

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE PROHIBITING CERTAIN ACTIVITIES IN CERTAIN AREAS IN CONNECTION WITH ACTIVITIES RELATED TO THE WRANGLER NATIONAL FINALS RODEO; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND NAMING AN EFFECTIVE DATE OF DECEMBER 1, 2020 AND AN EXPIRATION DATE OF 12:00 NOON, DECEMBER 13, 2020.**

**WHEREAS** the Professional Rodeo Cowboys Association (the “PRCA”) owns, produces and controls the annual professional rodeo championship known as the Wrangler National Finals Rodeo (“NFR”), which is the largest national annual rodeo event held in this country;

**WHEREAS** the NFR has never been held in the North Texas Region; and

**WHEREAS** in amending Texas Revised Civil Statutes article 5190.14 during the 78<sup>th</sup> Legislature, Regular Session, the Texas Legislature determined that the conduct in this state of one or more major sporting or athletic events will provide invaluable public visibility throughout the nation or world for Texas and the communities where the major sporting or athletic events are held, will encourage and provide major economic benefits to the communities where the major sporting or athletic events are held and to the entire state and will provide opportunities for the creation of jobs by local and Texas businesses that pay a living wage; and

**WHEREAS** as recognized by the Texas Legislature, the City of Arlington and the North Texas Region hosting NFR and NFR-related activities will generate goodwill, enhance the worldwide renown and prestige, create temporary jobs and create substantial beneficial economic and fiscal activity; and

**WHEREAS** the City of Fort Worth is hosting NFR-related activities, including the Cowboy Christmas at the Fort Worth Convention Center, the Junior World Finals at Will Rogers Memorial Center, and ancillary activities at the Fort Worth Stockyards; and

**WHEREAS** the downtown area in the City of Fort Worth, including the Fort Worth Convention Center, hotels and other facilities and their premises, access roads, parking lots, thoroughfares and other areas will be used for the purposes of organizing, financing, promoting, accommodating, staging and conducting activities related to NFR; and

**WHEREAS** the Fort Worth Stockyards area in the City of Fort Worth, including hotels and other facilities and their premises, access roads, parking lots, thoroughfares and other areas will be used for the purpose of organizing, financing, promoting, accommodating, staging and conducting activities related to NFR;

**WHEREAS** the City Council desires to promote and protect health and safety in the downtown area of Fort Worth and the Fort Worth Stockyards during a temporary period before and after NFR; and

**WHEREAS** the failure to regulate temporary structures and outdoor sale/distribution of merchandise from public streets or sidewalk in the vicinity of NFR related events would result in pedestrian and vehicular traffic issues that cause traffic and pedestrian safety problems and affect public safety operations; and

**WHEREAS**, City officials who have familiarity with traffic and public safety issues have similar concerns that venues in which related NFR related events are conducted could become overly congested by attracting congregations of temporary structures and outdoor sales/distribution of merchandise in public streets or sidewalks in the vicinity of the NFR related activities in the downtown area and Fort Worth Stockyards; and

**WHEREAS**, such congestion would unnecessarily increase the numbers of vehicles and pedestrians in the downtown area, obstruct traffic, hinder security operations and interfere with emergency vehicle access, as well as increase health concerns related to COVID-19; and

**WHEREAS**, the City Council desires to promote and protect good order and to protect the health, safety, and convenience of drivers and pedestrians in and around downtown and the Fort Worth Stockyards during the NFR and its related NFR activities;

**WHEREAS**, this Ordinance does not regulate any activities in Sundance Square Plaza or on any other private property located within the Clean Zones' boundaries;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:**

**SECTION 1.**

That the streets and sidewalks in the areas shown:

1. On the map and description attached hereto as **Exhibit "A"**, shall be designated as a "Downtown Clean Zone" during the period beginning at 12:01 a.m. December 1, 2020 through and until 12:00 Noon, December 13, 2020; and
2. On the map and description attached hereto as **Exhibit "B"**, shall be designated as a "Stockyards Clean Zone" during the period beginning at 12:01 a.m. December 1, 2020 through and until 12:00 Noon, December 13, 2020.

Collectively, the Downtown Clean Zone and the Stockyards Clean Zone are referred to herein as the "Clean Zones".

In addition to all other activities prohibited by City ordinances and state and federal laws, the following activities, including those permitted prior to the effective date of this Ordinance, shall be prohibited on all public property and all public streets and sidewalks in the Clean Zones during such timeframe, unless specifically allowed in writing by City after the date of the adoption of this Ordinance:

1. All activities constituting an “Outdoor Event” under Chapter 20 of the Code of the City of Fort Worth, including the construction, placement, occupation or use of any temporary structure (including but not limited to temporary retail locations, tents, canopies and air-supported, air-inflated and tensioned membrane structures);
2. The construction, placement, occupation or use of any temporary structure (including but not limited to temporary retail locations, tents, canopies and air-supported, air-inflated and tensioned membrane structures);
3. The outdoor sale or distribution of food or merchandise to the public (used in its broadest sense), except food or merchandise sold or distributed in the ordinary course of business at a location for which a Certificate of Occupancy or a permit for outdoor restaurant seating has been issued prior to the effective date of this Ordinance;
4. The outdoor distribution to the public of flyers, material, goods or wares, except as sold or distributed in the ordinary course of business at a location for which a Certificate of Occupancy has been issued prior to the effective date of this ordinance;
5. Outdoor displays, including, but not limited to, portable signs, flags, streamers, pennants, banners, posters, decorative flags, video screens, balloons, electronic message boards, nighttime projections of messages, inflatables and building wraps, except restaurant A-frame signs, window signs and street pole banners with a valid City issued permit and existing real estate and development signs shall be permitted; and
6. Temporary vending including, but not limited to, the soliciting, selling or offering of food, wares, services or other items and activities described under Chapter 24 – Parks and Community Services, Article I – In General, Section 24-5; Appendix A – Zoning Regulations, Chapter 5 – Supplemental Use Standards, Article 4 – Temporary Uses, Section 5.406 – Mobile vendors; Chapter 20 – Licenses and Miscellaneous Business Regulations, Article II Amusements, Division 3, Carnivals, Circuses and Tent Shows; Article IV – Vendors, Division 1 – Door-to-Door Vendors; Chapter 23 – Offenses and Miscellaneous Provisions, Section 23-16 – Certain ticket resale prohibited on city property; Chapter 20 – Licenses and Miscellaneous Business Regulations, Article IV – Vendors, Division 2 – Pushcarts, Section 20-163; Chapter 30 – Streets and Sidewalks, Article I – In General, Section 30-3 – Displaying goods, wares, etc.; Chapter 30 – Streets and Sidewalks, Article I – In General, Section 30-4 – Soliciting trade or patronage, and all of the Code of the City of Fort Worth.

## **SECTION 2.**

That the City may remove or order the removal, without prior written notice, of any sign erected in violation of this Ordinance. In the event of any such removal, the following procedures will be followed:

(a) The City shall, within thirty (30) days after removal, notify the owner or lessee of a sign and the owner of the building, structure or premises upon which the sign was located that the sign was removed. Any sign removed by the City shall be stored for a period of thirty (30) days from the date notification is given. If the identity or address of the owner or lessee of the sign or the owner of the building, structure or premises upon which the sign was located cannot, after reasonable effort, be determined, the City shall store the sign for a period of thirty (30) days after the date the City determines that notification cannot be made. The City shall continue to store any sign that has been removed for any additional period during which any appeal of such removal is pending. At the expiration of the time specified in this section, if the owner or lessee of the sign or the owner of the building, structure or premises upon which the sign was located has not reclaimed the sign as provided in subsection (b) of this section, the City may destroy the sign or dispose of it in any manner the City deems appropriate.

(b) To reclaim any sign removed by the City, the person reclaiming the sign shall pay to the City an amount equal to all costs incurred by the City in removing and storing the sign.

### **SECTION 3.**

That this Ordinance shall be cumulative of all other ordinances of the City of Fort Worth and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

### **SECTION 4.**

That all rights or remedies of the City of Fort Worth, Texas are expressly saved as to any and all violations of the City Code or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

### **SECTION 5.**

That 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, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 6.**

That any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation exists shall constitute a separate offense.

**SECTION 7.**

That the City Secretary of the City of Fort Worth, Texas is hereby directed to publish this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas as authorized by V.T.C.A. Local Government Code Subsection 52.013.

**SECTION 8.**

After publication as required by law, this Ordinance shall take effect at 12:01 A.M. December 1, 2020 and expire at 12:00 Noon, December 13, 2020.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

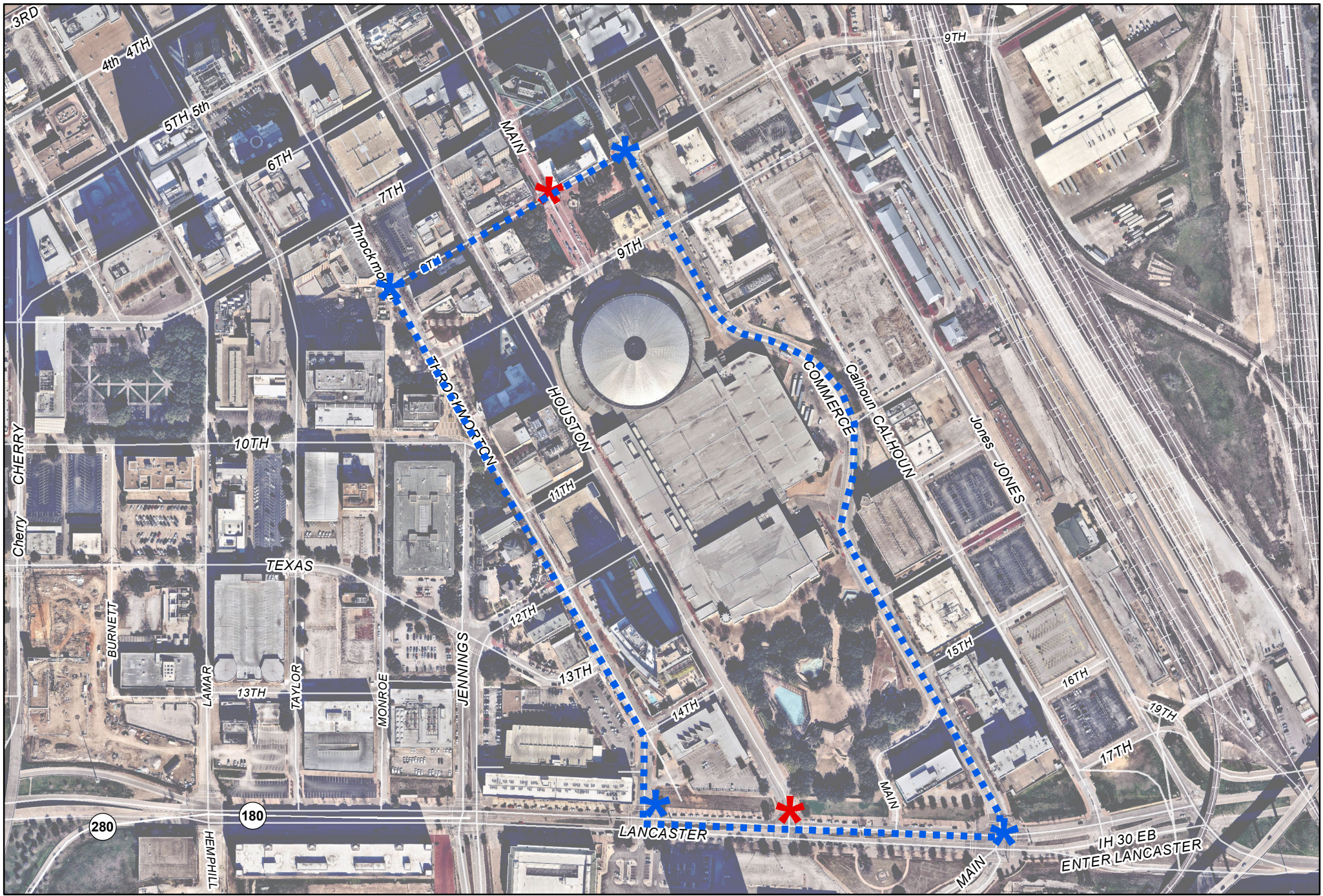
By: \_\_\_\_\_  
Leann Guzman  
Deputy City Attorney

By: \_\_\_\_\_  
Mary Kayser  
City Secretary

Adopted: \_\_\_\_\_


Effective: \_\_\_\_\_

# Downtown Clean Zones & Free Speech Areas

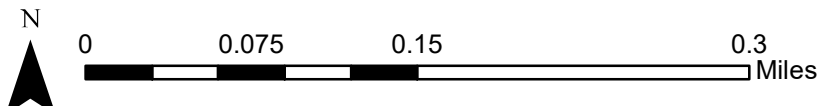


0 0.05 0.1 0.2 Miles

 Free Speech Area

 Clean Zone

# Stockyards Clean Zones & Free Speech Areas



 Free Speech Area  Clean Zone