



MEMORANDUM

TO: Mayor and Council

FROM: Robert Spillar, P.E., Director,
Austin Transportation Department

DATE: August 5, 2013

SUBJECT: **Draft Special Events Ordinance**

I write to update you on the status of staff's response to City Council Resolution 20120524-089.

Attached is the Draft Special Events Ordinance, which has been a collaborative effort of several City Departments and the City Attorney's Office. This ordinance has been drafted to set up the Austin Center for Events (ACE), and to empower that group to coordinate and manage all special events in the City of Austin.

To that end, staff has been working on an ordinance that is responsive to Council's direction and anticipates bringing the proposed ordinance to the City commissions identified below on the following dates:

- Music Commission: Special Meeting to be determined
- Urban Transportation Commission: August 13, 2013
- Zero Waste Advisory Commission: August 14, 2013
- Downtown Commission: August 21, 2013
- Parks Commission: August 27, 2013

The draft ordinance is significantly different from the last revision to section 14-8 done in 2009. It speaks to the issues which have arisen from that change, and the lessons learned since the special events staffs have been collocated. This draft has been reviewed by staff from Police, Fire, EMS, Transportation, Planning and Development Review, Health and Human Services, Parks, Resource Recovery, and Code Compliance.

Staff anticipates that it will bring the proposed ordinance to Council for consideration on August 29, 2013.

cc: Marc A. Ott, City Manager
Michael McDonald, Deputy City Manager
Robert D. Goode, P.E., Assistant City Manager
Sue Edwards, Assistant City Manager
Karen Kennard, City Attorney

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE TITLE 4 TO ADD CHAPTER 4-15 RELATING TO SPECIAL EVENTS AND HIGH-CAPACITY VENUES; AND CREATING A PENALTY.

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

PART 1. FINDINGS

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

ARTICLE 1. GENERAL PROVISIONS.

§ XX-X-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 participants, athletes, event staff, and other individuals present during a special event.
- (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) EVENT ORGANIZER means any person who conducts, manages, or organizes a special event.
- (5) HIGH-CAPACITY EVENT VENUE means a venue that is not located on public-owned, controlled, or maintained property that holds more than one event per calendar year that has at least 5,000 attendees.
- (6) IMPACT means to impede, obstruct, impair, or interfere with normal vehicular or pedestrian traffic.

- 1 (7) POLICE-ESCORTED BUBBLE means a procession where individuals
2 proceed within a perimeter of police officers or police vehicles;
- 3 (8) PRELIMINARY RECOMMENDATION means the initial review of a
4 special event application.
- 5 (9) SPECIAL EVENT means an event that
- 6 (a) Has 100 or more attendees at a city facility, other than the Austin
7 Convention Center, Long Center, City Hall, or Palmer Events
8 Center;
- 9 (b) Impacts a city street, sidewalk, alley, walkway, or other city public
10 right-of-way other than as permitted under Chapter 14-6
11 (*Temporary Street Closure*); or
- 12 (c) Is temporary, involves 100 or more attendees, and is inconsistent
13 with the permanent use to which the property may legally be put, or
14 the occupancy levels permitted on the property, and includes one of
15 the following:
- 16 (i) Set up of temporary structures including, but not limited to,
17 tents, stages, or fences;
- 18 (ii) Sound equipment as defined in Section 9-2-1 (*Definitions*); or
- 19 (iii) Consumption of food or alcohol.
- 20 (10) SPECIAL EVENT DISTRICT means the geographic area surrounding a
21 special event venue that is subject to the requirements in Section 4-15-25.
- 22 (11) SPECIAL EVENT VENUE means the property where the special event
23 will occur.
- 24 (12) SUPERVISING POLICE OFFICER means the Austin Police Department
25 representative designated by the Austin Police Department Special
26 Events Commander.
- 27 (13) VENUE OPERATOR means any person who manages or operates a
28 high-capacity event venue.
- 29 (14) WASTE MANAGEMENT means collection of solid waste, recyclables,
30 organics, and hazardous waste for disposal or diversion and includes
31 litter control and street cleaning.

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§ XX-X-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 events district in the geographic area surrounding a special event venue.
- (D) For purposes of Chapter 9-2 (*Noise and Amplified Sound*) and Chapter 25-2, Article 6 (*Temporary Uses*), approval by ACE is approval by the accountable official.
- (E) In carrying out its duties under Subsections (C), (D), and (E), ACE may:
 - (1) Set reasonable boundaries for the special event venue and special event district consistent with this chapter;
 - (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) Consult with public agencies that have ownership or jurisdiction over land within the special event venue or district; and
 - (5) Adopt rules governing the administration and enforcement of this chapter, including application requirements and provisions for interdepartmental review.

§ XX-X-3 CONFLICTS WITH THIS CHAPTER.

To the extent a conflict exists, this Chapter controls.

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

3 **§ XX-X-20 PERMIT REQUIRED; EXCEPTIONS.**

4 (A) Except as provided in Subsection (B), a special event permit issued under
5 this chapter is required to conduct, manage, or operate a special event.

6 (B) A special event permit under this chapter is not required for:

- 7 (1) an event conducted entirely on city parkland that uses only Parks and
8 Recreation Department facilities, personnel and equipment;
- 9 (2) an event conducted in a city auditorium or meeting room that requires
10 only facilities, personnel, or equipment related to that facility; or
- 11 (3) a spontaneous event that is occasioned by news or affairs coming into
12 public knowledge less than 48 hours before the spontaneous event and
13 that is conducted on sidewalks or city parkland. An organizer must
14 provide notice to the Austin Police Department of the date, time, place,
15 and an estimate of the approximate number of persons who will be
16 participating at least four hours before the event, or provide other prior
17 notice that may be reasonable under the circumstances.

18 **§ XX-X-21 CATEGORIES OF SPECIAL EVENTS.**

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

21 (A) A Tier 1 events is a special event that:

- 22 (1) is stationary, impacts only one block of a street, sidewalk, or city right-
23 of-way, and only needs a permit issued under Chapter 14-8 (*Temporary*
24 *Closure for a Right of Way Event*); or
- 25 (2) is moving and consists exclusively of people in a police-escorted bubble;
26 or
- 27 (3) Is an assembly at a city facility and lasts less than 4 hours; or
- 28 (4) Is an assembly exclusively on private property and last less than 4 hours.

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

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

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

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

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

13 **§ XX-X-22 SPECIAL EVENT PERMIT.**

- 14 (A) No person may hold a special event unless they have a permit on a form
15 approved by ACE.
- 16 (B) A special event permit is non-transferrable.
- 17 (C) The event organizer shall display the special event permit in the manner
18 prescribed by ACE and shall provide the permit on request to a city
19 employee with enforcement or inspection duties related to the special event.
- 20 (D) As a condition of a special event permit, the event organizer or a
21 representative of the event organizer shall:
- 22 (1) provide access to a special event venue to city employees with inspection
23 and enforcement duties related to the special event; and
- 24 (2) be present at all times during the special event who shall be responsible
25 for ensuring compliance with all applicable ordinances, regulations, and
26 the special event permit; and for accepting all notices of violation,
27 citations, and closure orders.
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§ XX-X-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.
- (B) A special event conducted in compliance with this chapter does not require a separate sound amplification or temporary use permit.

§ XX-X-24 LIMITATIONS ON THE PROVISION OF CITY SERVICES; COSTS AND FEES.

- (A) Issuance of a special event permit does not obligate or require the City to provide services, equipment, or personnel in support of an event.
- (B) 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 for city personnel involved in traffic control, event security, fire safety, medical safety, waste management, or 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, 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 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 as set by council pursuant to separate ordinance to recover costs associated with special events.

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§ XX-X-25 SPECIAL EVENT DISTRICT.

- (A) In the interests of public health, safety, and welfare, ACE may require a special event district for a special event. If a special event district is required, the number of special event permits issued within the special event district will be limited.
- (B) ACE will set the duration and boundaries of a special event district after:
 - (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 that may be issued in a special event district.
- (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 district will not be required to seek additional permits if the business or property operates consistent with its existing permits.

§ XX-X-26 INSURANCE REQUIRED; EXCEPTIONS.

- (A) 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.
- (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.

1 (F) Insurance is not required for a special event if:

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

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

5 **§ XX-X-27 INDEMNIFICATION.**

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

11 ***ARTICLE 3. SPECIAL EVENT APPLICATIONS.***

12 **§ XX-X-30 SPECIAL EVENT APPLICATION FEES AND DEADLINES.**

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

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

17 (1) 3 business days for a Tier 1 event;

18 (2) 30 calendar days for a Tier 2 event;

19 (3) 120 calendar days for a Tier 3 event; and

20 (4) 180 calendar days for a Tier 4 event.

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

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

25 (2) ACE recommends waiver; and

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

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1 **§ XX-X-31 CONTENTS OF SPECIAL EVENT APPLICATION.**

2 (A) An event organizer must submit an application for a special event on a form
3 approved by ACE. The event organizer must be the applicant unless the
4 event organizer designates another person in writing.

5 (B) Except as provided in Subsection (C), an application must contain all of the
6 information described in this subsection that is relevant to the event in order
7 to be deemed complete.

8 (1) The following general information:

9 (a) the name, address, and telephone of the event organizer;

10 (b) the name, address, and telephone number of a designee for the
11 event organizer;

12 (c) the location and schedule of the proposed event, including the dates
13 and times when the event is to be conducted;

14 (d) the current zoning of the location;

15 (e) a brief description of the proposed event and ancillary activities;

16 (f) the approximate number of people expected to attend the event;

17 (g) name, address, and telephone number for all companies providing
18 on-site and off-site litter control;

19 (h) the number and size of dumpsters, roll-offs, trash and diversion
20 containers scheduled for use for the special event venue or route,
21 both during and upon completion of the event, that are sufficient to
22 restore the area to the same condition as existed prior to the event;

23 (i) a certification that the applicant will be financially responsible for
24 any fees or costs imposed by the City under Section 4-15-24
25 (*Limitations on the Provision of City Services; Costs and Fees*);
26 and

27 (j) if the special event is to be held by, for, or on behalf of an
28 organization other than the applicant for a special event permit, the
29 applicant must provide a written communication from the
30 organization:

1 (i) authorizing the applicant to apply for the permit on its behalf;
2 and

3 (ii) certifying that it will be responsible for any costs or fees
4 imposed in connection with the event.

5 (2) Detailed information regarding the physical layout of the special event,
6 which must include a map or site plan and written narrative addressing
7 the:

8 (a) proposed boundaries of the special event venue;

9 (b) proposed location of any structures;

10 (c) proposed location of production areas;

11 (d) proposed location of portable sanitation facilities;

12 (e) proposed location of dumpsters, roll-offs, trash and diversion
13 containers; and

14 (f) for a procession, parade, or athletic event, the proposed route and at
15 least one alternate route.

16 (3) Detailed information concerning the activities included in the special
17 event, including:

18 (a) the number of bands or other musical units;

19 (b) the number of theatrical performances;

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

21 (d) the kinds of animals anticipated to be a part of the event; and

22 (e) the types of non-emergency vehicles to be used for the event.

23 (4) Detailed information concerning food and alcohol that is required by
24 Chapter 10-3 (*Food and Food Handlers*).

25 (5) Detailed information concerning sound equipment and amplification that
26 is required by Sections 9-2-37 (*24-Hour Live Music Permit*) and 9-2-38
27 (*Multi-day Special Events Permit*).

- 1 (6) Detailed information concerning public safety and emergency
2 preparedness including, but not limited to,:
- 3 (a) provisions for queuing event attendees on streets, sidewalks, or
4 other city right-of-ways;
- 5 (b) a public safety plan as set forth in Section 4-15-50 (*Public Safety*);
6 and
- 7 (c) other equipment or services necessary to conduct the event with
8 due regard to public health and safety.
- 9 (7) Detailed information concerning compliance with the Americans with
10 Disabilities Act (ADA) as required by Section 4-15-44 (*Miscellaneous*
11 *Requirements*);
- 12 (8) Detailed information describing a sustainability plan as required in
13 Section 4-15-44 (*Miscellaneous Requirements*);
- 14 (9) The following financial information:
- 15 (a) insurance and surety bond information;
- 16 (b) statement of the fees to be charged for the event, including
17 activities and performances included as part of the event; and
- 18 (c) for a non-profit event, a copy of a tax-exemption certificate issued
19 for an applicant.
- 20 (10) Any additional information required by ACE in order to assess the
21 impacts imposed or created by a proposed special event.
- 22 (C) An application for a Tier 3 or Tier 4 event may be considered complete
23 without submission of the information required in Subsections (B)(3),
24 (B)(4), and (B)(6). ACE shall establish a deadline, which must be at least 30
25 days before the first day of the event, for the information required by
26 Subsections (B)(3), (B)(4), and (B)(6) to be provided.

27 **§ XX-X-32 REVIEW OF SPECIAL EVENTS APPLICATION.**

- 28 (A) For a Tier 1 or Tier 2 event, ACE will take final action to approve or deny
29 an application by the close of business one business day before the start of
30 the special event.

- 1 (B) For a Tier 3 or Tier 4 event, ACE will issue, within 10 business days of
2 receiving a complete application, a preliminary recommendation to
3 approve the application provided that the following conditions are met:
- 4 (1) no other approved or pending special events conflict with the event
5 organizer's proposed special event;
- 6 (2) a prior special events permit or a permit issued under Chapter 14-8
7 (*Temporary Closure for a Right-of-Way Event*) was not revoked by the
8 City in the preceding 12 months;
- 9 (3) the event will not block traffic lanes or close streets, as described in rules
10 adopted in accordance with Chapter 1-2 (*Adoption of Rules*), during peak
11 commuter hours on weekdays;
- 12 (4) the City has sufficient resources to address public health and safety
13 concerns raised by the special event; or
- 14 (5) the event will not cause an unresolvable conflict with construction or
15 development in the public right-of-way or at a public facility.
- 16 (C) ACE is not required to process more than one application for a Tier 3 or 4
17 event per event organizer during any two-week period.
- 18 (D) When multiple Tier 3 and Tier 4 special events are requested for the same
19 day and location, ACE will review applications on a first come, first serve
20 basis.
- 21 (E) For a Tier 3 or Tier 4 event, ACE will take final action to approve or deny
22 the application no later than 30 days before the first day of the special event.
- 23 (F) No action is required to be taken on an incomplete or untimely application.
- 24 (G) ACE may require application modifications. In exercising this authority,
25 ACE will consider:
- 26 (1) scope of events;
- 27 (2) traffic;
- 28 (3) parking; and
- 29 (4) public safety concerns.

1 **§ XX-X-33 NOTIFICATIONS FOR A SPECIAL EVENT APPLICATION.**

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

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

6 **§ XX-X-34 APPROVAL OR DENIAL OF SPECIAL EVENT APPLICATION.**

7 (A) If ACE determines that none of the conditions specified in Subsections (B)
8 and (C) apply, ACE shall issue a special event permit.

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

10 (1) provide a complete application;

11 (2) provide a sufficient traffic control plan;

12 (3) provide sufficient monitors for crowd control and safety;

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

16 (5) provide sufficient waste management services;

17 (6) provide sufficient off-site parking or shuttle service, or both, when
18 required to minimize any substantial adverse impacts on general parking
19 and traffic circulation in the vicinity of the event;

20 (7) meet the requirements for submitting an application for a special event
21 permit;

22 (8) obtain the approval of any other public agency within whose jurisdiction
23 the special event or portion of the special event will occur;

24 (9) provide a sufficient public safety plan based on event risk factors;

25 (10) obtain all other required city permits;

26 (11) meet the conditions set forth in Section 4-15-32(B) (*Review of Special*
27 *Event Application*); or

28 (12) make revisions required by ACE.

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

- 2 (1) the event will violate any local, state, or federal law or regulation or any
3 rule adopted by ACE;
- 4 (2) the resources required to ensure public safety within the special event
5 venue or district will prevent the police, fire, or emergency medical
6 services departments from providing reasonable protections to the
7 remainder of the city;
- 8 (3) the concentrations of persons, animals, or vehicles within the special
9 event venue or district will unduly interfere with the movement of police,
10 fire, ambulance, or other emergency vehicles;
- 11 (4) the event will substantially interfere with
- 12 (a) any other special event for which a permit has already been
13 granted; or
- 14 (b) the provision of city services required to support scheduled events
15 or unscheduled government functions;
- 16 (5) the event organizer demonstrates an inability or an unwillingness to
17 conduct an event in compliance with the requirements of this chapter or
18 of a condition to a permit issued under this chapter; or
- 19 (6) the event organizer conducted a prior special event in a manner that
20 failed to substantially comply with City Code requirements.

21 (D) If an application for a permit under this section is denied, ACE shall notify
22 the event organizer as soon as is reasonably possible.

23 **§ XX-X-35 APPEAL OF SPECIAL EVENT PERMIT DENIAL.**

- 24 (A) If a special event application is denied, the event organizer may appeal the
25 denial to the Appeal Team.
- 26 (B) An appeal must be received by ACE no later than 10 business days after the
27 event organizer is notified that the application has been denied.
- 28 (C) The Appeal Team must act on the appeal within 10 business days and may
29 uphold or reverse the denial of the permit.

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

4 **ARTICLE 4. OPERATION.**

5 **§ XX-X-40 UNPERMITTED SPECIAL EVENTS PROHIBITED.**

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

8 **§ XX-X-41 COMPLIANCE WITH PERMITS AND PLANS.**

9 An event organizer shall conduct, operate, or manage the special event in
10 compliance with the special event permit, other city permits and approvals, and
11 approved plans.

12 **§ XX-X-42 SALE OF GOODS, FOOD, AND BEVERAGE WITHIN A**
13 **SPECIAL EVENT.**

- 14 (A) Except as provided in Subsection (B), a person may not sell goods at a
15 special event located on a city street, sidewalk, or right-of-way.
- 16 (B) The sale of goods may only occur if the vendor is authorized under Chapter
17 14-8 (*Temporary Closure for a Right-of-Way Event*) or under Chapter 14-9
18 (*Street Vendor License*).
- 19 (C) Except as provided in Subsection (D), a person may not sell food or
20 beverages, including alcohol, at a special event.
- 21 (D) The sale of food or beverages, including alcohol, may only occur if the
22 provider is authorized under Chapter 10-3 (*Food and Food Handlers*).
- 23 (E) Proposed sale of food or beverages at a special event shall comply with the
24 requirements under Chapter 10-3 (*Food and Food Handlers*).
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§ XX-X-43 SOUND EQUIPMENT.

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

§ XX-X-44 MISCELLANEOUS REQUIREMENTS.

- (A) An event organizer must provide portable toilets based on the estimated number of attendees at the special event.
- (B) An event organizer shall provide waste management plan based on the number of attendees at a special event; and proof of waste management services that will be provided.
- (C) Styrofoam may not be provided, distributed, or used during an outdoor special event held at a city facility, streets, sidewalks, or other city right-of-way.
- (D) Glass containers may not be provided or distributed during an outdoor special event held at a city facility, streets, sidewalks, or other city right-of-way.
- (E) Single-use carryout bags, as defined in Section 15-6-121 (*Definitions*), may not be provided or distributed during a special event.
- (F) An event organizer shall provide suitable protection around storm water inlets to prevent debris from entering the storm water system.
- (G) An event organizer shall post a sign at each entrance and exit to a special event venue visible to all patrons entering the area that includes the amount of the entry fee, if any, and the rules of access to the closure area. An event organizer must post the sign required by this Subsection during the time the entry fee is in effect.

- 1 (H) If an entry fee is charged for a special event, an event organizer may not
2 charge an entry fee for a person that needs access to a:
- 3 (1) residence in a special event district or right-of-way closure area; or
4 (2) business within a special event district or right-of-way closure area.
- 5 (I) A sustainability plan is required for Tier 2, 3, and 4 special events and must
6 be approved by ACE.
- 7 (J) A sustainability plan must include, at a minimum, the following information
8 (1) a waste management plan,
9 (2) a waste reduction and recycling plan,
10 (3) plan to reduce vehicle idling,
11 (4) plan for bicycle parking, and
12 (5) any other information required in rules adopted pursuant to Chapter 1-2
13 (*Rules Adoption*).
- 14 (K) An American with Disabilities Act (ADA) compliance plan is required for
15 any special event that interferes with accessibility on city streets, sidewalks,
16 right of way, or city facilities.

17 ***ARTICLE 5. PUBLIC SAFETY.***

18 **§ XX-X-50 PUBLIC SAFETY.**

- 19 (A) A public safety plan is required for any special event and must be approved
20 by ACE.
- 21 (B) An event organizer shall prepare a public safety plan for a special event that
22 is based on the projected number of attendees and, at a minimum, includes
23 the following:
- 24 (1) on-site security for attendees and property;
- 25 (2) on-site medical coverage, number of and level of certification of
26 emergency medical responders, and the 911-access that will be utilized
27 for the special event;
- 28 (3) fire safety plan; and

1 (4) traffic control plan.

2 (C) When required for a special event, the number of police officers, emergency
3 medical providers, and fire department employees required for a special
4 event must be based on rules adopted in accordance with Chapter 1-2
5 (*Adoption of Rules*).

6 (D) At least 30 days prior to the start of a special event, an event organizer shall
7 provide ACE with a written description of all non-city public safety
8 resources that will be used at the special event.

9 **§ XX-X-51 PERSONAL SECURITY AND PROPERTY SECURITY.**

10 (A) An event organizer may hire private security, including licensed peace
11 officers that are not employed by the City of Austin, for personal safety or
12 property security during a special event to supplement the services provided
13 by the Austin Police Department.

14 (B) Private security employed pursuant to Subsection (A) must

15 (1) be in uniform;

16 (2) be able to contact the City police, fire, or emergency medical services if
17 necessary;

18 (3) remain on-site during the special event; and

19 (4) not consume an alcoholic beverage or participate in the event.

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

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

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§ XX-X-52 FIRE SAFETY.

- (A) An event organizer shall comply with all applicable International Fire Code requirements as adopted and amended in Title 25 of the City 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.

§ XX-X-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 Austin-Travis County Emergency Medical Services Department.
- (B) Unless directed to do so by the Department or authorized by the Chief of the Austin-Travis County 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.

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2 **ARTICLE 6. SPECIAL EVENT ENFORCEMENT.**

3 **§ XX-X-60 PENALTY.**

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

15 **§ XX-X-61 REVOCATION OF SPECIAL EVENT PERMIT.**

- 16 (A) A special event permit may be revoked if ACE determines:
- 17 (1) the special event permit was issued in error;
- 18 (2) the event is being conducted in manner that is inconsistent with the
19 special event permit;
- 20 (3) the event organizer fails to maintain insurance as required in Section 4-
21 15-25;
- 22 (4) the event organizer or any person associated with the special event has
23 failed to obtain any other permit required by this Code; or
- 24 (5) the event poses a threat to public health or safety.
- 25 (B) Except as provided in Subsection (C), notice of revocation will be in writing
26 and specifically set forth the reasons for revocation.
- 27 (C) Verbal notification is sufficient if an emergency that poses a threat to public
28 health or safety requires immediate revocation.

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

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

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

8 ***ARTICLE 7. HIGH-CAPACITY EVENT VENUES.***

9 **§ XX-X-70 PERMIT REQUIRED.**

10 A high-capacity venue permit issued under this chapter is required to operate or
11 manage a high-capacity event venue.

12 **§ XX-X-71 HIGH-CAPACITY VENUE APPLICATION FEES.**

13 (A) A venue operator shall pay an application fee for a high-capacity venue
14 permit.

15 (B) The application fee for a high-capacity venue permit requested under this
16 chapter is established by separate ordinance.

17 **§ XX-X-72 CONTENTS OF APPLICATION.**

18 (A) A venue operator must submit an application for a high-capacity event venue
19 permit on a form approved by ACE.

20 (B) An application must contain all of the information described in this
21 Subsection that is relevant to the venue:

22 (1) The following general information

23 (a) the name, address, and telephone of the applicant;

24 (b) the name, address, and telephone of the venue operator and
25 designee, along with that individual's name, address, and telephone
26 number;

27 (c) the address of the venue;

28 (d) a brief description of the activities conducted at the venue;

1 (e) the maximum number of people for each type of activity conducted
2 at the venue;

3 (2) Detailed information concerning

4 (a) the physical layout of the venue;

5 (b) public safety plan that complies with the requirements in Section 4-
6 15-50 (*Public Safety*);

7 (c) the number of individuals, along with any minimum qualifications,
8 to be used for monitoring or facilitating the activities at the venue
9 and for providing attendee or attendee control for activities;

10 (d) other equipment or services necessary to conduct the event, with
11 due regard to public health and safety; and

12 (3) Any additional information required by ACE in order to assess the effects
13 of the activities at the venue on public health, safety, and welfare.

14 **§ XX-X-73 REVIEW AND ACTION ON AN APPLICATION.**

15 (A) ACE will review a complete application in accordance with this division and
16 take final action to approve or deny the application as soon as practicable.
17 No action is required to be taken on an incomplete application.

18 (B) If ACE determines that none of the conditions specified in Subsection (D)
19 apply, ACE shall issue a high-capacity venue permit.

20 (C) ACE may place conditions on a permit issued under this Article.

21 (D) ACE shall deny a high-capacity venue permit to an applicant who fails to:

22 (1) provide a complete application;

23 (2) provide for sufficient traffic control;

24 (3) provide for sufficient public safety resources; or

25 (4) obtain any other required city permits for operation of the venue.

26 (E) If an application for a permit under this section is denied, ACE shall notify
27 the applicant as soon as is reasonably possible.

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§ XX-X-74 APPEAL OF A PERMIT DENIAL.

- (A) If a high-capacity venue permit application is denied, the applicant may appeal the denial to the Appeal Team.
- (B) An appeal must be received by ACE no later than 10 business days after the applicant is notified that the application has been denied.
- (C) The Appeal Team must act on the appeal within 10 business days and may uphold or reverse the denial of the permit.
- (D) In considering the appeal, the Appeal Team shall apply the same criteria as ACE under Section 4-15-73 (*Review and Action on an Application*).

§ XX-X-75 HIGH-CAPACITY EVENT VENUE REQUIREMENTS.

- (A) A person may not operate or manage a high-capacity venue without a permit required by this article.
- (B) No person may operate or manage a high-capacity event venue unless they have a permit on a form approved by ACE.
- (C) The operator shall display the high-capacity venue permit in way prescribed by ACE and shall provide the permit on demand to any City official.
- (D) As a condition of a high-capacity permit, the operator or a representative of the operator shall:
 - (1) provide access to a high-capacity venue to city employees with inspection and enforcement duties related to the event venue; and
 - (2) be present at all times during while the event venue is open to the public and shall be responsible for ensuring compliance with all applicable ordinances, regulations, and the high-capacity venue permit; and for accepting all notices of violation, citations, and closure orders.
- (E) A high-capacity venue permit is non-transferrable.
- (F) The venue operator or designee must follow the public safety plan approved for the high-capacity venue.

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§ XX-X-76 SUSPENSION AND REVOCATION OF A PERMIT.

- (A) ACE may suspend a permit if ACE determines that:
 - (1) The permit was issued in error; or
 - (2) The permit or license holder has not complied with the requirements of this article.
- (B) A suspension is effective until ACE determines that the permit holder has complied with the requirements of this article.
- (C) ACE may immediately revoke a permit issued under this article that has been suspended if ACE determines that the person:
 - (1) Did not comply in a reasonable time with the requirements of this article for which the suspension was ordered; or
 - (2) During the suspension, did not comply with other requirements of this article.
- (D) ACE shall give notice by certified mail, return receipt requested, of a suspension or revocation by ACE under this article.

§ XX-X-77 NOTICE OF INTENT TO SUSPEND A PERMIT.

- (A) ACE may give notice to the person affected by the ACE’s intent to suspend or revoke a permit issued under this article.
- (B) The notice may specify a reasonable time for compliance with this article. If a time for compliance is specified ACE may not suspend before the time for compliance has expired.

§ XX-X-78 PENALTY.

- (A) A person who violates a provision of this article or a requirement of a high-capacity venue 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 article.

1 (C) Each offense is punishable by fine not to exceed:

2 (1) \$2,000 for a violation of a provision of this chapter or a requirement of a
3 high-capacity venue permit governing fire safety, zoning, or public health
4 and sanitation, including dumping of refuse; or

5 (2) \$500 for all other violations of this chapter or requirements of a high-
6 capacity permit.

7 **PART 3.** The City Manager is directed to amend Chapter 25-10 (*Sign Regulations*) of
8 the Land Development Code to regulate the use temporary signs during a special event.
9 The City Manager is directed to bring the proposed ordinance to the City Council no later
10 than _____.

11 **PART 4.**

12 **PART 5.** This ordinance takes effect on _____, 2013.

13 **PASSED AND APPROVED**

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17 _____, 2013

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18 _____
19 Lee Leffingwell
20 Mayor

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22 **APPROVED:** _____

23 Karen M. Kennard
24 City Attorney

25 **ATTEST:** _____

Jannette S. Goodall
City Clerk