

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTERS 14-9 AND 25-10 RELATING TO THE DISPLAY OF SIGNS, MERCHANDISE, AND ACCESSORIES ON CITY SIDEWALKS.

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

**PART 1.** City Code Section 14-9-13 (*Exceptions to Prohibition Against Obstruction for Sale of Merchandise*) is amended to read:

**§ 14-9-13 EXCEPTIONS TO PROHIBITION AGAINST OBSTRUCTION FOR SALE OF MERCHANDISE.**

Section 14-9-12 (*Obstruction for Sale of Merchandise Prohibited*) does not apply to:

- (1) a display for a newspaper, pamphlet, or periodical, on a sidewalk if the display is not more than three feet from the curblineline or lot line, in compliance with Article 4 (*Restrictions on Newsracks and Direct Sales in a Public Rights-of-Way*);
- (2) a public market established under Chapter 14-2 (*Public Markets*);
- (3) the delivery of previously ordered or purchased merchandise;
- (4) the use of a street, alley, or sidewalk in connection with residence-to-residence or business-to-business sales or solicitations;
- (5) fresh cut flower sales, offers for sale, exchanges, or purchase orders; [ø]
- (6) a sidewalk cafe permitted or licensed under Chapter 14-4 (*Sidewalk Cafés*);  
and
- (7) a sidewalk sign that complies with Section 25-10-153 (*Sidewalk Signs*) or a retail item for display or sale, provided that:
  - (i) the sign or retail item is within the frontage of the business displaying the sign or retail item; and
  - (ii) an unobstructed pedestrian pathway exists sufficient to meet applicable requirements of the Americans with Disabilities Act (ADA).

**PART 2.** Subsections (B) and (C) of City Code Section 25-10-153 (*Sidewalk Signs*) is amended to read:

(B) ~~[The building official shall issue a sign installation permit for a]~~ A sidewalk sign may be installed without a permit, but must comply ~~[if the sign complies]~~ with the ~~[following]~~ requirements of this subsection. [∴]

- (1) The sign must be located:
  - (a) on a sidewalk at least 10 feet in width;
  - (b) directly in front of a building that is not set back from street right-of-way, if the sign is located in the street right-of-way;
  - (c) for a unified development, on a sidewalk directly in front of the ~~[applicant's]~~ business associated with the sign;
  - (d) no closer than 20 feet from a driveway or pedestrian crosswalk; and
  - (e) in coordination with other permitted right-of-way uses, as determined by the building official.

- (2) The sign must not:
  - (a) narrow the sidewalk to less than <sup>6</sup>10 feet in width;
  - (b) obstruct the line of sight for oncoming traffic;
  - (c) be more than four feet high; or
  - (d) be wider than the lesser of one-third the width of the sidewalk, or 30 inches.

(C) The owner or operator of the sign ~~[An applicant]~~ must, upon request, provide the building official with proof of:

- (1) an insurance policy protecting the City from liability arising from installation, use, or maintenance of the sign, in accordance with the requirements of Section 25-10-235 (*Insurance*); and
- (2) indemnification of the City for liability arising from the installation, use or maintenance of the sign.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2014.

**PASSED AND APPROVED**

\_\_\_\_\_, 2014

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\_\_\_\_\_  
Lee Leffingwell  
Mayor

**APPROVED:** \_\_\_\_\_  
Karen M. Kennard  
City Attorney

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk

*Draft*