

ORDINANCE NO. _____ FOURTH SERIES

AN ORDINANCE ADDING ARTICLE XII TO
CHAPTER 38 OF THE SACRAMENTO CITY
CODE, RELATING TO TEMPORARY STREET
CLOSING

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Article XII is added to Chapter 38 of the Sacramento City Code to read as follows:

ARTICLE XII--TEMPORARY STREET CLOSING

Sec. 38.180 Purpose.

Pursuant to the authority of Vehicle Code Section 21101, the provisions of this article shall apply to and control the closing of any street within the City of Sacramento for the purpose of holding a celebration, block party, street dance, local special event, or other purposes when in the opinion of local authorities such closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

Sec. 38.181 Permit for Temporary Street Closure.

No person shall close any portion of a public street or alley to vehicular or pedestrian traffic for the purpose of conducting a celebration, block party, street dance, local special event, or for other purposes, without first obtaining a permit from the City Manager as provided in this Article. This section shall not apply to those governmental agencies which are otherwise authorized to close streets. No person shall violate any of the terms of a permit for temporary street closure, nor in any manner interfere with the progress or orderly conduct of a temporary street closure.

Sec. 38.182 Application for Permit.

An application for a permit for temporary street closure shall be made upon a form provided by the City Manager and shall contain the following information:

- (1) The name, residence and business address, and phone number of each person and organization sponsoring a temporary street closure. If an organization, the application shall contain the names, residence and business addresses, and phone numbers of the president or chairman thereof, and all other persons:

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- (a) having an interest or position of management or control in such organization; or
 - (b) who are or will be engaged in organizing, promoting, controlling, managing or soliciting participation in such temporary street closure;
- (2) The date(s) of such temporary street closure;
 - (3) The block(s) or intersection(s) at which such closure is requested;
 - (4) The estimated number of persons who will participate;
 - (5) The purpose of the temporary street closure;
 - (6) Whether parking is requested to be restricted or prohibited during such closure;
 - (7) Whether any sound amplification equipment is proposed to be used, and if so, information describing such sound amplification equipment;
 - (8) Whether or not charity, gratuity, or offerings will be solicited or accepted, or sales of food, beverages or other merchandise will occur;
 - (9) Whether such temporary street closure will occupy all or only a portion of the street or intersection involved; and
 - (10) Such other information as the City Manager deems reasonably necessary in order to carry out his duties under this article.

Sec. 38.183 Time of Filing.

The application shall be filed not less than 20 days prior to the scheduled date of such temporary closing.

The City Manager shall act on an application within seven days of its receipt.

Section 38.184 Standards of Issuance.

The issuance of a permit by the City Manager shall be a determination by the Manager that the temporary street closing is necessary for the safety and protection of persons who are to use that portion of the street during such temporary closing. A permit may be denied or revoked by the City Manager, when, from a consideration of the application or from such other information as may otherwise be obtained, the Manager finds that one or more of the following circumstances exist:

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(1) The applicant has knowingly and with intent to deceive, made any false, misleading or fraudulent statements of a material fact in the application for a permit or in any other document required pursuant to this article;

(2) The application has failed to meet the standards in this article, has failed to pay in advance any fee required, or refuses to agree to such conditions as are imposed in the permit;

(3) The time, duration, size and location of the temporary street closure will substantially disrupt the orderly and safe movement of other traffic;

(4) The temporary street closure is of a size or nature that will require the diversion of so great a number of police officers of the city to properly police the closed or contiguous areas, that it will adversely effect normal police protection to the remainder of the city;

(5) The concentration of persons will unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such street closure;

(6) The temporary street closure may unduly interfere with the movement of emergency police and fire equipment.

(7) The temporary street closure will unduly interfere with the orderly operation of parks, hospitals, churches, schools or other public and quasi-public institutions in the city;

(8) The temporary street closure will conflict with or interfere with another temporary street closure for which a permit has been granted.

Sec. 38.185 Permit Subject to Conditions.

The City Manager may issue the permit subject to such conditions as the Manager deems appropriate under the circumstances.

Sec. 38.186 Notice of Issuance or Denial.

Written notice of the issuance or denial of a permit shall be provided by the City Manager to the applicant within seven days of receipt of an application, or as soon as practicable if the request for the permit is received less than twenty days in advance of the proposed date of the temporary street closure. If a permit is denied, said written notice shall state the reasons for denial.

Sec. 38.187 Appeal Procedure.

Upon the denial or revocation of a permit by the City Manager, the applicant may appeal to the City Council by filing the application within 72 hours or two city working days, whichever is longer, with the City Clerk, who shall set the appeal for hearing at the next regular Council meeting. After holding a hearing, the City Council may reverse, affirm or modify in any respect the determination of the City Manager.

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Sec. 38.188 Waiver of Time Limitations.

The City Manager may waive the time limitation for filing an application for a permit and the City Council may waive the time limitation for filing an appeal if it is found that unusual circumstances or good cause exists and no unreasonable burden upon the City or its citizens will be created thereby.

Sec. 38.189 Officials to be Notified.

Immediately upon granting or revoking a permit, the City Manager or City Council shall send a copy of such permit (including any conditions or restrictions) or revocation to the Chief of Police, the Fire Chief, and the Traffic Engineer.

Sec. 38.190 Barricades; Litter Collection.

Permit recipients shall provide and remove such barricades and warning devices as are deemed necessary by and are acceptable to the City Manager. Such persons shall also provide for the collection and removal of all trash, garbage, and litter caused by or arising out of such temporary street closure.

Sec. 38.191. Hold Harmless.

Applicants shall agree to assume the defense of and indemnify and save harmless the City, its councilmembers, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the City may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such temporary street closure and the activities permitted in connection therewith. The City Manager may require, as a condition to issuance of a permit, that the applicant obtain insurance to serve this end, in such an amount and with such terms as the City Manager determines to be appropriate under the circumstances.

Sec. 38.192 Costs.

The applicant(s) shall assume and reimburse the City for any and all costs and expenses determined by the City Manager to be unusual or extraordinary, and related to the closing of the street for which the permit is sought, including but not limited to:

- (1) The cost of providing, erecting and moving barricades and/or signs.
- (2) The cost of providing and moving garbage or waste receptacles.
- (3) The cost of City personnel who are required by the City to work overtime hours or other than a regular shift, or to perform duties as a result of such temporary street closure.

The City Manager may require, as a condition to issuance of a permit, that a sum be deposited with the City to meet such costs. The required deposit shall not exceed \$1,000.

Sec. 38.193 Temporary Closure by City.

Notwithstanding the provisions of this article, the City Manager or City Council may, on their own initiative, order the temporary closure of a street for the purposes and reasons stated in Vehicle Code Section 21101(e).

Sec. 38.194 Other Provisions.

The provisions of Sacramento City Code Sections 38.151 through 38.157, relating to parades, shall continue in full force and effect and shall not be governed by the provisions of this Article.

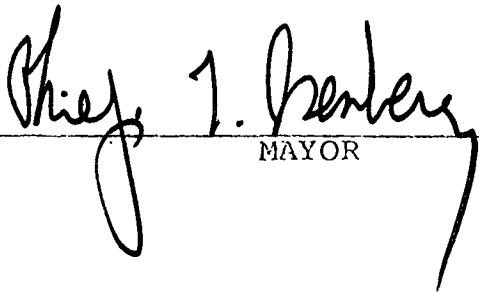
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ATTEST:


CITY CLERK


MAYOR