

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE TITLE 4 TO ADD CHAPTER 4-15 RELATING TO SPECIAL EVENTS; REPEALING AND REPLACING CHAPTER 14-8 RELATING TO RIGHT-OF-WAY CLOSURES FOR SPECIAL EVENTS AND NEIGHBORHOOD BLOCK PARTIES; AMENDING SECTION 10-3-96 RELATING TO TEMPORARY FOOD ESTABLISHMENTS; REPEALING SECTION 14-6-3 RELATING TO CLOSURES FOR A STREET FESTIVITY; ~~INITIATING A CODE AMENDMENT FOR CHAPTER 25-10 RELATING TO TEMPORARY SIGNS DURING A SPECIAL EVENT; AND CREATING A PENALTY.~~

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

PART 1. FINDINGS

The council finds the following:

- (1) The City's festivals, road races, and other special events contribute to the unique character and vitality of the City;
- (2) Special events range from very small neighborhood-level events to large-scale, multi-million dollar productions;
- (3) Events held in the City impact public safety and impede the flow of pedestrian and vehicular traffic;
- (4) The City's public safety personnel are better able to respond to issues affecting public safety when they are alerted in advance to the timing, location, and nature of events occurring in the City. The special event permit application process will allow the City to manage the competing uses of its public safety personnel;
- (5) The special events team will be able to assist event organizers in obtaining all necessary permits and facilitate the timely and efficient process of permit applications;
- (6) Citizens need to quickly access public space to respond to current events through spontaneous speech;

- (7) A special event permit application process will allow the City to manage the competing uses of its public spaces and ensure that members of the public are able to access public space for their events;
- (8) Many event organizers must apply for permits from multiple City departments;
- (9) An interdepartmental special events team acting as a “one-stop shop” for special events will provide a single point of contact for event organizers and the public;
- (10) When more than one event occurs in the same general area, the occupancy level of adjacent city streets and sidewalks increases, which may create an unsafe condition and strain the City’s resources and infrastructure; and
- (11) Limiting the number of special events that may occur simultaneously in an area will allow the City to prevent people from being injured due to overcrowded streets and sidewalks and will allow the City to better manage its resources and infrastructure.;
- ~~(12) High capacity event venues that host mass gatherings of people pose risks to public safety unless they maintain appropriate safety precautions and facilities.~~

PART 2. Title 4 of the City Code is amended to add Chapter 4-15 (*Special Events*):

ARTICLE 1. GENERAL PROVISIONS.

§ 4-15-1 DEFINITIONS.

In this chapter:

- (1) AMPLIFIED SOUND EQUIPMENT means an amplified speaker, public address system, amplification system, or other amplified sound producing device.
- (2) APPEAL TEAM means the inter-departmental team comprised of directors of city departments that participate in the Austin Center for Events.
- (3) ATTENDEE means participants, athletes, event staff, and other individuals present during a special event.

- 1 (4) CITY FACILITY means city parkland, buildings, and all other city-
2 owned, controlled, or maintained property that is not a street, sidewalk,
3 right-of-way, or spaces not open to the general public for rental.
- 4 (5) DIVERSION means the act of redirecting material from disposal for a
5 higher or best use including, but not limited to, recycling and
6 composting.
- 7 (6) EVENT ORGANIZER means any person who conducts, manages, or
8 organizes a special event.
- 9 (7) IMPACT means to impede, obstruct, impair, or interfere with normal
10 vehicular or pedestrian traffic.
- 11 (8) LEGACY EVENT means a special event that has been held in the City of
12 Austin in substantially the same form for a minimum of 20 consecutive
13 years.
- 14 (9) OUTDOOR means an area that is not fully enclosed by permanent, solid
15 walls, and a roof.
- 16 (10) POLICE-ESCORTED BUBBLE means a procession where individuals
17 proceed within a perimeter of police officers or police vehicles.
- 18 (11) PRELIMINARY RECOMMENDATION means the decision by ACE on
19 an initial review of a special event application.
- 20 (12) SPECIAL EVENT means an event held outdoors on private or public
21 property that
- 22 (a) Has 100 or more attendees per day at a city facility, other than the
23 Austin Convention Center, Long Center, City Hall, or Palmer
24 Events Center;
- 25 (b) Impacts a city street, sidewalk, alley, walkway, or other city public
26 right-of-way other than as permitted under Chapter 14-6
27 (*Temporary Street Closure*); or
- 28 (c) Is temporary, involves 100 or more attendees per day, and
- 29 (i) is inconsistent with the permanent use to which the property
30 may legally be used, ~~or the occupancy levels permitted on the~~
31 ~~property~~; and

(ii) includes one of the following:

1. Set up of temporary structures including, but not limited to, tents, stages, or fences;
2. Sound equipment as defined in Section 9-2-1 (*Definitions*); or
3. Consumption of food or alcohol.

(13) SPECIAL EVENT ~~DISTRICT~~ IMPACT AREA means the geographic area surrounding a special event venue that is subject to the requirements in Section 4-15-25 (*Special Event ~~District~~ Impact Area*).

(14) SPECIAL EVENT VENUE means the property where the special event will occur.

(15) SUPERVISING POLICE OFFICER means the Austin Police Department representative designated by the Austin Police Department Special Events Commander.

~~(16) VENUE OPERATOR means any person who manages or operates a high-capacity event venue.~~

(17) WASTE MANAGEMENT means collection of solid waste, recyclables, organics, and hazardous waste for disposal or diversion and includes litter control and street cleaning.

§ 4-15-2 AUSTIN CENTER FOR EVENTS.

(A) The City Manager shall create an Austin Center for Events (ACE) to carry out the responsibilities under this chapter. ACE will be comprised of employees from City departments that regulate, permit, or host special events.

(B) ACE shall review applications for special event permits ~~and high-capacity venue permits~~; and shall approve or deny applications in compliance with this chapter and with rules adopted under this chapter.

(C) ACE may establish a special event ~~district~~ impact area in the geographic area surrounding a special event venue.

1 (D) For purposes of Chapter 9-2 (*Noise and Amplified Sound*) and Chapter 25-2,
2 Article 6 (*Temporary Uses*), approval by ACE is approval by the
3 accountable official.

4 (E) In carrying out its duties under Subsections (B), (C), and (D), ACE may:

- 5 (1) Set reasonable boundaries for the special event venue and special event
6 impact area consistent with this chapter;
- 7 (2) Impose reasonable conditions on the special event based on public health,
8 safety, and welfare;
- 9 (3) Coordinate permit issuance or authorizations for the special event with
10 other city departments;
- 11 (4) Require consolidated application;
- 12 (5) Consult with public agencies that have ownership or jurisdiction over
13 land within the special event venue or special event impact area; and
- 14 (6) Adopt rules governing the administration and enforcement of this
15 chapter, including application requirements and provisions for
16 interdepartmental review.

17 **§ 4-15-3 CONFLICTS WITH THIS CHAPTER.**

18 To the extent a conflict exists, this Chapter controls.

19 ***ARTICLE 2. SPECIAL EVENT PERMIT.***

20 **§ 4-15-20 PERMIT REQUIRED; EXCEPTIONS.**

- 21 (A) Except as provided in Subsections (B) and (C), a special event permit issued
22 under this chapter is required to conduct, manage, or operate a special event.
- 23 (B) A special event permit under this chapter is not required for:
- 24 (1) an event conducted entirely on city parkland that uses only Parks and
25 Recreation Department facilities, personnel and equipment; or
- 26 ~~(2) an event conducted in a city auditorium or meeting room that requires~~
27 ~~only facilities, personnel, or equipment related to that facility; or~~
- 28 (3) a spontaneous event that is occasioned by news or affairs coming into
29 public knowledge less than 48 hours before the spontaneous event and

1 that is conducted on sidewalks or city parkland. An organizer must
2 provide notice to the Austin Police Department of the date, time, place,
3 and an estimate of the approximate number of persons who will be
4 participating at least four hours before the event, or provide other prior
5 notice that may be reasonable under the circumstances.

- 6 (C) A special event permit is not required for a neighborhood block party that
7 complies with Chapter 14-8, Article 3 (*Closure Permits for Block Parties*).
8 ~~A special event permit is not required for a high capacity event venue that~~
9 ~~complies with Article 7 (*High Capacity Event Venues*).~~

10 § 4-15-21 CATEGORIES OF SPECIAL EVENTS.

11 A special event application will be designated into one of four tiers in accordance
12 with this Section.

- 13 (A) A Tier 1 event is a special event that does not include consumption of
14 alcohol and:

- 15 (1) impacts no more than one block of a street, sidewalk, or city right-of-way
16 and does not require other permits, except for a permit issued under
17 Chapter 14-8 (*Temporary Closure for Right of Way Events and*
18 *Neighborhood Block Parties*); or
19 (2) is moving and consists exclusively of people in a police-escorted bubble;
20 or
21 (3) is an assembly at a city facility and lasts less than 5 hours; or
22 (4) is an assembly exclusively on private property and lasts less than 5 hours
23 one day.

- 24 (B) A Tier 2 event is a special event that:

- 25 (1) is an assembly at a city facility and that estimates attendance at less than
26 2,500 attendees per day; or
27 (2) is an assembly lasting four days or less, that is held primarily on private
28 property, and that estimates attendance at less than 2,500 attendees per
29 day; or
30 (3) is stationary and impacts up to two blocks of a street, sidewalk, or city
31 right-of-way.

1 (C) A Tier 3 event is a special event that is not covered by Tiers 1, 2, and 4.

2 (D) A Tier 4 event is special event that:

3 (1) is an assembly at two or more city facilities and that includes the use of
4 city streets, sidewalks, or right-of-ways; or

5 (2) has an estimated need, based on its permit application for \$100,000 or
6 more in city services, staff time, and equipment.

7 **§ 4-15-22 SPECIAL EVENT PERMIT.**

8 (A) Except as provided in Section 4-15-20, A person shall obtain a special event
9 permit issued by ACE before the person may conduct, manage, or operate a
10 special event.

11 (B) A special event permit is non-transferrable.

12 (C) The event organizer shall display the special event permit in the manner
13 prescribed by ACE and shall provide the permit on request to a city
14 employee with enforcement or inspection duties related to the special event.

15 (D) As a condition of a special event permit, the event organizer or a
16 representative of the event organizer shall:

17 (1) provide access to a special event venue to city employees with inspection
18 and enforcement duties related to the special event;

19 (2) be present at all times during the operating hours of the special event;

20 (3) be responsible for ensuring compliance with all applicable ordinances,
21 regulations, and the special event permit; and

22 (4) be responsible for accepting all notices of violation, citations, and closure
23 orders.

24 (E) A special event permit is effective after all required inspections have been
25 passed.

1 **§ 4-15-23 OTHER PERMITS OR LICENSES REQUIRED.**

2 (A) Except as provided by Subsection (B), the issuance of a special event permit
3 under this chapter does not satisfy the requirement to obtain any other permit
4 or approval required by this code.

5 (B) A special event conducted in compliance with this chapter does not require a
6 separate live music permit under Section 9-2-37 (*24-hour Live Music*
7 *Permit*), Section 9-2-38 (*Multi-day Special Events Permit*), or temporary use
8 permit under Chapter 25-2, Article 6 (*Temporary Uses*).

9 **§ 4-15-24 LIMITATIONS ON THE PROVISION OF CITY SERVICES; COSTS**
10 **AND FEES.**

11 (A) Issuance of a special event permit does not obligate or require the City to
12 provide services, equipment, or personnel in support of an event.

13 (B) Except as provided in Subsection (C), if the City provides services,
14 equipment, or personnel in support of a special event, the City will charge
15 the event organizer the actual cost of:

16 (1) the wages or salaries for city personnel involved in traffic control, event
17 security, fire safety, medical safety, waste management, or other facility
18 or event support;

19 (2) the use of city equipment, city-contracted services, and other non-
20 personnel expenses; and

21 (3) any clean-up activity directly related to the special event, not provided by
22 the event organizer, that is required to restore the area to the same
23 condition that existed prior to the special event.

24 (C) If the City is a co-sponsor of a special event, city services, equipment, or
25 personnel may be provided to support a special event without charge.

26 (D) The event organizer shall not be required to provide or pay for the cost of
27 city personnel who are present to protect event attendees from counter-
28 demonstrators or members of the public who are hostile to the event.

29 (E) The City may also charge any other fees as set by council pursuant to
30 separate ordinance to recover costs associated with special events.

1 **§ 4-15-25 SPECIAL EVENT ~~DISTRICT~~ IMPACT AREA.**

- 2 (A) In the interests of public health, safety, and welfare, ACE may require a
3 special event impact area for a special event.
- 4 (B) ACE will set the duration and boundaries of a special event impact area
5 after:
- 6 (1) consulting with affected city departments and public agencies; and
- 7 (2) balancing the needs of the special event with public health, safety, and
8 welfare.
- 9 (C) If a special event impact area is required, ACE will determine, based on
10 rules adopted in accordance with Chapter 1-2 (*Adoption of Rules*), the
11 maximum number of special event permits, permits required in Chapter 14-6
12 (Temporary Street Closure for Non-Construction Users), and temporary
13 change of use permits as described in Section 25-12-172 (Local Amendments
14 to the International Fire Code) that may be issued in a special event impact
15 area.
- 16 (D) A business or property, including a vendor licensed under Chapter 14-9,
17 Article 3 (*Street Vendor License*), located within the area of a special event
18 impact area will not be required to seek additional permits if the business or
19 property operates in a manner consistent with its existing permits.

20 **§ 4-15-26 INSURANCE REQUIRED; EXCEPTIONS.**

- 21 (A) Except as provided in Subsection (F), the event organizer must possess or
22 obtain insurance to protect the City against loss from liability imposed by
23 law for damages on account of bodily injury and property damage arising
24 from the special event that impacts or occurs on city property, including city
25 facilities and city streets, sidewalks, and other right-of-way.
- 26 (B) The insurance shall name the City as an additional insured and must be
27 maintained for the duration of the special event.
- 28 (C) Failure to maintain insurance immediately preceding, during the special
29 event, and until the conclusion of the permit period is grounds to revoke the
30 special event permit.
- 31 (D) The City will determine the necessary amount of insurance.

1 (E) The insurance required by this section is not a substitute for insurance
2 requirements that may be imposed by other required city permits.

3 (F) An event organizer is exempt from providing the insurance required by this
4 section if:

5 (1) the special event occurs exclusively on private property; or

6 (2) the event organizer demonstrates that it is impossible or impractical to
7 obtain insurance coverage.

8 **§ 4-15-27 INDEMNIFICATION.**

9 An event organizer who applies for a special event permit must execute a written
10 agreement to indemnify the city and its officers and employees against all claims of
11 injury or damage to persons or property, whether public or private, arising out of
12 alleged willful or negligent acts or omissions of the event organizer, its officers,
13 agents, or employees in connection with the special event.

14 ***ARTICLE 3. SPECIAL EVENT APPLICATIONS.***

15 **§ 4-15-30 SPECIAL EVENT APPLICATION FEES AND DEADLINES.**

16 (A) An event organizer shall pay the application fee established by separate
17 ordinance.

18 (B) An event organizer must submit a special event application no later than the
19 following number of days prior to the first day of the proposed event:

20 (1) 3 business days for a Tier 1 event, except the deadline is 5 business days
21 for an event described in Section 4-15-21(A)(4);

22 (2) 30 calendar days for a Tier 2 event;

23 (3) 120 calendar days for a Tier 3 event; and

24 (4) 180 calendar days for a Tier 4 event.

25 (C) An application deadline for a special event application may be waived by ~~the~~
26 ~~Appeal Team~~ if the following conditions are met:

27 (1) the event organizer can show good cause, as defined in rules adopted
28 pursuant to Chapter 1-2 (*Adoption of Rules*); and

29 ~~(2) ACE recommends waiver; and~~

(3) no unreasonable burden on the City will be created by the waiver.

§ 4-15-31 CONTENTS OF SPECIAL EVENT APPLICATION.

- (A) An event organizer must submit an application for a special event on a form approved by ACE. The event organizer must be the applicant unless the event organizer designates another person in writing.
- (B) Except as provided in Subsection (C), an application must contain all of the information described in rules adopted pursuant to Chapter 1-2 (*Adoption of Rules*) that is applicable to the event in order to be deemed complete in this Subsection that is applicable to the event in order to be deemed complete.
- (C) ACE may consider an application for a Tier 3 or Tier 4 event complete without submission of the following information:
- (1) Detailed information concerning the activities included in the special event, including:
 - (a) the number of bands or other musical units;
 - (b) the number of theatrical performances;
 - (c) the ancillary activities that will be associated with the event;
 - (d) the kinds of animals anticipated to be a part of the event; and
 - (e) the types of non-emergency vehicles to be used for the event.
 - (2) Detailed information concerning
 - (a) food and alcohol that is required by Chapter 10-3 (*Food and Food Handlers*)
 - (b) the proposed location of portable sanitation facilities; and
 - (c) the proposed location of all landfill trash containers and all diversion containers.
 - (3) Detailed information concerning public safety and emergency preparedness including, but not limited to:
 - (a) provisions for queuing event attendees on streets, sidewalks, or other city right-of-ways;

(b) a public safety plan as set forth in Section 4-15-50 (*Public Safety*);
and

(c) other equipment or services necessary to conduct the event with
due regard to public health and safety.

(D) An application for a Tier 3 or Tier 4 special event permit may be submitted
no earlier than 335 calendar days prior to the first day of the special event,
unless the same event was held in the City during the prior calendar year, in
which case an application for a special event permit may be submitted no
earlier than 364~~5~~ calendar days prior to the first day of the special event.

(E) An application for a Tier 1 or Tier 2 special event permit special event
permit may be submitted no earlier than 150 calendar days prior to the first
day of the special event, unless the same event was held in the City during
the prior calendar year, in which case an application for a special event
permit may be submitted no earlier than 180 calendar days prior to the first
day of the special event.

(F) ACE shall establish a deadline, which must be at least 30 days before the
first day of the event, for the information required by Subsections (C)(1),
(C)(2), and (C)(3) to be provided.

§ 4-15-32 REVIEW OF APPLICATION FOR TIER 3 AND TIER 4 EVENTS.

(A) For a Tier 3 or Tier 4 event, ACE will issue, within 10 business days of
receiving a complete application, a preliminarily recommendation to
approve the application provided that the following conditions are met:

(1) no other approved or pending special events conflict with the event
organizer's proposed special event;

(2) a prior special events permit or a permit issued under Chapter 14-8
(*Temporary Closure of Right-of-Way for Special Events and Block
Parties*) was not revoked by the City in the preceding 12 months;

(3) the event will not block traffic lanes or close streets, as described in rules
adopted in accordance with Chapter 1-2 (*Adoption of Rules*), during peak
commuter hours on weekdays;

(4) the City has sufficient resources to address public health and safety
concerns raised by the special event; and

(5) the event will not cause an unresolvable conflict with construction or development in the public right-of-way or at a public facility.

(B) ACE is not required to process more than one application for a Tier 3 or 4 event per event organizer during any two-week period.

(C) When multiple Tier 3 or Tier 4 special events are requested for the same day and location, ACE will prioritize applications based on the number of years a special event has been conducted in the City. When two or more special events have been conducted for the same number of years, applications will be reviewed on a first come, first serve basis.

(D) For a Tier 3 or Tier 4 event, ACE will take final action to approve or deny the application no later than 30 days before the first day of the special event.

§ 4-15-33 NOTIFICATIONS FOR A SPECIAL EVENT APPLICATION.

(A) An Event Organizer shall provide notification as described in rules adopted pursuant to Chapter 1-2 (*Adoption of Rules*).

(B) Completion of notification process does not guarantee approval of the proposed special event.

(C) Notice may be provided by mail, electronic mail, or hand delivery.

§ 4-15-34 APPROVAL OR DENIAL OF SPECIAL EVENT APPLICATION PERMIT.

(A) If ACE determines that none of the conditions specified in Subsections (B) and (C) apply, ACE shall approve a special event application-~~permit~~.

(B) ACE shall deny a special event application to an applicant who fails to:

(1) provide a complete application;

(2) provide for sufficient traffic control;

(3) provide sufficient crowd control and safety measures;

(4) provide sufficient safety, health, or portable sanitation equipment, services, or facilities that are reasonably necessary to ensure that the event will be conducted with due regard for safety;

(5) provide sufficient waste management services;

- (6) provide sufficient off-site parking or shuttle service, or both, when required to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the event;
- (7) meet the requirements for submitting an application for a special event permit;
- (8) obtain the approval of any other public agency within whose jurisdiction the special event or a portion of the special event will occur;
- (9) provide for sufficient public safety resources based on event risk factors;
- (10) obtain all other required city permits;
- (11) meet the conditions set forth in Section 4-15-32(A) (*Review of Special Event Application*); or
- (12) make revisions to a pending application that are required by ACE.

(C) ACE shall deny a special event application ~~permit~~ if it determines that:

- (1) the event will violate any local, state, or federal law or regulation or any rule adopted by ACE;
- (2) the resources required to ensure public safety within the special event venue or impact area will prevent the police, fire, or emergency medical services departments from providing reasonable protections to the remainder of the city;
- (3) the concentrations of persons, animals, or vehicles within the special event venue or impact area will unduly interfere with the movement of police, fire, ambulance, or other emergency vehicles;
- (4) the event will substantially interfere with
 - (a) any other special event for which a permit has already been granted; or
 - (b) the provision of city services required to support scheduled events or unscheduled government functions;
- (5) the event organizer demonstrates an inability or an unwillingness to conduct an event in compliance with the requirements of this chapter or of a condition to a permit issued under this chapter; or

(6) the event organizer conducted a prior special event in a manner that failed to substantially comply with City Code requirements.

(D) If an application for a permit under this section is denied, ACE shall notify the event organizer in writing as soon as is reasonably possible. A notification sent by electronic mail complies with this Subsection.

(E) Except as provided in Subsection (F), ACE will take final action to approve or deny an application for a Tier 1 event no later than three business days after the application is submitted. For a Tier 1 or Tier 2 event, ACE will take final action to approve or deny a permit no later than the close of business one business day before the start of the special event

(F) If an application for a Tier 1 event is submitted the same day as the application deadline, ACE will take final action to approve or deny the application by the close of business on the second business day after the application is submitted.

(G) ACE will take final action to approve or deny an application for a Tier 2 event no later than 15 business days after the application is submitted.

(H) Except as provided in Section 4-15-31(C) (*Contents of Special Events Application*), no action is required to be taken on an incomplete or untimely application.

(I) ACE may require application modifications. In exercising this authority, ACE will consider:

(1) scope of events;

(2) traffic;

(3) parking; and

(4) public safety concerns.

§ 4-15-35 APPEAL OF SPECIAL EVENT APPLICATION PERMIT DENIAL.

(A) If a special event ~~permit~~ application is denied, the event organizer may appeal the denial to the Appeal Team.

(B) An appeal must be received by ACE no later than 10 business days after the event organizer is notified that the application has been denied.

1 (C) The Appeal Team must act on the appeal within 10 business days and may
2 uphold or reverse the denial of the application.

3 (D) In considering the appeal, the Appeal Team shall apply the same criteria as
4 ACE under Section 4-15-34 (*Approval or Denial of Special Event*
5 *Application*).

6 **§4-15-36 NOTICE OF PROPOSED SPECIAL EVENT DATES.**

7 A legacy event may submit a notice of proposed special event dates for up to a five
8 year period on a form approved by ACE. A legacy event must still submit a special
9 event application as required by Section 4-15-30 (*Special Event Application Fees and*
10 *Deadlines*) and Section 4-15-31 (*Contents of Special Event Application*).

11 **ARTICLE 4. OPERATION.**

12 **§ 4-15-40 UNPERMITTED SPECIAL EVENTS PROHIBITED.**

13 Except as provided in Section 4-15-20, a person may not conduct, operate, or
14 manage a special event without a special event permit required by this chapter.

15 **§ 4-15-41 COMPLIANCE WITH PERMITS AND PLANS.**

16 An event organizer shall conduct, operate, or manage the special event in
17 compliance with the special event permit, other city permits and approvals, and
18 approved plans.

19 **§ 4-15-42 SALE OF GOODS, FOOD, AND BEVERAGE WITHIN A SPECIAL**
20 **EVENT.**

21 (A) Except as provided in Subsection (B), a person may not sell goods on a city
22 street, sidewalk, or right-of-way within the area permitted for a special
23 event.

24 (B) The sale of goods may only occur if the vendor is authorized under Chapter
25 14-8 (*Temporary Closure for a Right-of-Way Event*) or under Chapter 14-9
26 (*Street Vendor License*).

27 (C) Except as provided in Subsection (D), a person may not sell food or
28 beverages, including alcohol, at a special event.

29 (D) At a special event, a person may sell food or beverages, including alcohol,
30 only if the person is authorized under Chapter 10-3 (*Food and Food*

1 Handlers) and if the person is authorized pursuant to Texas Alcoholic
2 Beverage Code.

- 3 (E) The sale of food or beverages at a special event shall comply with the
4 requirements under Chapter 10-3 (*Food and Food Handlers*).

5 **§ 4-15-43 AMPLIFIED SOUND EQUIPMENT.**

- 6 (A) Except as provided in Subsection (B), the use of amplified sound equipment
7 is prohibited during a special event.
- 8 (B) Amplified sound equipment may be used during a special event only if
9 approved by ACE.
- 10 (C) Proposed use of amplified sound equipment at a special event must comply
11 with the requirements for a permit issued under Sections 9-2-37 (*24-Hour*
12 *Live Music Permit*) and 9-2-38 (*Multi-day Special Events Permit*).

13 **§ 4-15-44 ~~MISCELLANEOUS~~ ADDITIONAL REQUIREMENTS.**

- 14 (A) An event organizer must provide portable toilets based on the projected
15 number of attendees at the special event.
- 16 (B) A waste management plan is required for any special event; must be
17 approved by ACE; and must include proof of waste management services
18 that will be provided.
- 19 (C) A waste reduction and diversion plan is required for Tier 2 and Tier 3
20 special events and must be approved by ACE.
- 21 (D) After a special event, an event organizer shall provide proof of waste
22 management services that were provided at the special event.
- 23 (E) ~~A sustainability plan is required for Tier 2, 3, and 4~~ special events shall
24 provide ACE the following:
- 25 (1) waste reduction and diversion plan,
- 26 (2) emission reduction plan,
- 27 (3) plan for bicycle parking and encouraging alternative transportation, and
- 28 (4) any other information required in rules adopted pursuant to Chapter 1-2
29 (*Adoption of Rules*).

- 1 (F) Expanded polystyrene may not be provided or distributed during an outdoor
2 special event held at a city facility, streets, sidewalks, or other city right-of-
3 way.
- 4 (G) Glass containers may not be provided or distributed during an outdoor
5 special event held at a city facility, streets, sidewalks, or other city right-of-
6 way.
- 7 (H) Single-use carryout bags, as defined by Section 15-6-121 (*Definitions*), may
8 not be provided or distributed during a special event.
- 9 (I) An event organizer must provide suitable protection around storm water
10 inlets to prevent debris from entering the storm water system.
- 11 (J) If applicable, an event organizer shall post a sign at each entrance and exit to
12 a special event venue visible to all patrons entering the area that includes the
13 amount of the entry fee, if any, and the rules of access to the closure area. If
14 applicable, an event organizer must post the sign required by this Subsection
15 during the time the entry fee is in effect.
- 16 (K) If an entry fee is charged for a special event, an event organizer may not
17 charge an entry fee for a person to access a:
- 18 (1) residence within a special event impact area or right-of-way closure area;
19 or
- 20 (2) business within a special event impact area or right-of-way closure area.
- 21 (L) An American with Disabilities Act (ADA) compliance plan is required for
22 any special event that interferes with accessibility on a city streets,
23 sidewalks, right-of-way, or city facilities. This plan must also comply with
24 the Texas Architectural Barrier Act in Texas Government Code 469, The
25 Texas Accessibility Standards in Texas Administrative Code Chapter 68,
26 and Texas Human Resources Code Chapter 121.
- 27

1 **ARTICLE 5. PUBLIC SAFETY.**

2 **§ 4-15-50 PUBLIC SAFETY.**

- 3 (A) A public safety plan is required for any special event and must be approved
4 by ACE.
- 5 (B) An event organizer shall prepare a public safety plan for a special event that
6 is based on the projected number of attendees and, at a minimum, includes
7 the following:
- 8 (1) on-site security for attendees and property;
- 9 (2) on-site medical coverage, number of and level of certification of
10 emergency medical responders, and the 911-access that will be utilized
11 for the special event;
- 12 (3) fire safety plan; and
- 13 (4) engineered traffic control plan.
- 14 (C) The number of police officers, emergency medical providers, and fire
15 department employees required for a special event must be based on rules
16 adopted in accordance with Chapter 1-2 (*Adoption of Rules*).
- 17 (D) At least 30 days prior to the start of a special event, an event organizer shall
18 provide ACE with a written description of all non-city public safety
19 resources that will be used at the special event.

20 **§ 4-15-51 PERSONAL SECURITY AND PROPERTY SECURITY.**

- 21 (A) An event organizer may hire private security, including licensed peace
22 officers that are not employed by the City of Austin, for personal safety or
23 property security during a special event to supplement the services provided
24 by the Austin Police Department.
- 25 (B) Private security employed pursuant to Subsection (A) must
- 26 (1) be in uniform;
- 27 (2) be able to contact the City police, fire, or emergency medical services if
28 necessary;
- 29 (3) remain on-site during the special event;

1 (4) be licensed by the State of Texas; and

2 (5) not consume an alcoholic beverage or participate in the event.

3 (C) The supervising police officer at a special event may, at his or her discretion,
4 reduce the number of peace officers posted at a special event.

5 (D) Unless a peace officer has been authorized by the police chief, or is
6 otherwise on duty and acting in an official capacity of their agency, only
7 peace officers who are commissioned by the City shall be used for traffic
8 control on City streets or in City right-of-way for special events, as defined
9 by this chapter. In making a determination for authorization, the police chief
10 shall consider the officer's familiarity with local ordinances and rules of the
11 City, and the proximity of the officer's primary jurisdiction to the City.

12 **§ 4-15-52 FIRE SAFETY.**

13 (A) An event organizer shall comply with all applicable International Fire Code
14 requirements as adopted and amended in Title 25 of the City Code including
15 but not limited to:

16 (1) fire lanes and public safety access;

17 (2) tents and temporary membrane structures;

18 (3) fireworks, pyrotechnics, open flames;

19 (4) theatrical flame or laser performances;

20 (5) occupant loads, exiting, and egress;

21 (6) use of decorative materials and finishes;

22 (7) use, location, storage of propane or other fuel type equipment; and

23 (8) crowd management.

24 (B) An event organizer shall comply with all applicable Austin Fire Department
25 guidelines related to street closures.

26 **§ 4-15-53 MEDICAL SERVICES.**

27 (A) An event organizer may hire private medical providers, including licensed
28 medical providers that are not employed by the City of Austin, for medical

1 support for a special event to supplement the services provided by the
2 Austin-Travis County Emergency Medical Services Department.

- 3 (B) Unless otherwise directed by the Austin-Travis County Emergency Medical
4 Services Department or authorized by the Chief of the Austin-Travis County
5 Emergency Medical Services Department, only medical service responders
6 employed by the City of Austin may respond to 911 requests within a special
7 event or provide medical transport from a special event.

8 **ARTICLE 6. SPECIAL EVENT ENFORCEMENT.**

9 **§ 4-15-60 OFFENSE AND PENALTY.**

- 10 (A) A person who violates a provision of this chapter or a requirement of a
11 special event permit is guilty of a separate offense for each day or part of a
12 day during which the violation is committed or continued.
- 13 (B) For offenses punishable by a fine not to exceed \$500, a culpable mental state
14 is not required for the commission of an offense under this chapter.
- 15 (C) Each offense is punishable by fine not to exceed:
- 16 (1) \$2,000 for a violation of a provision of this chapter or a requirement of a
17 special event permit governing fire safety, zoning, or public health and
18 sanitation, including dumping of refuse; or
- 19 (2) \$500 for all other violations of this chapter or requirements of a special
20 event permit.

21 **§ 4-15-61 REVOCATION OF SPECIAL EVENT PERMIT.**

- 22 (A) A special event permit may be revoked if ACE determines:
- 23 (1) the special event permit was issued in error;
- 24 (2) the event is being conducted in manner that is inconsistent with the
25 special event permit;
- 26 (3) the event organizer fails to maintain insurance as required in Section 4-
27 15-26 (*Insurance Required; Exceptions*);
- 28 (4) the event organizer or any person associated with the special event has
29 failed to obtain any other permit required by this Code; or

(5) the event poses a threat to public health or safety.

(B) Except as provided in Subsection (C), notice of revocation will be in writing and specifically set forth the reasons for revocation.

(C) Verbal notification is sufficient if an emergency that poses a threat to public health or safety requires immediate revocation.

(D) A revocation of a special event permit that occurs prior to the start of the event may be appealed to the Appeal Team.

(E) ACE may provide a warning to the event organizer prior to an immediate revocation.

(F) A revocation that occurs during a special event is effective until the condition causing a threat to public health or safety is remedied and the special event no longer poses a threat to public health or safety.

~~ARTICLE 7. HIGH CAPACITY EVENT VENUES.~~

PART 3. Chapter 14-8 (*Temporary Closure of Right-of-Way for Special Events and Neighborhood Block Parties*) of the City Code is repealed and replaced to read as follows:

ARTICLE 1. GENERAL PROVISIONS AND ENFORCEMENT

§ 14-8-1 DEFINITIONS

In this chapter:

(1) APPLICANT means the person that applies for a closure permit.

(2) AUSTIN CENTER FOR EVENTS means the entity created in Section 4-15-2 (*Austin Center For Events*).

(3) CLOSURE AREA means the public right-of-way area the applicant requests be closed for a special event or neighborhood block party.

(4) CLOSURE PERMIT means a permit approved by the director under this chapter.

(5) CRITICAL ROADWAY SEGMENT means a road identified in the Traffic Register.

(6) DEPARTMENT means the Austin Transportation Department.

(7) DIRECTOR means the Director of the Austin Transportation Department.

(8) NEIGHBORHOOD BLOCK PARTY means an event that requires closure of a residential street and is open only to attendees from the immediate area.

(9) RESIDENTIAL STREET means a street that abuts single-family homes but is not controlled with an automated traffic control device at either end of the block and does not have any bus stops operated by Capital Metro.

(10) SPECIAL EVENT means an event described by Section 4-15-1(12) (*Definitions*).

§ 14-8-2 OFFENSE AND PENALTY.

(A) A person commits an offense if the person violates the terms of a closure permit; closes a right-of-way without a closure permit; or violates any provisions of this chapter.

(B) A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.

(C) An offense under this chapter is a Class C misdemeanor punishable by a fine not to exceed \$500. A culpable mental state is not required for the commission of an offense under this chapter.

§14-8-3 PREVIOUS VIOLATION

(A) A person that violates the terms of a permit issued under this Chapter may not receive another closure permit to close a street under this Chapter for 24 months after the date of the violation.

(B) For purposes of this Section, a conviction is not required to show that the person violated the terms of the closure permit.

1 **§ 14-8-4 RIGHT-OF-WAY CLOSURE RULES.**

- 2 (A) The director may adopt rules in accordance with Chapter 1-2 (*Adoption of*
3 *Rules*) that establish criteria for safe and appropriate right-of-way closures
4 for special events and neighborhood block parties.
- 5 (B) The Urban Transportation Commission may hold a public hearing on the
6 proposed rules.
- 7 (C) The Urban Transportation Commission may provide a recommendation to
8 the director on proposed rules within 30 days after the director files a notice
9 under Chapter 1-2 (*Adoption of Rules*).
- 10 (D) As a condition of a closure permit, an applicant shall comply with any
11 applicable rules adopted under this Chapter, under Chapter 4-15 (*Special*
12 *Events*), or by separate ordinance.

13 **§ 14-8-5 REVIEW AND REPORTING REQUIREMENTS.**

14 In addition to other responsibilities assigned under this code, the Urban
15 Transportation Commission shall periodically provide recommendations
16 concerning:

- 17 (1) the impact of this chapter on the city;
- 18 (2) the maximum number of times per year that a particular public right-of-
19 way should be eligible for closure under this chapter; and
- 20 (3) other transportation issues related to closure permits approved under this
21 chapter.

22 **ARTICLE 2. CLOSURE PERMITS FOR SPECIAL EVENTS.**

23 **§ 14-8-21 APPLICABILITY**

24 This Article applies to events regulated by Chapter 4-15 (*Special Events*).

25 **§ 14-8-22 PERMIT REQUIRED**

26 A person may not temporarily close any portion of a public right-of-way to
27 conduct, start, participate, or assist in a special event, unless the person obtains

- 28 (1) a closure permit under this chapter;
- 29 (2) a special event permit issued under Chapter 4-15 (*Special Events*); and

1 (3) any other permit required by this code.

2 **§ 14-8-23 RESTRICTIONS ON APPROVAL OF CLOSURE PERMIT.**

3 (A) The director may not approve a closure permit for a special event

4 (1) that would exceed the maximum number of special events, as established
5 by council, for which a particular public right-of-way may be closed
6 during a calendar year; or

7 (2) if the applicant fails to pay the required fees.

8 (B) The director may not approve, without Council approval, a closure permit
9 that would cause a critical roadway segment to be closed for more than 12
10 hours per day.

11 **§ 14-8-24 APPLICATION AND PAYMENT OF FEES REQUIRED.**

12 (A) An applicant for a closure permit must submit an application to the Austin
13 Center for Events consistent with the deadlines in Chapter 4-15 (*Special*
14 *Events*).

15 (B) An applicant shall pay an application fee and safety inspection fee set by
16 separate ordinance.

17 **§ 14-8-25 SECURITY DEPOSIT.**

18 (A) If required by the director, an applicant shall pay a security deposit,
19 established by separate ordinance, before beginning of the proposed special
20 event.

21 (B) A permittee may provide a written request to the director for a refund of any
22 unused portion of the deposit following the special event. The director shall
23 make such refund no later than 30 days following the receipt of the written
24 request.

25 **§ 14-8-26 TRAFFIC CONTROL PLAN REQUIREMENTS.**

26 (A) An applicant must submit:

27 (1) a preliminary traffic control plan showing the location of all barricades,
28 signs, and devices to be used for redirecting traffic around the closure
29 area; and

1 (2) a letter from a private barricade entity stating that all devices to be used
2 during the closure will be set up and removed by the barricade entity in
3 accordance with the City's Transportation Criteria Manual and the
4 conditions of the permit.

5 (B) The department may require updated traffic control plans.

6 (C) An applicant must provide a final traffic control plan signed and sealed by a
7 professional engineer licensed in the State of Texas showing the location of
8 all barricades, signs, and devices to be used for redirecting traffic around the
9 closure area as approved by the department.

10 **§ 14-8-27 APPROVAL OF PERMIT.**

11 (A) The director shall approve a closure permit if the director determines that the
12 application complies with this article, rules adopted under this chapter and
13 Chapter 4-15 (*Special Events*).

14 (B) A closure permit is not effective unless the Austin Center for Events
15 approves the companion special event permit.

16 **§ 14-8-28 APPEAL OF DENIAL OF APPLICATION.**

17 If an application for a closure permit is denied, the applicant may file an
18 appeal in accordance with Section 4-15-35 (*Appeal of Special Event Application*
19 *Denial*).

20 **§ 14-8-29 GENERAL RESTRICTIONS.**

21 (A) A permittee may not block off a street in a manner that prevents the free
22 movement of pedestrians into and out of the closure area.

23 (B) If the director or the director's designee to the Austin Center for Events
24 determines that a permittee has violated or failed to comply with the terms of
25 a closure permit approved under this chapter, the director may immediately
26 halt the special event activities and reopen the closure area.

1 **ARTICLE 3. CLOSURE PERMITS FOR NEIGHBORHOOD BLOCK PARTIES**

2 **§ 14-8-31 PERMIT REQUIRED**

3 A person may not temporarily close any portion of a residential street to conduct,
4 start, participate, or assist in a neighborhood block party, unless the person obtains

5 (1) a closure permit required by this Article; and

6 (2) any other permit required by this Code.

7 **§ 14-8-32 APPLICATION REQUIRED**

8 (A) A person must submit a block party application for a neighborhood block
9 party on a form approved by Austin Center for Events.

10 (B) An applicant shall pay an application fee set by separate ordinance.

11 (C) An applicant must submit proof to ACE that owners or occupants of
12 property that will be impacted by the block party have been notified.

13 (D) An application must be submitted at least 10 days before a block party.

14 (E) The director shall approve a block party permit if the director determines
15 that the application complies with this Article.

16 **§ 14-8-33 APPEAL OF A DENIAL OF APPLICATION**

17 If an application for a block party permit is denied, the applicant may file an appeal
18 in accordance with Section 4-15-35 (*Appeal of Special Event Application Denial*).

19 **§ 14-8-34 BARRICADES**

20 As required by ACE, an applicant shall use traffic control devices and barricades to
21 close a street as required by Texas Manual on Uniform Traffic Control Devices.

22 **§ 14-8-35 INSURANCE AND INDEMNIFICATION**

23 (A) An applicant must possess or obtain insurance to protect the City against
24 loss from liability imposed by law for damages on account of bodily injury
25 and property damage arising from the right-of-way closure.

26 (B) An applicant must execute a written agreement to indemnify the City and its
27 officers and employees against all claims of injury or damage to persons or
28 property, whether public or private, arising out of alleged willful or

1 negligent acts or omissions of the applicant or agents of the applicant in
2 connection with the neighborhood block party.

3 **§ 14-8-36 INTERSECTIONS.**

4 A neighborhood block party cannot include the closure of an intersection.

5 **PART 4.** Section 10-3-96 (*Temporary Food Establishments*) is amended to add new
6 subsections (L) through (N) to read as follows:

7 (L) Expanded polystyrene may not be provided or distributed during an outdoor
8 special event held on city-owned, controlled, or maintained property.

9 (M) Glass containers may not be provided or distributed during an outdoor
10 special event held on city-owned, controlled, or maintained property.

11 (N) Single-use carryout bags, as defined in Section 15-6-121 (*Definitions*), may
12 not be provided or distributed.

13 **PART 5.** Section 14-6-3 (*Temporary Closure for a Street Festivity*) is repealed.

14 **PART 6.** This ordinance takes effect on _____, 2014.

15 **PASSED AND APPROVED**

16
17 §
18 §
19 _____, 2014 § _____
20
21 Lee Leffingwell
22 Mayor

23
24 **APPROVED:** _____
25 Karen M. Kennard
26 City Attorney

27
ATTEST: _____
Jannette S. Goodall
City Clerk