

Chapter 71.03

TEMPORARY STREET CLOSURES

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

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

(C) Application for permit. An application for a permit for temporary street closure shall be made upon a form provided by the City Manager, or 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 names, residence and business addresses, and phone numbers of the president or chairman thereof, and all other persons:
 - a) Having an interest or position of management or control in such organization, or
 - b) Who are or will be engaged in organizing, promoting, controlling, managing or soliciting participation in such temporary street closure;
- (2) The date(s) of such temporary street closure;
- (3) The block(s) or intersection(s) at which such closure is requested;
- (4) The estimated number of persons who will participate;
- (5) The purpose of the temporary street closure;
- (6) Whether parking is requested to be restricted or prohibited during such closure;
- (7) Whether any sound amplification equipment is proposed to be used, and if so, information describing such sound amplification equipment;
- (8) Whether or not charity, gratuity, or offerings will be solicited or accepted, or sales of food, beverages or other merchandise will occur;

- a) Whether such temporary street closure will occupy all or only a portion of the street or intersection involved; and
- (9) Such other information as the City Manager, or designee, deems reasonably necessary in order to carry out duties under this chapter.

(D) Time of filing. The application shall be filed not less than thirty (30) days prior to the scheduled date of such temporary closing. The City Manager, or designee, shall act on an application within seven (7) business days of its receipt.

(E) Standards of issuance. The issuance of a permit by the City Manager, or designee, shall be a determination by the manager that the temporary street closing is necessary for the safety and protection of persons who are to use that portion of the street during such temporary closing. A permit may be denied or revoked by the City Manager, or designee, when, from a consideration of the application or from such other information as may otherwise be obtained, the manager finds that one (1) or more of the following circumstances exist:

- (1) The applicant has knowingly and with intent to deceive made any false, misleading or fraudulent statements of a material fact in the application for a permit or in any other document required pursuant to this chapter;
- (2) The application has failed to meet the standards in this chapter, has failed to pay in advance any fee required, or refuses to agree to such conditions as are imposed in the permit;
- (3) The time, duration, size and location of the temporary street closure will substantially disrupt the orderly and safe movement of other traffic;
- (4) The temporary street closure is of a size or nature that will require the diversion of so great a number of police officers of the City to properly police the closed or contiguous areas that it will adversely affect normal police protection to the remainder of the City;
- (5) The concentration of persons will unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such street closure;
- (6) The temporary street closure may unduly interfere with the movement of emergency police and fire equipment;
- (7) The temporary street closure will unduly interfere with the orderly operation of parks, hospitals, churches, schools or other public and quasi-public institutions in the City;
- (8) The temporary street closure will conflict with or interfere with another temporary street closure for which a permit has been granted.

(F) Permit subject to conditions. The City Manager, or designee, may issue the permit subject to such conditions as the City Manager deems appropriate under the circumstances.

(G) Notice of issuance or denial. Written notice of the issuance or denial of a permit shall be provided by the City Manager, or designee, to the applicant within seven (7) business days of receipt of an application state the reasons for denial.

(H) Appeal procedure. Upon the denial or revocation of a permit by the City Manager, or 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 Recorder, 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 designee.

(I) Waiver of time limitations. The City Manager, or 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.

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

(K) Barricades - litter collection. Permit recipients shall provide and remove such barricades and warning devices as are deemed necessary by and are acceptable to the City Manager, or 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.

(L) Hold harmless. Applicants shall agree to assume the defense of and indemnify and save harmless the City, its council members, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the City may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such temporary street closure and the activities permitted in connection therewith. The City Manager, or designee, shall require, as a condition to issuance of a permit, that the applicant obtain insurance to serve this end, in such an amount and with such terms (including no insurance) as the City Manager, or designee, determines to be appropriate under the circumstances.

(M) Costs. The applicant(s) shall pay the temporary closure permit fee as set by resolution.

(N) Temporary closure by City. Notwithstanding the provisions of this chapter, the City Manager, or designee, may, on their own initiative, restrict the use of, temporarily close, or

authorize the closure of any street or highway within the limits of the City, when they consider 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.

(O) Other City permits. The issuance of a temporary street closure permit does not relieve the applicant of the responsibility to obtain any other necessary City permits, licenses or approvals, including but not limited to, business licenses, encroachment permits or special event permits.