

**ORDINANCE NO.**

**AN ORDINANCE REAUTHORIZING THE PILOT PROGRAM ADOPTED BY ORDINANCE NO. 20200604-047 APPLICABLE TO RETAIL STORES, RESTAURANTS, OR COCKTAIL LOUNGES THAT WANT TO SELL OR PROVIDE GOODS, FOOD, AND BEVERAGES OUTDOORS AND MODIFYING CHAPTER 4-20 (*SPECIAL EVENTS*) TO FACILITATE THE SALE OR PROVISION OF GOODS, FOOD, AND BEVERAGES OUTDOORS ON PRIVATE PARKING LOTS AND PUBLIC RIGHT-OF-WAY BY THESE BUSINESSES.**

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

**PART 1. FINDINGS.** The council readopts as necessary the Findings in Part 1 of Ordinance No. 20200604-047 and makes the following additional findings:

- (1) The COVID-19 pandemic continues and is causing unparalleled economic damage to Austin's local small business community.
- (2) During winter and spring, Central Texas' weather is more favorable for outdoor activities and, as a result, council wishes to extend the pilot program established in Ordinance No. 20200604-047.
- (3) In accordance with Part 6 of Ordinance No. 2020604-047, the city manager recommends modifying the pilot program. These recommendations are based on stakeholder feedback and experience.

**PART 2. Pilot Program.**

(A) This ordinance reauthorizes and amends the pilot program established in Ordinance No. 20200604-047.

(B) Eligibility

- (1) A Tier 2 event, as defined in Chapter 4-20 (*Special Events*), is eligible for the pilot program if it meets the following criteria:
  - (a) the event must occur on a private parking lot or a City street, sidewalk, or right-of-way that is adjacent to a:
    - (i) retail store,
    - (ii) restaurant,
    - (iii) cocktail lounge, or

- (iv) group of retail stores, restaurants, or cocktail lounges that share a private parking lot or are located on the same two blocks of a street, sidewalk, or city right-of-way; and
- (b) the event will not include the use of sound equipment:
- (i) that causes sound in excess of 70 “A”-weighted decibels; or
- (ii) after 10:00 p.m.; and
- (c) the anticipated number of attendees will not exceed the occupancy limit for the retail store, restaurant, cocktail lounge, or group of retail stores, restaurants, or cocktail lounges; and
- (d) if the event will impact a City street or other right-of-way that is not a sidewalk or city on-street parking space, the impact to the City street or other right-of-way will not exceed 48 hours.
- (2) A Tier 2 event described in (B)(1) that is held primarily on private property remains eligible for the pilot program even if the event will exceed the four-day limit in Subsection (B)(2) of Section 4-20-21 (*Categories of Special Events*) because of participation in the pilot program.
- (C) The pilot program will begin on December 16, 2020. Unless city council or the city manager determines it is necessary to terminate the program earlier, the program will end on June 16, 2021.
- (D) Council authorizes the city manager to terminate this pilot program without further council action.
- (E) Council directs the city manager to place an item on its June 3, 2021, agenda to consider whether to adopt the pilot program as a permanent City program.

**PART 3. Definitions.**

- (A) A term defined by Chapter 4-20 (*Special Events*) has the same meaning in this ordinance.
- (B) In this ordinance, the following definitions apply:
- (1) COCKTAIL LOUNGE means a business that sells alcoholic beverages for consumption on the premises, including taverns, bars, and similar uses, other than a restaurant.

(2) RESTAURANT means a business that prepares and sells food or beverages and may include the sale and on-premises consumption of alcoholic beverages.

(3) RETAIL STORE means a business that sells or rents commonly used goods and merchandise for personal or household use.

**PART 4.** Requirements. A Tier 2 event participating in the pilot program is subject to Chapter 4-20 (*Special Events*) except as modified in this part.

(A) The application deadline in Section 4-20-30 (*Special Event Application Fees and Deadlines*) does not apply.

(B) The Austin Center for Events (ACE) will take final action to approve or deny an application no later than 10 business days after the application is deemed complete.

(C) Except as provided in Subsections (D) and (E), a special event permit expires 180 days from the date the permit is issued.

(D) A special event permit that includes a City street or other right-of-way that is not a sidewalk or city on-street parking space expires after the event occurs and is not eligible for a renewal.

(E) ACE may issue a special event permit that expires in less than 180 days from the date it is issued if another regulated activity is already approved to occur at the same right-of-way closure area.

(F) An event organizer may not modify the layout of the area covered by the special event permit unless the event organizer submits a written request, pays a special event permit revision fee (\$204), and pays a reinspection fee (\$102).

(G) An event organizer shall:

(1) allow attendees to use the bathroom facilities located within the retail store, restaurant, cocktail lounge; or

(2) provide portable toilets based on the estimated number of attendees at the special event.

**PART 5.** Fees.

(A) Except as otherwise provided in this part, an event organizer shall pay the fees, including application fees, applicable to a Tier 2 special event.

- (B) When the permit includes the use of a sidewalk or City on-street parking space, an event organizer shall pay the daily safety closure fee that is applicable for one block once every 30 days.

**PART 6. Expiration of ongoing special event permits.**

A special event permit issued pursuant to Ordinance No. 20200604-047 in effect on December 15, 2020, expires 30 days from the date the special event permit was issued. To continue participating in the pilot program, an event organizer shall obtain a new special event permit pursuant to this ordinance.

**PART 7. Updates, Evaluations, and Recommendations.**

- (A) Council directs the city manager to provide an update on the numbers of permits requested and approved, the effect of the program on parking and right-of-way availability, and a measurement of the effectiveness of the program to facilitate stronger and safer reopening of local businesses 60 days after the effective date in the pilot program.
- (B) Using the information generated by the pilot program, the city council directs the city council to include any recommended changes to the pilot program when the city manager brings forward an ordinance to allow city council to consider extending the pilot program on June 3, 2021.

**PART 8.** This ordinance takes effect on \_\_\_\_\_, 2020.

**PASSED AND APPROVED**

\_\_\_\_\_, 2020      § \_\_\_\_\_  
Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk