

ORDINANCE NO. 3083

AN ORDINANCE to amend and reordain Section 6-1-4, to redesignate Section 6-1-5 as 6-1-7, and to amend Chapter 1 by adding two new sections numbered 6-1-5 and 6-1-6 thereto, all of Chapter 1, Title 6 of The Code of the City of Alexandria, Virginia, 1981, as amended: which Title 6 relates to PARKS, RECREATION AND CULTURAL ACTIVITIES, which Chapter 1 relates to GENERAL PROVISIONS, which redesignated Section 6-1-7 relates to USE OF RADIOS, TAPE PLAYERS OR ELECTRONIC SOUND-PRODUCING DEVICES WITHOUT INDIVIDUAL HEADSETS OR EARPHONES IN BEVERLY PARK PROHIBITED, which new Section 6-1-6 relates to THE PUBLICLY OWNED OPEN SPACE EAST OF THE EASTERN RIGHT-OF-WAY LINE OF NORTH UNION STREET, SOUTH OF THE SOUTHERN RIGHT-OF-WAY LINE OF THOMPSON'S ALLEY, NORTH OF THE NORTHERN RIGHT-OF-WAY LINE OF KING STREET AND WEST OF THE PIERHEAD LINE IN THE POTOMAC RIVER--PROHIBITED CONDUCT: RIDING MOPEDS, SKATEBOARDS, OR BICYCLES; USING OR OPERATING MOTOR VEHICLES; PLAYING OF ELECTRONIC SOUND-PRODUCING DEVICES WITHOUT INDIVIDUAL HEADSETS OR EARPHONES; ENTERING THE POTOMAC RIVER FROM ANY DOCK, WHARF, PIER, BULKHEAD, PILING, OR QUAY ADJACENT TO SAID OPEN SPACE FOR PURPOSES OF SWIMMING; AND WILLFUL AND MALICIOUS DAMAGE OR DEFACEMENT OF PUBLIC FACILITIES, which new Section 6-1-5 relates to MARKET SQUARE--RULES AND REGULATIONS GOVERNING USE and which Section 6-1-4 relates to MARKET SQUARE--PROHIBITED CONDUCT: RIDING MOPEDS, SKATEBOARDS, OR BICYCLES; USING OR OPERATING MOTOR VEHICLES; PLAYING OF ELECTRONIC SOUND-PRODUCING DEVICES WITHOUT INDIVIDUAL HEADSETS OR EARPHONES; AND WILLFUL AND MALICIOUS DAMAGE OR DEFACEMENT OF PUBLIC FACILITIES.

WHEREAS, the city seeks to control, protect and manage its limited public space in the city for the greatest benefit of all by prohibiting certain conduct in Market Square and the public open space behind the Torpedo Factory buildings: and

WHEREAS, although the city permits the use of Market Square for performances and activities, as set forth in section 6-1-5, the city seeks preservation of its limited public space in the city for peaceful enjoyment and contemplation:

NOW, THEREFORE, to help control potentially dangerous and disturbing activities, to limit unreasonably loud, raucous, jarring or disturbing noises in Market Square or in the public open space behind the Torpedo Factory buildings, to prevent injury to or the defacement of public property, to limit the use of certain devices and vehicles, and to prevent the playing of portable radios, tape players or other electronic sound-producing devices without headsets or earphones, the following restrictions are hereby adopted.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 6-1-4, Chapter 1, Title 6 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 6-1-4. Market Square--Prohibited conduct: riding mopeds, skateboards, or bicycles; using or operating motor vehicles; playing of electronic sound-producing devices without individual headsets or earphones; and willful and malicious damage or defacement of public facilities.

(1) It shall be unlawful for any person to ride any moped, skateboard, or bicycle, or to use or operate any motor vehicle, as defined in section 46.1-1, Code of Virginia (1950), as amended, or for any person to willfully or maliciously injure or deface any real or personal property of the city or property lawfully on display or loaned to the city; or to play any portable radio, tape player or other electronic sound-producing device without the use of individual headsets or earphones that limit the sound produced to the individual user at any place within the city's public area known as Market Square, which square lies between the 100 blocks of North Royal and North Fairfax Streets, bounded on the south side by King Street and on the north by city hall; provided further, that this section shall not be construed to prohibit public employees or their duly authorized agents from using or operating motor vehicles in Market Square in the performance of their duties.

(2) The city manager is hereby authorized to promulgate any rules and regulations required for the use, governance and protection of Market Square consistent with the intent of this ordinance.

Section 2. That Section 6-1-5, Chapter 1, Title 6 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is redesignated as Section 6-1-7.

Section 3. That Chapter 1, Title 6 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new section 6-1-5 to read as follows:

Sec. 6-1-5. Market Square--Rules and regulations governing use.

The rules and regulations governing the use of Market Square public facilities shall be as follows:

(1) The city manager shall promulgate rules and regulations to permit the regular use of Market Square for public

activities. The rules shall designate the criteria under which Market Square use is permitted, including, but not limited to:

(a) a specification that permits shall be handled on a first come, first-serve basis, but applications will not be accepted more than three (3) months in advance;

(b) a specification that requests shall be subject to availability as limited by regular maintenance schedules established by the city manager;

(c) a requirement that the scheduled use complies with all federal, state and local laws;

(d) a requirement that the activity be open to the general public without an admission charge;

(e) a preference for Alexandria residents among applicants;

(f) a requirement that if past use of Market Square by the applicant has resulted in any damage to Market Square, or resulted in the use of sound amplifying equipment to project any obscene or indecent language, then that may be grounds for permit denial;

(g) a requirement that if the performance or activity is likely to result in a breach of the peace or the use of sound amplifying equipment to project any obscene or indecent language, then that may be grounds for permit denial;

(h) a requirement that if administrative expenses associated with the performance or activity will exceed 50 percent of the ordinary expenses of the average Market Square activity or performance as determined by the department of general services' data, then that may be grounds for permit denial; and

(i) any other criteria consistent with the intent of this ordinance.

(2) The city manager shall also establish:

(a) procedures for permit applications;

(b) procedures for appeals of permit denials;

(c) fee schedules when city services beyond established regular service levels are required for the activity or performance;

(d) permitted hours for scheduled performances or activities; and

(e) any other criteria necessary to the safe, efficient and orderly use of Market Square for performances or activities.

(3) All use of Market Square shall comply with city code section 6-1-4 which prohibits certain specified activities in Market Square.

Section 4. That Chapter 1, Title 6 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new section 6-1-6 to read as follows:

Sec. 6-1-6. The publicly owned open space east of the eastern right-of-way line of North Union Street, south of the southern right-of-way line of Thompson's Alley, north of the northern right-of-way line of King Street and west of the pierhead line in the Potomac River--Prohibited conduct: riding mopeds, skateboards, or bicycles; or using or operating motor vehicles; playing of electronic sound-producing devices without individual headsets or earphones; entering the Potomac River from any dock, wharf, pier, bulkhead, piling, or quay adjacent to said open space for purposes of swimming; and willful and malicious damage or defacement of public facilities.

(1) It shall be unlawful for any person to ride any moped, skateboard, or bicycle, or to use or operate any motor vehicle, as defined in section 46.1-1, Code of Virginia (1950), as amended, or for any person to willfully or maliciously injure or deface any real or personal property of the city or property lawfully on display or loaned to the city; or to play any portable radio, tape player or other electronic sound-producing device without the use of individual headsets or earphones that limit the sound produced to the individual user, or to enter the Potomac River from any dock, wharf, pier, bulkhead, piling, or quay adjacent to said open space, at any place within the city's public open space lying east of the eastern right-of-way line of North Union Street, south of the southern right-of-way line of Thompson's Alley, north of the northern right-of-way line of King Street and west of the pierhead line in the Potomac River: provided further, that this section shall not be construed to prohibit public employees or their duly authorized agents from using or operating motor vehicles in said public space in the performance of their duties.

(2) The city manager is hereby authorized to promulgate any rules and regulations required for the use, governance and protection of the publicly owned open space east of the eastern right-of-way line of North Union Street, south of the southern right-of-way line of Thompson's Alley, north of the northern

right-of-way line of King Street and west of the pierhead line in the Potomac River, consistent with the intent of this ordinance.

Section 5. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

JAMES P. MORAN, JR.
Mayor

Final Passage: October 19, 1985