

SOK:cm
03/09/89

AN ORDINANCE **69131**

PROHIBITING THE PLACEMENT AND MAINTENANCE OF APPURTENANCES IN AREAS AND ON SIDEWALKS OR PUBLIC RIGHT-OF-WAY IMPROVED IN THE DOWNTOWN TRI-PARTY TRANSPORTATION IMPROVEMENTS PROJECT, AND PROVIDING A FINE FOR VIOLATION HEREOF OF NOT LESS THAN \$100.00 NOR MORE THAN \$500.00.

* * * * *

WHEREAS, the City of San Antonio and other various funding sources have undertaken the Tri-Party Downtown Transportation Improvements Project at a cost in excess of 40 million dollars; and

WHEREAS, the project consists of rebuilding certain streets and providing new sidewalks, landscaping, lighting, and other amenities; and

WHEREAS, the City has undertaken a concerted effort to develop regulations applicable to the Tri-Party area to make it safe and visually attractive to tourists and citizens of the City of San Antonio; and

WHEREAS, the City Council desires to restrict placement and maintenance of appurtenances on abutting sidewalks of designated streets as part of the efforts to ensure pedestrian safety, improvement of the visual aesthetics of the City, and protection of public property from damage; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. For purpose of this ordinance, the following terms shall have the meanings as indicated:

Appurtenance shall mean any accessory or subordinate building, object or structure, fence, street furniture fixture, trash receptacles, planters, vending machine (excluding newspaper vending machine), fountain, public artwork, or bicycle rack located within the City public right-of-way.

Newspaper vending machines are specifically addressed by separate ordinance.

Designated street shall mean any street or public right-of-way which has been or will be improved or reconstructed under the Tri-Party Downtown Transportation Improvements Plan, as set out in the list on Attachment A, attached hereto and incorporated herein.

Person shall mean an individual, corporation, partnership, firm, or association.

SECTION 2. It shall be unlawful for a person to knowingly place or maintain an appurtenance on a sidewalk or public right-of-way abutting a designated street.

SECTION 3. It shall be unlawful for a person to knowingly cause another person to place or maintain an appurtenance on a sidewalk or public right-of-way abutting a designated street. For purposes of this section, a person knowingly causes another person to place or maintain an appurtenance when he aids, directs, hires, or enters into a contract with another person for the aforementioned purpose.

SECTION 4. Any person placing or maintaining an appurtenance in violation of this ordinance shall, upon conviction, be punished by a fine of not less than \$100.00 nor more than \$500.00. In addition, any appurtenance found to be in violation hereof may be identified by placing thereon a highly visible and easily read notice stating that the appurtenance is in non-compliance and must be removed within 72 hours. If the appurtenance is not removed, the City may remove same and dispose of it at a Police Department auction of unclaimed or abandoned property and in accordance with the procedures and practices governing such auctions.

SECTION 5. This ordinance shall become effective on April 15, 1989, for Tri-Party Downtown Transportation Improvements on which construction has been completed and for which beneficial occupancy by the City has occurred. It shall take effect on other Tri-Party Downtown Transportation Improvements streets at subsequent completion milestones as indicated on the Construction Phasing Timetable as shown in Attachment B.

SECTION 6. If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the

remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council that all provisions of this ordinance are severable for this purpose.

SECTION 7. The City Code is hereby authorized to be amended as necessary to contain the additions contained herein.

PASSED AND APPROVED this 23^d day of March, 1989.

Henry Cisneros
M A Y O R

ATTEST: *[Signature]*
City Clerk

APPROVED AS TO FORM: *[Signature]*
(for) City Attorney

89-13

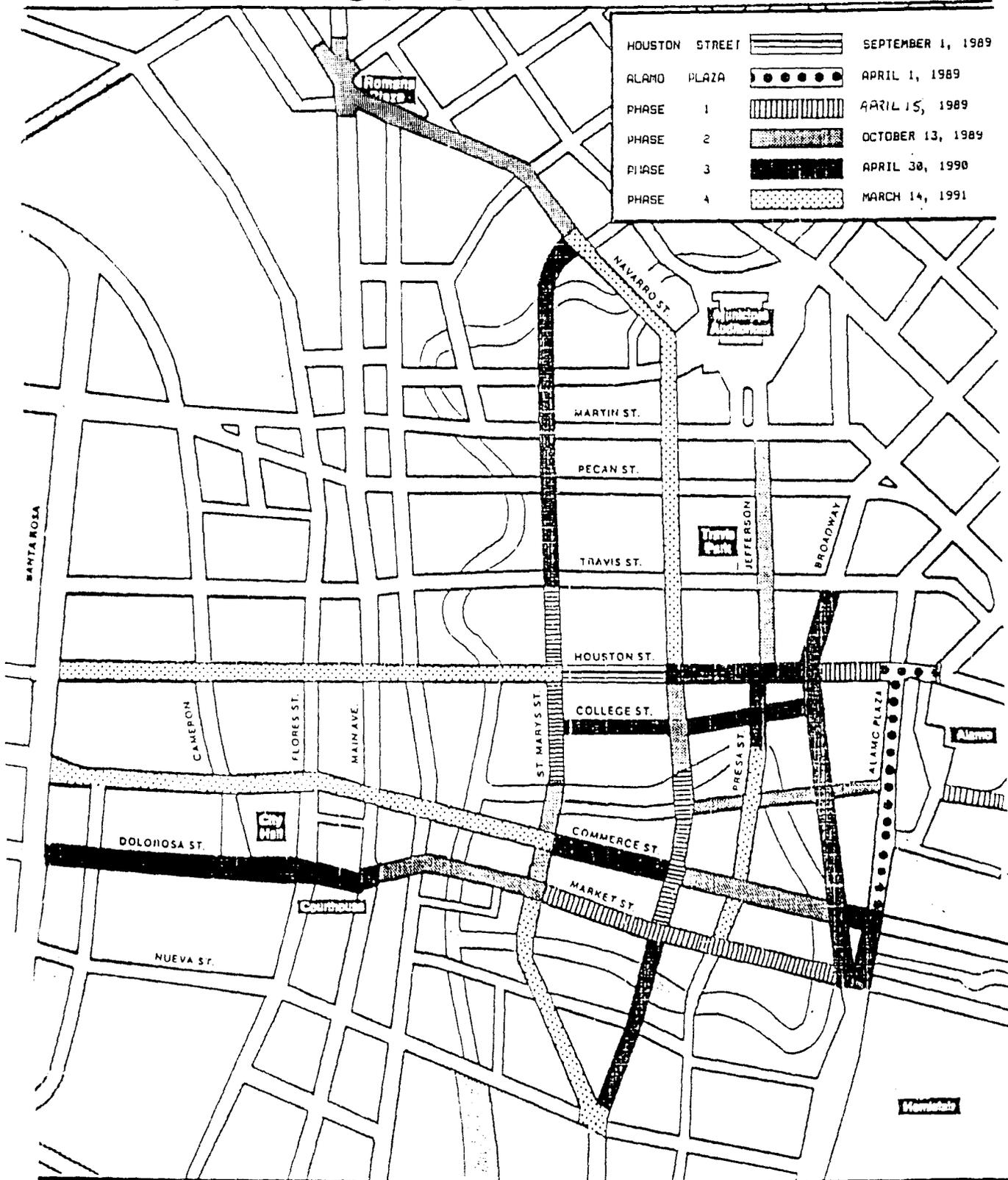
TRIPARTY DOWNTOWN TRANSPORTATION IMPROVEMENTS

Public Improvements to be constructed in the TriParty Downtown Transportation Improvements include right-of-way boundaries, including adjacent private property from building line to building line where applicable and in some instances may be affixed to private structures within the limits of the following streets and sidewalks:

Alamo Street: Southside of Market Street to Northside of Houston Street
 Blum Street: Alamo to Rivercenter Property line
 Broadway: Travis Street to Houston Street
 College Street: Losoya Street to St. Mary's Street
 Commerce Street: Alamo Street to Westside of Santa Rosa Blvd.
 Crockett Street: Westside of Navarro Street to Alamo Street and Alamo East to Bonham Street
 Dolorosa - Market: Westside of Santa Rosa Blvd. to Eastside of Alamo St.
 Houston Street: Avenue E. to Santa Rosa Blvd.
 Jefferson Street: Southside of Martin Street to Houston Street
 Losoya Street: Houston Street to Southside of Market Street
 Navarro Street: Nueva Street to Romana Plaza
 Presa Street: Houston Street to Market Street
 Romana Plaza including improved portions of Main, Navarro, Soledad, San Pedro, Camden, Jackson and Romana Streets.
 St. Mary's Street: Nueva Street to Navarro Street (by Southwest Craft Center)

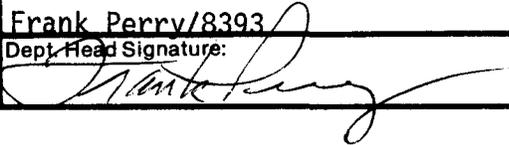
Additional Improvements may be included if subsequent decisions by City Council should add them including Main and Soledad at Plaza de Isias; Flores St. between Commerce and Dolorosa; and Alamo Street north of Houston Street to include original 1830 Alamo Fortress Compound.

CONSTRUCTION PHASING



DATE OF ISSUE: FEBRUARY 1989

DO NOT TYPE IN THIS SPACE		CITY OF SAN ANTONIO  Request For Ordinance/Resolution	Date Considered _____ Consent <input type="checkbox"/> Individual <input type="checkbox"/> Item No. _____ Ord. No. _____
Approval			
Finance	Budget		
Legal	Coordinator		

Date: March 14, 1989	Department: Downtown Initiatives	Contact Person/Phone # Frank Perry/8393
Date Council Consideration Requested: March 23, 1989	Deadline for Action: March 23, 1989	Dept. Head Signature: 

SUMMARY OF ORDINANCE

SUMMARY AND RECOMMENDATION

This ordinance prohibits placement of street furniture in public right-of-way constructed in TriParty Downtown Transportation Improvements and provides a fine for violation of the ordinance of not less than \$100.00 nor more than \$500.00. Staff recommends approval.

Council Memorandum Must Be Attached To Original

Other Depts., Boards, Committees Involved (please specify):

Contract signed by other party
 Yes No

FISCAL DATA (If Applicable)	Budgetary Implications
Fund No. _____ Amt. Expended _____ Activity No. _____ SID No. _____ Index Code _____ Project No. _____ Object Code _____	Funds/Staffing Budgeted Yes <input type="checkbox"/> No <input type="checkbox"/> Positions Currently Authorized _____ Impact on future O & M _____ If positions added, specify class and no. _____ _____ _____
Comments: No funds have been appropriated to print and produce application forms and permits in this year's budget.	

Coordinator — White
 Legal — Green
 Budget — Canary
 Finance — Pink
 Originator — Gold

CITY OF SAN ANTONIO

Interdepartment Correspondence Sheet

AGENDA ITEM NO. 40

TO: Mayor and City Council

FROM: Frank Perry, Director, Department of Downtown Initiatives

COPIES TO: File

SUBJECT: ORDINANCE PROHIBITING PLACEMENT OF STREET FURNITURE IN PUBLIC RIGHT-OF-WAY CONSTRUCTED IN TRIPARTY DOWNTOWN TRANSPORTATION IMPROVEMENTS

Date March 14, 1989

SUMMARY AND RECOMMENDATION

This ordinance prohibits placement of street furniture in public right-of-way constructed in TriParty Downtown Transportation Improvements and provides a fine for violation of the ordinance of not less than \$100.00 nor more than \$500.00. Staff recommends approval.

POLICY CONSIDERATIONS

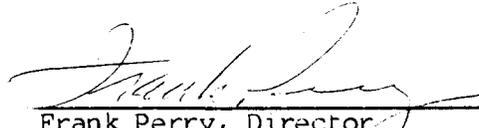
Appurtenance is defined in the ordinance to mean any accessory or subordinate building, object or structure, fence, street furniture fixture, trash receptacles, planters, vending machines (excluding newspaper vending machines) fountains, public art works or bicycle rack located within the City public right-of-way. The ordinance prohibits placement of any appurtenance in the public right-of-way after completion of construction and acceptance by the City of TriParty Downtown Transportation Improvements.

TriParty Improvements provide for appropriately designed appurtenances which are being placed in the right-of-way. Trash receptacles, planters, drinking fountains and landscaping have been reviewed and approved by the City's design review process. It would not be appropriate to have other furniture placed indiscriminately by well meaning individuals which would create clutter, impede mobility and safety and conflict with the designed environment.

Should it be desired in the future to place public art work in selected locations, the proposed design and placement may be reviewed by appropriate staff, the Fine Arts Commission, and Board of Review of Historic Sites and Structures in a Historic District, and be considered by City Council on case by case basis as amendment to this ordinance.

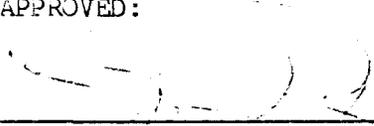
FINANCIAL CONSIDERATIONS

No funds are appropriated by this ordinance.



Frank Perry, Director
Department of Downtown Initiatives

APPROVED:



Louis J. Fox
City Manager

File w/ord.

STATE OF TEXAS)
COUNTY OF BEXAR)

BEFORE ME, the undersigned authority:

personally appeared Rebecca T. Martinez

to me personally known to be the Bookkeeper

OF THE EXPRESS-NEWS CORPORATION, daily newspapers published in the City of San Antonio,
in the county and state aforesaid, and being by me first duly sworn, deposes and says that the
advertisement of

City Of San Antonio, City Clerk

appeared in all editions of said newspaper on the following

March 31, 1989

AN ORDINANCE 69131
PROHIBITING THE PLACEMENT AND MAINTENANCE OF APPURTENANCES IN AREAS AND ON SIDEWALKS OR PUBLIC RIGHT-OF-WAY IMPROVED IN THE DOWNTOWN TRI-PARTY TRANSPORTATION IMPROVEMENTS PROJECT, AND PROVIDING A FINE FOR VIOLATION HEREOF OF NOT LESS THAN \$100.00 NOR MORE THAN \$500.00
PASSED AND APPROVED THIS 23rd day of March, 1989.
/s/ Henry G. Cisneros
MAYOR
ATTEST: /s/ Richard C. Porter
Asst. City Clerk

[Handwritten signature and scribbles over the ordinance box]

Subscribed and sworn to this 3rd day of April, 19 89



[Handwritten signature]
Notary Public, State of Texas

My Commission
Expires _____