

## ORDINANCE 2024-O-159

**AN ORDINANCE OF THE CITY OF LAREDO, TEXAS AMENDING CHAPTER 28, ARTICLE I, SECTION 28-4 OF THE CODE OF ORDINANCES BY REPLACING THE EXISTING SECTION (ENTITLED FEE FOR TEMPORARY LEASE OF A STREET FOR PRIVATE USE”) IN ITS ENTIRETY WITH NEW SECTION 28-4 (ENTITLED “PERMITS REQUIRED FOR TEMPORARY STREET CLOSURE”); TO ALLOW TEMPORARY STREET CLOSURES FOR CERTAIN PURPOSES; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; PROVIDING FOR FEES; PROVIDING FOR PENALTIES AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Laredo is a Home Rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City of Laredo holds lawful title to the municipal streets, sidewalks and rights-of-way within its corporate limits for the benefit of the Citizens of the State of Texas; and

**WHEREAS**, the City Council deems it advisable to authorize and direct the City Manager to administer this Ordinance, subject to an aggrieved applicant for a permit right to appeal to City Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO, TEXAS THAT:**

**Section 1.** The City of Laredo Code of Ordinances, is hereby amended by replacing the existing language of Chapter 28, Article I, Section 28-4 (entitled “*Fee for temporary lease of a street for private use*”) in its entirety with new Section 28-4 (entitled “*Permits required for temporary street closures.*”);

**Section 2.** The City of Laredo Code of Ordinance Chapter 28, Article I, Section 28-4 is hereby amended to read as follows:

**Sec. 28-4. Permits required for temporary street closures.**

- a) *Purpose. To protect the health, safety and welfare of the citizens of the City of Laredo in the conduct of Temporary Street Closures.*
- b) *Permit required. No person shall close any portion of a public street, right-of-way, or sidewalk to vehicular or pedestrian traffic for the conduction a celebration, block party, street dance, local special event, or for other purposes, without first obtaining a permit from the City Manager, or his/her designee, as provided in this chapter.*

- c) Other permits required. The approval of a permit under this section shall be subject to the granting of any other permits, licenses or approvals under other ordinances or laws that may be applicable to the activity for which the closure is requested.
- d) Affected parties. This section shall apply only to temporary street closures requested by a private party. A private party is any individual or group of individuals, whether an association, partnership or corporation. Furthermore, a religious, educational or non-profit organization is considered a private party under this section.
- e) Application for Permit. A permit for temporary street closure shall not be issued until a completed temporary street closure application, together with any additional information requested, and payments of all applicable fees are received by the City. The temporary street closure application must comply with this ordinance and other applicable law.
- f) Permit application requirements. An application for a temporary street closure shall be made upon a form provided by the City Manager, or his/her designee, and shall contain the following information:
  - 1. The name, residence and business address, and phone number of each person and organization sponsoring a temporary street closure. If an organization, the application shall contain the name, residence and business address of an authorized representative;
  - 2. The date(s) and time(s) of such temporary street closure;
  - 3. The block(s) or intersection(s) at which the closure is requested (attach a map/and or sketch);
  - 4. The estimated number of persons who will participate;
  - 5. The purpose of the temporary street closure;
  - 6. Whether any sound amplification equipment is proposed to be used, and if so, information describing such information equipment;
  - 7. Whether or not charity, gratuity, or offerings will be solicited or accepted, or sales of food, beverages or other merchandise will occur;
  - 8. Whether such temporary street closure will occupy all or only a portion of the street or intersection involved;
  - 9. Details regarding any traffic control plan;
  - 10. Plan detailing barricade, security and sanitary facility measures;
  - 11. If a security company is contracted, a copy of the contract for services, the company's liability insurance and bond should be provided with the application for temporary street closure permit; and
  - 12. Such other information as the City Manager, or his/her designee, deems reasonably necessary in order to carry out his or her duties under this chapter.

g) Fees. The application shall be accompanied by the following fees before the application is approved:

1. A non-refundable fee of one hundred dollars (\$100.00) will be charged for each application submission.
2. A non-refundable fee of one hundred dollars (\$100.00) will be charged for late applications.
3. An applicant shall pay a traffic control plan fee of one hundred dollars (\$100.00) to the Traffic Department.
4. For the purposes of this section, an applicant for a Temporary Street Closure Permit may request for more than one street to be temporarily closed under each application. A daily fee (24 hours or less) of one hundred dollars (\$100) will be charged for each street requested to be temporarily closed.
5. Unless the department requires the applicant to use a private barricade entity, an applicant shall pay the actual costs of city-contracted services for manpower, barricades, signs, and devices to be used for redirecting traffic around the area included in the closure permit.
6. If the City determines that a Temporary Street Closure may require the special attention and involvement of City personnel or City facilities, the City shall notify the applicant. Prior to issuance of the Temporary Street Closure Permit:
  - i. Applicant and City shall agree upon the additional costs the City will incur as a result of the Temporary Street Closure and applicant shall pay those costs to the City; and
  - ii. Applicant shall agree in writing to pay any additional costs to the City incurred as a result of the Temporary Street Closure within five (5) days of the date upon which the City informs the applicant of the amount of such additional costs.
7. The City Manager, or his/her designee, may waive, reduce, or reimburse any fees in this section in accordance with City Ordinance 2019-O-038.

h) Other restrictions. Permits issued under the provisions of this section may include restrictions on the days and hours of operation for the street closure. Permits issued under the provisions of this section may also include restrictions on the size and parameters of the street closure. The Police Department or Fire department may require an applicant to include a safety plan as part of the temporary street closure permit application after the departments consider the proposed closure site and estimated event attendance.

i) Time of filing. The application shall be filed not less thirty (30) days prior to the scheduled date of such temporary closing. The City Manager, or his/her designee shall act on an application within seven (14) days of its receipt.

- j) Notice of Issuance or Denial. Written notice of the issuance or denial of a permit shall be provided by the City Manager, or his/her designee, to the applicant within (14) days of receipt of an application, or as soon as practicable if the request for the permit is received less than thirty (30) days in advance of the proposed date of the temporary street closure. If a permit is denied, said written notice shall state the reasons for denial. If a permit is denied, all paid fees will be returned to the applicant unless the fee is designated as a non-refundable fee in this section.
- k) Waiver of Time Limitations. The City Manager, or his/her designee, may waive the time limitation for filing an application for a permit and the City Council may waive the time limitation for filing an appeal if it is found that unusual circumstances or good cause exists and no unreasonable burden upon the City or its citizens will be created thereby. However, any application submitted less than thirty (30) days in advance of the proposed date of the temporary street closure is not timely and shall be assessed a late fee.
- l) Indemnification. The applicant for a temporary street closure permit shall sign an agreement to identify and hold harmless the City, its officers, employees, agents, and representatives against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of the temporary street closure.
- m) Insurance. The applicant for a temporary street closure permit shall furnish liability insurance that names the city as an additional insured, in amounts and scope determined by the city manager or his/her designee based on the nature and scope of the proposed activity.
- n) Standards of Issuance. The City Manager, or his/her designee may deny or revoke a requested temporary street closure for any of the following reasons:
1. The application is incomplete or contains any false or misleading information.
  2. The application is submitted after the deadline described in subsection (j) of this section.
  3. The area requested for closure is of a location, size or nature that it requires an unreasonable diversion of traffic flow on affected streets.
  4. All or part of the area requested for closure has already been permitted for closure to a different applicant.
  5. Adequate traffic controls and related safety plans cannot reasonably be developed by the date(s) and time(s) originally requested by the applicant.
  6. Adequate personnel and resources necessary to facilitate or monitor the closure are unavailable at the date(s) and time(s) requested.
  7. The activity for which the closure is requested presents an unreasonable threat to the public health, safety, or peace, including, but not limited to damage to property, injury to persons, excessive noise, and emissions or discharge of toxic fumes or chemicals.

- o) Officials to be notified. The review of the permit application shall be coordinated with the Police Department, Fire Department, Traffic Department, Risk Management, Solid Waste and any other department that the City Manager deems necessary for planning purposes as well as to ensure that the community follows the correct street barricading procedures for the safety of pedestrians and vehicular traffic. If gates or any barricades are used to effectuate the physical closure of a street, the gates and their placement location must be approved by the following departments: Police Department, Fire Department, and Traffic Department.
- p) Appeal procedure. Upon the denial or revocation of a permit by the City Manager, or his/her designee, the applicant may appeal to the City Council by filing the application within seventy-two (72) hours or two (2) City working days, whichever is longer, with the City Secretary, who shall set the appeal for hearing at the next regular council meeting. After holding a hearing, the City Council may reverse, affirm or modify in any respect the determination of the City Manager, or his/her designee.
- q) Issued permit. A permit for a temporary street closure issued by the city manager or his/her designee shall specify the dates, times and location of the closure, which may correspond with or differ from those requested by the applicant. The permit must be displayed during the event and available for review by a City Official.
- r) Barricades and litter collection. Permit recipients shall provide and remove such barricades and warning devices as are deemed necessary by and are acceptable to the City Manager, or his/her designee. Such persons shall also provide for the collection and removal of all trash, garbage, and litter caused by or arising out of such temporary street closure.
- s) Security. Permit recipients shall provide adequate security as deemed necessary by and are acceptable to the City Manager or his/her designee. If a security company is contracted, a copy of the contract for services, the company's liability insurance and bond should be provided with the application for temporary street closure permit.
- t) Sanitary facilities. Permit recipients shall provide adequate sanitary facilities as deemed necessary by and are acceptable to the City Manager or his/her designee.
- u) Temporary closure by city. Notwithstanding the provisions of this chapter, the City Manager, or his/her designee, may, on his/her own initiative, restrict the use of, temporarily close, or authorize the closure of any street or highway within the limits of the City, when he or she considers such restriction or temporary closing of such street or highway to be necessary for the protection of the persons or property, during events or activities such as construction, storms, parades, celebrations or other special events.
- v) Violation of section. A person commits an offense under this section if the person:

1. Knowingly commences, conducts, aid or assists in conducting a street closure without a permit, or with an expired or revoked permit; or
2. Knowingly violates any terms of the provisions of this section.

w) General penalty for violations of section; continuing violations. Any person who violates a provision of this article or any person who is the holder of a temporary street closure permit who does not comply with the requirements of this article shall, upon conviction by the municipal court of the City, be subject to a fine no less than five hundred dollars (\$500.00) or not to exceed two thousand dollars (\$2,000.00) for each offense, and each day of violation of said article shall constitute a separate offense. It shall not be a defense under this section if the temporary street closure was commenced, conducted, aided or assisted by a law enforcement agency without first obtaining a temporary street closure permit from the City.

**Section 3.** In codifying the changes authorized by this ordinance, paragraphs, sections, and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the City of Laredo Code of Ordinances.

**Section 4.** All ordinances or part thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters herein.

**Section 5.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 6.** This Ordinance shall become effective immediately upon passage.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS**  
**\_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

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**VICTOR D. TREVINO**  
**MAYOR**

**ATTESTED:**

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**JOSE A. VALDEZ, JR.**

**CITY SECRETARY**

**APPROVED AS TO FORM:**

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**DOANH “ZONE” T. NGUYEN  
CITY ATTORNEY**