

Ordinance No. _____

An ordinance adding the "Special Event Parking" Chapter to the Code of the City of Arlington, Texas, 1987, through the addition of Articles I through III; containing findings and other provisions relating to the foregoing subject; providing for a fine of up to \$500 for an 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 an effective date

WHEREAS, Special Events have a significant impact on City of Arlington traffic flow, concentration, parking, right-of-way use, park use, public facility use and private facility use; and

WHEREAS, it is necessary to manage Special Event traffic congestion, nonresidential parking lots, and the impact on residents and visitors; NOW THEREFORE

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

1.

That the "**Special Event Parking**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby adopted to read as follows:

ARTICLE I

PURPOSE, AUTHORITY, DEFINITIONS

Section 1.01 Purpose and Findings

The purpose of this Chapter is to promote the health, safety, and welfare of City of Arlington citizens and visitors and promote neighborhood integrity by addressing issues that occur when private property is used for the parking of motor vehicles by persons attending Special Events. The establishment of a Limited Access Zone and appropriate signs and barricades on public right-of-way during Special Events is intended to reduce neighborhood impact, improve traffic conditions, and increase the ability of residents to obtain neighborhood access and adequate parking. The establishment of Accessory Special Event Parking Permits for Special Event parking addresses the integrity of private property use for parking in areas that were not originally designed or intended for Special Event parking and the improper use of private property for parking, traffic problems created by cash handling at the parking lot, and litter problems created by a lot operator's failure to properly administer the lot and adjacent area after the Special Event. These provisions are intended to promote the safety of area visitors, residents and businesses, and provide a systematic approach to parking and traffic management for Special Events.

Section 1.02 General Authority and Duty of the Administrator

The Administrator shall implement and enforce this Chapter.

Section 1.03 Definitions

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

Accessory Special Event Parking means the provision of Special Event parking to the public for a fee in a parking area that normally provides required or excess parking for the occupants, clients, customers, or employees of a particular Nonresidential Establishment.

Accessory Special Event Parking Area means the area to be used for Accessory Special Event Parking as shown on the parking plan submitted by an applicant and approved by the Administrator.

Accessory Special Event Parking Permit means the completed document provided by the Administrator or designee after the requirements of the Chapter are accomplished.

Administrator means the person or persons designated by the City Manager to administer this Chapter.

Hearing Authority means a board, commission or committee listed in the Administration Chapter of the City Code, the City of Arlington Municipal Court or a person assigned the responsibility of conducting a hearing under this Chapter by the Administrator.

Limited Access Zone means the streets described in Section 2.01 of this Chapter.

Major Tourist Attraction means the definition set forth in the Zoning Chapter of the Code of the City of Arlington.

Nonresidential Establishment means a premise operating a use other than a Single-family, townhouse, duplex, or multi-family use.

Person means an individual, proprietorship, partnership, firm, corporation, association or other legal entity.

Property means property assessed as one unit in the Tarrant Appraisal District upon which any part of the Accessory Special Event Parking will occur, or upon which a sign has been posted during a Special Event indicating that parking is available for a fee.

Public Right-of-Way means the definition set forth in the Streets and Sidewalks Chapter of the Code of the City of Arlington.

Single-family, townhouse, duplex, or multi-family use means the definition set forth in the Zoning Chapter of the Code of the City of Arlington.

Scheduled Start Time of the Special Event means the time advertised for the Special Event to begin as set by its organizers. This definition includes the time listed on admission tickets and other promotional material for the Special Event.

Special Event means the definition set forth in the Special Events Chapter of the Code of the City of Arlington.

ARTICLE II

ACCESSORY SPECIAL EVENT PARKING PERMITS

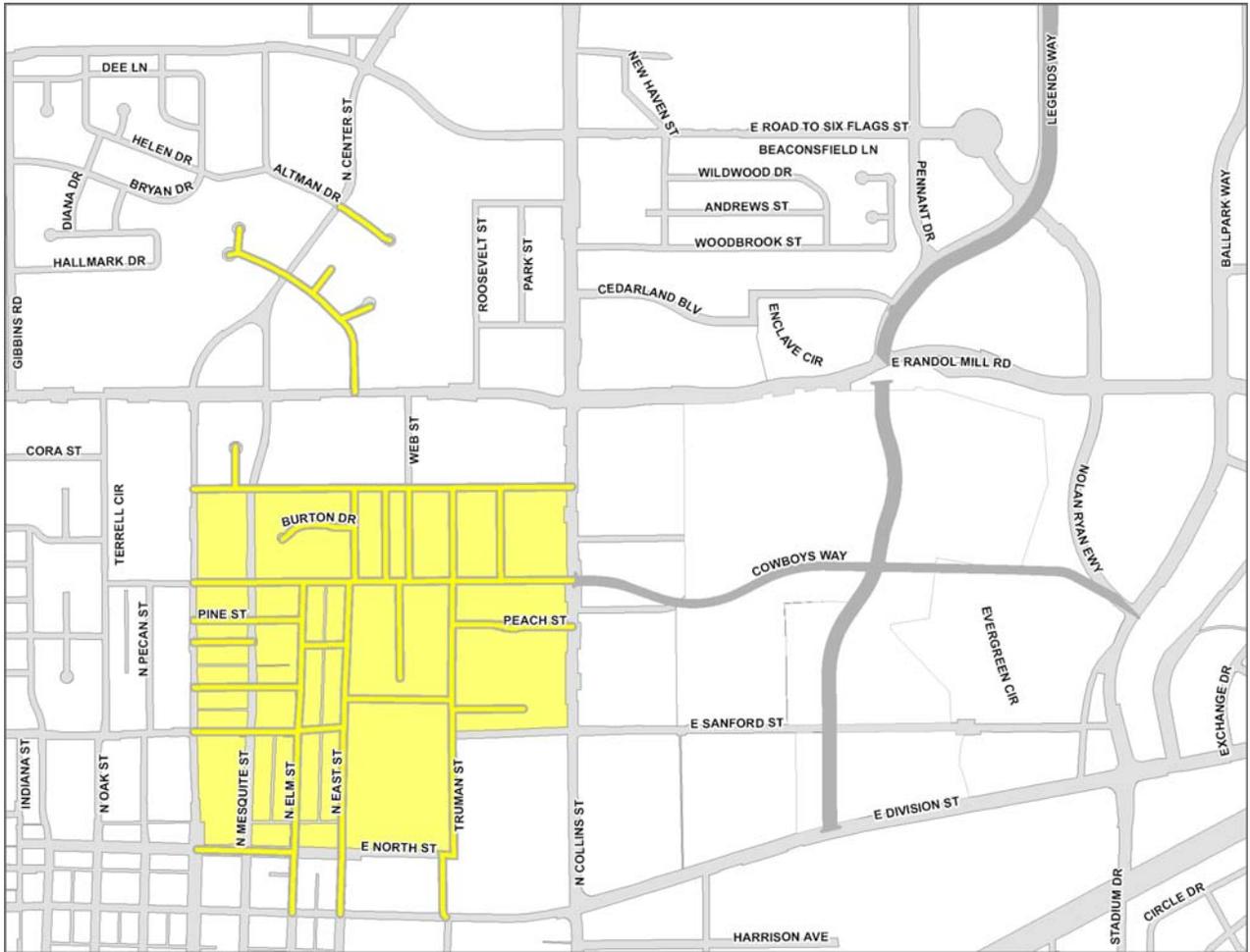
Section 2.01 Effective Area

- A. Accessory Special Event Parking Permits will be issued only to Property with an active or imminent nonresidential use as the main use of the Property. An Accessory Special Event Parking Permit will not be issued if sole access to the Accessory Special Event Parking Area is from public right-of-way within the Limited Access Zone.
- B. The Limited Access Zone includes the following public right-of-way:

- Altman Drive from Center Street to its dead end to the east
- Thannisch Drive from Center Street to its dead end to the west
- Thannisch Drive from Center Street to Randol Mill Road
- Thannisch Court from Thannisch Drive to its dead end
- Avondale Court from Thannisch Drive to its dead end
- Vonner Court from Thannisch Drive to its dead end
- Marcellus Court from Slaughter Street to its dead end
- Naomi Lane from Slaughter Street to its dead end
- Burton Drive from East Street to its dead end
- Lost Forest Drive from Rogers Street to Slaughter Street
- Web Street from Rogers Street to Slaughter Street
- Roosevelt Street from Rogers Street to Slaughter Street
- Greystroke Drive from Rogers Street to its dead end
- Truman Circle from Truman Street to its dead end
- Slaughter Street from Center Street to Collins Street
- East Rogers Street from Center Street to Collins Street
- Pine Street from Center Street to North Elm Street
- Cedar Street from Center Street to Mesquite Street
- Cedar Street from North Elm Street to East Street
- Maple Street from Center Street to North Elm Street

Sanford Street from Center Street to Collins Street
North Street from Center Street to Elm Street
Elm Street from Division Street to Rogers Street
East Street from Division Street to Rogers Street
Truman Street from Division Street to Slaughter Street
Peach Street from Collins Street to its dead end
Peach Street from Truman Street to its dead end

- C. The following map is provided as a visual guide to the Limited Access Zone, but the street-by-street description above is controlling in the event of a conflict.



Section 2.02 Accessory Special Event Parking Permits

- A. No Person, other than a government entity or a Major Tourist Attraction, shall provide Special Event parking for a fee, including within the four-hour period before the Scheduled Start Time of the Special Event, or the two-hour period after the completion of the Special Event, without an Accessory Special Event Parking Permit or a certificate of occupancy for commercial parking or overnight parking facility.
- B. All applicants for an Accessory Special Event Parking Permit shall submit an application to the Administrator. The application for a permit must contain:
1. the applicant's name, address, phone number, email address, and valid sales tax identification number, or if exempt from paying sales tax the applicant's exemption information and income tax identification number;
 2. a description of the main use on the Property and an affidavit that the main use, as set forth in the certificate of occupancy for the Property, is an active use at the Property. If the application is based on an imminent main use, the applicant must provide evidence that the property owner has initiated redevelopment of the property for a nonresidential main use, such as evidence that the owner has started the platting process, started the site plan process, started the rezoning process, applied for a building permit, or other evidence indicating that a nonresidential main use will be operating on the Property within a year;
 3. the name of the Property owner, address, phone number and email;
 4. applicant's documentation for permission to use the Property for Accessory Special Event Parking (if Applicant is not the owner);
 5. proof of General Liability Insurance, including Independent Contractor's Liability, Completed Operations and Contractual Liability fully insuring Applicant's liability for injury to or death of third parties, extended to include personal injury liability coverage and for damage to property of third parties, with a minimum limit of \$1,000,000 per occurrence/\$2,000,000 annual aggregate. Each policy will require that 30 days prior to the expiration, cancellation, non-renewal or any material change in coverage, a notice thereof shall be given to City, and will require that if the policy is canceled for nonpayment of premium, 10 days advance written notice shall be given to the City;
 6. a parking plan indicating the address and name of the main use on the Property as shown on the signage for the main use, boundaries of the parking area, ingress and egress locations, the parking layout (no stacking

is permitted, parking must be in existing striped parking spaces), and the cash handling area on the Property;

7. an application fee in the amount set by City Council resolution;
 8. the name, address, phone number, and email of the Person responsible for the operation of the Special Event Parking Area, if not the owner or the applicant (the Property owner's identity, or the responsible Person's identity if different than the owner, must be proven by showing a valid Texas driver's license, military identification card, passport, or personal identification card issued by the Texas Department of Public Safety);
 9. the existence of any shared parking arrangement or parking agreement with any other Property owner; and
 10. any other information the Administrator determines necessary for the administration of this Chapter.
- C. The permits expire one year from the date of issuance and may be renewed by application in accordance with this Chapter. If the application was made based on an imminent main use, then a conditional one-year permit may be granted, and at the time of conditional permit renewal, the applicant must provide evidence that shows progress of redevelopment; if no progress has been made, the conditional permit will not be renewed.
- D. If the application for a permit is denied, the applicant may appeal that decision as provided in this Chapter. A permit may be denied based on the Administrator's determination that the proposed Accessory Special Event Parking would adversely affect traffic management or public safety.
- E. The permits do not authorize the use of the lots for commercial parking other than for Special Events.

Section 2.03 Operation of an Accessory Special Event Parking Area

- A. On the day of a Special Event, a temporary sandwich-board sign must be displayed in the Accessory Special Event Parking Area near each entrance to the parking area in the location(s) shown on the parking site plan. The sign must be at least 18 inches high and 24 inches wide (but no larger than 24 inches by 36 inches) with a maximum height from grade to the top of the sign of four feet, include a parking symbol at least 10 inches in height designated by the City, and include the following wording with the blanks filled in appropriately: "Special Event Parking Lot, Permit #___, Parking Fee \$___, Operator Phone No. _____". The parking fee must be in a font that is at least 6 inches in height. When the lot is full, the sign must be turned around to display wording

visible from the street that the parking lot is full. The sign is a traffic management device and a display of permit, so no other wording is permitted on the front of the sign. The sign must be of a durable material, such as plastic, metal, wood, or like material, and must be professionally fabricated and maintained in good repair. No sign permit is required for this sign. The parking symbol, the wording, and the fee must be visible from the adjacent street. The parking fee must remain the same throughout the day of the Special Event unless decreased, and the amount charged for parking must not exceed the amount stated on the sign. The sign must be visible on the Special Event Parking Area from the time cars are admitted for Special Event Parking until the Property has been cleaned of litter at the end of the Special Event.

- B. The Accessory Special Event Parking Permit and parking plan must be available for immediate on-site inspection by City staff or public safety officers.
- C. The Accessory Special Event Parking Area must be paved, striped, and lit in compliance with standards prescribed in City ordinances for parking areas. Vehicles must be parked on approved surfaces only and in compliance with the parking plan. Minor deviations from City standards from lighting are permitted in a parking plan, such as the use of rented lighting, or the presence of additional lot attendants in lieu of required lighting, if the Administrator determines that the plan provides adequate lighting and security for the lot.
- D. The Accessory Special Event Parking Area must be staffed by at least two attendants who must be present on the Accessory Special Event Parking Area from the time the operator starts accepting cash payment on the lot for parking until the lot is full or the start of the Special Event, whichever occurs first. A minimum of one attendant must remain on the lot until one hour after the end of the Special Event. The number of attendants may be varied, and in some cases, adjacent Accessory Special Event Parking Areas may share attendants as shown on the parking plan, if the Administrator determines that the plan provides adequate staff for guiding vehicles in and out of the lot, and monitoring the Accessory Special Event Parking Area(s). The operator must provide clean-up service on the Accessory Special Event Parking Area and adjacent parkways to remove litter, trash, junk, or other debris found throughout the Accessory Special Event Parking Area. The attendants must be easily identifiable by uniform clothing indicating they are employed to provide Accessory Special Event Parking.
- E. The Accessory Special Event Parking must be operated in compliance with any conditions set forth on the Accessory Special Event Parking Permit.

Section 2.04 Revocation of Permit

The Administrator may revoke an Accessory Special Event Parking Permit issued under this Chapter for violation of any provision in this Chapter; for violating any federal, state or local laws or ordinances during the Special Event; for making any material false representation in an application for an Accessory Special Event Parking Permit; if the main use ceases to operate; upon notice of required insurance policy cancellations or failure to renew coverage; or if the Administrator determines that the Accessory Special Event Parking at that location adversely affects traffic management or public safety. In the event of revocation, the procedures for appeal set out below apply commencing with the date the revocation notice is provided to the applicant.

Section 2.05 Procedures for Appeal of Denial or Revocation

- A. Review by Administrator
 - 1. Any applicant who is denied an Accessory Special Event Parking Permit, or Person whose permit is revoked (an “appellant”) may, within five business days of the service of notice of such determination, file a written appeal from such determination with the Administrator.
 - 2. The Administrator shall have twenty business days from the date on which the appeal was received in which to provide appellant a notice that the decision was affirmed, modified or reversed.
 - 3. The notice to appellant shall be deemed served upon the appellant when it is personally delivered or when it is sent by United States mail, with proper postage prepaid, to the name and address set forth on the application for permit.
- B. Any appeals filed pursuant to this Chapter shall state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the City, and any other papers material to the determination.
- C. Judicial review of any such final decision may be obtained through the filing of an appropriate action with a court of competent jurisdiction.

ARTICLE III

OFFENSES AND PENALTIES

Section 3.01 Offenses

- A. A Person commits an offense if he or she, or an entity’s agent:

1. submits false documents, or otherwise makes a false statement of a material fact on an application for any permit submitted under this Chapter;
 2. provides Special Event parking for any vehicle during a Special Event in violation of this Chapter; each vehicle charged a fee for parking on a parking area during a Special Event in violation of this Chapter constitutes a separate offense;
 3. violates any other provision of this Chapter.
- B. In the prosecution of an offense under this Chapter, it is presumed that:
1. the applicant for the Accessory Special Event Parking Permit, and the Person named in the application as responsible for the operation of the Special Event Parking Area, are responsible for parking violations under this Chapter and for compliance with this Chapter in the operation of the Accessory Special Event Parking Area;
 2. the owner of the Property is responsible for parking violations under this Chapter; and
 3. all vehicles parked on Property during a Special Event have been charged a fee for parking if, during a Special Event, (a) a sign is present on the Property indicating that parking is available for a fee, or (b) in the absence of such sign on the Property, if there is signage in the vicinity of the Property indicating that parking is available for a fee and individuals are directing cars onto the Property to park.

Section 3.02 Penalty

- A. An offense under any provision of this Chapter is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).
- B. There shall be no requirement of a culpable mental state for a criminal offense under this Chapter.

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 (\$500) dollars, or Five Hundred

Dollars for each offense, as specified in the ordinance. 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 upon second publication.

PRESENTED AND GIVEN FIRST READING on the _____ day of _____, 2009, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the _____ day of _____, 2009, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

KAREN BARLAR, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____