

ORDINANCE NO. _____

1 AN ORDINANCE AMENDING CITY CODE TITLE 4 TO ADD CHAPTER 4-19
2 RELATING TO SPECIAL EVENTS; REPEALING AND REPLACING
3 CHAPTER 14-8 RELATING TO RIGHT-OF-WAY CLOSURES FOR SPECIAL
4 EVENTS AND NEIGHBORHOOD BLOCK PARTIES; AMENDING SECTION
5 10-3-96 RELATING TO TEMPORARY FOOD ESTABLISHMENTS;
6 REPEALING SECTION 14-6-3 RELATING TO CLOSURES FOR A STREET
7 FESTIVITY; AMENDING CHAPTER 9-2 RELATING TO 24-HOUR LIVE
8 MUSIC AND MULTI-DAY SPECIAL EVENT PERMITS; AND CREATING
9 OFFENSES AND PENALTIES.

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

11 PART 1. FINDINGS.

12 The council finds the following:

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

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

- (8) 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;
- (9) Many event organizers must apply for permits from multiple City departments;
- (10) An interdepartmental team acting as a “one-stop shop” for special events will provide a single point of contact for event organizers and the public;
- (11) When more than one event occurs in the same general area, the occupancy level of adjacent city streets and sidewalks increase, which may create an unsafe condition and strain the City’s resources and infrastructure;
- (12) 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; and
- (13) Many special events are conducted on an annual basis and have been operating in substantially the same form for at least 20 years, and these events contribute to the City’s identity.

PART 2. City Code Title 4 (*Business Regulations and Permits*) is amended to add a new Chapter 4-19 (*Special Events*) to read as follows:

CHAPTER 4-19 SPECIAL EVENTS**ARTICLE 1. GENERAL PROVISIONS.****§ 4-19-1 DEFINITIONS.**

In this chapter:

- (1) **APPEAL TEAM** means the inter-departmental team comprised of directors of city departments that participate in the Austin Center for Events.
- (2) **ATTENDEE** means participant, athletes, event staff, and other individuals present during a special event.

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

- (3) CITY FACILITY means city parkland, buildings, and all other city-owned, controlled, or maintained property that is not a street, sidewalk, right-of-way, or spaces not open to the general public for rental.
- (4) DIVERSION means the act of redirecting material from disposal for a higher or best use.
- (5) EVENT ORGANIZER means any person who conducts, manages, or organizes a special event.
- (6) IMPACT means to impede, obstruct, impair, or interfere with normal vehicular or pedestrian traffic.
- (7) LEGACY EVENT means a special event that has been held in the City of Austin in substantially the same form for a minimum of 20 consecutive years.
- (8) POLICE-ESCORTED BUBBLE means a procession where individuals proceed within a perimeter of police officers or police vehicles.
- (9) PRELIMINARY RECOMMENDATION means the initial review of a special event application.
- (10) RIGHT-OF-WAY CLOSURE AREA means a city street, sidewalk, alley, walkway, or right-of-way that is part of a special event venue.
- (11) SOUND EQUIPMENT means a loud speaker, microphone, public address system, amplification system, turntable, or other similar digital or analog device that amplifies sound.
- (12) SPECIAL EVENT means an event that
- (a) Has 100 or more attendees per day at a city facility, other than the Austin Convention Center, Long Center, City Hall, or Palmer Events Center;
 - (b) Impacts a city street, sidewalk, alley, walkway, or other city public right-of-way other than as permitted under Chapter 14-6 (*Temporary Street Closures*); or
 - (c) Is temporary, involves 100 or more attendees per day; and

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

- (i) is inconsistent with the permanent use to which the property may legally be used, or the occupancy levels permitted on the property; and
- (ii) includes one of the following: set up of temporary structures, including, but not limited to, tents, stages, or fences; sound equipment; or consumption of food or alcohol.

(13) SPECIAL EVENT IMPACT AREA means the geographic area surrounding a special event venue that is subject to the requirements in Section 4-19-25 (*Special Event Impact Area*).

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

(15) SPRING FESTIVAL SEASON means the Friday of the second week of March through Sunday during the third week of March, unless the City Manager designates an alternate 10-day period for a particular year.

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

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

§ 4-19-2 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 shall approve or deny applications in compliance with this chapter and with rules adopted under this chapter.

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

(D) For purposes of Chapter 25-2, Article 6 (*Temporary Uses*), approval by ACE is approval by the accountable official.

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

(E) In carrying out its duties, ACE may:

- (1) set reasonable boundaries for the special event venue and special event impact area;
- (2) impose reasonable conditions on the special event based on public health, safety, and welfare;
- (3) coordinate permit issuance or authorizations for the special event with other city departments;
- (4) require consolidated applications;
- (5) consult with public agencies that have ownership or jurisdiction over land within a special event venue or district; and
- (6) adopt rules governing the administration and enforcement of this chapter, including application requirements and provisions for interdepartmental review.

§ 4-19-3 CONFLICTS WITH THIS CHAPTER.

To the extent a conflict exists, this Chapter controls.

ARTICLE 2. SPECIAL EVENT PERMIT.**§ 4-19-20 PERMIT REQUIRED; EXCEPTIONS.**

- (A) Except as provided in Subsections (B) and (C), a special event permit issued under this chapter is required to conduct, manage, or operate a special event.
- (B) A special event permit under this chapter is not required for:
 - (1) an event, which may include food or non-alcoholic beverage service, conducted entirely
 - (a) on city parkland that uses only Parks and Recreation Department facilities, personnel and equipment; or
 - (b) in a city auditorium or meeting room that requires only the facilities, personnel, or equipment associated with the facility; or
 - (2) a spontaneous event for which it is not reasonably possible to provide the advance notice required by this chapter, such as an event occasioned by recent news or current affairs, that is conducted solely on city sidewalks or parkland. An organizer of

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

a spontaneous event must provide notice to the Austin Police Department of the date, time, place, and an estimate of the approximate number of persons who will be participating at least four hours before the event, or provide other notice that may be reasonable under the circumstances.

- (C) A special event permit is not required for an event that complies with Chapter 14-8, Article 3 (*Neighborhood Block Party Requirements*).

§ 4-19-21 CATEGORIES OF SPECIAL EVENTS.

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

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

- (1) is stationary, impacts only one block of a street, sidewalk, or city right-of-way, and only needs a permit issued under Chapter 14-8 (*Temporary Closure for Special Events and Block Parties*); or
- (2) is moving and consists exclusively of people in a police-escorted bubble; or
- (3) is an assembly at a city facility and lasts less than five hours; or
- (4) is an assembly exclusively on private property and lasts less than five hours.

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

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

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

- (D) A Tier 4 event is a special event that:

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

- (1) is an assembly at two or more city facilities and that includes the use of city streets, sidewalks, or right-of-ways; or
- (2) has an estimated need, based on its permit application, for \$100,000 or more in city services, staff time, and equipment.

§ 4-19-22 SPECIAL EVENT PERMIT.

- (A) Except as provided in Section 4-19-20 (*Permit Required; Exceptions*), a person shall obtain a special event permit issued by ACE before the person may conduct, manage, or operate a special event.
- (B) A special event permit is non-transferrable.
- (C) The event organizer shall display the special event permit in the manner prescribed by ACE and shall provide the permit on request to a city employee with enforcement or inspection duties related to the special event.
- (D) As a condition of a special event permit, the event organizer or a person who represents the event organizer shall:
 - (1) provide access to a special event venue to a city employee with inspection and enforcement duties related to the special event;
 - (2) be present at all times during the operating hours for the special event;
 - (3) provide ACE with contact information for an individual who is responsible for set-up and take-down of the special event;
 - (4) ensure compliance with all applicable ordinances, regulations, rules, and the special event permit; and
 - (5) accept all notices of violation, citations, and closure orders.
- (E) A special event permit is only effective after the event set-up has passed all required inspections.

§ 4-19-23 OTHER PERMITS OR LICENSES REQUIRED.

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

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

- (B) A special event conducted in compliance with this chapter does not require a separate temporary use permit under Chapter 25-2, Article 6 (*Temporary Uses*).

§ 4-19-24 LIMITATIONS ON THE PROVISION OF CITY SERVICES; COSTS AND FEES.

- (A) Issuance of a special event permit or the approval of a special event permit application does not obligate or require the City to provide services, equipment, or personnel in support of an event.
- (B) Except as provided in Subsection (C), if the City provides services, equipment, or personnel in support of a special event, the City will charge the event organizer the actual cost of:
- (1) the wages or salaries set by separate ordinance for city personnel involved in traffic control, event security, fire safety, medical safety, waste management, and other facility or event support;
 - (2) the use of city equipment, city-contracted services, and other non-personnel expenses; and
 - (3) any clean-up activity directly related to the special event, not provided by the event organizer that is required to restore the area to the same condition that existed prior to the special event.
- (C) If the City is a co-sponsor of a special event, city services, equipment, or personnel may, with City Council approval, be provided to support a special event without charge.
- (D) The event organizer shall not be required to provide or pay for the cost of city personnel who are present to protect event attendees from counter-demonstrators or members of the public who are hostile to the event.
- (E) The City may also charge any other fees set by separate ordinance to recover costs associated with special events.
- (F) The City will not charge the wages or salaries for on-duty police officers who provide police security for a right-of-way closure area.
- (G) If an event organizer requests an estimate of the charges or fees described in Subsections (B) and (E), ACE will provide an estimate at least 15 business days before the start of the special event.

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

(H) An event organizer shall pay to the City:

- (1) within 10 business days from the date the special event ends, the estimated charges and fees described in Subsections (B) and (E); and
- (2) within 20 business days from the date the special event ends, the balance due for actual charges and fees described in Subsections (B) and (E).

§ 4-19-25 SPECIAL EVENT IMPACT AREA.

- (A) In the interests of public health, safety, and welfare, ACE may designate a special event impact area that surrounds a special event. If a special event impact area is designated, ACE may limit the number of permits, applications, or approvals described in Subsection (C) issued within the special event impact area.
- (B) ACE will set the duration and boundaries of a special event impact area:
 - (1) consulting with affected city departments and public agencies; and
 - (2) balancing the needs of the special event with public health, safety, and welfare.
- (C) ACE will determine, based on rules adopted in accordance with Chapter 1-2 (*Adoption of Rules*), the maximum number of special event permits or associated approvals that may be issued in a special event impact area.
- (D) A business or property, including a vendor licensed under Chapter 14-9, Article 3 (*Street Vendor License*), located within the area of a special event impact area will not be required to seek additional permits if the business or property operates in a manner consistent with its existing permits.

§ 4-19-26 INSURANCE REQUIRED; EXCEPTIONS.

- (A) Except as provided in Subsection (F), the event organizer must possess or obtain insurance to protect the City against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the special event that impacts or occurs on city property, including city facilities and city streets, sidewalks, and other right-of-way.

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

- (B) The insurance shall name the City as an additional insured and must be maintained for the duration of the special event.
- (C) Failure to maintain insurance immediately preceding, during the special event, and until the conclusion of the permit period is grounds to revoke the special event permit.
- (D) The City will determine the necessary amount of insurance.
- (E) The insurance required by this section is not a substitute for insurance requirements that may be imposed by other required city permits.
- (F) An event organizer is exempt from providing the insurance required by this section if:
- (1) the special event occurs exclusively on private property; or
 - (2) the event organizer demonstrates that it is impossible or impractical to obtain insurance coverage.

§ 4-19-27 INDEMNIFICATION.

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

ARTICLE 3. SPECIAL EVENT APPLICATIONS.**§ 4-19-30 SPECIAL EVENT APPLICATION FEES AND DEADLINES.**

- (A) An event organizer shall pay an application fee set by separate ordinance.
- (B) An event organizer must submit a special event application no later than the following number of days prior to the first day of the proposed event:
- (1) 3 business days for a Tier 1 event, except for an event described in Section 4-19-21(A)(4) the deadline is
 - (a) 5 business days; or
 - (b) 30 calendar days if the event occurs during or 14 calendar days after Spring Festival Season;
 - (2) 30 calendar days for a Tier 2 event;

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

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

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

(C) An application deadline for a special event application may be waived by ACE if the following conditions are met:

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

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

§ 4-19-31 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 this section and in rules adopted in accordance with Chapter 1-2 (*Adoption of Rules*) 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 the following:

(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 proposed size, location, and orientation of speakers;

(d) the ancillary activities that will be associated with the event;

(e) the kinds of animals anticipated to be a part of the event;

(f) the types of non-emergency vehicles to be used for the event; and

(2) detailed information concerning:

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

- (a) food and alcohol required to comply with 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 described in Section 4-19-50 (*Public Safety Plan*); and
 - (c) other equipment or services necessary to conduct the event with due regard to public health and safety.
- (D) ACE shall establish a deadline, which must be at least 30 days before the first day of the event, for the information required by Subsection (C) to be provided to ACE.
- (E) An application for a 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 calendar days prior to the first day of the special event.

§ 4-19-32 SPECIAL EVENT APPLICATION REVIEW.

- (A) For a Tier 3 or Tier 4 event, ACE will issue, within 10 business days of receiving a complete application, a preliminary 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 event permit or a permit issued under Chapter 14-8 (*Temporary Closure for Special Events and Block Parties*) was not revoked by the City in the preceding 12 months;

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

(3) the event will not block traffic 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 Tier 4 event per event organizer during any two-week period.

(C) Except as otherwise provided, when multiple Tier 3 or Tier 4 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 an application no later than 30 days before the first day of the special event.

(E) For a Tier 1 or Tier 2 event, ACE will take final action to approve or deny an application no later than the close of business one business day before the start of the special event.

§ 4-19-33 NOTIFICATION OF A SPECIAL EVENT APPLICATION.

(A) An event organizer shall provide notification as described in rules adopted in accordance with Chapter 1-2 (*Adoption of Rules*).

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

§ 4-19-34 APPROVAL OR DENIAL OF A SPECIAL EVENT APPLICATION.

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

(B) ACE shall deny a special event application if the applicant fails to:

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

- (1) provide a complete application;
 - (2) provide the documentation required in Section 14-8-27 (*Documentation Requirements*);
 - (3) provide sufficient crowd control and safety measures;
 - (4) provide sufficient safety, health, or portable sanitation equipment, services, or facilities that are reasonable 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 a sufficient public safety plan based on event risk factors;
 - (10) obtain all other required city permits or approvals;
 - (11) meet the conditions set forth in Section 4-19-32(A) (*Special Event Application Review*); or
 - (12) make revisions to a pending application that ACE requires.
- (C) ACE shall deny a special event application if it determines that:
- (1) the event will violate any local, state, or federal law or regulation or administrative rule;
 - (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;

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

- (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 or application has already been approved; or
 - (b) the provision of City services required to support scheduled or unscheduled government functions;
- (5) the event organizer demonstrates an inability or 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 ACE denies an application, ACE shall notify the event organizer in writing as soon as practicable. A notification sent by electronic mail complies with this subsection.
- (E) Except as provided in Section 4-19-31(C) (*Contents of Special Events Application*), no action is required to be taken on an incomplete or untimely application.
- (F) 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.

§ 4-19-35 APPEAL OF SPECIAL EVENT APPLICATION DENIAL.

- (A) If ACE denies a special event application, the event organizer may appeal the denial to the appeal team.

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

- 1 (B) The event organizer must deliver an appeal to ACE no later than 10
2 business days after the event organizer is notified that the application
3 was denied.
- 4 (C) The appeal team must act on the appeal within 10 business days and
5 may uphold or reverse the denial.
- 6 (D) In considering the appeal, the appeal team shall apply the same
7 criteria as ACE under Section 4-19-34 (*Approval or Denial of Special*
8 *Event Application*).

§ 4-19-36 NOTICE OF PROPOSED SPECIAL EVENT DATES.

10 A legacy event may submit a notice of proposed special event dates for up to
11 five year period on a form approved by ACE. A legacy event must still comply
12 with Section 4-19-30 (*Special Event Application Fees and Deadlines*) and Section
13 4-19-31 (*Contents of a Special Event Application*) each year of the event.

ARTICLE 4. OPERATION.**§ 4-19-40 UNPERMITTED SPECIAL EVENTS PROHIBITED.**

16 A person may not conduct, operate, or manage a special event without a
17 special event permit required by this chapter.

§ 4-19-41 COMPLIANCE WITH PERMITS, APPROVALS, AND PLANS.

19 An event organizer shall conduct, operate, or manage the special event in
20 compliance with the special event permit, other city permits and approvals, and
21 approved plans.

§ 4-19-42 SALE OF GOODS, FOOD, AND BEVERAGES WITHIN A SPECIAL EVENT.

- 24 (A) Except as provided in Subsection (B), a person may not sell goods on
25 a city street, sidewalk, or right-of-way within the area permitted for a
26 special event.
- 27 (B) The sale of goods may only occur if the vendor is authorized under
28 Chapter 14-8 (*Temporary Closure for a Right-of-Way Event*) or under
29 Chapter 14-9 (*Street Vendor License*).
- 30 (C) Except as provided in Subsection (D), a person may not sell food or
31 beverages, including alcohol, at a special event.

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

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

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

§ 4-19-43 SOUND EQUIPMENT FOR OUTDOOR SPECIAL EVENT VENUES.

(A) Except as provided by Subsection (B), the use of sound equipment is prohibited at a special event venue that is not fully enclosed by permanent, solid walls, and roof.

(B) Sound equipment may be used at a special event venue that is not fully enclosed by permanent, solid walls, and roof only if approved by ACE.

(C) Unless Subsections (D) or (E) apply, ACE may approve the use of sound equipment between 10:00 a.m. and:

(1) 10:30 p.m. Sunday through Wednesday; and

(2) 11:00 p.m. on Thursday; or

(3) 12:00 midnight on Friday or Saturday.

(D) ACE may approve the use of sound equipment between 10:00 a.m. and 2:00 a.m. every day if the special event will occur at a special event venue that is located within the Warehouse District or Sixth Street District; and anticipates 600 or fewer attendees.

(E) ACE may approve the use of sound equipment between 10:00 a.m. and 2:00 a.m. during Spring Festival Season.

(F) ACE may not approve the use of sound equipment that causes sound to exceed 85 "A"-weighted decibels.

(G) ACE may approve the use of sound equipment for no more than four consecutive days or non-consecutive days during a 30-day period.

(H) A premises may be the subject of only one approval to use sound equipment at a special event during a 30-day period, which begins the day after the approval associated with the premises expires.

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

- (I) The City will only allow a premises to be the subject of an approval to use sound equipment at a special event for up to 19 days per calendar year.
- (J) A sound impact plan is required and must be approved by ACE. The elements of a sound impact plan include:
- (1) sound-mitigating design features;
 - (2) prescribed decibel limits;
 - (3) operating hours for sound equipment;
 - (4) use of decibel meters or sentinels on site;
 - (5) contact information for the individual responsible for operating the sound equipment during the special event; and
 - (6) any other elements required by ACE.
- (K) If ACE approves the use of sound equipment during a special event, the following applies:
- (1) a person may not operate sound equipment to cause sound that exceeds the decibel limit established by ACE in the applicable sound impact plan; and
 - (2) an event organizer must require an individual to be present and responsible for operating sound equipment during the operating hours for the special event.

§ 4-19-44 ADDITIONAL REQUIREMENTS.

- (A) An event organizer must provide portable toilets based on the estimated number of attendees at the special event.
- (B) A waste management plan is required for any special event and must be based on the estimated number of attendees and include proof of waste management services that will be provided.
- (C) A waste reduction and diversion plan is required for Tier 2 and Tier 3 special events.
- (D) After a special event, an event organizer shall provide that proof that it provided waste management services at the special event.
- (E) A Tier 4 special event shall provide ACE the following:
- (1) waste reduction and diversion plan;

(2) emission reduction plan; and

(3) plan for bicycle parking and encouraging alternative transportation.

(F) When required for a special event, a waste management plan, waste reduction and diversion plan, emission reduction plan, and a plan for bicycle parking and encouraging alternative transportation must comply with rules adopted in accordance with Chapter 1-2 (*Adoption of Rules*) and must be approved by ACE.

(G) During a special event held at a city facility or on city streets, sidewalks, or right-of-way, an event organizer may not provide or distribute, or allow another to provide or distribute:

(1) expanded polystyrene; or

(2) glass containers.

(H) An event organizer may not provide or distribute, or allow another to provide or distribute single-use carryout bags, as defined in Section 15-6-121 (*Definitions*), during a special event.

(I) An event organizer shall provide suitable protection around storm water inlets to prevent debris from entering the storm water system.

(J) If applicable, an event organizer shall post a sign at each entrance and exit to a special event venue with a right-of-way closure area that is visible to all patrons entering the area that includes the amount of the entry fee, if any, and the rules of access to the right-of-way closure area. If applicable, an event organizer must post the sign required by this subsection during the time the entry fee is in effect.

(K) If an entry fee is charged for a special event, an event organizer may not charge an entry fee for a person that needs access to:

(1) a residence within a special event impact area or right-of-way closure area; or

(2) a business within a special event impact area or right-of-way closure.

(L) An Americans with Disabilities Act (ADA) compliance plan is required for any special event that interferes with accessibility on city streets, sidewalks, right-of-way, or city facilities. This plan must also comply with the Texas Architectural Barrier Act in Texas

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

Government Code Chapter 469, the Texas Accessibility Standards in Texas Administrative Code Chapter 65, and Texas Human Resources Code Chapter 121.

ARTICLE 5. PUBLIC SAFETY**§ 4-19-50 PUBLIC SAFETY PLAN.**

- (A) A public safety plan is required for any special event and must be approved by ACE.
- (B) An event organizer shall prepare a public safety plan for a special event that is based on the estimated number of attendees and, at a minimum, includes:
 - (1) on-site security for attendees and property;
 - (2) on-site medical coverage, number of and level of certification of emergency medical responders, and the 911-access that will be utilized for the special event;
 - (3) fire safety plan; and
 - (4) documents required in Section 14-8-27 (*Documentation Requirements*).
- (C) When required for a special event, the number of police officers, emergency medical providers, and fire department employees required for a special event must be based on rules adopted in accordance with Chapter 1-2 (*Adoption of Rules*).
- (D) At least 30 days prior to the start of a Tier 3 or Tier 4 special event, an event organizer shall provide ACE a written description of all non-city public safety resources that will be used at the special event.

§ 4-19-51 PERSONAL SECURITY AND PROPERTY SECURITY.

- (A) An event organizer may hire private security, including licensed peace officers that are not employed by the City of Austin, for personal safety or property security during a special event to supplement the services provided by the Austin Police Department.
- (B) Private security employed pursuant to Subsection (A) must:
 - (1) be in uniform;

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

- (2) be able to contact City police, fire, or emergency medical services if necessary;
 - (3) remain on-site during the special event;
 - (4) be licensed by the State of Texas; and
 - (5) not consume an alcoholic beverage or participate in the special event.
- (C) The supervising police officer at a special event may, at his or her discretion, reduce the number of peace officers posted at a special event.
- (D) Unless a peace officer has been authorized by the police chief, or is otherwise on duty and acting in an official capacity of their agency, only peace officers who are commissioned by the City shall be used for traffic control on City streets or in City right-of-way for special events, as defined by this chapter. In making a determination for authorization, the police chief shall consider the officer's familiarity with local ordinances and rules of the City, and the proximity of the officer's primary jurisdiction to the City.

§ 4-19-52 FIRE SAFETY.

- (A) An event organizer shall comply with all applicable International Fire Code requirements as adopted and amended in Title 25 (*Land Development Code*) including but not limited to:
- (1) fire lanes and public safety access;
 - (2) tents and temporary membrane structures;
 - (3) fireworks, pyrotechnics, open flames;
 - (4) theatrical flame or laser performances;
 - (5) occupant loads, exiting, and egress;
 - (6) use of decorative materials and finishes;
 - (7) use, location, storage of propane or other fuel type equipment; and
 - (8) crowd management.
- (B) An event organizer shall comply with all applicable Austin Fire Department guidelines related to street closures.

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS
§ 4-19-53 MEDICAL SERVICES.

- (A) An event organizer may hire private medical providers, including licensed medical providers that are not employed by the City of Austin, for medical support for a special event to supplement the services provided by the Emergency Medical Services Department.
- (B) Unless otherwise directed by the Emergency Medical Services Department or authorized by the Chief of the Emergency Medical Services Department, only medical service responders employed by the City of Austin may respond to 911 requests within a special event or provide medical transport from a special event.

ARTICLE 6. SPECIAL EVENT ENFORCEMENT.

§ 4-19-60 OFFENSE AND PENALTY.

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

§ 4-19-61 REVOCATION OF SPECIAL EVENT PERMIT.

- (A) ACE may revoke a special event permit if ACE determines:
- (1) ACE issued the special event permit in error;
 - (2) the event organizer is conducting the event in manner that does not comply with the special event permit;
 - (3) the event organizer fails to maintain insurance as required in Section 4-15-26 (*Insurance Required; Exceptions*);

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

(4) the event organizer or any person associated with the special event has failed to obtain any other permit required by the City Code; or

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

(B) Except as provided in Subsection (C), ACE may revoke a special event permit after it issues a notice of intent to revoke. The notice of intent will be in writing; specifically set forth the reasons for revocation; specify the corrective measures required for compliance and to prevent revocation; and provide a time period for compliance.

(C) Verbal notification is sufficient if an emergency that poses a threat to public health or safety requires immediate revocation. ACE may provide a warning to the event organizer prior to an immediate revocation.

(D) If an event organizer fails to take the corrective measures identified in the notice of intent within the time period provided, the special event permit is revoked without further action by ACE.

(E) If ACE revokes a special event permit prior to the start of the event, the event organizer may appeal to the appeal team.

(F) A revocation described in Subsection (C) 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.

PART 3. Chapter 14-8 (*Temporary Closure for Right-of-Way Event*) of the City Code is replaced and replaced to read as follows:

CHAPTER 14-8 TEMPORARY CLOSURE FOR SPECIAL EVENTS AND BLOCK PARTIES.

ARTICLE 1. GENERAL PROVISIONS

§ 14-8-1 DEFINITIONS

In this chapter:

(1) AUSTIN CENTER FOR EVENTS means the entity created in Section 4-19-2 (*Austin Center For Events*).

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

- (2) BLOCK PARTY PERMIT means the permit approved by the director under Article 3 (*Neighborhood Block Party Requirements*) of this chapter.
- (3) CLOSURE PERMIT means the permit approved by the director under Article 2 (*Special Events*) of this chapter.
- (4) CRITICAL ROADWAY SEGMENT means roads identified in the Traffic Register.
- (5) DEPARTMENT means the Austin Transportation Department.
- (6) DIRECTOR means the Director of the Austin Transportation Department.
- (7) SPECIAL EVENT means an event described by Section 4-19-1 (*Definitions*).

§ 14-8-2 APPLICABILITY.

This chapter applies to closures of City of Austin rights-of-way for a special event or a neighborhood block party.

§ 14-8-3 REVIEW AND REPORTING REQUIREMENTS.

In addition to other responsibilities assigned under the City Code, the Urban Transportation Commission shall periodically provide recommendations concerning:

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

ARTICLE 2. SPECIAL EVENTS.**§ 14-8-21 PERMIT REQUIRED**

- (A) A person may not temporarily close any portion of a public right-of-way to conduct, start, participate, or assist in a special event, unless the person obtains
- (1) a closure permit under this chapter;

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

(2) a special event permit issued under Chapter 4-19 (*Special Events*); and

(3) any other permit required by the City Code.

(B) For purposes of this article, applicant means the person who applies for a special event permit under Chapter 4-19 (*Special Events*) and requests a closure permit.

§ 14-8-22 RESTRICTIONS ON APPROVAL OF CLOSURE PERMIT.

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

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

(2) for which the applicant has not paid the required fees.

(B) Council must authorize the director to approve a closure permit that would cause a critical roadway segment to be closed for more than 12 hours per day.

§ 14-8-23 RIGHT-OF-WAY CLOSURE RULES.

(A) The director may adopt rules that establish criteria for safe and appropriate right-of-way closures for special events.

(B) The director will adopt rules in accordance with Chapter 1-2 (*Adoption of Rules*).

(C) The Urban Transportation Commission may hold a public hearing on the proposed rules.

(D) The Urban Transportation Commission may provide a recommendation to the director on proposed rules within 30 days after the director files a notice under Chapter 1-2 (*Adoption of Rules*).

(E) As a condition of a closure permit, the applicant shall comply with any applicable rules established by the director under this section, under Chapter 4-19 (*Special Events*), or by separate ordinance.

§ 14-8-24 GENERAL RESTRICTIONS.

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

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

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

§ 14-8-25 DEADLINE TO REQUEST A CLOSURE PERMIT.

An applicant must submit a request for a closure permit to the Austin Center for Events by the deadlines in Chapter 4-19 (*Special Events*).

§ 14-8-26 SECURITY DEPOSIT AND PAYMENT OF REQUIRED FEES.

- (A) An applicant shall pay an application fee and safety inspection fee set by separate ordinance.
- (B) Unless the department requires the applicant to provide a traffic control plan, an applicant shall pay a traffic control plan fee set by separate ordinance.
- (C) Unless the department requires the applicant to use a private barricade entity, an applicant shall pay the actual costs of city-contracted services for barricades, signs, and devices to be used for redirecting traffic around the area included in the closure permit.
- (D) If required by the director, an applicant shall pay a security deposit, established by separate ordinance, before a special event begins.
- (E) A permittee may provide a written request to the director for a refund of any unused portion of the deposit following the special event. The director shall make such refund no later than 30 days following the receipt of the written request.

§ 14-8-27 DOCUMENTATION REQUIREMENTS.

- (A) An applicant must submit a request for a closure permit that includes the following information:
- (1) the proposed closure areas;
 - (2) the proposed use of the closure areas; and
 - (3) the proposed closure hours.
- (B) The department may require an applicant to provide: a traffic control plan signed and sealed by a professional engineer licensed in the State of Texas that shows the location of all barricades, signs, and devices

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

to be used for redirecting traffic around the area included in the closure permit; or a letter from a private barricade entity stating that all devices to be used during the closure will be set up and removed by the barricade entity in accordance with the City's Transportation Criteria Manual and the conditions of the permit.

§ 14-8-28 APPROVAL OF PERMIT.

(A) The director shall approve a closure permit if the director determines that the application complies with this chapter, rules adopted under this chapter, and Chapter 4-19 (*Special Events*).

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

§ 14-8-29 APPEAL OF DENIAL OF APPLICATION.

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

ARTICLE 3. NEIGHBORHOOD BLOCK PARTY REQUIREMENTS**§ 14-8-31 PERMIT REQUIRED.**

A person may not temporarily close a residential street to conduct, start, participate, or assist in a neighborhood block party, unless the person obtains:

- (1) a block party permit required by this article; and
- (2) any other permit required by the City Code.

§ 14-8-32 NEIGHBORHOOD BLOCK PARTY.

(A) A neighborhood block party is an event on a residential street for individuals that live in the immediate area of the residential street.

(B) For purposes of this article, a residential street is a block of right-of-way that abuts single family dwellings.

(C) A neighborhood block party cannot be located on a residential street that:

- (1) is controlled with an automated traffic control device at either end of the block; or
- (2) includes any bus or rail stops operated by Capital Metro.

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

- (D) A neighborhood block party cannot close an intersection with another street.

§ 14-8-33 APPLICATION REQUIRED.

- (A) A person must submit an application for a block party permit on a form approved by the director.
- (B) An applicant shall pay an application fee set by separate ordinance.
- (C) An applicant must submit proof to the director that occupants of the property impacted agree to the neighborhood block party.
- (D) An application must be submitted at least 10 calendar days before a neighborhood block party.
- (E) The director shall approve a block party permit if the director determines that the application complies with this article.

§ 14-8-34 APPEAL OF A DENIAL OF AN APPLICATION.

- (A) If an application for a block party permit is denied, the applicant may appeal to the director.
- (B) An applicant must submit an appeal within 10 business days after the applicant is notified that the application has been denied.
- (C) The director may uphold or reverse the denial of the application.

§ 14-8-35 BARRICADES.

An applicant shall use traffic control devices and barricades to close a street as required by the director and by the Texas Manual on Uniform Traffic Control Devices.

§ 14-8-36 INSURANCE AND INDEMNIFICATION.

An applicant must execute a written agreement to indemnify the City and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of alleged willful or negligent acts or omissions of the applicant in connection with the neighborhood block party.

ARTICLE 4. ENFORCEMENT**§ 14-8-41 OFFENSE AND PENALTY.**

- (A) A person commits an offense if the person violates:
- (1) any provisions of this chapter;

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

(2) the terms of a closure permit; or

(3) the terms of a block party permit.

(B) A person commits an offense if the person closes a public right-of-way or residential street without a permit required by this chapter.

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

(D) 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, and need not be proved.

PART 4. City Code Section 10-3-96 (*Temporary Food Establishments*) is amended to add new Subsections (N) through (P) to read as follows:

§ 10-3-96 TEMPORARY FOOD ESTABLISHMENTS.

(N) A person may not provide or distribute expanded polystyrene during an outdoor special event held on city-owned, controlled, or maintained property.

(O) A person may not provide or distribute glass containers during an outdoor special event held on city-owned, controlled, or maintained property.

(P) A person may not provide or distribute single-use carryout bags, as defined in Section 15-6-121 (*Definitions*).

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

PART 6. City Code Section 9-2-36 (*Types of Live Music Permits*), Section 9-2-37 (*24-Hour Live Music Permit*), Section 9-2-38 (*Multi-Day Special Events Permit*), Section 9-2-51 (*Additional Review for Temporary Events*), and Section 9-2-52 (*Temporary Event Impact Plan*) are repealed.

PART 7. City Code Chapter 9-2 (*Noise and Amplified Sound*) is amended to amend Subsection (A) of Section 9-2-32 (*Notice Sign Requirements For Live Music Permits*), Section 9-2-50 (*Music Office Review*), Section 9-2-54 (*Notice of Application*), Section 9-2-56 (*Administrative Appeal*), Section 9-2-63 (*Suspension of a Permit*), Section 9-2-64 (*Revocation of a Permit*), and Section 9-2-65 (*Notice of Intent to Suspend a Permit*) to read as follows:

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS
§ 9-2-32 NOTICE SIGN REQUIREMENTS FOR LIVE MUSIC PERMITS.

- (A) The owner or operator of a site or property for which a permit has been issued under [~~Section 9-2-38 (Multi-Day Special Events Permit)~~ or] Section 9-2-39 (*Permit for an Outdoor Music Venue*) shall prominently post signs that include information required under Subsection (B) of this section.

§ 9-2-50 MUSIC OFFICE REVIEW.

- (A) Within three [~~(3)~~] days of receiving an application for an outdoor music venue permit under Section 9-2-39 (*Outdoor Music Venue Permit*) [~~any of the following permits~~], the accountable official must forward the application to the music office for review under this section.[:

(1) ~~Section 9-2-37 (24 Hour Live Music Permit);~~

(2) ~~Section 9-2-38 (Multi-Day Special Event Permit); and~~

(3) ~~Section 9-2-39 (Outdoor Music Venue Permit).]~~

§ 9-2-54 NOTICE OF APPLICATION.

- (A) Not later than the 14th day after receiving an application under [~~Section 9-2-38 (Multi-Day Special Events Permit)~~ or] Section 9-2-39 (*Permit for an Outdoor Music Venue*), the accountable official shall provide notice of the application under this section.

§ 9-2-56 ADMINISTRATIVE APPEAL.

- (A) Except as provided in Subsection (E) of this section, an interested party appeal a decision by the accountable official on an application for a permit under [~~Section 9-2-38 (Multi-Day Special Events Permit)~~ or] Section 9-2-39 (*Permit for an Outdoor Music Venue*).

§ 9-2-63 SUSPENSION OF A PERMIT.

- (A) The accountable official may suspend a permit if the official determines that:
- (1) the permit was issued in error; or
 - (2) at least four documented violations of the [~~Temporary Event Impact Plan~~ or] Sound Impact Plan have occurred within a 45-day period.

§ 9-2-64 REVOCATION OF A PERMIT

- (A) The accountable official may immediately revoke a permit issued pursuant to [~~Section 9-2-38 (Multi-Day Special Events Permit)~~ or] Section 9-2-39 (*Permit for an Outdoor Music Venue*) that has been suspended if the

8/25/17 STAFF'S RECOMMENDED ORDINANCE FOR 2ND and 3RD READINGS

accountable official determines that [~~Temporary Event Impact Plan or~~ Sound Impact Plan has ~~have~~] been violated:

- (1) during the suspension; or
- (2) within six months after the end of the suspension.

§ 9-2-65 NOTICE OF INTENT TO SUSPEND A PERMIT.

(A) The accountable official may give notice to the permit holder of the official's intent to suspend a permit issued under [~~Section 9-2-38 (Multi-Day Special Events Permit) or~~] Section 9-2-39 (*Permit for an Outdoor Music Venue*).

PART 8. Parts 2, 3, 4, 5, 6, and 7 of this ordinance apply only to an application for a special event submitted on or after June 1, 2018. An application submitted on or before May 31, 2018, is governed by the law as it existed immediately before the effective date of this ordinance, and that law is continued in effect for that purpose.

PART 9. This ordinance takes effect on December 1, 2017.

PASSED AND APPROVED

_____, 2017 § _____
 § _____
 § _____

Steve Adler
Mayor

APPROVED: _____
 Anne L. Morgan
 City Attorney

ATTEST: _____
 Jannette S. Goodall
 City Clerk