be on line with existing street curbs or on established curb lines. Street curbs shall be concrete not less than six inches (6") in height or as may otherwise be required by the City Engineer.

Section 3.12 Adjacent Parking Areas

Where an off-street parking area is located adjacent to a public parkway area, a concrete inner curb or bumper blocks shall be constructed to separate the parking area from the right-of-way. The curb or block shall be set back from the property line so that no part of a vehicle that is parked on the parking lot shall extend over public property, right-of-way, street or sidewalks. Any such curb or block shall be a minimum of four inches (4") wide, four inches (4") high and shall be permanently and securely anchored. The property owner shall replace any damaged, missing or unanchored blocks or curbs as necessary or as required by the Director, City Engineer or Building Official.

Section 3.13 Vehicle Service Features

The minimum distance from the right-of-way line to the edge of service pumps, vendor stands, tanks, water hydrants or any other vehicle service equipment shall be twelve feet (12'). To permit free movement of large vehicles and in certain instances to ensure that said vehicles will be parked entirely off the street right-of-way while being serviced, a greater distance may be required by the City Engineer or by the Director.

Section 3.14 Maintenance and Reservations

Maintenance of all driveways, islands and other driveway appurtenances on right-of-way shall be the responsibility of the owner of the property served by the driveway. The City of Arlington reserves the right to inspect these installations at the time of construction and at all times thereafter. The Building Official may require any changes, maintenance or repairs as may at any time be considered necessary to provide for protection of life and property on or adjacent to the street. The cost of changes, maintenance and repairs shall be borne by the owner of the property served by the driveway.

Section 3.15 Variances

Variances may be granted by the Director, City Engineer, Director of Capital Improvements or Building Official for the particular area of responsibility controlled by such official under unique circumstances whenever needed to recognize extenuating circumstances or preserve the health, safety and welfare of the public. Any decision of the above persons regarding interpreting of or variances to this chapter may be by submission submitted in writing to the City Manager. When necessary, the matter shall be placed on the agenda for consideration by the Mayor and City Council.

Section 3.16 Penalty

Any person, firm, corporation or agent who shall violate a provision of this ordinance or fails to comply therewith or with any of the requirements hereof shall be guilty of a misdemeanor and shall be required to bring driveway(s) and other access facilities into compliance with City Ordinance. A fine not to exceed Five Hundred and No/100 Dollars ($500.00) per day may be levied until any such violation is corrected.

Section 3.17 **Driveway Design Manual**

The Department of Transportation shall develop, maintain and make available to the public a Driveway Design Manual to supplement the provisions of this article. The Driveway Design Manual shall implement this article and may contain additional criteria consistent with it. (Amend Ord 91-46, 5/7/91)

ARTICLE IV

STREET SIGNS AND NUMBERS

Section 4.01 Premises Identification Required

The owner, occupant or person otherwise in control of any commercial or residential building or group of buildings in the City shall place approved numbers or addresses on all new and existing buildings, structures and mobile homes in such a position as to be plainly visible and legible from the street or road fronting the property. Address numbers may be posted upon approved ground signs, if permitted by the Sign Chapter of the Zoning Ordinance, with address numbers being a minimum of twenty four inches (24") above grade. Said numbers shall be a minimum of four inches (4") tall and contrast with their background. However, numbers for multi-family dwelling complexes shall comply with Article XIII of the "Uniform Housing" Chapter of the Code of the City of Arlington. This Section shall be applied in a manner consistent with Section 1.03 (20) of the Fire Prevention Chapter of the Code of the City of Arlington or successor ordinance. (Amend Ord 99-54, 4/20/99)

Section 4.02 Damaging Street Signs

It shall be unlawful for any person willfully or negligently to mutilate, deface, injure, damage, destroy, move, remove or otherwise tamper with any street identification sign in the City, or to obstruct, obscure or attach any advertising matter thereto.

Section 4.03 Requirements for Curb Numbering: Permit Required

A. It shall be unlawful for any person to paint or cause to be painted or otherwise affix to any street curb in the City a street address or house number, unless the same shall comply with the following requirements:

   1. The background for such number shall be painted with a durable exterior enamel or other exterior compound approved by the Building Official, and shall be six inches (6") in height. (Amend Ord 72-55, 5/2/72)

2. The numbers shall be painted or otherwise colored black or some other dark color approved by the Building Official, and shall be four inches (4") in height and centered on the background.

3. The numbers shall be located on the curb face on the half of either or both driveway radii most nearly parallel to the street, at the point where the driveway enters the street on which the house is addressed. Where no such driveway exists, the number shall be located on the curb face either midway of the side-lot lines or as near as practicable to the principal front access of the building.

4. The Building Official may establish such additional specifications and requirements as he may deem reasonably necessary.

B. It shall be unlawful for any person to engage in the activities described in Paragraph A hereof as a business otherwise for compensation unless and until such person has obtained the license if it is required by the Chapter of the Code of the City of Arlington, 1987, entitled "Peddlers, Itinerant Vendors and Related Businesses," and has obtained written permission from the Building Official to engage in such activities. (Amend Ord 78-152, 12/12/78)

ARTICLE V

ACTIVITIES PROHIBITED

Section 5.01 **Skates in Streets**

No person shall skate on roller skates, on a skateboard or skate scooter, whether manually or self-propelled, in a street in the City of Arlington. (Amend Ord 78-152, 12/12/78)

Section 5.02 (Repealed Ord 78-152, 12/12/78)

Section 5.03 (Repealed Ord 78-152, 12/12/78)

Section 5.04 **Building Fire, Etc., on Paved Street**

Hereafter it shall be unlawful for any person, firm or corporation to build any fire or place any other hot substance upon any paved street, alley or sidewalk or thoroughfare within the corporate limits of the City of Arlington, or in any other manner to injure or deface any such paved streets, alleys, sidewalks or other thoroughfares or any portion thereof. The term "paved streets, alley, sidewalks or other thoroughfares" is to be construed to include any street, alley, sidewalk or other thoroughfare, the surface of which is paved or covered with brick, asphalt, bitulithic, petulithic or any other pavement of any name or character.

Section 5.05 **Traction Engines, Etc., Prohibited on Streets**

Hereafter it shall be unlawful for any person or persons to ride, drive, run, propel or direct any traction engine, the surface of whose wheels have cogs on them or are otherwise rough or uneven, on, along or across any paved street within said City of Arlington unless the surfaces of the wheels of such traction engine be so protected and covered as to avoid actual contact with or injury to the surface of such paved street or streets.

Section 5.06 (Repealed Ord 78-152, 12/12/78)

Section 5.07 (Repealed Ord 78-152, 12/12/78)

Section 5.08 (Repealed Ord 78-152, 12/12/78)

Section 5.09 **Injuring Trees**

No person shall cut, deface nor in any way injure any tree or sapling used for shade or ornamental purposes standing or growing in any of the streets or alleys or along the sidewalk or within any of the public places belonging to or within the City of Arlington. Nor shall any person hitch or cause to be hitched any horse, mule, ox or other animal to any such trees or saplings, standing or growing, as aforesaid, or to any boxing which may be placed around said trees or saplings for their protection. Nor shall any person not being the owner or agent thereof commit any of the offenses aforesaid upon such trees that may be standing upon any lot within said City.

Section 5.10 (Repealed Ord 78-152, 12/12/78)

Section 5.11 **Motor-Assisted Scooters**

A. **Motor-Assisted Scooter Defined.** Motor-assisted scooter shall have the same meaning assigned by Texas Transportation Code, Section 551.351, as it exists or may be amended, and includes a self-propelled device with at least two wheels in contact with the ground during operation; a braking system capable of stopping the device under typical operating conditions; a gas or electric motor forty (40) cubic centimeters or less; a deck designed to allow a person to stand or sit while operating the device; and the ability to be propelled by human power alone. The term does not include a motorized mobility device, as defined by Texas Transportation Code, Section 542.009.

B. **Prohibition on Motor-Assisted Scooter Use.** A person may not operate a motor-assisted scooter on any alley, street, highway, shoulder, improved shoulder, sidewalk, median, or public right-of-way of a street or highway. (Amend Ord 05-098, 10/25/05)

ARTICLE VI

OBSTRUCTING STREETS AND SIDEWALKS

Section 6.01 Obstructing

No person shall willfully obstruct or injure, or cause to be obstructed or injured in any manner whatsoever, any public sidewalk, median, curb, shoulder, improved shoulder, street, highway, roadway or public right-of-way in the City; provided, however, that the parking of motor vehicles in compliance with the ordinances of the City of Arlington shall not be construed to be an obstruction. (Amend Ord 94-55, 3/15/94)

Section 6.02 Block Parties with Street Closures

A. Definitions. The following words and terms, when used in this Section, shall have the meanings respectively ascribed to them in this Subsection (A).

"Administrator" – The person designated by the City Manager to enforce and administer the provisions of this Section. The Administrator may promulgate rules necessary to enforce the provisions of this Section. This definition includes the Administrator's designees.

"Block Party" – An outdoor gathering of neighbors located on or along the street or streets abutting their residences and for which a portion of the street or streets is closed for the event. A "Block Party" does not constitute a "Special Event" under the Special Events Chapter of the City of Arlington Code of Ordinances.

B. Block Party Permit and Application. A person must hold a valid and current Block Party permit in order to conduct a Block Party. An application for a Block Party permit must meet the requirements of this Subsection (B).

1. The application must be submitted to the Administrator not later than seven (7) days prior to the date of the proposed Block Party.

2. The application must state the start time, end time, and location for the proposed Block Party.

3. Owner Approval Petition.

   a. If the distance of the proposed street closure is one-half (1/2) mile or more, the application shall include a petition with the signatures

of more than fifty percent (50%) of the owners whose property abuts the portion of the street or streets to be closed indicating their approval of the street closure.

b. If the distance of the proposed street closure is less than one-half (1/2) mile, the application shall include a petition with the signatures of seventy-five percent (75%) or more of the owners whose property abuts the portion of the street or streets to be closed indicating their approval of the street closure.

c. In the event that an owner does not reside at a property on the subject street or streets and has leased the property to a tenant, the signature of the tenant residing at the property may be included on the petition instead of the owner's signature.

4. The application must include the anticipated number of people who are expected to attend the Block Party.

C. Standards for Permitted Block Parties.

1. A Block Party permit authorizes a street closure for a time period not to exceed eight (8) consecutive hours.

2. Block Parties shall not continue past 10:00 p.m. or be conducted at any times other than those approved by the permit.

3. Only two (2) Block Party permits may be approved for the same portion of a street or streets within a twelve (12) month period. One (1) permit may be approved for a Block Party in conjunction with the annual "National Night Out" event and will not count toward the limitation of two (2) permits for the same portion of the street or streets within a twelve (12) month period under this Subsection (C)(3).

4. The Administrator may impose additional reasonable restrictions on a Block Party permit for any activity that is likely to create an unreasonable risk to the health, safety, or welfare of the public.

5. Prior to the Block Party, the Administrator shall provide barricades to the permit holder to close the street or streets. The permit holder will use the barricades to cordon off the approved portion of the subject street or streets in accordance with the permit. After the Block Party, the permit holder will remove the barricades as instructed by the Administrator and reopen the street or streets. The Administrator shall collect the barricades within seventy-two (72) hours.

6. The Administrator may require that off-duty City of Arlington police officers be hired to direct traffic around the Block Party location and to maintain public safety.

7. The permit holder shall pay all costs of closing the street or streets, including, but not limited to the hiring of off-duty police officers and costs of clean-up, if any. In the event that any costs under this Subsection (C)(7) were incurred during the Block Party, the Administrator shall provide the permit holder with written notice of all applicable costs not later than ten (10) days after the Block Party. The permit holder shall pay all such costs to the City not later than twenty (20) days after the Administrator sends the written notice.

8. The permit holder and all attendees of the Block Party must comply with all applicable federal, state, and local laws including, but not limited to, the prohibition on "Unreasonable Noise" pursuant to Texas Penal Code § 42.01(a)(5), as amended.

D. Application Review and Permit Issuance.

1. The Administrator may refer an application for a Block Party permit to other City departments for review and comment to verify compliance with the ordinances that they administer.

2. Not later than five (5) days after the application is filed, the Administrator shall issue a Block Party permit if the application meets the requirements of this Section. Upon approval of an application, the Administrator will provide a copy of the permit to the applicant either by personal service or by U.S. mail.

E. Prohibited Activities and Uses. A person may not engage in any of the following activities and uses in conjunction with or at a Block Party:

1. The sale of food, beverage, and alcoholic beverages, including the sale of such items at food trucks and concession stands;

2. Any entry fees imposed on Block Party attendees and participating neighbors; or

3. The operation or continuation of a Block Party or any street closure that is not approved by the Administrator or that is inconsistent with the terms of the approved Block Party permit, including the specified start and end times.

F. Catered Food at Block Parties. The permit holder may provide catered food at a Block Party for attendees as long as the operator and staff of the catering company, food truck, or other group supplying the food comply with all applicable City ordinances, including obtaining any required permits under the Health and Sanitation Chapter of the Code of Ordinances of the City of Arlington. (Amend Ord 19-059, 11/12/19)

Section 6.03 Merchants, Etc., Allowed Certain Space

It shall hereafter be unlawful for any merchant, trader, broker or other person to occupy for the display of goods or otherwise more than eighteen inches (18″) of any sidewalk of any street, which space be taken on the inside of such sidewalk.

Section 6.04 Each Day Separate Offense

Every day that any obstruction shall remain upon any sidewalk of this City, except as above provided, shall constitute a separate offense and shall be punished as such. (Code of 1920)

Section 6.05 Public Conveniences and Amenities, Use of Streets

A. Definitions in this Section:

1. Public Streets: The entire width between the boundary lines of every way which is held by the City in fee or by easement or by dedication when any part thereof is provided for use of the public for any purposes of vehicular travel.

2. Roadway: That portion of the public street which is improved, designed or ordinarily used for vehicular travel, exclusive of the curb, berm or shoulder. In the event that a public street includes two (2) or more separate roadways, “roadway” means each roadway separately.

3. Sidewalk: That improved surface which is between the curblines, or the lateral lines of a roadway, and the adjacent property lines, and is improved and designed for or is ordinarily used for pedestrian travel.

B. Permits. A person who wishes to establish an improvement, facility or use not prohibited by this Article, must obtain a permit for such improvement, facility or use from the Building Official; provided, however, a permit shall not be required

for mailboxes and other uses established in common law, as those uses in aid of and within the general purpose for which streets and highways are designed. Failure to obtain a permit constitutes an offense, and each day that an improvement, facility or use for which a permit is required exists without a permit shall constitute a separate offense.

1. In cases where improvements are proposed in City street easements and rights-of-way, application shall be made to the official designated by City Council resolution for execution of an Easement Joint Use Agreement.

C. Required Findings. No permit shall be issued, and no improvement, facility or use shall be established in or upon public streets except upon a finding by the City Council or an official designated by resolution to make such finding:

1. That the improvement, facility or use will not be located on, extend onto nor intrude upon any portion of the roadway;

2. That the improvement, facility or use will not be located on, extend onto nor intrude upon any portion of the sidewalk which is needed for pedestrian use;

3. That the design and location of the improvement, facility or use includes all reasonable planning to minimize potential harm, injury or interference to the public in the use of the public street or sidewalk;

4. That the improvement, facility or use will not create any hazardous condition or obstruction of vehicular or pedestrian travel upon the public street or sidewalk. Structures in or upon the public streets which promote and encourage use of the roadway for nonpublic purposes, other than vehicular or pedestrian travel, are deemed to create a hazardous condition and shall be prohibited unless otherwise allowed by law.

D. Improvements or Facilities Established or Maintained by City. The City may establish or maintain with its funds, materials, equipment and personnel any improvements or facilities approved, pursuant to Subsection C of this Section; and the provisions of this Section shall not be construed to require the issuance of a permit for any such improvement or facility established or maintained by the City.

E. Public and Governmental Actions and Functions of City. The actions of the City in granting any permit authorized hereunder and in permitting the use of any public street are hereby declared to be public and governmental actions and functions of the City exercised for a public purpose and matters of public necessity. The actions of the City in establishing or maintaining with its own

funds, materials, equipment and personnel any improvement or facility also are declared to be public and governmental actions and functions of the City exercised for a public purpose and matters of public necessity.

F. Use of Public Street for Certain Purposes Prohibited. It shall be unlawful to cause, suffer or allow to be erected, placed, constructed, maintained or used an improvement in or upon the public streets, including, but not limited to, basketball goals, soccer goals and volleyball nets, which improvements promote, encourage and result in use of the public roadways for nonpublic purposes, other than vehicular and pedestrian travel, thereby creating a hazardous condition. Each day that such an improvement exists shall constitute a separate offense.

G. Right to Abate Unlawful Obstruction or Use Not Impaired; City Not Required to Obtain a Permit. The provisions of this Section shall not be construed to impair the right of the City or any other person to abate or cause to be abated any unlawful obstruction or use of any public street, nor to require the City to obtain a permit to establish or maintain any improvement or facility which is otherwise authorized by law.

H. Removal Required.

1. Any improvement or facility prohibited by this Ordinance which has been established prior to the effective date of this Ordinance, and which remains in the public street (as that term is defined in this Ordinance) on the effective date of this Ordinance, shall be removed by the owner or other party responsible for said improvement or facility within ninety (90) days of the effective date of this Ordinance.

2. Any improvement, facility or use for which a permit is required by this Ordinance, which improvement, facility or use has been established prior to the effective date of this Ordinance, and which remains in the public street (as defined herein) on the effective date of this Ordinance, shall be unlawful if the owner or other party responsible for such improvement, facility or use has not obtained a permit within ninety (90) days of the effective date of this Ordinance.

3. Failure to remove a prohibited improvement or facility, failure to terminate a prohibited use or failure to obtain a permit, shall constitute a misdemeanor. Each day such improvement, facility or use remains in violation of this Ordinance shall constitute a separate offense. (Amend Ord 94-55, 3/15/94)

ARTICLE VII

STANDARD SPECIFICATIONS FOR STREET IMPROVEMENTS

Section 7.01 Standard Specifications Adopted

The most current edition of the Standard Specifications for Public Works Construction, as published by the North Central Texas Council of Governments, is hereby adopted as the specifications by which all street improvements within the corporate limits of the City of Arlington shall be made, except as provided for in Section 7.03 hereof. A copy of such specifications is on file in the Office of the City Secretary. (Amend Ord. 88-56, March 22, 1988)

Section 7.02 Specifications to be Incorporated in Contracts

The most current edition of the Standard Specifications for Public Works Construction, as published by the North Central Texas Council of Governments, shall be expressly incorporated in all contracts for street improvements within the corporate limits of the City of Arlington by reference, and provision shall be made for construction in accordance therewith. In the event said specifications are not expressly incorporated by reference in any such contract, then such specifications shall be deemed to be included in such contract by operation by law, and the improvements shall be made in accordance therewith. (Amend Ord 88-56, March 22, 1988)

Section 7.03 Exceptions

The City Engineer is authorized to alter, amend, add to or waive all or any part of said specifications with regard to specific street improvements when, in the opinion of the City Engineer, such would be in keeping with sound engineering practice and would enure to the interest and welfare of the citizens of the City of Arlington. (Ord 1166, 5-21-57)

ARTICLE VIII

STREET IMPROVEMENTS AND ASSESSMENTS

Section 8.01 Release of Assessment Liens

In any case where an assessment lien has been taken by the City for street improvements, and such assessment has been fully and finally paid, the City's Chief Financial Officer and the City Secretary are hereby authorized to execute a release of such lien for and on behalf of the City of Arlington. (Amend Ord 04-052, 5/25/04)

Section 8.02 Administration and Inspection Fees

There is hereby levied a fee for Flood Plain Studies, a fee for street verification and flood plain information, and administration and inspection fees necessary to carry out the provisions of this Chapter. All of the aforementioned fees shall be set from time to time by resolution of the City Council. (Amend Ord 85-279, 12/17/85)

ARTICLE IX

SIGHT OBSTRUCTIONS

Section 9.01 Definitions

In this Article, the following definitions shall apply:

A. *Intersection Visibility Triangle* shall mean a triangle sight area at an intersection of two streets, with the following particulars:

1. At an uncontrolled intersection, the intersection visibility triangles shall have the dimensions as illustrated in Table 1 of this Article.

2. At a controlled intersection in which vehicles traveling on one (1) or more streets, but not all streets, are required to stop or yield by official traffic control signs, the intersection visibility triangles shall have the dimensions as illustrated in Table 2 of this Article (with the vertical street representing the uncontrolled street).

3. At a controlled intersection where traffic on all intersecting streets is controlled by official stop signs or traffic signals, the intersection visibility triangles shall have the dimensions as illustrated in Table 3 of this Article.

4. Where a driveway opening onto an arterial or collector street is open to the general public or serves four (4) or more residences, the intersection visibility triangles shall have the dimensions as illustrated in Table 4.

B. *Director* shall mean the Director of Transportation or his designated representative.

C. *Intersection Sight Distance* shall mean the sight distance as determined by the Director and shall be based upon the procedures and standards set forth in the most recent edition of the Transportation and Traffic Engineering Handbook.

D. *Sight Obstruction* shall mean a tree, shrub, plant, sign, pole, soil, fence, retainer wall or other improvement or thing which has a height greater than two feet (2') as measured from the top of the curb and

which obstructs the visibility of traffic at an intersection or along a street.

E. *Parkway Area* shall mean that area, exclusive of an intersection visibility triangle, which is between the curb line, and the abutting property line.

F. *Uncontrolled Intersection* shall mean an intersection of two (2) or more streets at which there are no official traffic control devices designating approaching traffic to stop or yield.

Section 9.02 Sight Obstructions Prohibited Within Intersection Visibility Triangles

A. A person commits an offense if he places or maintains, or permits or causes to be maintained a sight obstruction within an intersection visibility triangle.

B. A property owner shall be deemed to be maintaining a sight obstruction within an intersection visibility triangle, if the sight obstruction is in an intersection visibility triangle abutting his property and/or passing through his property.

C. The Director, at his discretion, is hereby authorized to:

1. Decrease the dimensions of an intersection visibility triangle if smaller dimensions will provide an adequate intersection sight distance;

2. Increase the dimensions of an intersection visibility triangle when necessary to provide an adequate intersection sight distance; and

3. Dispense with the requirements of this Section if adequate intersection sight distance is otherwise available.

Section 9.03 Sight Obstructions Prohibited Within Parkway Areas

A. A person commits an offense if he places or maintains, or causes or permits to be placed or maintained, a sight obstruction within a parkway area.

B. It is an exception to the application of this section that the sight obstruction was a tree trimmed in accordance with Section 9.04.

C. A property owner shall be deemed to be maintaining a sight obstruction in a parkway area, if the sight obstruction is in a parkway area abutting his property.

Section 9.04 <u>Tree Overhang of Sidewalks and Streets</u>

A. All trees with a trunk diameter of greater than two inches (2"), when measured at twelve inches (12") above the ground, shall be trimmed so that:

1. No branch or growth which overhangs a street is less than fourteen feet (14') above the surface of such street;

2. No branch or growth which overhangs a sidewalk is less than seven feet (7') above the surface of such sidewalk; and

3. No branch or growth which overhangs the parkway area is less than seven feet (7') above the surface of the parkway area.

B. All trees with a trunk diameter of two inches (2") or less and planted in a parkway or overhanging a street, parkway or sidewalk, shall be trimmed so that the lower seventy percent (70%) of the trees' height is clear of limbs.

C. Table 5 illustrates the trimming requirements of this section.

D. A person commits an offense if he maintains a tree in violation of this section.

Section 9.05 <u>Enforcement</u>

A. <u>Abatement</u>. The Director is authorized to abate a violation of this Article in accordance with Article IV of the "Nuisances" Chapter of this Code.

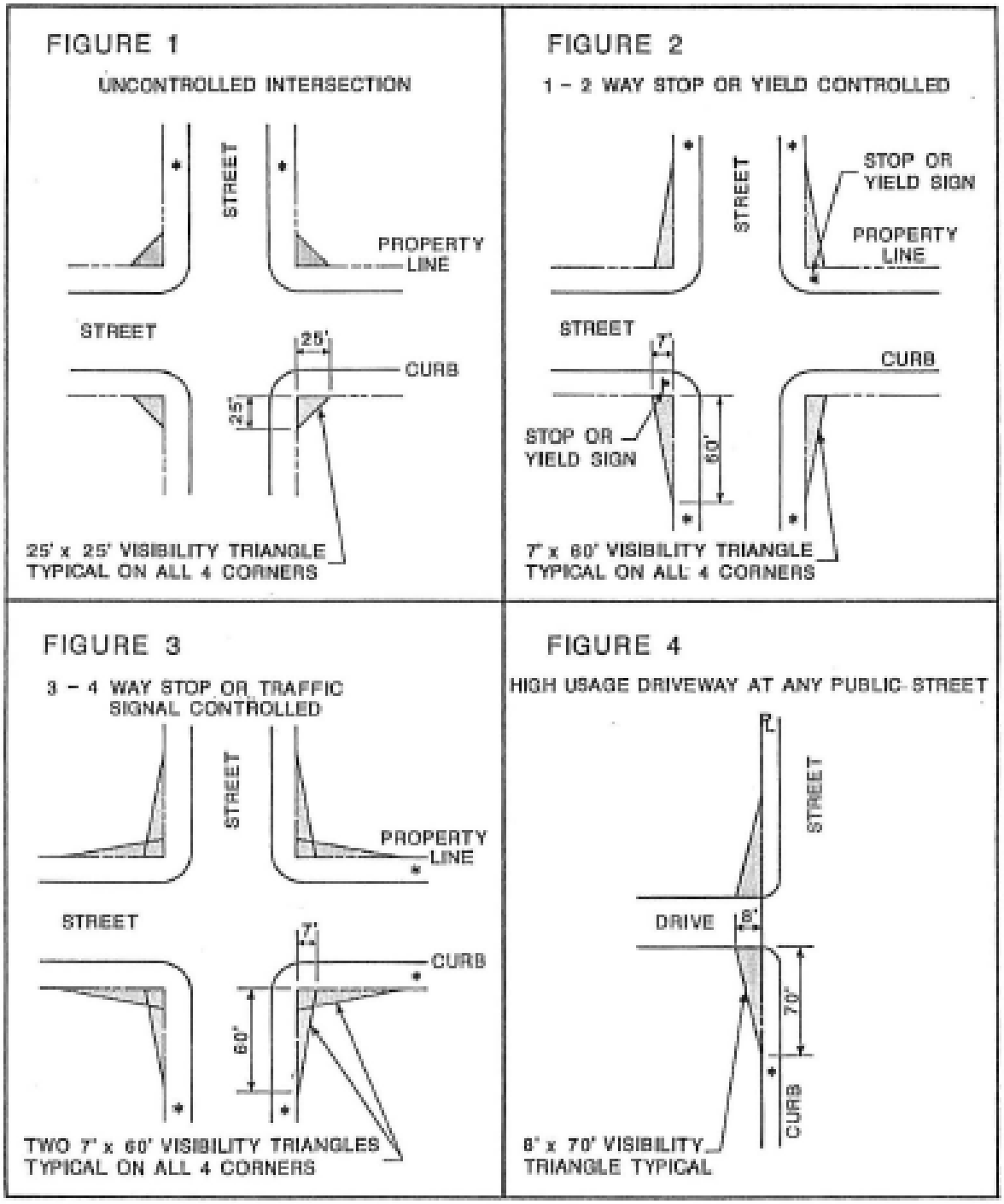
B. <u>Exceptions</u>.

1. It is an exception to the application of this Article that the sight obstruction is a permanent

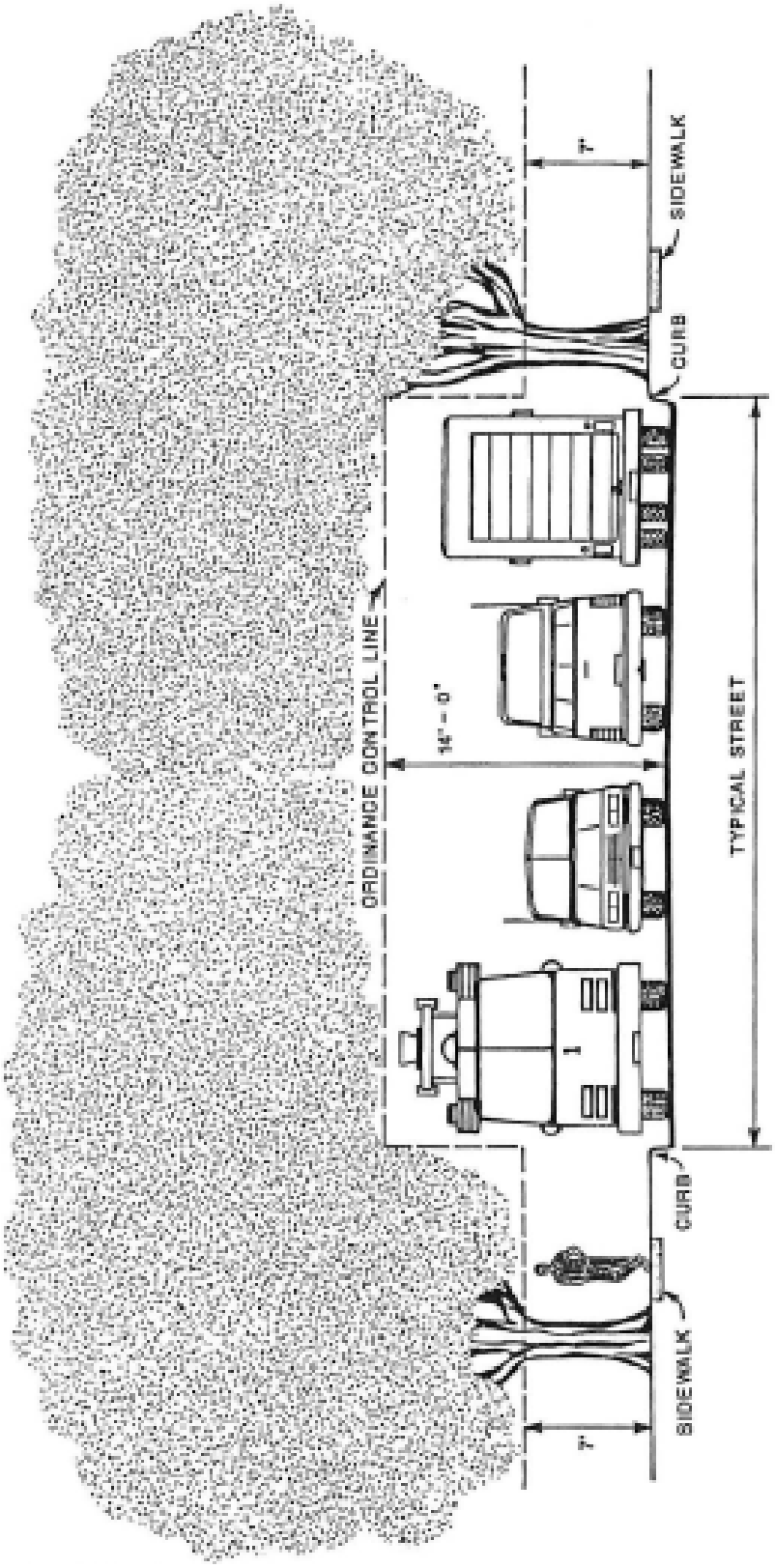
building that was lawfully located when it was constructed.

2. It is an exception to the application of this Article that the sight obstruction is a facility, improvement or use permitted by Article VI, Section 6.06, of this Chapter.

3. It is an exception to the application of this Article that the sight obstruction is a traffic control sign, traffic controller cabinet, traffic control hardware and equipment, traffic control fixture, street sign, street light, traffic control signal, fire hydrant, or utility pole or any other utility related equipment, which was placed by authority granted by the City Council. (Amend Ord 92-74, 8/11/92)



* - VARIBLE DISTANCE. A MINIMUM OF EIGHT (8) FEET CLEARANCE MUST BE MAINTAINED.


7'
SIDEWALK
CURB
ORDINANCE CONTROL LINE
14' - 0'
TYPICAL STREET
CURB
SIDEWALK
7'

ARTICLE X

USE OF SOUND TRUCKS

Section 10.01 Definitions

A. Person as used herein shall include the singular and the plural, and shall also mean and include any person, firm, corporation, association, club, partnership, society or any other form of association or organization.

B. Sound truck as used herein shall mean any wheeled conveyance, having mounted thereon, or attached thereto, any sound amplifying equipment.

C. Sound amplifying equipment as used herein shall mean any machine or device for the amplification of the human voice, music or any other sound. Sound amplifying equipment as used herein shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes. (Amend Ord 78-152, 12-12-78)

Section 10.02 Registration

No person shall use, or cause to be used, a sound truck with its sound amplifying equipment on a public street in the City of Arlington, other than in a public park, pursuant to the provisions of the "Parks" Chapter, before filing a registration statement with the Department of Transportation in writing and obtaining a certified application. The fee for said certification shall be $10.00 per year per vehicle. This registration statement shall be filed in duplicate and shall state the following:

A. Name and home address of the applicant.

B. Address of place of business of applicant.

C. License number and motor number of sound truck to be used by applicant.

D. Name and address of person who owns the sound truck.

E. Name and address of person having direct charge of sound truck.

F. Names and addresses of all persons who will use or operate the sound truck.

G. The purpose for which the sound truck will be used.

H. A general statement as to the section or sections of the City in which the sound truck will be used.

I. The proposed hours of operation of the sound truck.

J. The number of days of proposed operation of the sound truck.

K. A general description of the sound amplifying equipment which is to be used.

L. The approximate maximum distance for which sound will be thrown from the sound truck. (Amend Ord 78-152, 12-12-78)

Section 10.03 Issuance of Certification

The Department of Transportation shall issue a certification upon payment of the required certification fee unless the application required in Section 10.02 reveals that applicant would violate regulations prescribed in Section 10.05 of this Ordinance or the provisions of some other ordinance of the City or other law. The certification shall consist of an approval duly noted on the face of the application. (Amend Ord 78-152, 12-12-78)

Section 10.04 Identification

A certified copy of the application shall be in the possession of any person operating the sound truck at all times while the sound truck's sound amplifying equipment is in operation, and said copy shall be promptly displayed and shown to any policeman of the City of Arlington upon request. (Amend Ord 78-152, 12-12-78)

Section 10.05 Regulations for Use

Use of sound trucks in the City of Arlington with sound amplifying equipment in operation shall be subject to the following regulations:

A. The only sounds permitted are music or human speech.

B. Operations are permitted for four (4) hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four (4) hours of operation shall be between the hours of 10:00 a.m. and 12:00 noon and between the hours of 2:00 p.m. and 4:00 p.m.

C. Sound shall not be broadcast or emitted within one hundred (100) yards of schools when in session, hospitals, churches, courthouses, funeral homes or cemeteries.

D. The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) yards from the sound truck, and so that said volume, duration or character of sound is not an unreasonable noise to persons within the area of audibility. (Amend Ord 78-152, 12-12-78)

Section 10.06 <u>Exemption</u>

The provisions of Section 10.02 and 10.03 shall not apply to food handlers in mobile food establishments possessing permits under Article IV of the "Health" Chapter or to authorized participants in a "Special Event" for which a permit is issued under the "Special Events" Chapter. (Amend Ord 19-063, 12/3/19)

ARTICLE XI

PARADES

(Repealed)

ARTICLE XII

SCHOOL CROSSING GUARDS

Section 12.01 Designation

The City of Arlington may employ and designate School Crossing Guards.

Section 12.02 Direction of Traffic

Such School Crossing Guards are hereby empowered and authorized to direct and regulate motor vehicle and pedestrian traffic for the safety of pedestrians within designated school zone crossings and other pedestrian crossings within the limits of the City of Arlington.

Section 12.03 Duty to Obey

When such Guards are on duty in uniform at their assigned location, all pedestrians and operators of motor vehicles shall obey the lawful order or direction of such School Crossing Guards. (Amend Ord 78-152, 12/12/78)

(Amend Ord 78-152, 12/12/78)

ARTICLE XIII

FUNERAL ESCORTS

Section 13.01 Escorts

Escorts for funeral processions must comply with all applicable traffic rules, unless otherwise directed by a peace officer. (Amemd Ord 90-103, 10/2/90)

ARTICLE XIV

STREET AND UTILITY MAINTENANCE AND CONSTRUCTION; PARKING PROHIBITED

Section 14.01 Offense

It shall be unlawful for any person to intentionally cause, permit or allow a vehicle to remain parked on a City street after receiving notice in accordance with Section 14.04 or Section 14.05 to remove such vehicle. (Amend Ord 87-86, 5/5/87)

Section 14.02 Presumption of Intent

For purposes of this Article, intent shall be presumed if a vehicle remains upon a City street after the procedures for notice as set forth in Sections 14.04 and 14.05 have been followed. (Amend Ord 87-86, 5/5/87)

Section 14.03 Owner of Vehicle Prima Facie Responsible

When any vehicle is found parked in violation of Section 14.01 of this Chapter, the person in whose name the vehicle is registered is presumed to be the party responsible for the alleged violation, and such registration shall be prima facie evidence that the person in whose name the vehicle is registered is responsible for the violation. (Amend Ord 87-86, 5/5/87)

Section 14.04 Required Notice

When an authorized representative of the City of Arlington determines that vehicles parked upon a City street must be moved in order to perform street maintenance or construction, or utility maintenance or construction, notice shall be placed upon the windshield of each automobile to be moved, and notice shall also be placed upon the front door of each residence in the affected area; such notice shall be given at least forty-eight (48) hours before the street maintenance or construction, or utility maintenance or construction, is scheduled to begin, and such notice shall state:

A. That vehicles must be removed from the street by a specified time;

B. That failure to move such vehicle may result in the vehicle being towed at owner's expense; and

C. That failure to move such vehicle before the designated time may result in a fine not to exceed Two Hundred Dollars and No/100 ($200.00). (Amend Ord 87-86, 5/5/87)

Section 14.05 Signs Required

In addition to the notice provided in Section 14.04, the department requiring vehicles to be moved shall prominently display signs at entrances to the area to be cleared of vehicles; and such signs shall be plainly visible during day or night, but need not be lighted, and the signs shall have the following language plainly visible:

"NO PARKING ON STREET, VIOLATORS SUBJECT TO TOWING"

(Amend Ord 87-86, 5/5/87)

ARTICLE XV

SOLICITATION AND DISTRIBUTION

Section 15.01 Definitions

"Curb" shall mean the lateral lines of a roadway, whether constructed above grade or not, which are not intended for vehicular travel.

"Median" shall mean that area or portion of a divided street, road or highway within the City separating lanes of traffic of said street, road or highway and shall be held to include the curb, if any, at the outer edge of said area.

"Roadway" shall mean that portion of the public street which is improved, designed or ordinarily used for vehicular travel, exclusive of the curb, berm or shoulder.

"Sidewalk" shall mean that improved surface which is between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, and is improved and designed for or is ordinarily used for pedestrian travel. (Amend Ord 14-062, 10/28/14)

Section 15.02 Prohibited Acts

No person who is within a public roadway may solicit or sell or distribute any material to the occupant of any motor vehicle stopped on a public roadway in obedience to a traffic control signal light. It is specifically provided, however, that a person, other than a person twelve years of age or younger, may solicit or sell or distribute material to the occupant of a motor vehicle on a public roadway so long as he or she remains on the surrounding sidewalks and unpaved shoulders, and not in or on the roadway itself, including the medians and islands. (Amend Ord 14-062, 10/28/14)

Section 15.03 DELETED (Amend Ord 14-062, 10/28/14)

Section 15.04 DELETED (Amend Ord 14-062, 10/28/14)

Section 15.05 <u>Ticket Scalping</u>

A. In this section the following words or terms shall have the following meaning:

"Event" - an event of public entertainment or amusement, including, but not limited to, "scheduled events" as defined in the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas.

"Event Sponsor" – with respect to an event, a person (including, but not limited to, owner, lessee, operator, promoter or manager of the event or site of the event; organizer of an athletic contest; team participating in a sporting event; performer of a concert; presenter of a program, presentation, lecture, service or video presentation; circus; rodeo; organizer of a religious event; and person or entity holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy a main facility (as defined in the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas)) who owns or holds (whether directly or contractually through a delegated license or sublicense from the owner or holder of such right (as distinguished from a ticket purchaser)) the right to issue tickets or other admission licenses to the event.

"**Resell**" - to sell or offer to sell a ticket or other admission license to an event after such ticket or other admission license has been issued by the event sponsor. (Amend Ord 11-006, 1/18/11)

B. A person may not resell a ticket or other admission license to an event, unless the person is within a structure for which a certificate of occupancy has been issued.

C. It is an exception to the application of Subsection (B) that the person is the event sponsor or is authorized to resell the ticket or other admission license by the event sponsor. Nothing herein shall restrict an event sponsor or person authorized by the event sponsor from selling, reselling or offering to sell or resell a ticket or other admission license to an event at any price.

D. It is an exception to the application of Subsection (B) that the person resells a ticket or other admission license to an event (1) within either the person's residence or the buyer's residence (regardless of whether a certificate of occupancy has been issued for such structure), (2) for the buyer's personal use, and (3) at a price no greater than the price at which such ticket or other admission license was issued. (Amend Ord 06-030, 3/14/06)

ARTICLE XVI

VIOLATIONS

Section 16.01 Violations

Violation of any provision of this Chapter shall be considered a misdemeanor offense punishable by a fine not to exceed Five Hundred and No/100 Dollars ($500.00). Each day that a violation is allowed to continue shall be a separate offense. (Amend Ord 94-55, 3/15/94)

ORDINANCE NO. 99-54

AN ORDINANCE AMENDING THE "**STREETS AND SIDEWALKS"** CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE IV**, ENTITLED STREET SIGNS AND NUMBERS, BY THE AMENDMENT OF **SECTION 4.01**, HOUSE-NUMBERING REQUIRED, RELATIVE TO CONFORMING WITH OTHER ORDINANCES WHICH GOVERN THE SAME SUBJECT MATTER; PROVIDING FOR A FINE OF UP TO $500 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Streets and Sidewalks"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article IV, Street Signs and Numbers, by the amendment of **Section 4.01**, so that hereafter said subsections shall be and read as follows:

Section 4.01 Premises Identification Required

The owner, occupant or person otherwise in control of any commercial or residential building or group of buildings in the City shall place approved numbers or addresses on all new and existing buildings, structures and mobile homes in such a position as to be plainly visible and legible from the street or road fronting the property. Address numbers may be posted upon approved ground signs, if permitted by the Sign Chapter of the Zoning Ordinance, with address numbers being a minimum of twenty four inches (24") above grade. Said numbers shall be a minimum of four inches (4") tall and contrast with their background. However, numbers for multi-family dwelling complexes shall comply with Article XIII of the "Uniform Housing" Chapter of the Code of the City of Arlington. This Section shall be applied in a manner consistent with Section 1.03 (20) of the Fire

Prevention Chapter of the Code of the City of Arlington or successor ordinance.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in

addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 13th day of April, **1999**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 20th day of April, **1999**, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 00-122

AN ORDINANCE AMENDING THE **"STREETS AND SIDEWALKS"** CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, RELATIVE TO THE ADDITION OF **ARTICLE XVII** ENTITLED STREET MAINTENANCE FEE, RELATIVE TO THE ESTABLISHMENT OF A FUND AND A MAINTENANCE FEE FOR STREET MAINTENANCE, REHABILITATION AND REPAIR, PROVIDING FOR COLLECTING CHARGES, PROVIDING FOR REPEAL; PROVIDING FOR A FINE OF UP TO **$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE DECEMBER 1, 2000

WHEREAS, existing City streets are gradually aging and falling into disrepair; and

WHEREAS, the City of Arlington desires to promptly provide for the orderly, timely, and cost effective maintenance, rehabilitation and repair of existing City streets; and

WHEREAS, the City of Arlington desires to equitably apportion the costs of maintenance, rehabilitation and repair of existing City streets among the owners and occupiers of Developed Property (as defined herein); and

WHEREAS, the owners and occupiers of developed property, along with their visitors, vendors, and suppliers, rely upon the street system each day and benefit from a well maintained street system; and

WHEREAS, it is in the best interest of the public health, safety, and fiscal well-being to establish a reasonable street maintenance fee dedicated exclusively to the maintenance, rehabilitation and repair of aging streets in accordance with a plan approved annually by the City Council of the City of Arlington; and

WHEREAS, prompt implementation of a street maintenance fee as provided herein will reduce the backlog of needed street maintenance, rehabilitation and repair; and

WHEREAS, the City of Arlington has determined that a street maintenance fee will more equitably apportion the costs of street maintenance, rehabilitation and repair if the fee calculation method recognizes that commercial establishments generate more traffic than residential property and traffic generated by the commercial establishments is related to the amount of impervious area located on the property; and

WHEREAS, the City of Arlington desires to establish a Street Maintenance Fee Fund to be used exclusively for expenses related to street maintenance, rehabilitation and repair as provided herein; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That all of the recitals contained in the preambles of this ordinance are found to be true and are adopted as findings of fact by this governing body and as part of its official record.

2.

That the **"Streets and Sidewalks"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the addition of **Article XVII**, Street Maintenance Fee, so that hereafter said article shall be and read as follows:

ARTICLE XVII

STREET MAINTENANCE FEE

Section 17.01 Definitions

A. **"Developed Property,"** for purposes of this Article, shall mean any lot or parcel upon which impervious

surface improvements have been constructed, a water meter installed or a municipal utility account opened.

B. **"Owner or Occupant"** shall mean the person who pays, or is legally responsible for the payment of the municipal utility charges made against Developed Property.

C. **"Pavement Management Program"** shall mean a program established by the Director of Transportation on an annual basis establishing the purposes and projects for which the Street Maintenance Fee may be used. The purposes and projects which may be included in the Pavement Management Program may include but shall not be limited to maintenance, rehabilitation and repair of City streets, including street sweeping, necessary rehabilitation, repair and replacement of the pavement sections from the back of curb to the opposite back of curb of a street or alley within the street system of the City, and replacement of traffic pavement markings, traffic control signs, streetlight components and traffic signal components affected by a Street Maintenance Fee project.

D. **"Street Maintenance Fee"** shall mean the fee established by this Article which is imposed upon and collected from Owners or Occupants of Developed Property for the purpose of rehabilitating, repairing and maintaining the City of Arlington street system in accordance with a Pavement Management Program.

Section 17.02 <u>Street Maintenance Fee</u>

A. There is hereby established a Street Maintenance Fee to be paid by the Owner or Occupant of Developed Property within the City of Arlington.

B. Collection of the fee shall be made by a monthly charge added to the water utility bill for such property.

C. The Director of Transportation shall establish a Pavement Management Program annually. The Plan may be amended by the City Council as required to reflect changing needs of the City of Arlington.

Section 17.03 <u>Street Maintenance Fund</u>

A. Street Maintenance Fee payments shall be placed in a special fund known as the Street Maintenance Fund.

This fund may be supplemented by any other funds legally available to the City for such purposes.

B. All Street Maintenance Fees collected pursuant to this Article shall be designated as such and used only for the purposes provided herein and as designated in the Pavement Management Program as amended from time to time.

C. A report of the Fund, the Street Maintenance Fee, and the Pavement Management Program will be provided to the City Council annually.

Section 17.04 <u>Pavement Management Program</u>

The Director of the City of Arlington Department of Transportation is directed and authorized to develop an annual Pavement Management Program establishing the purposes and projects for which the Street Maintenance Fee may be used.

Section 17.05 <u>Billing and Collection of Street Maintenance Charges</u>

A. The Street Maintenance Fee shall be included on each City of Arlington monthly utility statement. The Street Maintenance Fee will be a separate line item on the water utility statement and shall be clearly identified as a separate charge. The Director of Utilities is authorized to collect such charges in a manner consistent with the "Water and Sewer" Chapter, the City Charter and State Law.

B. The rates per month are hereby established as follows:

1. **<u>Residential Accounts</u>**

Each separately metered residential municipal utility account	$2.60 per account
Apartment, duplex and other multi-family structures with residential units which are not separately metered	$1.30 per residential unit

2. **Nonresidential Accounts**

The Street Maintenance Fee rates shall be calculated according to the total square footage of the impervious area per nonresidential property and apportioned among the municipal utility account holders owning, using or occupying such property.

C. Except as otherwise provided by this section, billing, charges and collection procedures shall be consistent with that of the water and sewer services, including collection of delinquent charges. Any fee due hereunder which shall not be paid when due may be recovered in an action at law by the City. At such time as a billing system capable of tracking exemptions is implemented, the City Council intends to grant to senior citizens an exemption or reduction of the Street Maintenance Fee and at such time the City Council may also consider other exemptions.

D. The City Manager or his designee(s) shall adopt rules for the administration of the Street Maintenance Fee.

E. The Street Maintenance Fee established by this ordinance shall be discontinued at such time as (1) the legislature provides authority to call an election on the issue of increasing local sales taxes for the purpose of funding City-wide street maintenance, rehabilitation and repair, and (2) such sales tax is authorized by the voters of the City of Arlington and implemented by the City; or (3) the City Council of the City of Arlington repeals such Street Maintenance Fee.

3.

This article does not create or imply a right, benefit or expectation of any particular level of maintenance on City streets, roads and highways and does not create additional duties on the part of the City. This article does not waive the City's immunity under any law.

4.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred Dollars and No Cents ($500.00) for each offense. Each day

that a violation is permitted to exist shall constitute a separate offense.

5.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

6.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

7.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

8.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in the ordinance or in the Code of the City of Arlington.

9.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this

ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

10.

This ordinance shall become effective on December 1, 2000.

PRESENTED AND GIVEN FIRST READING on the 17th day of October, **2000**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 24th day of October, **2000**, by a vote of 7 ayes and 1 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ORDINANCE NO. 01-114

AN ORDINANCE AMENDING THE **"STREETS AND SIDEWALKS"** CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE REPEAL OF **ARTICLE XVII**, ENTITLED STREET MAINTENANCE FEE, AND THE ADOPTION OF A NEW ARTICLE XVII, ENTITLED STREET MAINTENANCE FEE, RELATIVE TO THE PAVEMENT MANAGEMENT PROGRAM; PROVIDING FOR A FINE OF UP TO **$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, existing city streets are gradually aging and falling into disrepair; and

WHEREAS, the City of Arlington desires to promptly provide for the orderly, timely, and cost effective maintenance, rehabilitation and repair of existing city streets; and

WHEREAS, the City of Arlington desires to equitably apportion the costs of maintenance, rehabilitation and repair of existing city streets among the owners and occupiers of Developed Property (as defined herein); and

WHEREAS, the owners and occupiers of Developed Property, along with their visitors, vendors, and suppliers, rely upon and use the street system each day and benefit from a well maintained street system; and

WHEREAS, it is in the best interest of the public health, safety, and fiscal well-being to establish a reasonable monthly Street Maintenance Fee dedicated exclusively to the maintenance, rehabilitation and repair of aging streets in accordance with a Pavement Management Program approved annually by the City Council of the City of Arlington; and

WHEREAS, prompt implementation of a Street Maintenance Fee as provided herein will reduce the backlog of needed street maintenance, rehabilitation, and repair; and improve mobility and safety; and

WHEREAS, the City of Arlington has determined that a Street Maintenance Fee will more equitably apportion the costs of the Pavement Management Program if the fee calculation method recognizes that commercial establishments generate more traffic than Residential Property and traffic generated by the commercial establishments is related to the nature of the business and the amount of impervious area located on the property; and

WHEREAS, the City of Arlington desires to establish a Street Maintenance Fund to be used exclusively for expenses related to the maintenance of city streets

and as suggested by the city's Pavement Management Program as provided herein; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Streets and Sidewalks"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the repeal of Article XVII, Street Maintenance Fee, and the adoption of a new Article XVII, Street Maintenance Fee, so that said article shall be and read as follows:

ARTICLE XVII

STREET MAINTENANCE FEE

Section 17.01 Definitions

"Department" means Arlington Department of Transportation.

"Developed Property" means:

(1) a residence;

(2) a business; or

(3) a lot or parcel on which improvements have been constructed;

(4) and that by a motor vehicle operated by any person, generates Motor Vehicle Trips utilizing the City of Arlington streets maintained under the Pavement Management Program.

"Director" means the Director of the Arlington Department of Transportation, or his/her designee.

"Motor Vehicle Trip" means each departure from and each arrival to a Developed Property by a motor vehicle driven by any person.

"Pavement Management Program" means a program established by the Director and approved by the City Council on an annual basis establishing the purposes and projects for which the Street Maintenance Fee may be used. The purposes and projects which may be included in the Pavement Management Program may include but shall not be limited to maintenance, rehabilitation and repair of city streets, including street sweeping, necessary rehabilitation, repair and replacement of the pavement sections from the back of curb to the opposite back of curb of a street or alley within the street system of the city, and replacement of traffic pavement markings, traffic control signs, streetlight components and traffic signal components affected by a project funded by the Street Maintenance Fund.

"Residential Property" includes but is not limited to single family residence, apartment unit, duplex unit, triplex unit, fourplex unit, mobile home, or similar dwelling unit.

"Street Maintenance Fee" means the fee established by this chapter.

"User" means the person who is responsible for the payment of charges reflected on a City Combined Billing Statement for a Developed Property.

Section 17.02 <u>Fee Established</u>

A. A Street Maintenance Fee is hereby established and shall be charged each User, as that term is defined in this ordinance.

B. Each month each User of a Developed Residential Property shall pay a Street Maintenance Fee of $2.00 per month.

C. Each month each User of a Developed non-residential Property shall pay a Street Maintenance Fee in an amount equal to $10.00 per acre multiplied by the trip generation factor assigned to its land use code (as indicated in records maintained by the Department), multiplied by the billable acreage as calculated under Section 17.04 of this ordinance.

Section 17.03 <u>Trip Factors</u>

A. The Director shall assign to each Developed Property a trip factor according to the property's use. The Director shall determine for each Developed Property the number of trips generated per acre per day in accordance with the Institute of Transportation Engineers Trip Generation manual or the Director's judgment as a licensed professional engineer. For purposes of this ordinance, there shall be a presumption that no property generates more than 200 trips per acre per day.

B. For purposes of this section, a property's use does not depend on the property's zoning. If a property fits more than one category of use, the Director shall assign a trip factor that most accurately reflects the number of Motor Vehicle Trips generated by the property.

Section 17.04 <u>Billable Acreage</u>

A. The Director shall determine the number of billable acres of a Non-residential Developed Property from the plat filed with Tarrant County or Tarrant Appraisal District records. The acreage shall be adjusted by the ratio of impervious coverage to the developed acreage. The amount of impervious acreage will be determined from the records used to determine the amount charged for the storm drainage fee also billed on the Combined Billing Statement.

B. If appraisal district records are unavailable, the Director may determine the size of a Non-residential Developed Property from the best available information, including information obtained from the City of Arlington Geographic Information System (GIS) through the GIS Applications Programmer, Arlington Department of Transportation, or designee.

Section 17.05 <u>Permitted Uses of Street Maintenance Fee</u>

A. All Street Maintenance Fees collected shall be designated as such and used only for the purposes provided herein and for purposes designated in the Pavement Management Program as amended from time to time.

B. A Street Maintenance Fund shall be created to identify revenues and expenses attributable to the Pavement Management Program.

C. Street Maintenance Fees shall be allocated to the Street Maintenance Fund.

D. Funds from sources other than the Street Maintenance Fee that are available for construction and maintenance of the streets may be allocated to the Street Maintenance Fund.

E. An expenditure from the Street Maintenance Fund need not specifically relate to the property of a particular User from whom the Street Maintenance Fee was collected.

F. The Director shall provide an annual report on the Street Maintenance Fund and the Street Maintenance Fee to the City Council.

Section 17.06 <u>Billing</u>

A. The Street Maintenance Fee shall be billed each month on the City of Arlington Combined Billing Statement for each Developed Property. The Street Maintenance Fee will be a separate line item on the Combined Billing Statement and shall be clearly identified as a separate charge. The Director of Utilities is authorized to collect such charges in a manner consistent with the City Charter and State Law.

B. If a Developed Property is served by multiple meters or where one meter serves multiple Developed Properties, the Director shall determine the allocation of the fee among the Users by a method which in the Director's best professional judgment is reasonable based on the circumstances and which takes into account the relative contribution of each User to traffic generation. In certain instances, the Director may determine the most fair and reasonable method of allocating the fee is to allocate the fee equally among the Users based upon all relevant circumstances available for the Director's consideration.

C. Payment is due when the User receives the bill for the Street Maintenance Fee.

D. The Street Maintenance Fee established by this ordinance shall be discontinued at such time as (1) the legislature provides authority to call an election on the issue of increasing local sales taxes for the purpose of funding City-wide street maintenance, rehabilitation and repair, and (2) such sales tax is authorized by the voters of the City of Arlington and implemented by the City; or (3) the City Council of the City of Arlington repeals such Street Maintenance Fee.

Section 17.07 <u>Adjustments for Non-Residential Developed Property</u>

A. A non-residential User may apply to the Arlington Department of Transportation for an adjustment in the User's monthly Street Maintenance Fee only if:

1. the User disputes the category of land use used in calculating the fee for the Developed Property; or

2. the User believes the fee has been billed or calculated in error.

B. If a non-residential User believes that the trip factor assigned to the User's Developed Property does not fairly reflect the Motor Vehicle Trips generated at the User's Developed Property, the User may apply for a reduced fee under this section.

1. A non-residential User may receive a reduced fee if the User shows that, based on an actual count of Motor Vehicle Trips, the trip factor assigned to the User's property should be reduced. The User is responsible for the cost of counting Motor Vehicle Trips and must provide an affidavit supported by convincing data to the Director before a reduction will be permitted.

2. If the Assistant Director determines that a User no longer qualifies for a reduced fee under this subsection, the Assistant Director may reinstate the full fee originally charged.

3. Any reduction shall be prospective only. A User may not receive a refund resulting from a reduction under this subsection.

4. The Director may adopt rules for the administration of this subsection, which may include acceptable methods of counting and providing convincing data of Motor Vehicle Trips.

C. A non-residential User must apply in writing to the Department of Transportation for an adjustment or reduction under this Section 17.07.

D. The Assistant Director may adjust or reduce the Street Maintenance Fee for a non-residential User who has applied for an adjustment under this Section 17.07 only if the Assistant Director finds, in his professional judgment, that

1. the category of land use utilized in calculating the fee was erroneous; or

2. the fee was billed or calculated in error.

E. A User who disagrees with a determination of the Assistant Director under this Section 17.07, may apply in writing for a hearing. Any such application must be in writing. The Director is the designated hearing officer with authority to hold the hearing. The User requesting the hearing shall have the burden of proving the allegations made by the User. On completion of the hearing, the Director shall, within 45 days of the hearing, make a disposition of the matter and may revise or reinstate the determination originally made by the Assistant Director.

F. A non-residential User may not receive a refund resulting from an adjustment under this Section 17.07 except for a fee paid during the two years immediately preceding the date the User applied for the adjustment.

Section 17.08 <u>Rules for Procedure</u>

A. The Director may adopt rules necessary or advisable for the administration of this chapter.

B. Each council district shall receive a minimum of 10 percent of the expenditures of the Street Maintenance Fee budget and no district may receive more than 50 percent of the expenditures of the Street Maintenance Fee budget without the prior approval of the City Council.

Section 17.09 <u>Exemptions</u>

A. This chapter does not apply to state facilities.

B. This chapter does not apply to a property that is vacant. The Director may adopt any reasonable method to determine whether a property is vacant.

C. A User of a Residential Property may apply for and receive an exemption from the fee imposed in this Chapter if the User is 65 years of age or older.

D. A User entitled to an exemption under this section must notify the Director in writing of the applicable exemption. A fee paid before the Director is notified of an exemption may not be refunded.

Section 17.10 <u>Repeal; Obligations Not Impaired</u>

Ordinance No. 00-122 is repealed upon passage of this ordinance; however, any payments that were billed or due under Ordinance No. 00-122 prior to its repeal are not waived or in any way impaired by the repeal of Ordinance No. 00-122 and shall be paid.

Section 17.11 <u>Effective Date</u>

This ordinance shall become effective upon the first date bills are mailed by the City of Arlington utilizing the billing and work order management system authorized by City Council Resolution No. 01-059, or on January 1, 2002, whichever occurs first.

2.

The City Council of the City of Arlington has made certain findings in support of its legislative determination to establish and authorize the collection of the Street Maintenance Fee provided herein, in order to carry out the Pavement Management Program. These findings include the following:

1. It is reasonable that a User of a Developed Property pay the Street Maintenance Fee provided herein.

2. The number of Motor Vehicle Trips reasonably anticipated to be generated by a Developed Property may reasonably be used to determine the amount of the Street Maintenance Fee required of a User of a Developed Property.

3. The size and use of a Developed Property may reasonably be used to estimate the number of Motor Vehicle Trips generated by the Developed Property.

4. Based on the best available data, the method of determining the Street Maintenance Fee as set forth in this chapter is reasonably related to the cost of street repairs, maintenance, and rehabilitation estimated by the Pavement Management Program.

5. A maximum trip factor avoids a disproportionate burden on a User and does not hinder the city's ability to carry out the Pavement Management Program.

6. If available, the plat acreage or Tarrant Appraisal District property tax records may be relied on by the City to determine the size of a non-residential property; and

7. Based upon a reasonable determination of trip generation, it is equitable for Residential Property to have a trip factor of 1.

8. It is reasonable and equitable to find that each water utility meter in the service area serves a User of a Developed Property.

3.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred Dollars and No Cents ($500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

4.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as such ordinance is expressly repealed; or except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

5.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or otherwise illegal, unenforceable or void, such holding shall not affect the validity of the remaining portions of this ordinance.

6.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

7.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in the ordinance or in the Code of the City of Arlington.

8.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

9.

This ordinance shall become effective after final reading and in accordance with Section 17.11 herein.

PRESENTED AND GIVEN FIRST READING on the **25th** day of **September**, **2001**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **2nd** day of **October**, **2001**, by a vote of **9** ayes and **0** nays at a regular meeting of the City Council of the City of Arlington, Texas.

ORDINANCE NO. 02-116

AN ORDINANCE AMENDING THE **"STREETS AND SIDEWALKS"** CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE REPEAL OF **ARTICLE XVII**, ENTITLED STREET MAINTENANCE FEE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE JANUARY 1, 2003

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Streets and Sidewalks"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the **repeal** of Article XVII, Street Maintenance Fee.

2.

Further, if the owner of non-residential developed property has been assessed and billed for street maintenance fees pursuant to Article XVII of the "Streets and Sidewalks" Chapter of the Code of the City of Arlington and the owner believes the wrong land use category has been used in calculating the fees for the owner's property, or if the owner believes the street fees for the owner's property have been calculated or billed in error, the owner shall have until January 30, 2003 to file with the City of Arlington Department of Transportation an application for adjustment or reduction under Section 17.07(A) of the "Streets and Sidewalks" Chapter of the Code of the City of Arlington. No applications for adjustment or reductions shall be accepted by the Department of Transportation after January 30, 2003.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as such ordinance is expressly repealed; or except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or otherwise illegal, unenforceable or void, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in the ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective January 1, 2003.

PRESENTED AND GIVEN FIRST READING on the **8th** day of **October**, **2002**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **15th** day of **October**, **2002**, by a vote of **8** ayes and **0** nays at a regular meeting of the City Council of the City of Arlington, Texas.

ORDINANCE NO. 04-052

AN ORDINANCE AMENDING THE **"STREETS AND SIDEWALKS"** CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE VIII**, ENTITLED STREET IMPROVEMENTS AND ASSESSMENTS, AT **SECTION 8.01**, RELEASE OF ASSESSMENT LIENS, RELATIVE TO UPDATING THE REFERENCE OF TAX ASSESSOR-COLLECTOR TO CHIEF FINANCIAL OFFICER; PROVIDING FOR A FINE OF UP TO $500 FOR EACH VIOLATION OF THIS ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Streets and Sidewalks"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article VIII, Street Improvements and Assessments, at **Section 8.01**, Release of Assessment Liens, so that hereafter said section shall be and read as follows:

Section 8.01 Release of Assessment Liens

In any case where an assessment lien has been taken by the City for street improvements, and such assessment has been fully and finally paid, the City's Chief Financial Officer and the City Secretary are hereby authorized to execute a release of such lien for and on behalf of the City of Arlington.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or

affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **11th** day of **May, 2004**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **25th** day of **May, 2004**, by a vote of **9** ayes and **0** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

Ordinance No. 05-098

An ordinance amending the "Streets and Sidewalks" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article V, titled Activities Prohibited, by the addition of Section 5.11, Motor-Assisted Scooters; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Streets and Sidewalks"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article V, Activities Prohibited, by the addition of **Section 5.11**, Motor-Assisted Scooters, so that said section shall be and read as follows:

Section 5.11 Motor-Assisted Scooters

A. **Motor-Assisted Scooter Defined.** Motor-assisted scooter shall have the same meaning assigned by Texas Transportation Code, Section 551.351, as it exists or may be amended, and includes a self-propelled device with at least two wheels in contact with the ground during operation; a braking system capable of stopping the device under typical operating conditions; a gas or electric motor forty (40) cubic centimeters or less; a deck designed to allow a person to stand or sit while operating the device; and the ability to be propelled by human power alone. The term does not include a motorized mobility device, as defined by Texas Transportation Code, Section 542.009.

B. **Prohibition on Motor-Assisted Scooter Use.** A person may not operate a motor-assisted scooter on any alley, street, highway, shoulder, improved shoulder, sidewalk, median, or public right-of-way of a street or highway.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars ($500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **11th** day of **October**, **2005,** at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **25th** day of **October, 2005**, by a vote of **9** ayes and **0** nays at a regular meeting of the City Council of the City of Arlington, Texas.

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY Asem Eltiar

Publishe[illegible]T March 20 and 27, 2006

Ordinance No. 06-030

An ordinance amending the "Streets and Sidewalks" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article XV, Solicitation and Distribution, Section 15.03, Prohibited Areas, and Section 15.05, Ticket Scalping; containing findings and other provisions relating to the foregoing subject; providing for a fine of up to $500 for each violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication and an effective date

WHEREAS, the City Council finds the proposed ordinance serves the significant and legitimate governmental interest of protecting the health, safety and welfare of the public within regulated areas; and

WHEREAS, the City Council finds the proposed ordinance is narrowly tailored to address substantial safety concerns at certain intersections with a high volume of traffic before and after events held in the City's sports and community venue complex; and

WHEREAS, the City Council hereby determines that public safety will be substantially furthered by regulating the time, place and manner of certain activity at specific intersections on days when events are held in the City's sports and community venue complex; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

2.

That the **"Streets and Sidewalks"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article XV**, Solicitation and Distribution, by amending **Section 15.03**, Prohibited Areas, by amending paragraphs (C) and (D) to read as follows:

C. At any time at:

Abram Street	from the intersection of Great Southwest Parkway to the intersection of Collins Street (F.M. 157);

Collins Street	from the intersection of Abram Street to the Trinity River;
Cooper Street	from the intersection of Arbrook to the intersection of Bardin Road;
Cooper Street	from the intersection of Park Row Drive to the intersection of Division Street (S.H. 180);
Division Street	from the intersection of Cooper Street to the intersection of Great Southwest Parkway;
I.H. 30	from the intersection of Six Flags Drive to the intersection of Collins Street (F.M. 157) (including all ramps and frontage roads);
Randol Mill Road	from the intersection of Collins Street (F.M. 157) to the intersection of 106th Street;
Sanford Street	from the intersection of Stadium Drive to the intersection of Collins Street (F.M. 157);
Watson Road (S.H. 360)	from the intersection of Lamar Street to the intersection of Abram Street (including all ramps and frontage roads);

and within 500 feet of any intervening intersecting street (measured to and from the nearest corner of the intersecting street, as measured along the curb, shoulder, improved shoulder or public right-of-way).

D. Within two (2) hours before and after and during Texas Rangers ball games and other events held at Ameriquest Field, formerly called The Ballpark in Arlington, including its parking lots; the Arlington Convention Center, including its parking lots; or on the day of a Dallas Cowboys football game or other scheduled event at a main facility of a major sports complex seating more than 50,000, including its parking lots at:

Arlington Downs Road	from the intersection of Randol Mill Road to the intersection of Six Flags Drive;
Ballpark Way	from the intersection of Randol Mill Road to the intersection of Lamar Boulevard;
Chapman Cut-off	from the intersection of Stadium Drive to the intersection of Randol Mill Road;

Convention Center Drive	from the intersection of Ballpark Way to the intersection of Copeland Road;
Copeland Road	from the intersection of Collins Street (F.M. 157) to the intersection of Watson Road (S.H. 360);
Diplomacy Drive	from the intersection of Watson Road (S.H. 360) to the intersection of Road to Six Flags;
Directors Drive	from the intersection of Arlington Downs Road to the intersection of Road to Six Flags;
Executive Parkway	from the intersection of Randol Mill Road to the intersection of Arlington Downs Road;
Lamar Boulevard	from the intersection of Watson Road (S.H. 360) to the intersection of Collins Street (F.M. 157);
Magic Mile Street	from the intersection of Randol Mill Road to the intersection of Road To Six Flags;
Nolan Ryan Expressway	from the intersection of Road to Six Flags to the intersection of Stadium Drive and from the intersection of Road to Six Flags to the intersection of Copeland Road;
Pennant Drive	from the intersection of Road to Six Flags to the intersection of Randol Mill Road;
Road To Six Flags	from the intersection of Collins Street (F.M. 157) to the easternmost intersection of Nolan Ryan Expressway and from the intersection of Ballpark Way to the intersection of Watson Road (S.H. 360);
Six Flags Drive	from the intersection of Division Street (S.H. 180) to the intersection of Interstate Highway 30;
Stadium Drive	from the intersection of Randol Mill Road to the intersection of Abram Street;
Wet N Wild Way	from the intersection of Ballpark Way to the intersection of Collins Street (F.M. 157);

and within 500 feet of any intervening intersecting street (measured to and from the nearest corner of the intersecting street, as measured along the curb, shoulder, improved shoulder or public right-of-way).

Further, that the **"Streets and Sidewalks"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article XV**, Solicitation and Distribution, by amending **Section 15.05**, Ticket Scalping, to be and read as follows:

Section 15.05 **Ticket Scalping**

A. In this section the following words or terms shall have the following meaning:

"**Event**" - an event of public entertainment or amusement, including, but not limited to, "scheduled events" as defined in the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas.

"**Event Sponsor**" – with respect to an event, a person (including, but not limited to, owner, lessee, operator, promoter or manager of the event or site of the event; organizer of an athletic contest; team participating in a sporting event; performer of a concert; presenter of a program, presentation, lecture, service or video presentation; circus; rodeo; organizer of a religious event; and person or entity holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy a main facility (as defined in the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas)) who owns or holds (whether directly or contractually through a delegated license or sublicense from the owner or holder of such right (as distinguished from a ticket purchaser)) the right to issue tickets or other admission licenses to the event.

"**Resell**" - to sell a ticket or other admission license to an event after such ticket or other admission license has been issued by the event sponsor.

B. A person may not resell a ticket or other admission license to an event, unless the person is within a structure for which a certificate of occupancy has been issued.

C. It is an exception to the application of Subsection (B) that the person is the event sponsor or is authorized to resell the ticket or other admission license by the event sponsor. Nothing herein shall restrict an event sponsor or person authorized by the event sponsor from selling, reselling or offering to sell or resell a ticket or other admission license to an event at any price.

D. It is an exception to the application of Subsection (B) that the person resells a ticket or other admission license to an event (1) within either the person's residence or the buyer's residence (regardless of whether a certificate of occupancy has been issued for such structure), (2) for the buyer's personal use, and (3) at a price no greater than the price at which such ticket or other admission license was issued.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof

shall be fined an amount not to exceed **Five Hundred and No/100 Dollars ($500.00)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective from and after its publication.

PRESENTED AND GIVEN FIRST READING on the **28th** day of **February**, 2006, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN

SECOND READING, passed and approved on the 14th day of March, 2006, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

BARBARA G. HEPTIG, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY Eddie Martin

Ordinance No. 11-006

An ordinance amending the "Streets and Sidewalks" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article XV, Solicitation and Distribution, Section 15.05, Ticket Scalping, Subsection (A), by the amendment of the definition of "Resell"; providing for a fine of up to $500 for each violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions and publication; declaring an emergency and becoming effective upon second publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Streets and Sidewalks"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article XV, Solicitation and Distribution, **Section 15.05**, Ticket Scalping, **Subsection (A)**, by the amendment of the definition of "Resell" so that said definition shall be and read as follows:

"**Resell**" - to sell or offer to sell a ticket or other admission license to an event after such ticket or other admission license has been issued by the event sponsor.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars ($500.00)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this

ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This is an ordinance for the immediate preservation of the public peace, property, health and safety, and is an emergency measure within the meaning of Article VII, Sections 11 and 12, of the City Charter; and the City Council, by the affirmative vote of all of its members present and voting, hereby declares that this ordinance is an emergency measure, and the requirement that it be read at two (2) meetings, as specified in Section 11, is hereby waived.

9.

This ordinance shall become effective upon second publication.

PRESENTED, FINALLY PASSED AND APPROVED, AND EFFECTIVE on the 18th day of January, 2011, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Ordinance No. 14-024

An ordinance amending the "Streets and Sidewalks" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article XV, entitled Solicitation and Distribution, by the amendment of Section 15.01, Definitions, by the addition of definitions for "Exchange", "Merchandise", "Park or Parked", and "Service"; and by the amendment of Section 15.02, Prohibited Acts, in its entirety by the inclusion of other means of solicitation, selling, and distributing between pedestrians and vehicles and inclusion of additional locations for distribution; containing findings and other provisions; providing for a fine of up to $500 for each violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication and an effective date

WHEREAS, streets and sidewalks are considered traditional public forum and open for the expression of free speech; and

WHEREAS, the City may impose reasonable time, place and manner restrictions in a traditional public forum that serve the City's significant public safety interests; and

WHEREAS, the City finds that particular roadways and intersections are inherently dangerous due to the volume of traffic that flow through such; and

WHEREAS; the City finds that it is dangerous for pedestrians to solicit, sell or distribute materials to an occupant of a vehicle from the shoulder, sidewalk, median or public right-of-way on a roadway or intersection identified for high traffic volume; and

WHEREAS; the City finds that the safe and efficient flow of vehicular traffic is impeded when a pedestrian solicits, sells or distributes materials to an occupant of a vehicle from the shoulder, sidewalk, median or right-of-way on a roadway or intersection identified for high traffic volume; and

WHEREAS; the City finds that limiting the sale, solicitation and distribution of materials to occupants of vehicles to those roadways and intersections that do not have a high volume of traffic promotes the safety of not only pedestrians but also vehicular traffic; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Streets and Sidewalks"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article XV**, Solicitation and

Distribution, by amending **Sections 15.01**, Definitions, by the addition of the definitions of "Exchange", "Merchandise", "Park or Parked", and "Service" and alphabetizing all definitions so that hereafter said section shall be and read as follows:

Section 15.01 Definitions

"Curb" shall mean the lateral lines of a roadway, whether constructed above grade or not, which are not intended for vehicular travel.

"Exchange" is used in its broadest sense and shall include the giving of a ride, contribution, employment, or business.

"Improved shoulder" shall mean a paved shoulder.

"Median" shall mean that area or portion of a divided street, road or highway within the City separating the two (2) roadways of said street, road or highway and shall be held to include the curb, if any, at the outer edge of said area.

"Merchandise" is used in its broadest sense and shall include property of every kind.

"Park" or "Parked" means to stand or halt a vehicle in a place other than on the main lane of travel of a street, roadway, or highway.

"Public right-of-way" shall mean:

a. That real property owned by the city, county, state or federal government or owned by a non-governmental entity or person, which property is dedicated to public use;

b. Including but not limited to sidewalks, medians, curbs, shoulders, improved shoulders, walkways, paths and any other area so owned, dedicated, used or reserved for public use;

c. Which is used or reserved for public use, including but not limited to use by vehicles, pedestrians and public utilities; and

d. That is in the area extending from the right and left of the center line of a public street, roadway or highway to the nearest property line which marks the juncture of private property and public right-of-way.

"Roadway" shall mean that portion of the public street which is improved, designed or ordinarily used for vehicular travel, exclusive of the curb, berm or shoulder. In the event that a public street includes two (2) or more separate roadways, "roadway" means each roadway separately.

"Service" is used in its broadest sense and shall include any work done for the benefit of another person.

"Shoulder" shall mean the portion of a highway that is:

a. Contiguous to the roadway;

b. Designed or ordinarily used for parking;

c. Set off from the roadway by different design, construction or marking; and

d. Not intended for normal vehicular travel.

"Sidewalk" shall mean that improved surface which is between the curblines, or the lateral lines of a roadway, and the adjacent property lines, and is improved and designed for or is ordinarily used for pedestrian travel.

"Street or highway" shall mean the entire width between the right-of-way lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Further, Article XV is amended by the amendment of Section 15.02, Prohibited Acts, so that hereafter said section shall be and read as follows:

Section 15.02 Prohibited Acts

A. A person commits an offense if he or she stands on or in any manner occupies a shoulder, improved shoulder, sidewalk, median or public right-of-way in the areas set out in Section 15.03 to solicit or attempt to solicit for purpose of an exchange with the occupants of a vehicle, sell or offer for sale any merchandise or service directly to the occupants of a vehicle, or distributes or attempts to distribute any object directly to the occupants of a vehicle, other than a lawfully parked vehicle.

B. This Section does not relieve responsibility for compliance with all federal, state, and local laws, ordinances, rules, and regulations.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 22 day of April, 2014, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 13 day of May, 2014, by a vote of 8 ayes and 1 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Ordinance No. 14-062

An ordinance amending the "Streets and Sidewalks" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article XV, entitled Solicitation and Distribution, by the amendment of Section 15.01, Definitions, by the deletion of definitions for "Exchange", "Improved shoulder", "Merchandise", "Park" or "Parked", "Public right-of-way", "Service", "Shoulder", and "Street or highway", and the amendment of the definitions for "Median" and "Roadway"; by the amendment of Section 15.02, Prohibited Acts, in its entirety by the replacement of the existing language with new ordinance language identified in the court opinion *Houston Chronicle Publishing Co. v. City of League City*, 488 F.3d 613 (5th Cir. 2007); by the deletion of Section 15.03, Prohibited Areas, and the deletion of Section 15.04, Construction of Overlapping Areas; and containing findings and other provisions; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication and becoming effective ten days after first publication

WHEREAS, in the City of Arlington, Texas, police data shows that there were one-hundred and one crashes involving pedestrians in 2009. Seven pedestrians were killed in these accidents. Ninety-one additional people were injured in these crashes. Ten of the crashes occurred at intersections, including injuries to nine pedestrians.

WHEREAS, in the City of Arlington, Texas, police data shows that there were one-hundred and thirteen crashes involving pedestrians in 2010. Two pedestrians and one person in a vehicle were killed in these accidents. One-hundred and fifteen additional people were injured in these crashes. Fourteen of the crashes occurred at intersections, including injuries to thirteen pedestrians.

WHEREAS, in the City of Arlington, Texas, police data shows that there were one-hundred and sixteen crashes involving pedestrians in 2011. Six pedestrians were killed in these accidents. One-hundred and three additional people were injured in these crashes. Nineteen of the crashes occurred at intersections, including the death of one pedestrian and injuries to sixteen other pedestrians.

WHEREAS, in the City of Arlington, Texas, police data shows that there were one-hundred and twenty-two crashes involving pedestrians in 2012. Eight pedestrians were killed in these accidents. One-hundred and fourteen

additional people were injured in these crashes. Sixteen of the crashes occurred at intersections, including the death of one pedestrian and injuries to fourteen other pedestrians.

WHEREAS, in the City of Arlington, Texas, police data shows that there were one-hundred and nine crashes involving pedestrians in 2013. Five pedestrians were killed in these accidents. One-hundred and three additional people were injured in these crashes. Twenty of the crashes occurred at intersections, including the death of one pedestrian and injuries to eighteen other pedestrians.

WHEREAS, in the City of Arlington, Texas, police data shows that there were sixty-four crashes involving pedestrians in 2014 through the end of July 2014. Four pedestrians were killed in these accidents. Sixty-five additional people were injured in these crashes. Fifteen of the crashes occurred at intersections, including the death of one pedestrian and injuries to fourteen other pedestrians.

WHEREAS, in the City of Arlington, Texas, police data shows that there were six-hundred and twenty-five crashes involving pedestrians from January 1, 2009 through July 31, 2014. Thirty-two pedestrians and one person in a vehicle were killed in these accidents. Five-hundred and ninety-one other pedestrians were injured. Ninety-four of the crashes occurred at intersections, including the death of four pedestrians and injuries to eighty-four other pedestrians.

WHEREAS, in the City of Arlington, Texas, police data shows that injuries to pedestrians by crashes with automobiles are caused by a variety of factors, including: driver inattention, failure to yield right of way by drivers, failure to yield right of way by pedestrians, distraction in the vehicle, improper start from parked position, under the influence of alcohol, impaired visibility, faulty evasive action, speeding, disregard of stop sign or light, failure to pass to left safely, cell/mobile phone use, unsafe speed, failure to control speed, unsafe backing, parked and failed to set brake, and turned improperly – cut corner.

WHEREAS, in the City of Arlington, Texas, driver distraction is a factor that causes collisions, including collisions with pedestrians.

WHEREAS, a safety hazard has been identified with pedestrians attempting to interact with the drivers and passengers of vehicles at busy intersections within Arlington, Texas. This activity has included pedestrians leaving the edge of the curb and actively entering the roadway.

WHEREAS, the practice of pedestrians interacting with the drivers and passengers of vehicles while the pedestrian is in the roadway has been identified as being unsafe for both the pedestrians and for traffic in general.

WHEREAS, the practice of pedestrians interacting with the drivers and passengers of vehicles while the pedestrian is in the roadway constitutes an impediment to the normal and safe flow of traffic in the City of Arlington, Texas.

WHEREAS, in *International Society for Krishna Consciousness of New Orleans, Inc. v. City of Baton Rouge*, 876 F.2d 494 (5th Cir. 1989), the Fifth Circuit of the United States Court of Appeals addressed an ordinance that prohibited individuals from soliciting the occupants of vehicles while the individual was in the street or roadway, street or roadway shoulder, or neutral ground of any street or roadway. The Court discussed evidence of a "traffic death in which a news vendor was fatally injured while soliciting sales in a Baton Rouge street." The Fifth Circuit further discussed evidence from an "expert in traffic engineering" that "established that the purpose of streets, highways, and roads was to move people and goods both safely and efficiently." The expert further testified that "streets, highways, and roads are not designed for the purpose of soliciting funds." The Fifth Circuit concluded that "[t]he direct personal solicitation from drivers distracts them from their primary duty to watch the traffic and potential hazards in the road, observe all traffic control signals or warnings, and prepare to move through the intersection." The Fifth Circuit concluded the ordinance was "narrowly tailored to serve the government's significant interest in regulating traffic flow and promoting roadway safety." See Exhibit 7.

WHEREAS, Keith Melton, Director of Public Works for the City of Arlington, Texas, agrees that the purpose of modern streets, highways, and roads is to move people and goods safely and efficiently. The Director further agrees that modern streets, highways, and roads are not designed for pedestrians to interact with the occupants of vehicles on the roadways. Further, the City of Arlington, Texas uses traffic signal warrants to evaluate when traffic signals are installed. Factors considered for installing traffic signals include flows and number of accidents. Traffic signals are installed in the City of Arlington, Texas when warranted by traffic conditions.

WHEREAS, in *Houston Chronicle Publishing Co. v. City of League City, Texas*, 488 F.3d 613 (5th Cir. 2007), the Fifth Circuit of the United States Court of Appeals discussed evidence offered by the City of League City, Texas demonstrating that newspaper street-vendors in cities near the City of League City had been seriously injured at intersections. The Court held that the City of League City ordinance that applied only at intersections controlled by traffic-signal lights "is a reasonable means to narrowly tailor" the reach of the ordinance. The Court explained: "Such intersections (those requiring traffic-signal lights) are generally the most heavily trafficked." The Court then said: "Therefore, they are the most dangerous." The Court concluded that the proscription of the ordinance "serves a compelling interest at the heart of the government's function: public safety."

WHEREAS, in *Houston Chronicle Publishing Co. v. City of League City, Texas*, 488 F.3d 613 (5th Cir. 2007), the Fifth Circuit of the United States Court of

Appeals held that the plain language of the ordinance, quoted below, was "non-discriminatory and content-neutral":

> No person who is within a public roadway may solicit or sell or distribute any material to the occupant of any motor vehicle stopped on a public roadway in obedience to a traffic control signal light. It is specifically provided, however, that a person, other than a person twelve years of age or younger, may solicit or sell or distribute material to the occupant of a motor vehicle on a public roadway so long as he or she remains on the surrounding sidewalks and unpaved shoulders, and not in or on the roadway itself, including the medians and islands.

WHEREAS, within two weeks of the District Court opinion filed on July 14, 2014 preliminarily enjoining the City of Arlington from taking any action to enforce Section 15.02 of the Streets and Sidewalk Chapter of the Code of the City of Arlington until a final trial on the merits, the City received a request from a little league baseball team seeking to hand out bottled water to solicit donations on Cooper Street in Arlington, Texas.

WHEREAS, videos and photos posted publicly show individuals passing out literature in the roadways in intersections in Arlington and in other cities in the North Texas area. These videos and photos include depictions of individuals stepping into roadways and, in some instances, into interior lanes of roadways. The videos and photos show individuals engaging in conduct which distracts motorists while individuals are in roadways outside of crosswalks.

WHEREAS, according to the National Highway Traffic Safety Administration (NHTSA), 4,432 pedestrians died in traffic crashes in the United States in 2011, an increase over 2010. During 2011, 69,000 pedestrians were injured in traffic accidents; 11,000 of the injuries occurred to people fourteen and younger. In 2010, 4,280 pedestrians died in traffic crashes, a four percent increase from the number reported in 2009.

WHEREAS, according to the National Highway Traffic Safety Administration (NHTSA), 4,473 pedestrians died in traffic crashes in the United States in 2012, an increase of six percent from 2011. On average, a pedestrian was killed in a traffic crash every two hours and injured every seven minutes in the United States in 2012. In 2012, pedestrian deaths accounted for fourteen percent of all traffic fatalities, and accounted for three percent of all people injured in traffic crashes. In 2012, more than one-fifth (22%) of the children ages five to fifteen who were killed in traffic crashes were pedestrians. People age fifteen and younger accounted for six percent of all pedestrian fatalities in 2012 and eighteen percent of all pedestrians injured in crashes. During 2012, almost three-fourths (73%) of pedestrian fatalities occurred in an urban setting versus a rural setting. Substantial numbers of pedestrian deaths occurred throughout Texas during 2012, as

follows: 136 in Dallas, 132 in San Antonio, 76 in Austin, 59 in Fort Worth, and 54 in El Paso.

WHEREAS, according to a report prepared for the Governors Highway Safety Association (GHSA), a fifteen percent increase in pedestrian deaths occurred from 2009 to 2012, which compared with a three percent decrease in all other motor vehicle deaths during the same period. Further, there is an uneven distribution of pedestrian deaths among the states of the United States. The GHSA reported that approximately one-third of the 4,743 pedestrian traffic deaths that occurred in the United States in 2012 occurred in California (612), Texas (478), and Florida (476). More than four thousand pedestrian deaths from traffic accidents occurred each year from 2000 through 2012. During the period of January through June of 2013, Texas had more pedestrian traffic deaths (245) than any other state in the United States. During January through June of 2013, 244 pedestrian deaths occurred in California, while 179 and 128 occurred in Florida and New York, respectively.

WHEREAS, in order to narrowly tailor the ordinance, the City of Arlington is adopting the language of the ordinance found to be content-neutral in the *Houston Chronicle Publishing Co. v. City of League City, Texas*, 488 F.3d 613 (5th Cir. 2007) because this narrowly tailored language only applies at intersections controlled by traffic-signal lights, while leaving open adequate alternative channels for communication. The Fifth Circuit found this language was a reasonable means to narrowly tailor the reach of the ordinance. The Fifth Circuit further found that intersections requiring traffic-signal lights are generally the most heavily trafficked and, therefore, the most dangerous.

WHEREAS, in the recent Supreme Court case of *McCullen v. Coakley* (June 26, 2014), the Supreme Court identified an ordinance prohibiting solicitation in roadways as one example of several "less intrusive means" for the government to address public safety risk. Slip op. at 24-25. The "local ordinance" that the Supreme Court described as a lesser intrusion provided: "No person shall solicit while walking on, standing on or going into any street or highway used for motor vehicle travel, or any area appurtenant thereto (including medians, shoulder areas, bicycle lanes, ramps and exit ramps.)" *Id.* at 25 (quoting Boston, Mass., Municipal Code, ch. 16-41.2(d) (2013)).

WHEREAS, the City may impose reasonable time, place and manner restrictions in a traditional public forum that serve the City's significant public safety interests.

WHEREAS, the City finds that conduct by pedestrians at intersections has been regulated in the City of Arlington, Texas since at least 1994.

WHEREAS, the City is not attempting to regulate the speech of any group or individual, but desires only to promote public safety.

WHEREAS, the ordinance language from the City of League City, as discussed by the Fifth Circuit, provides for a common sense regulation that is both effective and easy to understand.

WHEREAS, the City finds that limiting the sale, solicitation and distribution of materials to occupants of vehicles at intersections controlled by traffic signal lights by pedestrians in the roadway promotes the safety of not only pedestrians but also vehicular traffic and, also, leaves open ample alternative channels of communication; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Streets and Sidewalks"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article XV**, Solicitation and Distribution, by amending **Section 15.01**, Definitions, by the deletion of definitions for "Exchange", "Improved shoulder", "Merchandise", "Park" or "Parked", "Public right-of-way", "Service", "Shoulder" and "Street or highway", and the amendment of the definitions for "Median" and "Roadway", so that hereafter said section shall be and read as follows:

Section 15.01 Definitions

"Curb" shall mean the lateral lines of a roadway, whether constructed above grade or not, which are not intended for vehicular travel.

"Median" shall mean that area or portion of a divided street, road or highway within the City separating lanes of traffic of said street, road or highway and shall be held to include the curb, if any, at the outer edge of said area.

"Roadway" shall mean that portion of the public street which is improved, designed or ordinarily used for vehicular travel, exclusive of the curb, berm or shoulder.

"Sidewalk" shall mean that improved surface which is between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, and is improved and designed for or is ordinarily used for pedestrian travel.

Further, **Article XV** is amended by the amendment of **Section 15.02**, Prohibited Acts, so that hereafter said section shall be and read as follows:

Section 15.02 Prohibited Acts

No person who is within a public roadway may solicit or sell or distribute any material to the occupant of any motor vehicle stopped on a public roadway in obedience to a traffic control signal light. It is specifically provided, however, that a person, other than a person twelve years of age or younger, may solicit or sell or distribute material to

the occupant of a motor vehicle on a public roadway so long as he or she remains on the surrounding sidewalks and unpaved shoulders, and not in or on the roadway itself, including the medians and islands.

Further, **Article XV** is amended by the **deletion** of **Section 15.03**, Prohibited Areas.

Further, **Article XV** is amended by the **deletion** of **Section 15.04**, Construction of Overlapping Areas.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 14th day of October, 2014, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 28th day of October, 2014, by a vote of 6 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Ordinance No. 19-059

An ordinance amending the "Streets and Sidewalks" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article VI, Obstructing Streets and Sidewalks, Section 6.02, Block Parties, relative to the addition of permit conditions and prohibited activities; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date

WHEREAS, the City of Arlington desires to provide a process by which neighbors may host a block party along their street to promote and foster a sense of community among neighbors; and

WHEREAS, the City of Arlington desires to protect the health, safety, and welfare of the general public by enacting reasonable regulations and standards for block parties; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Streets and Sidewalks"** Chapter of the Code of the City of Arlington, Texas, 1987, **Article VI**, Obstructing Streets and Sidewalks, **Section 6.02**, Block Parties, is hereby amended so that the **title** and said section shall be and read as follows:

Section 6.02 Block Parties with Street Closures

A. Definitions. The following words and terms, when used in this Section, shall have the meanings respectively ascribed to them in this Subsection (A).

"Administrator" – The person designated by the City Manager to enforce and administer the provisions of this Section. The Administrator may promulgate rules necessary to enforce the provisions of this Section. This definition includes the Administrator's designees.

"Block Party" – An outdoor gathering of neighbors located on or along the street or streets abutting their residences and for which a portion of the street or streets is closed for the event. A "Block Party" does not constitute a "Special Event" under the Special Events Chapter of the City of Arlington Code of Ordinances.

B. Block Party Permit and Application. A person must hold a valid and current Block Party permit in order to conduct a Block Party. An application for a Block Party permit must meet the requirements of this Subsection (B).

1. The application must be submitted to the Administrator not later than seven (7) days prior to the date of the proposed Block Party.

2. The application must state the start time, end time, and location for the proposed Block Party.

3. Owner Approval Petition.

   a. If the distance of the proposed street closure is one-half (1/2) mile or more, the application shall include a petition with the signatures of more than fifty percent (50%) of the owners whose property abuts the portion of the street or streets to be closed indicating their approval of the street closure.

   b. If the distance of the proposed street closure is less than one-half (1/2) mile, the application shall include a petition with the signatures of seventy-five percent (75%) or more of the owners whose property abuts the portion of the street or streets to be closed indicating their approval of the street closure.

   c. In the event that an owner does not reside at a property on the subject street or streets and has leased the property to a tenant, the signature of the tenant residing at the property may be included on the petition instead of the owner's signature.

4. The application must include the anticipated number of people who are expected to attend the Block Party.

C. Standards for Permitted Block Parties.

1. A Block Party permit authorizes a street closure for a time period not to exceed eight (8) consecutive hours.

2. Block Parties shall not continue past 10:00 p.m. or be conducted at any times other than those approved by the permit.

3. Only two (2) Block Party permits may be approved for the same portion of a street or streets within a twelve (12) month period. One (1) permit may be approved for a Block Party in conjunction with the annual "National Night Out" event and will not count toward the limitation of two (2) permits for the same portion of the street or streets within a twelve (12) month period under this Subsection (C)(3).

4. The Administrator may impose additional reasonable restrictions on a Block Party permit for any activity that is likely to create an unreasonable risk to the health, safety, or welfare of the public.

5. Prior to the Block Party, the Administrator shall provide barricades to the permit holder to close the street or streets. The permit holder will use the barricades to cordon off the approved portion of the subject street or streets in accordance with the permit. After the Block Party, the permit holder will remove the barricades as instructed by the Administrator and reopen the street or streets. The Administrator shall collect the barricades within seventy-two (72) hours.

6. The Administrator may require that off-duty City of Arlington police officers be hired to direct traffic around the Block Party location and to maintain public safety.

7. The permit holder shall pay all costs of closing the street or streets, including, but not limited to the hiring of off-duty police officers and costs of clean-up, if any. In the event that any costs under this Subsection (C)(7) were incurred during the Block Party, the Administrator shall provide the permit holder with written notice of all applicable costs not later than ten (10) days after the Block Party. The permit holder shall pay all such costs to the City not later than twenty (20) days after the Administrator sends the written notice.

8. The permit holder and all attendees of the Block Party must comply with all applicable federal, state, and local laws including, but not limited to, the prohibition on "Unreasonable Noise" pursuant to Texas Penal Code § 42.01(a)(5), as amended.

D. Application Review and Permit Issuance.

1. The Administrator may refer an application for a Block Party permit to other City departments for review and comment to verify compliance with the ordinances that they administer.

2. Not later than five (5) days after the application is filed, the Administrator shall issue a Block Party permit if the application meets the requirements of this Section. Upon approval of an application, the Administrator will provide a copy of the permit to the applicant either by personal service or by U.S. mail.

E. Prohibited Activities and Uses. A person may not engage in any of the following activities and uses in conjunction with or at a Block Party:

1. The sale of food, beverage, and alcoholic beverages, including the sale of such items at food trucks and concession stands;

2. Any entry fees imposed on Block Party attendees and participating neighbors; or

3. The operation or continuation of a Block Party or any street closure that is not approved by the Administrator or that is inconsistent with the terms of the approved Block Party permit, including the specified start and end times.

F. Catered Food at Block Parties. The permit holder may provide catered food at a Block Party for attendees as long as the operator and staff of the catering company, food truck, or other group supplying the food comply with all applicable City ordinances, including obtaining any required permits under the Health and Sanitation Chapter of the Code of Ordinances of the City of Arlington.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all

personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication.

PRESENTED AND GIVEN FIRST READING on the 5th day of November, 2019, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 12th day of November, 2019, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

W. JEFF WILLIAMS, Mayor

ATTEST:

ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY

Ordinance No. 19-063

An ordinance amending the "Streets and Sidewalks" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article X, Use of Sound Trucks, Section 10.06, Exemption, relative to special events; and the repeal of Article XI, Parades; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Streets and Sidewalks"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article X**, Use of Sound Trucks, **Section 10.06**, Exemption, so that said section shall be and read as follows:

Section 10.06 Exemption

The provisions of Section 10.02 and 10.03 shall not apply to food handlers in mobile food establishments possessing permits under Article IV of the "Health" Chapter or to authorized participants in a "Special Event" for which a permit is issued under the "Special Events" Chapter.

Further, the **"Streets and Sidewalks"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended by the **repeal** of Article XI, Parades.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent

or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication.

PRESENTED AND GIVEN FIRST READING on the 12th day of November, 2019, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 3rd day of December, 2019, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

W. JEFF WILLIAMS, Mayor

ATTEST:

ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY_____