

**RULE NO: 161-23.20**

**NOTICE OF PROPOSED RULE:**

**POSTING DATE:** July 6, 2023

The Director of the Austin Public Health proposes to adopt the following rule after August 7, 2023.

Comments on the proposed rule are requested from the public. Comments should be submitted to Todd Mers, Program Manager II, Austin Public Health at [todd.mers@austintexas.gov](mailto:todd.mers@austintexas.gov) or 512-978-0358. To be considered, comments must be submitted before August 7, the 32<sup>nd</sup> day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

**EFFECTIVE DATE OF PROPOSED RULE:**

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before August 7, 2023 (32<sup>nd</sup> day after the date of this notice) or not after September 14, 2023 (70<sup>th</sup> day after the date of this notice).

If a proposed rule is not adopted on or before September 14, 2023, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

**BRIEF EXPLANATION OF PROPOSED RULE:**

Rule 161-23.20; Proposed addition to the Administrative Rules for City Code Chapter 4-20 (Special Events)

- The proposal adds the requirement that Tier 3 and 4 special events require a review by Austin Public Health. This review will ensure adequate drinking water and sanitary toilet facilities are available for attendees.

**AUTHORITY FOR ADOPTION OF PROPOSED RULE:**

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of City Code is provided in Chapter 1-2 and Chapter 4-20-2(E)(6) of the City Code.

**CERTIFICATION BY CITY ATTORNEY:**

By signing this Notice of Proposed Rule 161-23.20, The City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

REVIEWED AND APPROVED



Date: 7/5/23

Sturup, Adrienne, Director  
Austin Public Health

Anne L. Morgan

Date: 7/5/2023

Anne L. Morgan  
City Attorney

## 9. Public Health

### 9.1. General Requirements

9.1.2 The following special events within Austin city limits must obtain an APPROVED HEALTH REVIEW from Austin Public Health as part of the ACE APPLICATION REVIEW PROCESS prior to beginning operations.

9.1.2.1 All Tier 3 and 4 special events require an APH review, as well as those Tier 2 events where alcohol, food, or beverages are being served.

9.1.2.2 As per Sections 122.006 and 121.003 of the Texas Health and Safety Code and the City Charter Article I, Section 3, these requirements may be modified as recommended by the Health Authority.

### 9.2. Water Supply

9.2.1 The water to be supplied shall be from sources that comply with the Public Water rules found in Texas Administrative Code Title 30, Part 1, Chapter 290.

9.2.2 Water shall be provided at the rate of at least one pint per hour for each person present at the site.

9.2.3 Water shall be delivered to the dispensing points in such a manner as to preclude the possibility of contamination. All water conveyor facilities shall be cleaned and disinfected prior to being used and any containers used for water delivery shall be covered to prevent the entrance of dust, insects, or other contaminants.

9.2.4 A suitable water outlet or water container shall be provided for each 100 persons and be conveniently located for dispensing the water. If containers are utilized for water distribution, the containers shall be properly covered, and provisions made for keeping the covers locked. A chlorine residual of at least 0.2 milligram per liter (mg/L) free chlorine or 0.5 mg/L chloramine (measured as total chlorine) shall be maintained at all times at each water distribution point.

9.2.5 The use of the common drinking cup is prohibited. At least one dispensable cup shall be provided for each person per hour of attendance.

### 9.3 Toilet Facilities

9.3.2 Toilet facilities shall be provided at a rate of no more than 50 persons per toilet seat (recommend at least 5 percent of the total number of toilets, but not less than one toilet, be compliant with requirements under the Americans with Disability Act). Such facilities shall be designed to shield the occupants from public view.

9.3.3 Privies, if provided, shall be structurally sound and shall be designed to prevent access of flies to deposited excreta.

- 9.3.4 Portable type toilets, if provided, shall have waste therefrom collected at intervals of sufficient frequency to preclude overflow and the wastes therefrom shall be disposed of in a manner that does not create a health hazard or nuisance.
- 9.3.5 Handwashing (to include soap and water maintained in adequate supply) and drying facilities shall be provided in the vicinity of each toilet building or location. Waste produced from such handwashing facilities shall be collected and properly disposed of either by holding tanks or subsurface absorption fields.
- 9.3.6 The Event Organizer must plan for and implement a cleaning frequency which will maintain sanitary conditions of the toilet facilities and other event infrastructure.
- 9.4 Food Safety. An Event Organizer shall comply with City Code Chapter 10-3. (*Food and Food Handlers*); and Texas Administrative Code Title 25, Part 1, Chapter 228 (*Texas Food Establishment Rules*) and the currently adopted version of the U.S. Food and Drug Administration Food Code (Food Code) and the Supplement to the Food Code, referenced therein.