

Ordinances Governing
STREETS AND SIDEWALKS
in the
CITY OF ARLINGTON
TEXAS

Amended by Ordinance No. 14-062
(October 28, 2014)

(Chapter Designator: STREETS)

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
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 <u>Driveway Access and Design</u> , to provide new standards for the construction, location, relocation and removal of driveways.
92-45	04/28/92	Amend Section 9.03 , entitled <u>Obstructions Prohibited Within Parkway Areas</u> , 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 <u>Violations</u> , providing a penalty clause.
92-74	08/11/92	Amend Article IX , entitled <u>Sight Obstructions</u> , relative to the placement and maintenance of sight obstructions in intersection visibility triangles and parkways.
93-74	07/20/93	Amend Article II , <u>Disturbing Streets</u> , 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 , <u>Obstructing Streets and Sidewalks</u> , 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

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<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		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 , <u>Solicitation</u> , relative to soliciting and distributing on a street or highway.
95-70	06/06/95	Amend Article XV , <u>Solicitation and Distribution</u> , 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 , <u>Construction of Overlapping Areas</u> , relative to locations in Section 15.03 which are listed in more than one section; Addition of Section 15.05 , <u>Ticket Scalping</u> , relative to locations where sales of tickets in excess of face value is prohibited.
95-79	06/20/95	Amend Article VI , <u>Obstructing Streets and Sidewalks</u> , Section 6.02 , <u>Block Parties</u> , relative to temporary closings of streets for special events.
99-54	04/20/99	Amend Article IV , <u>Street Signs and Numbers</u> , Section 4.01 , <u>House-Numbering Required</u> , relative to conforming with other ordinances which govern the same subject matter.
00-122	10/24/00	Addition of Article XVII , <u>Street Maintenance Fee</u> , 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 , <u>Street Maintenance Fee</u> , and adopt a new Article XVII , <u>Street Maintenance Fee</u> , relative to the Pavement Management Program.

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<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
02-116	10/15/02	Repeal Article XVII , <u>Street Maintenance Fee</u> , effective January 1, 2003.
04-052	05/25/04	Amend Article VIII , <u>Street Improvements and Assessments</u> , Section 8.01 , <u>Release of Assessment Liens</u> , relative to updating the reference of Tax Assessor-Collector to Chief Financial Officer.
05-098	10/25/05	Amend Article V , <u>Activities Prohibited</u> , by the addition of Section 5.11 , <u>Motor-Assisted Scooters</u> , 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 , <u>Solicitation and Distribution</u> , Section 15.03 , <u>Prohibited Areas</u> , and Section 15.05 , <u>Ticket Scalping</u> relative to findings and other provisions relating to the foregoing subject.
11-006	01/18/11	Amend Article XV , <u>Solicitation and Distribution</u> , Section 15.05 , <u>Ticket Scalping</u> , Subsection (A) , by the amendment of the definition of “Resell”.
14-024	05/13/14	Amend Article XV , <u>Solicitation and Distribution</u> , Section 15.01 , <u>Definitions</u> , by the addition of definitions for “Exchange”, “Merchandise”, “Park or Parked”, and “Service”; Amend Section 15.02 , <u>Prohibited Acts</u> , 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 , <u>Solicitation and Distribution</u> , Section 15.01 , <u>Definitions</u> , 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”

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		and “Roadway”; Section 15.02, <u>Prohibited Acts</u> , in its entirety by the replacement of the existing language with new ordinance language identified in the court opinion <i>Houston Chronicle Publishing Co. v. City of League City</i> , 488 F.3d 613 (5th Cir. 2007); by the deletion of Section 15.03, <u>Prohibited Areas</u> , and the deletion of Section 15.04, <u>Construction of Overlapping Areas</u> ; and containing findings and other provisions.

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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.

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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

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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

<u>REQUIREMENTS</u>	<u>STREET CLASS</u>	<u>RESIDENTIAL DRIVEWAY</u>	<u>APARTMENT-COMMERCIAL DRIVEWAY</u>	<u>INDUSTRIAL DRIVEWAY</u>
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. ²	200 ft. ²
	Arterial	100 ft.	250 ft.	250 ft.
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.

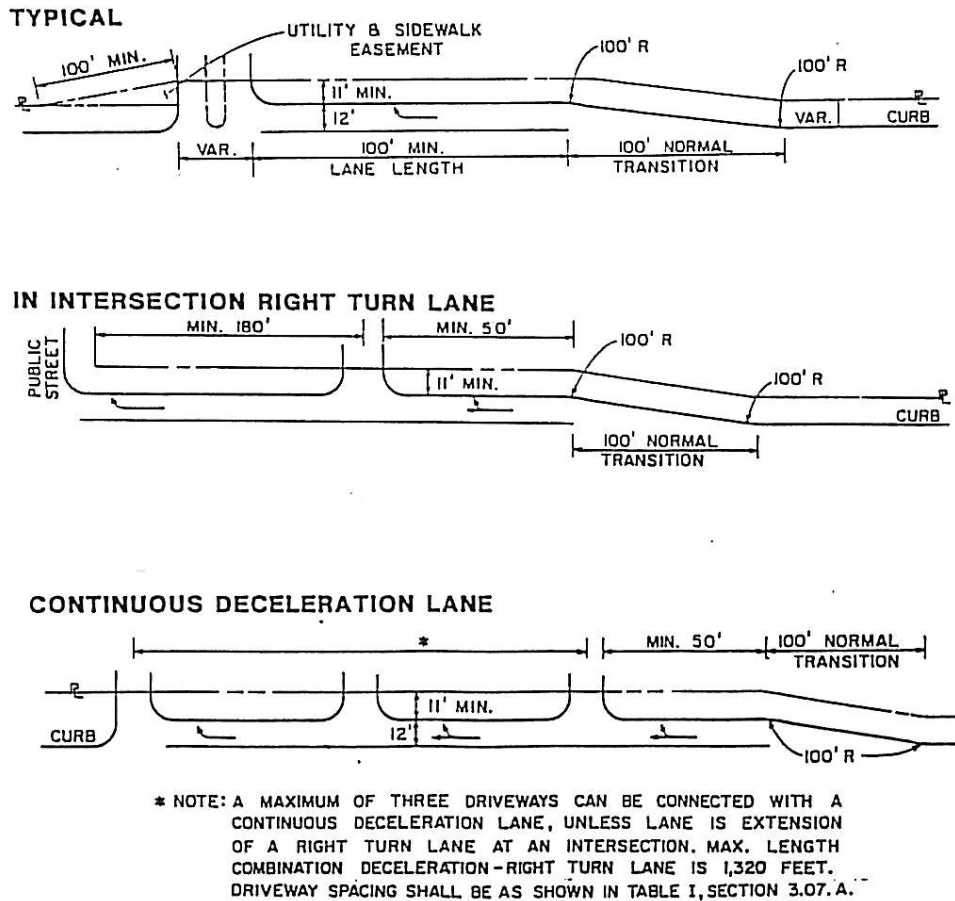


Figure 1
Deceleration Lane Design Standards

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.

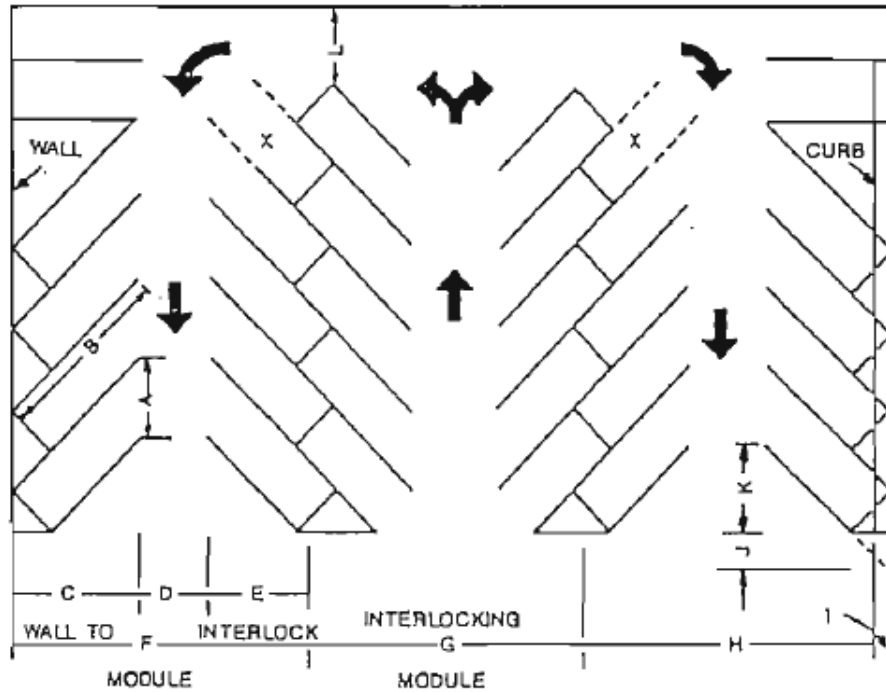
1. As a condition of a driveway permit on a major street facility, the Director may require the applicant to submit driveway volume and capacity information when signalization is requested or expected at the driveway intersection. When signal warrants are met and an overall public benefit is shown, the 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.

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X-STALL NOT ACCESSIBLE IN CERTAIN LAYOUTS

<u>DIMENSION</u>	<u>KEY</u>	<u>0°</u>	<u>30°</u>	<u>45°</u>	<u>60°</u>	<u>75°</u>	<u>90°</u>
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	E	24.0	19.0	20.0	22.0	23.0	24.0
Stall depth, interlock	F	9.0	12.9	15.9	17.9	18.5	18.0
Module, wall to interlock	G	30.0	42.7	48.0	56.0	60.2	60.0
Module, interlocking	H	30.0	38.8	44.7	53.7	59.1	60.0
Module, interlock to curb face	I	30.0	41.7	43.2	51.9	57.1	60.0
Module, curb face to curb face	J	30.0	40.7	41.7	50.1	55.1	58.0
Bumper overhand (typical)	K	0.0	1.5	1.5	1.8	2.0	2.0
Offset	L	-	9.0	6.3	2.7	0.5	0.0
Setback	-	24.0	15.6	11.0	8.3	5.0	0.0
Cross aisle, one-way	-	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

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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

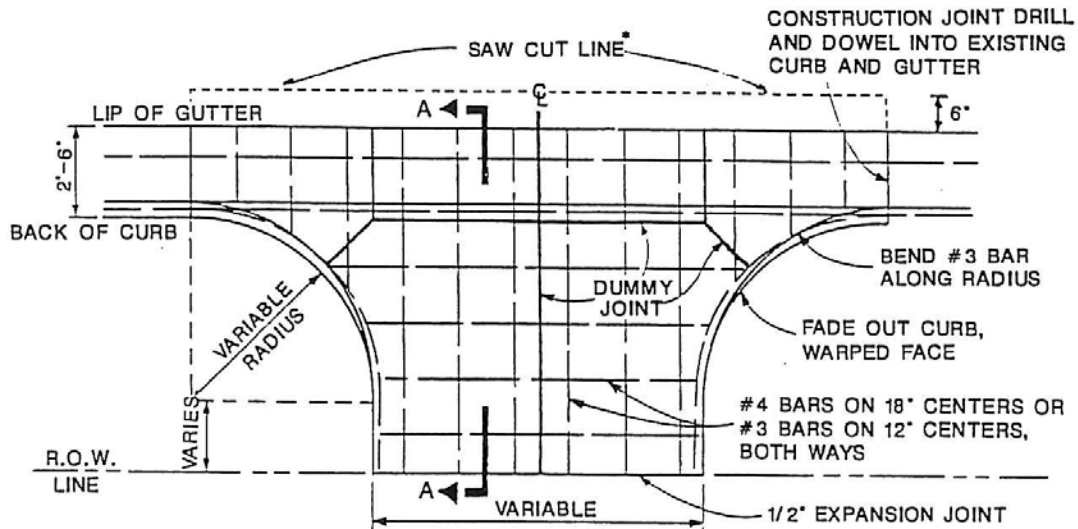
The following general criteria shall be followed during driveway installation within the City of Arlington:

- 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:

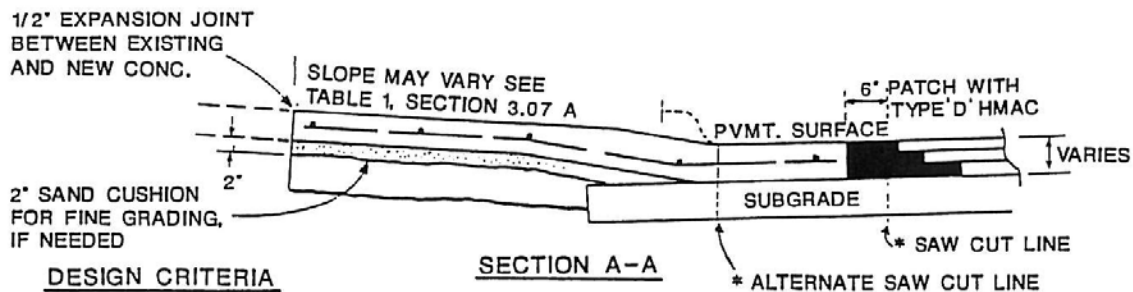
<u>REQUIREMENTS</u>	<u>DUPLEXES OR SINGLE FAMILY RESIDENTIAL</u>	<u>APARTMENTS, COMMERCIAL OR INDUSTRIAL</u>
Concrete Thickness	5" minimum	6" minimum
Reinforcing Steel (Both Ways)	#4 bars on 18" centers #3 bars on 12" centers	#4 bars on 18" centers #3 bars on 12" centers

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



DESIGN CRITERIA

SECTION A-A

STEEL

DRIVEWAY TYPE

SLAB THICKNESS

RESIDENTIAL

5"

#4 BAR ON 18" CENTERS, OR
#3 BAR ON 12" CENTERS, BOTH WAYS

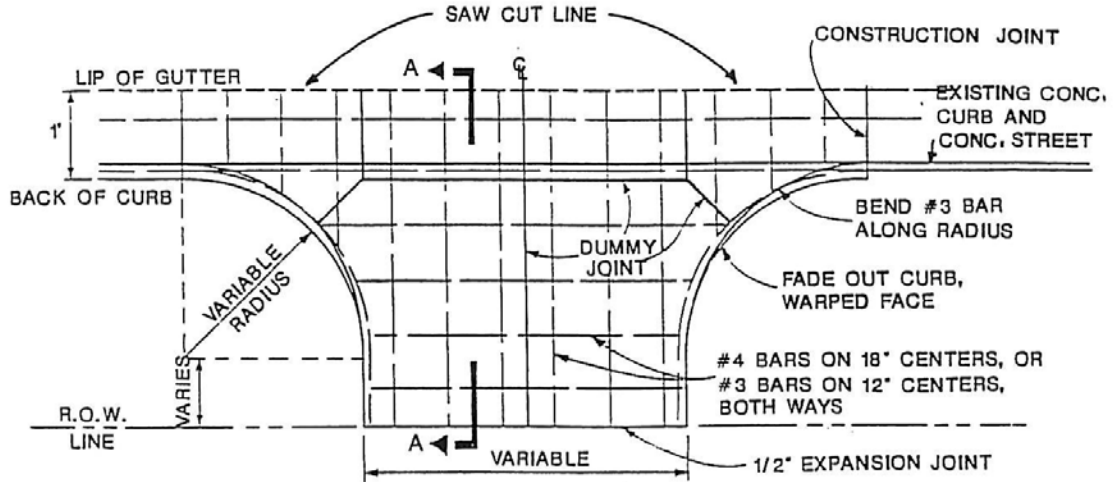
ALL OTHERS

6"

#4 BAR ON 18" CENTERS, OR
#3 BAR ON 12" CENTERS, BOTH WAYS

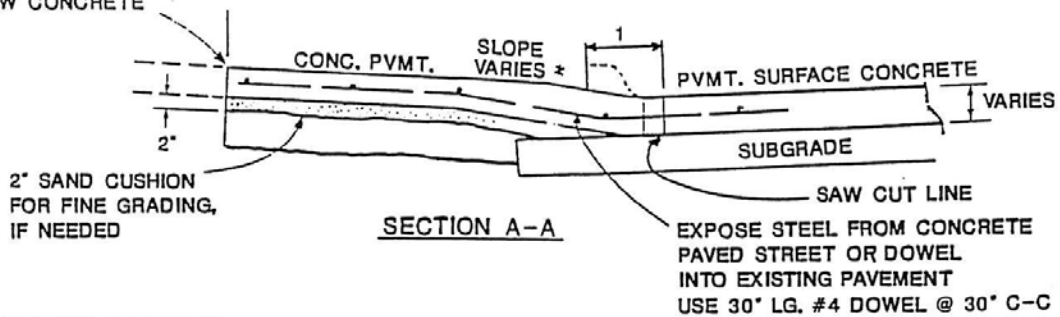
FIGURE 3

CONSTRUCTION DETAILS FOR CONCRETE STREETS WITH CURB AND GUTTER



1/2" EXPANSION JOINT
BETWEEN EXISTING AND
NEW CONCRETE

* SEE TABLE 1, SECTION 3.07 A



DESIGN CRITERIA

DRIVEWAY TYPE

RESIDENTIAL
ALL OTHERS

SLAB THICKNESS

5"
6"

STEEL

#4 BAR ON 18" CENTERS, OR
#3 BAR ON 12" CENTERS, BOTH WAYS

#4 BAR ON 18" CENTERS, OR
#3 BAR ON 12" CENTERS, BOTH WAYS

FIGURE 3

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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.

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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)

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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)

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5.07

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

The Director of the Department of Transportation (Director) or the Director's designee may permit the temporary closings of streets if the following requirements are met:

A. Block Parties

1. An application to close a City street shall be secured from the Department of Transportation, 101 West Abram Street, and returned not later than one (1) week prior to the requested date of closing. The application must state the purpose of the proposed street closing.
2. Only those temporary street closings which in the opinion of the Director will not interfere with necessary traffic circulation and fire or police emergency vehicle routes shall be permitted.
3. The application must be signed by all of the owners whose property abuts the portion of the street to be closed.
4. Street closures will not be granted for more than an eight (8) hour period, and not more than one (1) petition per year will be granted for any one (1) block.

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5. The subject street shall be cordoned off by the use of barricades rented from the Transportation Department of the City of Arlington.
6. The Director or the Director's designee shall have the discretion to require that off-duty policemen of the City be hired to direct traffic around the subject area.
7. The person or persons submitting the application shall pay all costs of closing the street, including, but not limited to, the renting of barricades, hiring of off-duty policemen and costs of clean-up, if any.

B. Special Events

1. Temporary street closings for special events of city-wide or regional interest, as determined by the Director, shall be the same as for Block Parties, except as follows:
 - a. Temporary street closings shall not exceed three (3) consecutive calendar days.
 - b. The applicant shall provide insurance and shall execute an indemnification agreement acceptable to the Director or the Director's designee to protect the City from liability arising from the temporary closing and applicant's use of the street. (Amend Ord 95-79, 6/20/95)

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

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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

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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 of 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

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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 Tree Overhang of Sidewalks and Streets

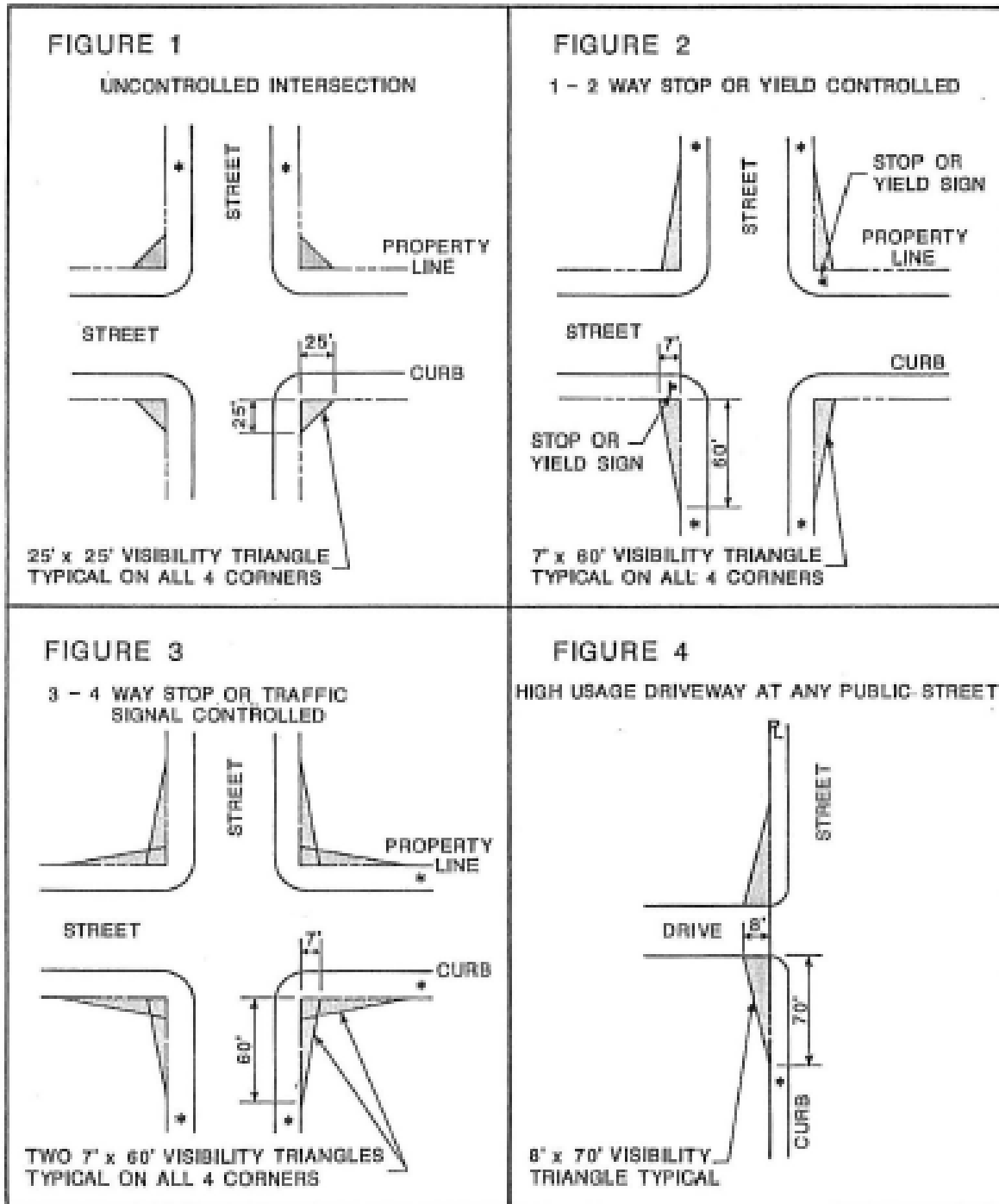
- A. All trees with a trunk diameter of greater than two inches (2"), when measured at twelve inches (12") above the ground, shall be trimmed so that:
 - 1. No branch or growth which overhangs a street is less than fourteen feet (14') above the surface of such street;
 - 2. No branch or growth which 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 Enforcement

- A. Abatement. The Director is authorized to abate a violation of this Article in accordance with Article IV of the "Nuisances" Chapter of this Code.
- B. Exceptions.
 - 1. It is an exception to the application of this Article that the sight obstruction is a permanent

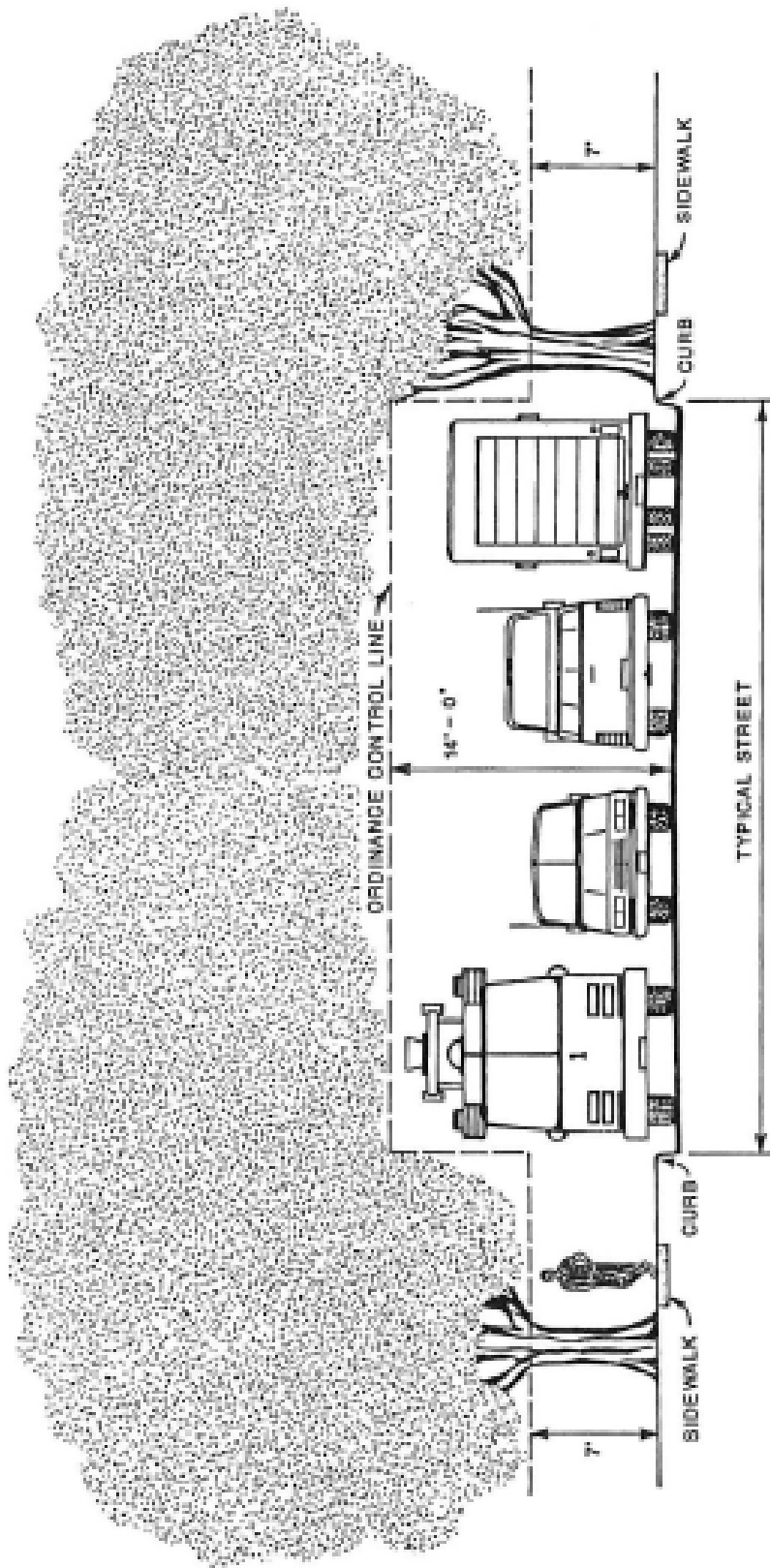
building that was lawfully located when it was constructed.

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)



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

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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.

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- 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 Exemption

The provisions of Section 10.02 and 10.03 shall not apply to food handlers in mobile food establishments possessing permits under Article 4 of the "Health"

Chapter or to authorized participants in a licensed parade. (Amend Ord 78-152, 12-12-78)

Article XI

PARADES

Section 11.01 Definitions

- a. Parade is any march or organized procession of any kind, of three (3) or more persons, with or without vehicles, in or upon any street, park or other outdoor places owned or under the control of the City.
- b. Person is any person, firm, partnership, association, corporation, company or organization of any kind.
- c. Traffic Engineer is the Director of Transportation or his designee. (Amend Ord 78-152, 12/12/78)

Section 11.02 Permit Required

No person shall engage in, participate in, form or start any parade, unless a parade permit shall have been obtained from the Traffic Engineer.

A. Exceptions. This Ordinance shall not apply to:

1. Funeral processions supervised by a licensed mortuary.
2. Picketing or other orderly processions occupying no more than one-half of the width of the sidewalks that do not violate any other State or City laws.
3. Parades conducted in a City park pursuant to an approved use of the Park under the "Parks" Chapter and Parks Board regulations.
4. Caravans of automobiles which operate in a lawful manner on a public street. (Amend Ord 78-152, 12/12/78)

Section 11.03 Application

A person seeking the issuance of a parade permit shall file an application with the Traffic Engineer.

- A. Filing period - An application for a parade permit shall be filed with the Traffic Engineer not less than five (5) days, excluding Saturdays, Sundays and legal holidays, prior to the date on which it is proposed to conduct the parade. The application shall be signed by the applicant.
- B. Contents - The application for a parade permit shall set forth the following information:
 1. The name, address and telephone number of the person seeking to conduct such parade.

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2. If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.
 3. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.
 4. The date when the parade is to be conducted.
 5. The route to be traveled, the starting point and the termination point.
 6. The approximate number of persons who, and animals and vehicles which will constitute such parade; the type of animals and description of the vehicles.
 7. The hours when such parade will start and terminate.
 8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.
 9. The location by streets of any assembly areas for such parade.
 10. The time at which units of the parade will begin to assemble at any such assembly area or areas.
 11. If the parade is designed to be held by, and on behalf of or for any person other than the applicant for such permit, shall file with the Traffic Engineer a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.
- C. Late applications - The Traffic Engineer, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than five (5) days before the date such parade is proposed to be conducted. (Amend Ord 78-152, 12/12/78)

Section 11.04 Standards for Issuance

- A. The Traffic Engineer shall issue a permit for the proposed parade within three (3) days of receipt of an application, unless he finds that:
1. The conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route; or
 2. The conduct of the parade will require the diversion of so great a number of police officers of the City to properly police the line of movement of the parade and of contiguous areas, so that adequate police protection cannot be provided the remainder of the City; or
 3. The conduct of the parade will require the diversion of so great a number of ambulances, so that adequate ambulance service to portions of the City not occupied by the parade and contiguous areas will be prevented; or
 4. The concentration of persons, animals and vehicles at assembly points of the parade will substantially interfere with adequate fire and police protection of, or ambulance service to, areas contiguous to such assembly areas; or
 5. The conduct of the parade is reasonably likely to result in violence to persons or property causing serious harm to the public; or
 6. The parade is to be held for the primary purpose of advertising a product, goods or event, and is designed to be held primarily for private profit; or
 7. The conduct of the parade will interfere with the movement of firefighting equipment to such an extent that adequate fire protection cannot be provided to the City; or
 8. The movement of the parade will conflict in time and location with another parade, a permit for which has been granted.
- B. The Traffic Engineer may impose reasonable conditions or restrictions on the granting of a permit, including, but not limited to, any of the following:
1. A requirement that the applicant post a reasonable deposit of security for the repair of any damage to City property or cost of clean-up or both;
 2. A requirement that the applicant pay a reasonable fee to defray the cost of furnishing adequate Police and Transportation Department personnel and equipment;
 3. Any requirement necessary to accomplish the purposes of Subsection A. (Amend Ord 78-152, 12/12/78)

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Section 11.05 Notice of Rejection

The Traffic Engineer shall act upon the application for a parade permit within three (3) days after the filing thereof. If the Traffic Engineer disapproves the application, he shall mail to the applicant, by registered mail, or have served upon the applicant, within three (3) days after the date upon which the application was filed, a notice of his action stating the reasons for his denial of the permit. (Amend Ord 78-152, 12/12/78)

Section 11.06 Appeal Procedure

Any person aggrieved shall have the right to appeal the denial of a parade permit to the City Manager of the City. The appeal shall be taken within twenty-four (24) hours after receipt of the notice of denial. The City Manager shall act upon the appeal within twenty-four (24) hours after its receipt. (Amend Ord 78-152, 12/12/78)

Section 11.07 Alternative Permit

The Traffic Engineer, in denying any application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternative permit shall, within two (2) days after notice of the action of the Traffic Engineer, file a written notice of acceptance with the Traffic Engineer. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under this Ordinance. (Amend Ord 78-152, 12/12/78)

Section 11.08 Notice of City and Other Officials

Prior to the issuance of a parade permit, the Traffic Engineer shall send a copy of the application to the following:

- A. The City Manager
- B. The Mayor
- C. The City Attorney
- D. The Fire Chief
- E. The Chief of Police

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

Section 11.09 Contents of Permit

Each parade permit shall state the following information:

- A. Date of parade.
- B. Starting time and termination time of parade.
- C. The portions of the streets to be traversed that may be occupied by the parade.

- D. The number of persons, animals and motor vehicles that will be in the parade.
- E. Such other information as the Traffic Engineer shall find necessary to the enforcement of this Ordinance. (Amend Ord 78-152, 12/12/78)

Section 11.10 Duties of Permittee

A permittee hereunder shall comply with all permit directions and conditions and with applicable laws and ordinances. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade. (Amend Ord 78-152, 12/12/78)

Section 11.11 Public Conduct During Parades

- A. Interference. No person shall hamper, obstruct or impede, or interfere with any parade, or parade assembly or with any person, vehicle or animal participating or used in a parade.
- B. Driving, Walking or Standing Through Parades. No driver of any vehicle shall drive, nor shall any person walk or stand between or alongside the vehicles or persons comprising a parade while such vehicles or persons are in motion and are conspicuously designated as a parade, unless said driver or person is an authorized participant in the parade.
- C. Parking on Parade Route. The Traffic Engineer shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Traffic Engineer shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this Ordinance. (Amend Ord 78-152, 12/12/78)

Section 11.12 Revocation of Permit

The Traffic Engineer shall have the authority to revoke a parade permit issued hereunder:

- A. Upon violation of the standards for issuance as herein set forth; or
- B. If the parade fails to begin within thirty (30) minutes of the appointed time of commencement; or
- C. If the information contained in the application is found to be false in any material detail. (Amend Ord 78-152, 12/12/78)

Section 11.13 Indemnity and Bond

- A. The applicant and any other persons, organizations, firms or corporations on whose behalf the application is made, by filing such application, do represent, stipulate, contract and agree that they will jointly and severally

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indemnify and hold the City harmless against liability for any and all claims for damage to property, or injury to, or death of persons arising out of or resulting from the issuance of the permit or the conduct of the parade or its participants.

- B. In addition, no parade permit shall be issued unless the applicant therefor shall obtain a bond in the amount of One Thousand Dollars (\$1,000.00), signed by the applicant as a principal, and a corporate surety company authorized to do business in the State of Texas as surety, conditioned upon compliance with the provisions of this Ordinance.
- C. The requirements of Subsection 2 of this section shall not be applicable to parades composed of pedestrians only and not including any vehicles or animals. (Amend Ord 78-152, 12/12/78)

Section 11.14 Offenses

- A. It shall be unlawful for any person to stage, present or conduct, or attempt to stage, present or conduct a parade without first having obtained a permit therefor, as herein provided, or who shall otherwise violate any of the provisions of this Ordinance.
- B. It shall be unlawful for any person to participate in a parade on the City streets for which a permit has not been granted.
- C. It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit. (Amend Ord 78-152, 12/12/78)

Section 11.15 Injunctive Relief

Nothing in this Ordinance providing for the regulation or license of parades, or penalties set forth for violation of this Ordinance, shall waive the right or otherwise preclude the City of Arlington or any of its residents from seeking or obtaining injunctive relief in a court of general jurisdiction for the purpose of prohibiting or regulating any proposed or licensed parade. (Amend Ord 78-152, 12/12/78)

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)

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

AND CONSTRUCTION;
STREET AND UTILITY MAINTENANCE
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

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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 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 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)