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ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE SECTIONS 25-10-3 AND 25-10-103 AND ADDING A NEW SECTION 25-10-157 AUTHORIZING THE PLACEMENT OF MEMORIAL MARKERS IN THE PUBLIC RIGHT-OF-WAY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 25-10-3 (*Definitions*) is amended to add a new definition of "memorial marker" to read as follows and to renumber the remaining definitions accordingly:

(7) MEMORIAL MARKER means a sign honoring a public safety officer killed in the line of duty.

PART 2. Subsection (H) of City Code Section 25-10-103 (*Signs Prohibited in Public Right-of-Way*) is amended to read:

(H) This section does not prohibit the installation, use, or maintenance in the right-of-way of:

(1) a sidewalk sign;

(2) a projecting sign in the downtown sign district;

(3) a street banner; [~~or~~]

(4) a wall sign that is mounted flat against the building and extends not more than 18 inches from the facade of a building and into right-of-way; or

(5) a memorial marker.

PART 3. City Code Chapter 25-10 (*Sign Regulations*) is amended to add a new Section 25-10-157 to read as follows:

§ 25-10-157 MEMORIAL MARKERS.

(A) A memorial marker is permitted in the public right-of-way accordance with the requirements of this section.

(B) The building official shall issue a sign installation permit for a memorial marker if the following requirements are met:

(1) The memorial marker must be placed in coordination with other permitted right-of-way uses, as determined by the building official.

(2) The memorial marker may not:

(a) be placed within:

(i) 20 feet of a driveway or pedestrian crosswalk; or

(ii) an ADA accessible sidewalk;

(b) narrow an existing or planned pedestrian travel way, including a sidewalk or crosswalk;

(c) obstruct the line of sight for oncoming traffic;

(d) be taller than ___ or wider than ___;

(e) block an entrance or doorway;

(f) extend onto an abutting property without written approval of the landowner; and

(g) interfere with the maintenance of existing utilities, infrastructure, or amenities that lawfully occupy the right-of-way, including but not limited to lamp posts, parking meters, mail boxes, traffic signal stanchions and control boxes, fire hydrants, trees, benches, planters, bus shelters, or traffic control devices.

(3) At least 10 days prior to issuing an installation permit for a memorial marker under this section, the building official shall provide mailed notice of the proposed memorial marker to the owners of property within _____ of the proposed memorial marker.

PART 4. This ordinance takes effect on _____, 2010.

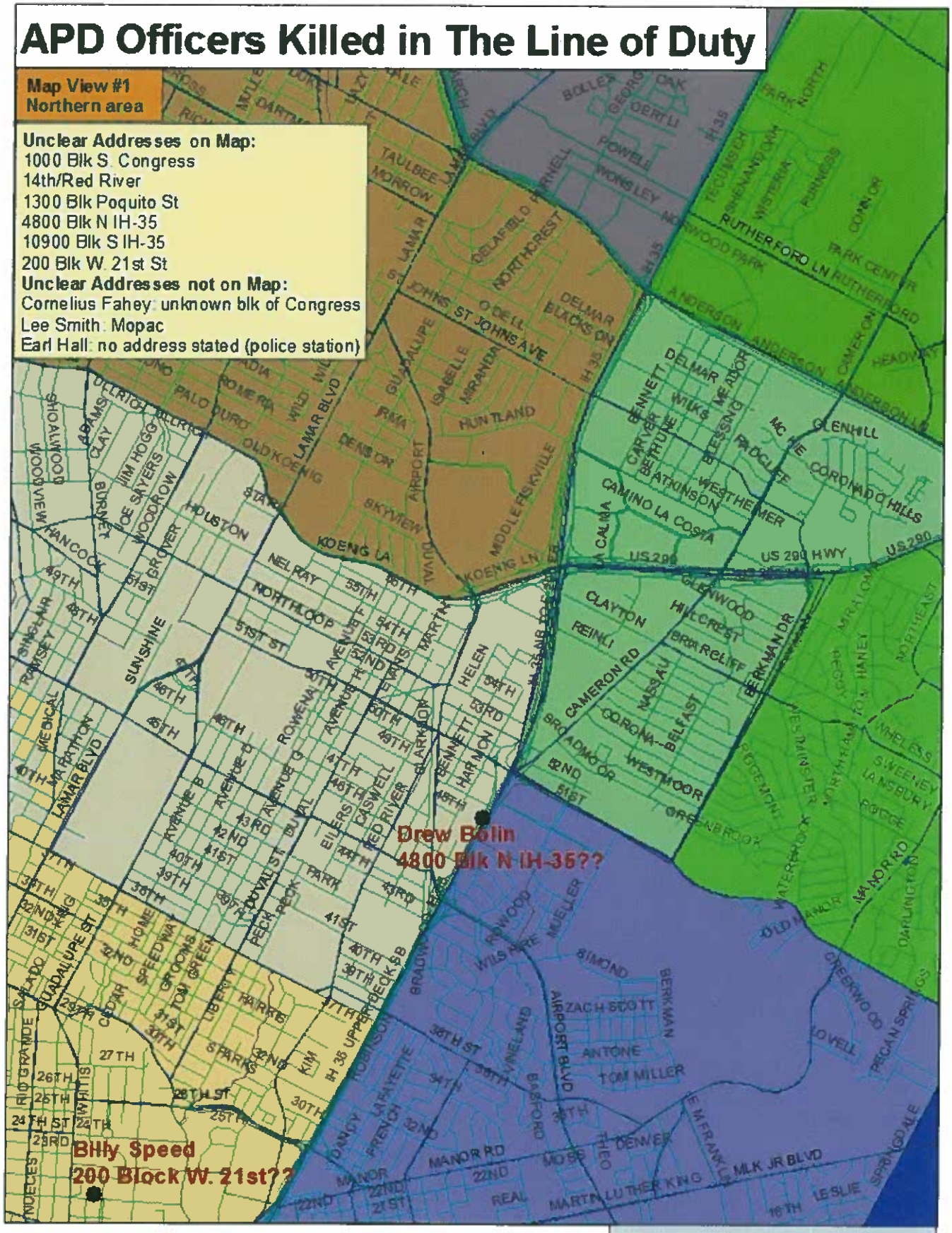
PASSED AND APPROVED

§
§
_____, 2010 § _____
Lee Leffingwell
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

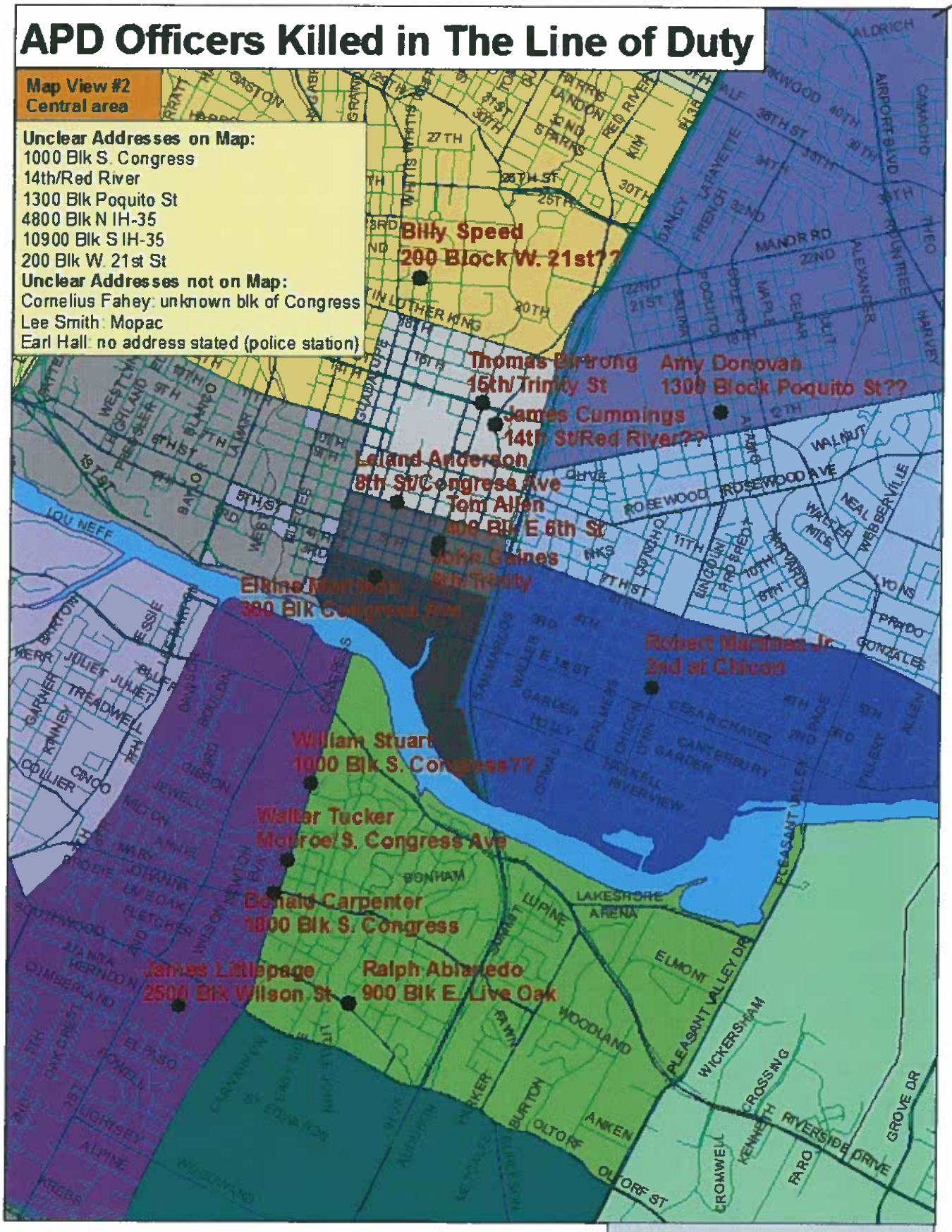
APD Officers Killed in The Line of Duty



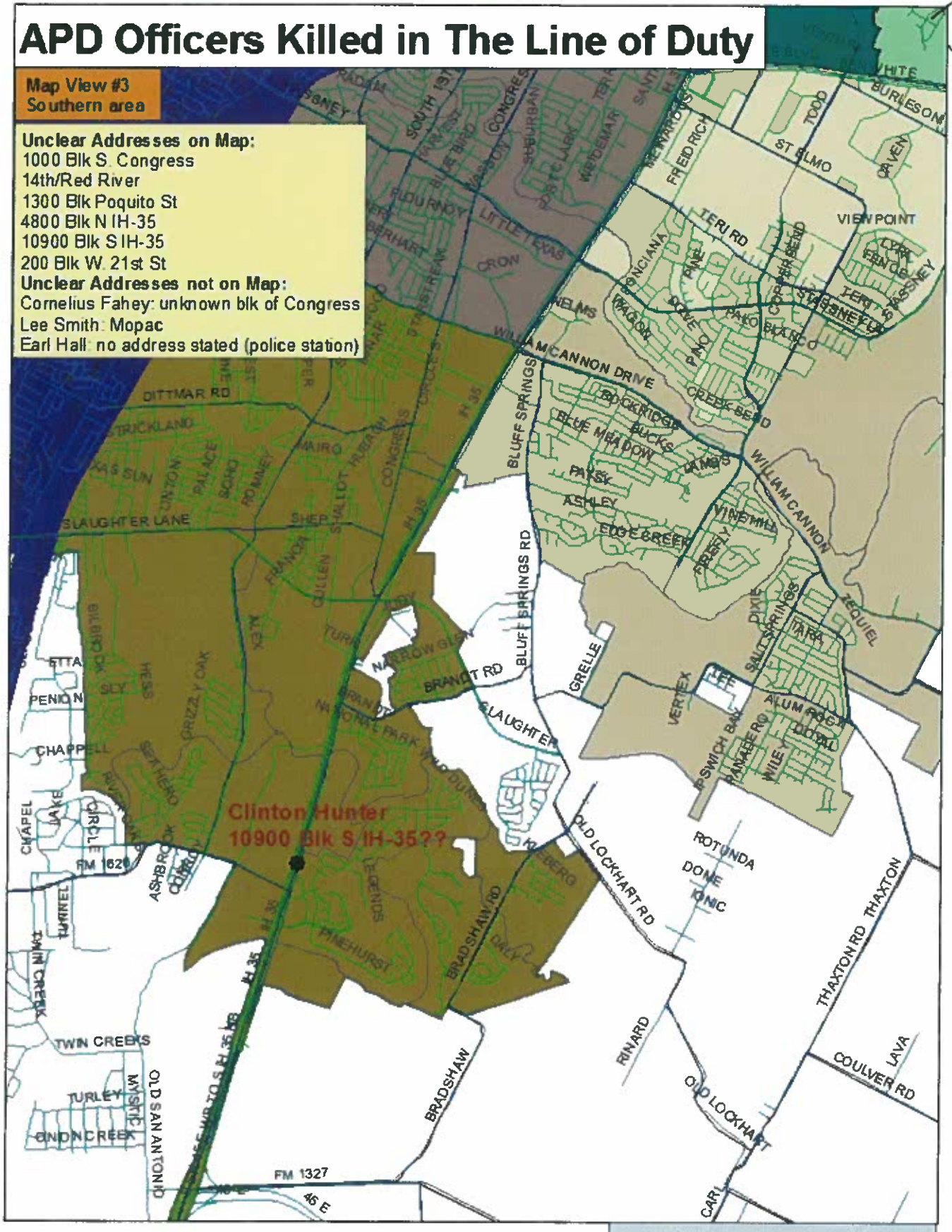
April 28, 2008

This map has been produced by the Austin Police Department's Crime Analysis Unit for the sole purpose of geographic reference and is not warranted for any other use. No warranty is made by the Department regarding its accuracy or completeness.

APD Officers Killed in The Line of Duty



APD Officers Killed in The Line of Duty

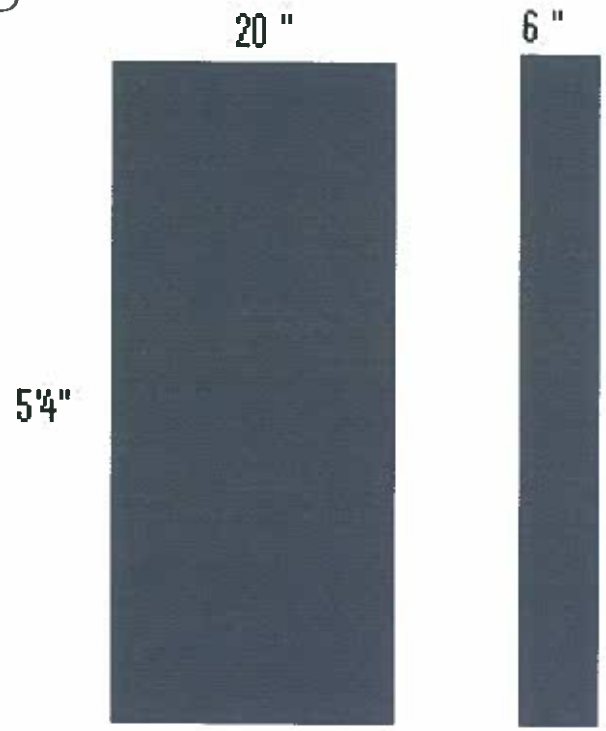


April 28, 2008

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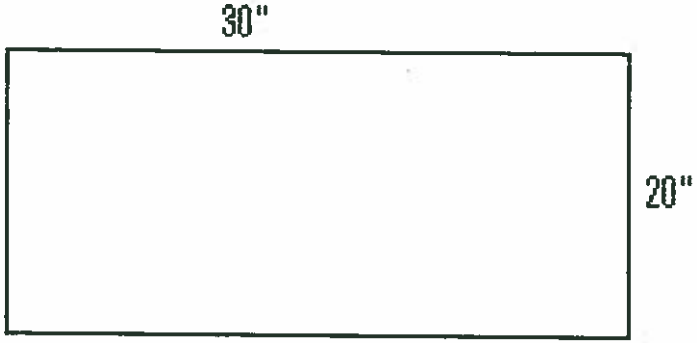
C/N



Weight: Approximately 800 Lbs.

Installation: Hole is excavated which is 30" x 20". Depth of the hole is 12" to 18" max.

Finished height 46" to 52"



Public Safety Officer Memorial Project

Executive Summary

Presented by:

Austin Police Department
Austin Police Department Assistant Chief Al Eells
Austin Police Department Officer Jason Huskins
Assistant City Attorney Brent Lloyd

Planning Commission
April 27, 2010

C2

Public Safety Officer Memorial Project

Executive Summary

Under the general direction of the Austin Police Department (APD), the Public Safety Officer Memorial Project consists of placing granite memorials at locations in Austin where a City of Austin Public Service employee was killed in the line of duty. This project was first conceived as an effort to remind the citizens of Austin of the ultimate sacrifice made by Austin Police Officers in the name of public safety, security and well-being. The project later expanded to include all City of Austin Public Safety personnel killed in the line of duty (Fire, EMS and Police). The Memorials will contribute historical value and serve as a place for family, friends and prospective officers to remember their fallen officers. The outstanding tasks listed below need approval for the project's success:

- ☑ **Memorial markers on state highways:** In Senate Bill 2028, the 2009 Texas Legislature authorized memorial markers on Texas Department of Transportation right-of-ways for any peace officers killed in the line of duty on the site the officer was slain. *(Approved and effective as of September 2, 1009)*

- ☐ **Memorial markers on private property:** The City of Austin Law Department, in conjunction with APD, finalized the private property agreement that will allow private property owners to enter into an agreement to have a memorial marker erected onto their property. *(Pending)*

- ☐ **Memorial markers in the City of Austin right-of-way:** In order to place memorial markers in the City's right-of-way, a code amendment must be made to City Code Chapter 25-10 (Sign Regulations) to allow the placement of memorial markers in the public right-of-way. The proposed amendments should include reasonable requirements to ensure that the design, location, and placement of the memorial markers do not pose a threat to public safety. *(Pending)*

DIRECTION FROM CITY COUNCIL

- On February 4, 2010, City Council approved a resolution initiating amendments to City Code Chapter 25-2 *(Sign Regulations)* to authorize placement of memorial markers in the public right-of-way to honor public safety officers killed in the line of duty.

- Public Works and Planning & Development Review Departments directed to provide insight on safety and right-of-way requirements.

- City Legal was directed to draft amendments to the City Code.

- The Austin Police Department was to present draft amendments to the Planning Commission.

RECOMMENDED CHANGE
City Code Section 12-10-3 *(Definitions)*

PART 1. City Code Section 25-10-3 *(Definitions)* is amended to add a new definition of "memorial marker" to read as follows and to renumber the remaining definitions accordingly:

(7) MEMORIAL MARKER means a sign honoring a City of Austin public safety officer killed in the line of duty.

PART 2. Subsection (H) of City Code Section 25-10-103 *(Signs Prohibited in Public Right-of-Way)* is amended to read:

(H) This section does not prohibit the installation, use, or maintenance in the right-of-way of:

(1) a sidewalk sign;

(2) a projecting sign in the downtown sign district;

(3) a street banner; [or]

(4) a wall sign that is mounted flat against the building and extends not more than 18 inches from the facade of a building and into right-of-way; or

(5) a memorial marker.

RECOMMENDED CHANGE
City Code Section 12-10 *(Sign Regulations)*

PART 3. City Code Chapter 25-10 (*Sign Regulations*) is amended to add a new Section 25 10-157 to read as follows:

§ 25-10-157 MEMORIAL MARKERS.

(A) A memorial marker is permitted in the public right-of-way accordance with the requirements of this section.

(B) The building official shall issue a sign installation permit for a memorial marker if the following requirements are met:

(1) The memorial marker must be placed in coordination with other permitted right-of-way uses, as determined by the building official.

(2) The memorial marker may not:

(a) be placed within:

(i) 20 feet of a driveway or pedestrian crosswalk; or

(ii) an ADA accessible sidewalk;

(b) narrow an existing or planned pedestrian travel way, including a sidewalk or crosswalk;

RECOMMENDED CHANGE

City Code Section 12-10 *(Sign Regulations)* continued

(c) obstruct the line of sight for oncoming traffic;

(d) be taller than ___ or wider than ___;

(e) block an entrance or doorway;

(f) extend onto an abutting property without written approval of the landowner; and

(g) interfere with the maintenance of existing utilities, infrastructure, or amenities that lawfully occupy the right-of-way, including but not limited to lamp posts, parking meters, mail boxes, traffic signal stanchions and control boxes, fire hydrants, trees, benches, planters, bus shelters, or traffic control devices.

PART 4. This ordinance takes effect on May 14, 2010.

MEMORIAL MARKER SPECIFICATIONS

The Memorials are 5 feet 4 inches tall, 20 inches wide and 6 inches thick and constructed of gray granite.

All memorials were donated by Rockdale Memorials.





ADDITIONAL ACTION TAKEN

- Construction of a Private Property Agreement - this agreement will address public safety concerns of the memorial markers and any outstanding location requirements as recommended by the City of Austin Public Works and Planning and Development Departments.

- APD has contacted the City of Austin's Integrity Office to address any outstanding issues pertaining to the donations of the memorial markers – due to the fact that APD officers did not solicit donations from the vendor (vendor offered to build the memorial markers), there are no integrity concerns related to this project.

- APD has also placed the memorial markers into the City of Austin's fixed asset inventory list as well as the APD Police Equipment Unit for retention and inventory records.

- This proposal was discussed at the Codes and Ordinances Subcommittee on April 20, 2010 – The committee voted to approval a recommendation of approval to the Planning Commission on April 27, 2010.

FUTURE ACTIONS

- The draft ordinance will be presented to the Planning Commission on April 27, 2010 for recommended approval to City Council.

- A Request for Council Action (RCA) has be initiated to present the ordinance change to City Council during the May 13, 2010 Council session.

- The ordinance will become effective immediately on May 14, 2010.

- APD will begin communicating with Rockdale Memorials to begin the installation of the memorial markers on May 17, 2010.

- All memorial markers should be erected throughout the City by August 31, 2010.

QUESTIONS

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Austin Police Department

Chief's Office

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