

An Ordinance of the City of Plano, Texas repealing and replacing in its entirety Division 2, Neighborhood Block Parties, of Article V, Street and Thoroughfare Closures, in Chapter 19, Streets and Sidewalks, of the Code of Ordinances of the City of Plano, Texas, to replace it with a new Division 2, Street Closure for Neighborhood Event, providing definitions and regulations for permits and offenses related to street closures for neighborhood events; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date.

WHEREAS, the City Council adopted Ordinance No. 85-5-25 on May 13, 1985, Ordinance No. 2003-4-16 on April 14, 2003, and Ordinance No. 2015-7-7 on July 27, 2015, to regulate closure of Type G streets for block parties; and

WHEREAS, various types of neighborhood events may provide opportunities for residents to interact and foster community but may require temporary closure of all or part of one or more public streets to increase safety for the public and participants in neighborhood events; and

WHEREAS, staff recommends repealing in its entirety Division 2, Neighborhood Block Parties, of Article V, Street and Thoroughfare Closures, in Chapter 19, Streets and Sidewalks, of the City of Plano Code of Ordinances, and recommends replacing it with a new Division 2, Street Closure for Neighborhood Event, to provide definitions and regulations regarding permits and offenses related to closures of all or part of Type G streets for neighborhood events; and

WHEREAS, after consideration of the recommendation of staff and all matters attendant and related thereto, the City Council is of the opinion that it is in the best interest of the City and its citizens to repeal and replace in its entirety Division 2, Neighborhood Block Parties, of Article V, Street and Thoroughfare Closures, in Chapter 19, Streets and Sidewalks, of the City of Plano Code of Ordinances, with a new Division 2, Street Closure for Neighborhood Event, of Article V, Street and Thoroughfare Closures, in Chapter 19, Streets and Sidewalks, of the City of Plano Code of Ordinances.

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

Section I. Division 2, Neighborhood Block Parties, of Article V, Street and Thoroughfare Closures, in Chapter 19, Streets and Sidewalks, of the City of Plano Code of Ordinances, is repealed and replaced with a new Division 2, Street Closure for Neighborhood Event, of Article V, Street and Thoroughfare Closures, in Chapter 19, Streets and Sidewalks, of the City of Plano Code of Ordinances, to read as follows:

“DIVISION 2. – Street Closure for Neighborhood Event

Sec. 19-91 Definitions.

Neighborhood Event means a gathering (which may include but is not limited to, a block party, bike-a-thon, festival, holiday celebration, or potluck) and meets all of the following criteria:

- a) requires temporary closure of any part of a Type G street;
- b) is not advertised to the public;
- c) is located within a defined geographic area;
- d) is reasonably expected to have less than (100) attendees;
- e) does not begin prior to 9:00 a.m. or end after 10:00 p.m.;

- f) does not require a permit pursuant to City of Plano Code of Ordinances, Division 4, Itinerant Vendors and Carnivals, as amended;
- g) does not require City resources, other than barricades for street closure, to maintain public safety; and
- h) is not a spontaneous event as described in City of Plano Code of Ordinances, Article VIII, Special Events, Chapter 11, Licenses and Business Regulations, as amended.

Street Closure Permit for Neighborhood Event means a permit issued by the City of Plano Neighborhood Services Director or designee to use barricades for temporary closure of all or part of a Type G Street for a Neighborhood Event.

Director means the Director of the Neighborhood Services Department.

Type G Street means a residential street designated as Type “G” in the City of Plano Thoroughfare Standards Rules and Regulations, as amended.

Sec. 19-92. - Permit required, application; petition.

Any person seeking to temporarily close a Type G Street for the purpose of holding a Neighborhood Event shall file the following with the Director not less than fourteen (14) days prior to the Neighborhood Event:

- (1) an application for a Street Closure Permit for Neighborhood Event; and
- (2) a petition, in a form provided by the city, containing but not limited to, the time, date, and location of the street closure and the signatures of seventy-five (75) percent of adult residents of the street to be closed indicating their consent to the proposed street closure. For purposes of computing the percentage, each lot shall have only one (1) vote. Consent from any one owner of any portion of the lot is binding on all owners of the lot.

Sec. 19-93. - Denial of permit, appeal.

The Director may deny a Street Closure Permit for Neighborhood Event in the interest of public safety, health or welfare of the community as a whole. If request for a Street Closure Permit for Neighborhood Event is denied, the applicant(s) may appeal in writing to the City Manager or designee within five (days) of such denial.

Sec. 19-94. - Revocation of permit.

Nothing in this division shall prevent the Director, the Chief of Police, or their designees from revoking a Street Closure Permit for Neighborhood Event at any time before or during the Neighborhood Event in the interest of public safety, health or welfare of the community as a whole.

Sec. 19-95. - Barricades.

The Applicant for a Street Closure Permit for Neighborhood Event shall place barricades provided by the City at locations and times approved in the Street Closure Permit for Neighborhood Event.

Sec. 19-96. - Offenses.

(a) A person commits an offense if they:

(1) Create or maintain a closure of any part of a Type G Street for a Neighborhood Event without a valid Street Closure Permit for Neighborhood Event; or

(2) Fail to comply with any requirement of a Street Closure Permit for Neighborhood Event.

(b) Conduct prohibited under Sec. 19-96 that also is an offense under State law shall be enforced under applicable State law.

Sec. 19-97. - Penalty.

Any person, firm or corporation found to be violating any term or provision of this article, shall be subject to a fine in accordance with section 1-4(b) of the City Code of Ordinances for each offense. Each day a violation continues shall constitute a separate offense. If conduct constitutes an offense under state law, it shall be enforced under such law.

Secs. 19-98—19-110. - Reserved.”

Section II. All provisions of the Code of Ordinances of the City of Plano, codified or uncoded, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncoded, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section III. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section IV. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section V. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED this the 13th day of June, 2022.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY