

AN ORDINANCE 101726

AUTHORIZING A PORTION OF THE DOWNTOWN AREA TO BE DESIGNATED AS A CLEAN ZONE IN ORDER TO REGULATE CERTAIN COMMERCIAL ACTIVITY WITHIN PUBLIC PROPERTY OR RIGHTS-OF-WAY FROM DECEMBER 12, 2005 THROUGH DECEMBER 19, 2005 IN CONNECTION WITH THE 2005 NCAA DIVISION I WOMEN'S VOLLEYBALL CHAMPIONSHIP; DESIGNATING THE GEOGRAPHICAL BOUNDARIES FOR THE CLEAN ZONE; PROVIDING FOR SPECIAL CLEAN ZONE LICENSE PERMITS; AND ESTABLISHING CRIMINAL PENALTIES TO BE IMPOSED FOR VIOLATION OF THIS ORDINANCE WITH A FINE NOT TO EXCEED \$2,000.00.

* * * * *

WHEREAS, the City of San Antonio, in conjunction with the National Collegiate Athletic Association ("NCAA"), is hosting the 2005 NCAA Division I Women's Volleyball Championship ("Event") on Thursday, December 15, 2005, and Saturday, December 17, 2005, in the Alamodome; and

WHEREAS, the Event is expected to attract tens of thousands of visitors to the San Antonio area and is projected to generate significant economic impact; and

WHEREAS, pursuant to the City's powers as a Home Rule Municipality, it is in the best interest of the City to regulate this Event to preserve the health and safety of all citizens, visitors and participants, as well as preserve the aesthetic qualities of the downtown area, and therefore, the City has determined it is necessary to designate a Clean Zone within specific boundaries in the downtown area from Monday, December 12, 2005 to Monday, December 19, 2005; and

WHEREAS, this Ordinance shall be effective only for the duration of the date specified and shall not effect the operations of the City outside the specified dates and boundaries of this Event; **NOW THEREFORE:**

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

SECTION 1. It is authorized that a portion of the downtown area of San Antonio shall be designated a Clean Zone from Monday, December 12, 2005 to Monday, December 19, 2005, in conjunction with the 2005 NCAA Division I Women's Volleyball Championship.

SECTION 2. The Clean Zone shall be in effect for eight (8) days beginning at 12:01 a.m. on Monday, December 12, 2005 and continuing until midnight on Monday, December 19, 2005.

SECTION 3. The geographic boundaries of the Clean Zone consist of an area bounded by N. St. Mary's and McCullough on the north, Frio on the west, Durango and Florida on the south and Hackberry on the east. Specifically the boundaries are as follows:

- a) Martin east from Frio to St. Mary's;
- b) North and east on St. Mary's to McCullough;
- c) South and east on McCullough to Nolan;
- d) East on Nolan to Hackberry;
- e) South on Hackberry to Florida;
- f) West and north on Florida to Labor;
- g) North on Labor to Durango;
- h) North and west on Durango to Frio; and
- i) North on Frio to Martin

The Clean Zone shall encompass the area within the boundaries describe above, including the entire area of the boundary streets, and all public property and right-of-way, which is adjacent to, or about, the boundary streets described. A map showing the geographical boundaries of the Clean Zone is attached to this Ordinance as Attachment I.

SECTION 4. A person shall not occupy public property or rights-of-way within the Clean Zone for the purposes of selling, distributing or offering for sale or free of charge, services or goods, including, but not limited to food, drinks, flowers, plants, tickets, merchandise or souvenirs without authorization prescribed by this section. The Clean Zone is designated and authorized subject to the following conditions:

- (1) Any person who wishes to sell or vend food, frozen food, flowers, souvenirs or other merchandise, erect temporary signage, inflatables, banners flags, pennants, wind or "sandwich board" signs or project images, or otherwise engage in temporary promotional or commercial activities of any kind, including sampling, located within the geographical boundaries and the dates of the Clean Zone, and from a location which is on City property or rights-of-way, must:
 - a. Seek and acquire a recommendation of the San Antonio Local Organizing Committee, as Sponsor; and
 - b. Acquire a "Clean Zone License" which shall be:
 - i. Coordinated through the Parks and Recreation Department; then
 - ii. Approved and signed by the Staff Liaison, which shall be an Assistant to the City Manager; then
 - iii. Issued by the appropriate Department of the City (e.g. Parks and Recreation, Health and Building Inspections); and
 - iv. At a cost standard for the type of permit sought (e.g. food, merchandise and signage).
- (2) There shall be no "foot" or mobile vending Clean Zone Licenses issued. All approved Clean Zone vendors will be assigned to a fixed location for the duration of the Event.

- (3) The fee of \$350.00 per clean zone license is to be deposited into Fund 11001000, Internal Order 226000000000, General Ledger 4407217, entitled "Permit - Downtown Peddlers," upon receipt.

SECTION 5. The Clean Zone License shall specify the exact location of the licensee's operation, and the licensee shall comply with all the provisions of the City Code, and state and federal laws, including, but not limited to, the City Health and Safety Code, and all applicable state and local health and safety laws and regulation.

SECTION 6. Any person who engages in the activity defined in Section 4 without the prior recommendation of the Sponsor and a Clean Zone License issued by the City will be subject to immediate impoundment of all tangible property related to the unauthorized commercial activity and may be subject to prosecution for a Class C misdemeanor and a fine not to exceed \$2,000.00.

SECTION 7. Notwithstanding any other provision of this Ordinance, any person authorized to conduct business within the geographical boundaries of the Clean Zone is hereby authorized to engage in its authorized, licensed, contracted, permitted or certificated activity during the time period specified for the Clean Zone and is not required to obtain a Clean Zone License. However, if any such person already authorized to conduct business wishes to extend its authorized, licensed, contracted, permitted or certificated activity, then a Clean Zone License shall be required to conduct such activity extension. No person shall be authorized to sell or distribute illegal, non-licensed, or unauthorized merchandise, regardless of whether that person obtains a Clean Zone License.

SECTION 8. Enforcement assistance, if requested by the NCAA, will require the assignment of off-duty San Antonio Police Department officers. All costs associated with the off-duty police officers will be the responsibility of the NCAA.

SECTION 9. This ordinance shall take effect on the tenth (10th) day after the date of passage.

PASSED AND APPROVED this 17th day of November, 2005

ATTEST: 
City Clerk


M A Y O R
PHIL HARDBERGER

APPROVED AS TO FORM:


for City Attorney