

ORDINANCE NO. 20230420-007

AN ORDINANCE AMENDING CITY CODE CHAPTER 4-20 (*SPECIAL EVENTS*) RELATING TO SPECIAL EVENTS APPLICATION REVIEW, NOTIFICATION REQUIREMENTS, AND USE OF SOUND EQUIPMENT; AMENDING CITY CODE CHAPTER 14-8 (*TEMPORARY STREET CLOSURE FOR NON-CONSTRUCTION USE*) TO MODIFY REQUIREMENTS FOR A CLOSURE PERMIT; REQUIRING POST SPECIAL EVENT REPORTING; AND CREATING AN OFFENSE.

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

PART 1. Subsection (C) of City Code Section 4-20-32 (*Special Event Application Review*) is amended to read as follows:

- (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, the special event that has historically been held on the same date for the greatest number of years is given priority. ~~[applications will be reviewed on a first come, first serve basis.]~~

PART 2. City Code Section 4-20-33 (*Special Event Application Review*) is amended to read as follows:

§ 4-20-33 SPECIAL EVENT APPLICATION REVIEW.

- (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.
- (C) Except as provided in Subsection (D), [In addition to the notice required under Subsection (A),] an event organizer for a Tier 3 and Tier 4 special event that requires a street closure permit under Chapter 14-8 (*Temporary Closure for Special Events and Block Parties*) shall provide notice as required in Subsection (A) and provide notice to interested persons and neighborhood associations at least 120 days prior to the start date of the special event ~~[associations within 10 calendar days after ACE issues a preliminary recommendation]~~ if the special event:

- (1) has been held for 4 years or less [~~is a Tier 3 or Tier 4 special event~~];
or [~~and~~]
 - (2) has received a violation or changed its character, nature, location or route. [~~requires a closure permit under Chapter 14-8 (Temporary Closure for Special Events and Block Parties).~~]
- (D) Except as provided in Subsection (D), an event organizer for a Tier 3 and Tier 4 special event that requires a street closure permit under Chapter 14-8 (Temporary Closure for Special Events and Block Parties) shall provide notice as required in Subsection (A) and provide notice to interested persons and neighborhood associations at least 30 days prior to the start of the special event if the special event:
- (1) has been held for five or more years; and
 - (2) has not received a violation or changed its character, nature, location, or route.

(~~E~~[D]) An event organizer may provide the notice required in by this section [~~Subsections (A) and (C)~~] in one document.

PART 3. City Code Section 4-20-43 (*Sound Equipment for Outdoor Special Event Venues*) is amended to read as follows:

- (A) In this section, an outdoor special event venue is a venue that is not fully enclosed by permanent, solid walls, and roof.
- (B) Except as provided by Subsection (C), the use of sound equipment is prohibited at an outdoor special event venue.
- (C) Sound equipment may be used at an outdoor special event venue only if approved by ACE.
- (D) An outdoor special event venue located on parkland is not subject to Subsections (E) and (G) through (L). An outdoor special event venue in a right-of-way closure area is not subject to Subsections (F) through (L).
- (E) ACE may approve the use of sound equipment in a right-of-way closure area between 6:00 a.m. and 12:00 midnight.
- (F) ACE may approve the use of sound equipment at an outdoor special event venue that is located on parkland:

- (1) between 10:00 a.m. and 10:00 p.m. or 11:00 p.m. for use on a permanently constructed bandstand; or
 - (2) within the Grove Planned Unit Development, generally located at the intersection of Bull Creek Road and West 45th Street, between 10:00 a.m.
 - (a) and 9:00 p.m. Sunday through Thursday; or
 - (b) and 9:30 p.m. Friday, Saturday, or a national holiday.
- (G) Unless Subsections (E[F]) or (F[G]) apply, ACE may approve the use of sound equipment between 10:00 a.m. and:
- (1) 10:30 p.m. Sunday through Wednesday; or
 - (2) 11:00 p.m. on Thursday or Independence Day if that holiday occurs on a Sunday through Wednesday; or
 - (3) 12:00 midnight on:
 - (a) Friday,
 - (b) Saturday, or
 - (c) the night before New Years' Day, Memorial Day, Independence Day, or Labor Day.
- (H) 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.
- (I) ACE may approve the use of sound equipment between 10:00 a.m. and 2:00 a.m. during Spring Festival Season.
- (J) ACE may approve the use of sound equipment at a premises for no more than four consecutive days or non-consecutive days during a 30-day period. The 30-day period begins the day after the first day that sound equipment is approved to be used at a special event.
- ~~[(K) 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.]~~

(~~K~~[~~L~~]) 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.

(~~L~~[~~M~~]) ACE may not approve the use of sound equipment that causes sound to exceed 85 "A"-weighted decibels.

(~~M~~[~~N~~]) 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.

(~~N~~[~~O~~]) 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.

PART 4. Subsection (E) of City Code Section 14-8-28 (*Approval of a Permit*) is amended to read as follows:

- (E) A special event that has been held for 5 [~~10~~] or more years and has not received a violation or changed its character, nature, location, or route shall be approved under Subsection (A).

PART 5. City Council directs the City Manager to collect data on Tier 3 and Tier 4 events and publish the data available within sixty days after the final day of the special event. The data may include the following:

- (1) Event history, including how many years the special event has existed and

- (2) Name of the event organizer and any associated production companies if used;
- (3) Time of the special event, including days and time of the day;
- (4) Length of the special event;
- (5) If the special event required neighborhood barricades;
- (6) Information regarding the use of any road closures including set-up/take-down time;
- (7) Whether the special event was free or required a ticket purchase;
- (8) Whether the special event used amplified sounds;
- (9) Whether a parking plan was required;
- (10) Whether alcohol was served;
- (11) Information on the City resources required to support operation of the special event; and
- (12) Information on any 311 complaints related to the special event.

PASSED AND APPROVED

APPROVED: 

Anne L. Morgan
City Attorney

ATTEST: 

Myrna Rios
City Clerk