

ORDINANCE NO.

1 **AN ORDINANCE AMENDING CITY CODE TITLE 4 TO ADD CHAPTER 4-15**
2 **RELATING TO SPECIAL EVENTS; REPEALING AND REPLACING**
3 **CHAPTER 14-8 RELATING TO TEMPORARY RIGHT-OF-WAY CLOSURES;**
4 **AMENDING SECTION 10-3-96 RELATING TO TEMPORARY FOOD**
5 **ESTABLISHMENTS; REPEALING SECTION 14-6-3 RELATING TO**
6 **CLOSURES FOR A STREET FESTIVITY; AND CREATING A PENALTY.**

7
8 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

9 **PART 1. FINDINGS**

10 The council finds the following:

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

- 1 (9) An interdepartmental special events team acting as a “one-stop shop” for
2 special events will provide a single point of contact for event organizers
3 and the public;
- 4 (10) When more than one event occurs in the same general area, the
5 occupancy level of adjacent city streets and sidewalks increases, which
6 may create an unsafe condition and strain the City’s resources and
7 infrastructure;
- 8 (11) Limiting the number of special events that may occur simultaneously in
9 an area will allow the City to prevent people from being injured due to
10 overcrowded streets and sidewalks and will allow the City to better
11 manage its resources and infrastructure; and
- 12 (12) Many special events are conducted on an annual basis and have been
13 operating in substantially the same form for at least 20 years; and these
14 events contribute the City’s identity.

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

16 **ARTICLE 1. GENERAL PROVISIONS.**

17 **§ 4-15-1 DEFINITIONS.**

18 In this chapter:

- 19 (1) **APPEAL TEAM** means the inter-departmental team comprised of
20 directors of city departments that participate in the Austin Center for
21 Events.
- 22 (2) **ATTENDEE** means participants, athletes, event staff, and other
23 individuals present during a special event.
- 24 (3) **CITY FACILITY** means city parkland, buildings, and all other city-
25 owned, controlled, or maintained property that is not a street, sidewalk,
26 right-of-way, or spaces not open to the general public for rental.
- 27 (4) **DIVERSION** means the act of redirecting material from disposal for a
28 higher or best use.
- 29 (5) **EVENT ORGANIZER** means any person who conducts, manages, or
30 organizes a special event.
- 31 (6) **IMPACT** means to impede, obstruct, impair, or interfere with normal
32 vehicular or pedestrian traffic.

- 1 (7) LEGACY EVENT means a special event that has been held in the City of
2 Austin in substantially the same form for a minimum of 20 consecutive
3 years.
- 4 (8) POLICE-ESCORTED BUBBLE means a procession where individuals
5 proceed within a perimeter of police officers or police vehicles;
- 6 (9) PRELIMINARY RECOMMENDATION means the initial review of a
7 special event application.
- 8 (10) SPECIAL EVENT means an event that
- 9 (a) has 100 or more attendees per day at a city facility, other than the
10 Austin Convention Center, Long Center, City Hall, or Palmer
11 Events Center;
- 12 (b) impacts a city street, sidewalk, alley, walkway, or other city public
13 right-of-way other than as permitted under Chapter 14-6
14 (*Temporary Street Closure*); or
- 15 (c) is temporary, involves 100 or more attendees per day, and
- 16 (i) is inconsistent with the permanent use to which the property
17 may legally be used, or the occupancy levels permitted on the
18 property; and
- 19 (ii) includes one of the following:
- 20 1. set up of temporary structures including, but not limited to,
21 tents, stages, or fences;
- 22 2. sound equipment as defined in Section 9-2-1 (*Definitions*);
23 or
- 24 3. consumption of food or alcohol.
- 25 (11) SPECIAL EVENT IMPACT AREA means the geographic area
26 surrounding a special event venue that is subject to the requirements in
27 Section 4-15-25 (*Special Event Impact Area*).
- 28 (12) SPECIAL EVENT VENUE means the property where the special event
29 will occur.

1 (13) SUPERVISING POLICE OFFICER means the Austin Police Department
2 representative designated by the Austin Police Department Special
3 Events Commander.

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

7 **§ 4-15-2 AUSTIN CENTER FOR EVENTS.**

8 (A) The City Manager shall create an Austin Center for Events (ACE) to carry
9 out the responsibilities under this chapter. ACE will be comprised of
10 employees from City departments that regulate, permit, or host special
11 events.

12 (B) ACE shall review applications for special event permits; and shall approve
13 or deny applications in compliance with this chapter and with rules adopted
14 under this chapter.

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

17 (D) For purposes of Chapter 9-2 (*Noise and Amplified Sound*) and Chapter 25-2,
18 Article 6 (*Temporary Uses*), approval by ACE is approval by the
19 accountable official.

20 (E) In carrying out its duties under Subsections (B), (C), and (D), ACE may:

21 (1) set reasonable boundaries for the special event venue and special event
22 impact area consistent with this chapter;

23 (2) impose reasonable conditions on the special event based on public health,
24 safety, and welfare;

25 (3) coordinate permit issuance or authorizations for the special event with
26 other city departments;

27 (4) require consolidated applications;

28 (5) consult with public agencies that have ownership or jurisdiction over land
29 within the special event venue or impact area; and

30 (6) adopt rules governing the administration and enforcement of this chapter,
31 including application requirements and provisions for interdepartmental
32 review.

1 **§ 4-15-3 CONFLICTS WITH THIS CHAPTER.**

2 To the extent a conflict exists, this Chapter controls.

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

4 **§ 4-15-20 PERMIT REQUIRED; EXCEPTIONS.**

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

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

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

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

21 **§ 4-15-21 CATEGORIES OF SPECIAL EVENTS.**

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

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

- 26 (1) is stationary, impacts only one block of a street, sidewalk, or city right-
27 of-way, and only needs a permit issued under Chapter 14-8 (*Temporary*
28 *Closure for a Right of Way Event*); or
- 29 (2) is moving and consists exclusively of people in a police-escorted bubble;
30 or

(3) is an assembly at a city facility and lasts less than 5 hours; or

(4) is an assembly exclusively on private property and lasts less than 5 hours.

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

(1) is an assembly at a city facility and 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, and 4.

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

(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.

§ 4-15-22 SPECIAL EVENT PERMIT.

(A) Except as provided in Section 4-15-20 (*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 representative of the event organizer shall:

(1) provide access to a special event venue to city employees with inspection and enforcement duties related to the special event;

(2) be present at all times during the operating hours for special event;

(3) ensure compliance with all applicable ordinances, regulations, rules, and the special event permit; and

(4) accept all notices of violation, citations, and closure orders.

(E) A special event permit is effective after all required inspections have been passed.

§ 4-15-23 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 live music permit under Section 9-2-37 (*24-hour Live Music Permit*), Section 9-2-38 (*Multi-day Special Events Permit*), or temporary use permit under Chapter 25-2, Article 6 (*Temporary Uses*).

§ 4-15-24 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) 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 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 directly related to the special event, not provided by the event organizer, and 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.

1 (D) The event organizer shall not be required to provide or pay for the cost of
2 city personnel who are present to protect event attendees from counter-
3 demonstrators or members of the public who are hostile to the event.

4 (E) The City may also charge any other fees as set by council pursuant to
5 separate ordinance to recover costs associated with special events.

6 **§ 4-15-25 SPECIAL EVENT IMPACT AREA.**

7 (A) In the interests of public health, safety, and welfare, ACE may designate a
8 special event impact area that surrounds a special event. If a special event
9 impact area is designated, ACE may limit the number of permits described
10 in Subsection (C) issued within the special event impact area.

11 (B) ACE will set the duration and boundaries of a special event impact area
12 after:

13 (1) consulting with affected city departments and public agencies; and

14 (2) balancing the needs of the special event with public health, safety, and
15 welfare.

16 (C) ACE will determine, based on rules adopted in accordance with Chapter 1-2
17 (*Adoption of Rules*), the maximum number of special event permits that may
18 be issued in a special event impact area.

19 (D) A business or property, including a vendor licensed under Chapter 14-9,
20 Article 3 (*Street Vendor License*), located within the area of a special event
21 impact area will not be required to seek additional permits if the business or
22 property operates in a manner consistent with its existing permits.

23 **§ 4-15-26 INSURANCE REQUIRED; EXCEPTIONS.**

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

29 (B) The insurance shall name the City as an additional insured and must be
30 maintained for the duration of the special event.

1 (C) Failure to maintain insurance immediately preceding, during the special
2 event, and until the conclusion of the permit period is grounds to revoke the
3 special event permit.

4 (D) The City will determine the necessary amount of insurance.

5 (E) The insurance required by this section is not a substitute for insurance
6 requirements that may be imposed by other required city permits.

7 (F) An event organizer is exempt from providing the insurance required by this
8 section if:

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

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

12 **§ 4-15-27 INDEMNIFICATION.**

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

18 ***ARTICLE 3. SPECIAL EVENT APPLICATIONS.***

19 **§ 4-15-30 SPECIAL EVENT APPLICATION FEES AND DEADLINES.**

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

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

24 (1) 3 business days for a Tier 1 event, except the deadline is 5 business days
25 for an event described in Section 4-15-21(A)(4);

26 (2) 30 calendar days for a Tier 2 event;

27 (3) 120 calendar days for a Tier 3 event; and

28 (4) 180 calendar days for a Tier 4 event.

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

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

(2) ACE recommends waiver; and

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

§ 4-15-31 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 rules adopted pursuant to 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 submission of the following information:

(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 ancillary activities that will be associated with the event;

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

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

(2) Detailed information concerning

(a) food and alcohol that is required by 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.

1 (3) 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 (D) ACE shall establish a deadline, which must be at least 30 days before the
10 first day of the event, for the information required by Subsection (C) to be
11 provided.

12 (E) An application for a special event permit may be submitted no earlier than
13 335 calendar days prior to the first day of the special event, unless the same
14 event was held in the City during the prior calendar year, in which case an
15 application for a special event permit may be submitted no earlier than 364
16 calendar days prior to the first day of the special event.

17 **§ 4-15-32 REVIEW OF SPECIAL EVENT APPLICATION.**

18 (A) For a Tier 3 or Tier 4 event, ACE will issue, within 10 business days of
19 receiving a complete application, a preliminarily recommendation to
20 approve the application provided that the following conditions are met:

21 (1) no other approved or pending special events conflict with the event
22 organizer's proposed special event;

23 (2) a prior special events permit or a permit issued under Chapter 14-8
24 (*Temporary Closure for a Right-of-Way Event*) was not revoked by the
25 City in the preceding 12 months;

26 (3) the event will not block traffic lanes or close streets, as described in rules
27 adopted in accordance with Chapter 1-2 (*Adoption of Rules*), during peak
28 commuter hours on weekdays;

29 (4) the City has sufficient resources to address public health and safety
30 concerns raised by the special event; or

31 (5) the event will not cause an unresolvable conflict with construction or
32 development in the public right-of-way or at a public facility.

- 1 (B) ACE is not required to process more than one application for a Tier 3 or 4
2 event per event organizer during any two-week period.
- 3 (C) When multiple Tier 3 or Tier 4 special events are requested for the same day
4 and location, ACE will prioritize applications based on the number of years
5 a special event has been conducted in the City. When two or more special
6 events have been conducted for the same number of years, applications will
7 be reviewed on a first come, first serve basis.
- 8 (D) For a Tier 3 or Tier 4 event, ACE will take final action to approve or deny
9 an application no later than 30 days before the first day of the special event.
- 10 (E) For a Tier 1 or Tier 2 event, ACE will take final action to approve or deny an
11 application no later than the close of business one business day before the
12 start of the special event.

13 **§ 4-15-33 NOTIFICATIONS FOR A SPECIAL EVENT APPLICATION.**

- 14 (A) An Event Organizer shall provide notification as described in rules adopted
15 pursuant to Chapter 1-2 (*Adoption of Rules*).
- 16 (B) Completion of notification process does not guarantee approval of the
17 proposed special event.

18 **§ 4-15-34 APPROVAL OR DENIAL OF SPECIAL EVENT APPLICATION.**

- 19 (A) If ACE determines that none of the conditions specified in Subsections (B)
20 and (C) apply, ACE shall approve a special event application.
- 21 (B) ACE shall deny a special event application to an applicant who fails to:
- 22 (1) provide a complete application;
- 23 (2) provide a sufficient traffic control plan;
- 24 (3) provide sufficient crowd control and safety measures;
- 25 (4) provide sufficient safety, health, or portable sanitation equipment,
26 services, or facilities that are reasonably necessary to ensure that the
27 event will be conducted with due regard for safety;
- 28 (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 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;
- (11) meet the conditions set forth in Section 4-15-32(A) (*Review of Special Event Application*); or
- (12) make revisions to a pending application that are required by ACE.

(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;
- (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 has already been granted; or
 - (b) the provision of city services required to support scheduled events or unscheduled government functions;
- (5) the event organizer demonstrates an inability or an 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

1 (6) the event organizer conducted a prior special event in a manner that
2 failed to substantially comply with City Code requirements.

3 (D) If an application is denied, ACE shall notify the event organizer in writing as
4 soon as is reasonably possible. A notification sent by electronic mail
5 complies with this subsection.

6 (E) Except as provided in Section 4-15-31(C) (*Contents of Special Events*
7 *Application*), no action is required to be taken on an incomplete or untimely
8 application.

9 (F) ACE may require application modifications. In exercising this authority,
10 ACE will consider:

11 (1) scope of events;

12 (2) traffic;

13 (3) parking; and

14 (4) public safety concerns.

15 **§ 4-15-35 APPEAL OF SPECIAL EVENT APPLICATION DENIAL.**

16 (A) If a special event application is denied, the event organizer may appeal the
17 denial to the appeal team.

18 (B) An appeal must be received by ACE no later than 10 business days after the
19 event organizer is notified that the application has been denied.

20 (C) The appeal team must act on the appeal within 10 business days and may
21 uphold or reverse the denial of the application.

22 (D) In considering the appeal, the appeal team shall apply the same criteria as
23 ACE under Section 4-15-34 (*Approval or Denial of Special Event*
24 *Application*).

25 **§ 4-15-36 NOTICE OF PROPOSED SPECIAL EVENT DATES.**

26 A legacy event may submit a notice of proposed special event dates for up to a five
27 year period on a form approved by ACE. A legacy event must still submit a special
28 event application as required by Section 4-15-30 (*Special Event Application Fees and*
29 *Deadlines*) and Section 4-15-31 (*Contents of Special Event Application*).

1 **ARTICLE 4. OPERATION.**

2 **§ 4-15-40 UNPERMITTED SPECIAL EVENTS PROHIBITED.**

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

5 **§ 4-15-41 COMPLIANCE WITH PERMITS AND PLANS.**

6 An event organizer shall conduct, operate, or manage the special event in
7 compliance with the special event permit, other city permits and approvals, and
8 approved plans.

9 **§ 4-15-42 SALE OF GOODS, FOOD, AND BEVERAGE WITHIN A SPECIAL**
10 **EVENT.**

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

24 **§ 4-15-43 AMPLIFIED SOUND EQUIPMENT.**

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

1 **§ 4-15-44 ADDITIONAL REQUIREMENTS.**

- 2 (A) An event organizer must provide portable toilets based on the estimated
3 number of attendees at the special event.
- 4 (B) A waste management plan is required for any special event and must be
5 based on the number of attendees at a special event and include proof of
6 waste management services that will be provided. A waste management plan
7 must be approved by ACE.
- 8 (C) A waste reduction and diversion plan is required for Tier 2 and Tier 3
9 special events and must be approved by ACE.
- 10 (D) After a special event, an event organizer shall provide proof of waste
11 management services that were provided at the special event.
- 12 (E) Tier 4 special events shall provide ACE the following:
- 13 (1) waste reduction and diversion plan;
- 14 (2) emission reduction plan;
- 15 (3) plan for bicycle parking and encouraging alternative transportation; and
- 16 (4) any other information required in rules adopted pursuant to Chapter 1-2
17 (*Adoption of Rules*).
- 18 (F) Expanded polystyrene may not be provided or distributed during a special
19 event held at a city facility, streets, sidewalks, or other city right-of-way.
- 20 (G) Glass containers may not be provided or distributed during a special event
21 held at a city facility, streets, sidewalks, or other city right-of-way.
- 22 (H) Single-use carryout bags, as defined in Section 15-6-121 (*Definitions*), may
23 not be provided or distributed during a special event.
- 24 (I) An event organizer shall provide suitable protection around storm water
25 inlets to prevent debris from entering the storm water system.
- 26 (J) If applicable, an event organizer shall post a sign at each entrance and exit to
27 a special event venue visible to all patrons entering the area that includes the
28 amount of the entry fee, if any, and the rules of access to the closure area. If
29 applicable, an event organizer must post the sign required by this subsection
30 during the time the entry fee is in effect.

1 (K) 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 impact area or right-of-way closure area; or

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

5 (L) An American with Disabilities Act (ADA) compliance plan is required for
6 any special event that interferes with accessibility on city streets, sidewalks,
7 right of way, or city facilities. This plan must also comply with the Texas
8 Architectural Barrier Act in Texas Government Code 469, the Texas
9 Accessibility Standards in Texas Administrative Code Chapter 68, and
10 Texas Human Resources Code Chapter 121.

11 ***ARTICLE 5. PUBLIC SAFETY.***

12 **§ 4-15-50 PUBLIC SAFETY.**

13 (A) A public safety plan is required for any special event and must be approved
14 by ACE.

15 (B) An event organizer shall prepare a public safety plan for a special event that
16 is based on the projected number of attendees and, at a minimum, includes
17 the following:

18 (1) on-site security for attendees and property;

19 (2) on-site medical coverage, number of and level of certification of
20 emergency medical responders, and the 911-access that will be utilized
21 for the special event;

22 (3) fire safety plan; and

23 (4) traffic control plan.

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

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

1 **§ 4-15-51 PERSONAL SECURITY AND PROPERTY SECURITY.**

- 2 (A) An event organizer may hire private security, including licensed peace
3 officers that are not employed by the City of Austin, for personal safety or
4 property security during a special event to supplement the services provided
5 by the Austin Police Department.
- 6 (B) Private security employed pursuant to Subsection (A) must
- 7 (1) be in uniform;
- 8 (2) be able to contact the City police, fire, or emergency medical services if
9 necessary;
- 10 (3) remain on-site during the special event;
- 11 (4) be licensed by the State of Texas; and
- 12 (5) not consume an alcoholic beverage or participate in the event.
- 13 (C) The supervising police officer at a special event may, at his or her discretion,
14 reduce the number of peace officers posted at a special event.
- 15 (D) Unless a peace officer has been authorized by the police chief, or is
16 otherwise on duty and acting in an official capacity of their agency, only
17 peace officers who are commissioned by the City shall be used for traffic
18 control on City streets or in City right-of-way for special events, as defined
19 by this chapter. In making a determination for authorization, the police chief
20 shall consider the officer's familiarity with local ordinances and rules of the
21 City, and the proximity of the officer's primary jurisdiction to the City.

22 **§ 4-15-52 FIRE SAFETY.**

- 23 (A) An event organizer shall comply with all applicable International Fire Code
24 requirements as adopted and amended in Title 25 of the City Code including
25 but not limited to:
- 26 (1) fire lanes and public safety access;
- 27 (2) tents and temporary membrane structures;
- 28 (3) fireworks, pyrotechnics, open flames;
- 29 (4) theatrical flame or laser performances;

- 1 (5) occupant loads, exiting, and egress;
- 2 (6) use of decorative materials and finishes;
- 3 (7) use, location, storage of propane or other fuel type equipment; and
- 4 (8) crowd management.

5 (B) An event organizer shall comply with all applicable Austin Fire Department

6 guidelines related to street closures.

7 **§ 4-15-53 MEDICAL SERVICES.**

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

17 ***ARTICLE 6. ENFORCEMENT.***

18 **§ 4-15-60 OFFENSE AND PENALTY.**

- 19 (A) A person who violates a provision of this chapter or a requirement of a
- 20 special event permit is guilty of a separate offense for each day or part of a
- 21 day during which the violation is committed or continued.
- 22 (B) For offenses punishable by a fine not to exceed \$500, a culpable mental state
- 23 is not required for the commission of an offense under this chapter.
- 24 (C) Each offense is punishable by fine not to exceed:
- 25 (1) \$2,000 for a violation of a provision of this chapter or a requirement of a
- 26 special event permit governing fire safety, zoning, or public health and
- 27 sanitation, including dumping of refuse; or
- 28 (2) \$500 for all other violations of this chapter or requirements of a special
- 29 event permit.
- 30

1 **§ 4-15-61 REVOCATION OF SPECIAL EVENT PERMIT.**

2 (A) A special event permit may be revoked if ACE determines:

3 (1) the special event permit was issued in error;

4 (2) the event is being conducted in manner that is inconsistent with the
5 special event permit;

6 (3) the event organizer fails to maintain insurance as required in Section 4-
7 15-26 (*Insurance Required; Exceptions*);

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

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

11 (B) Except as provided in Subsection (C), notice of revocation will be in writing
12 and specifically set forth the reasons for revocation.

13 (C) Verbal notification is sufficient if an emergency that poses a threat to public
14 health or safety requires immediate revocation.

15 (D) A revocation of a special event permit that occurs prior to the start of the
16 event may be appealed to the appeal team.

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

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

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

24 **ARTICLE 1. GENERAL PROVISIONS**

25 **§ 14-8-1 DEFINITIONS**

26 In this chapter:

27 (1) AUSTIN CENTER FOR EVENTS means the entity created in Section 4-
28 15-2 (*Austin Center For Events*).

- 1 (2) BLOCK PARTY PERMIT means the permit approved by the director
2 under Article 3 (*Neighborhood Block Party Requirements*) of this
3 chapter.
- 4 (3) CLOSURE PERMIT means the permit approved by the director under
5 Article 2 (*Special Events*) of this chapter.
- 6 (4) CRITICAL ROADWAY SEGMENT means roads identified in the
7 Traffic Register.
- 8 (5) DEPARTMENT means the Austin Transportation Department.
- 9 (6) DIRECTOR means the Director of the Austin Transportation
10 Department.
- 11 (7) SPECIAL EVENT means an event described by Section 4-15-1(10)
12 (*Definitions*).

13 **§ 14-8-2 APPLICABILITY.**

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

16 **§ 14-8-3 REVIEW AND REPORTING REQUIREMENTS.**

17 In addition to other responsibilities assigned under this code, the Urban Transportation
18 Commission shall periodically provide recommendations concerning:

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

24 **ARTICLE 2. SPECIAL EVENTS.**

25 **§ 14-8-21 PERMIT REQUIRED**

26 (A) A person may not temporarily close any portion of a public right-of-way to
27 conduct, start, participate, or assist in a special event, unless the person
28 obtains

- 29 (1) a closure permit under this chapter;

- 1 (2) a special event permit issued under Chapter 4-15 (*Special Events*); and
2 (3) any other permit required by this code.

3 (B) For purposes of this article, applicant means the person that applies for a
4 special event permit under Chapter 4-15 (*Special Events*) and requests a
5 closure permit.

6 **§ 14-8-22 RESTRICTIONS ON APPROVAL OF CLOSURE PERMIT.**

- 7 (A) The director may not approve a closure permit for a special event
8 (1) that would exceed the maximum number of special events, as established
9 by council, for which a particular public right-of-way may be closed
10 during a calendar year; or
11 (2) for which the applicant has not paid the required fees.
12 (B) Council approval is required before the director may approve a closure
13 permit that would cause a critical roadway segment to be closed for more
14 than 12 hours per day.

15 **§ 14-8-23 RIGHT-OF-WAY CLOSURE RULES.**

- 16 (A) The director may adopt rules that establish criteria for safe and appropriate
17 right-of-way closures for special events.
18 (B) The director will adopt rules in accordance with Chapter 1-2 (*Adoption of*
19 *Rules*).
20 (C) The Urban Transportation Commission may hold a public hearing on the
21 proposed rules.
22 (D) The Urban Transportation Commission may provide a recommendation to
23 the director on proposed rules within 30 days after the director files a notice
24 under Chapter 1-2 (*Adoption of Rules*).
25 (E) As a condition of a closure permit, the applicant shall comply with any
26 applicable rules established by the director under this section, under Chapter
27 4-15 (*Special Events*), or by separate ordinance.
28

1 **§ 14-8-24 GENERAL RESTRICTIONS.**

- 2 (A) A permittee may not block off a street in a manner that prevents the free
3 movement of pedestrians into and out of the area included in the closure
4 permit.
- 5 (B) If the director or the director's designee to the Austin Center for Events
6 determines that a permittee has violated or failed to comply with the terms of
7 a closure permit approved under this chapter, the director may immediately
8 halt the special event activities and reopen the public right-of-way.

9 **§ 14-8-25 TRAFFIC CONTROL PLAN REQUIREMENTS AND FEES**
10 **REQUIRED.**

- 11 (A) An applicant must submit a request for a closure permit to the Austin Center
12 for Events consistent with the deadlines in Chapter 4-15 (*Special Events*).
- 13 (B) An applicant shall pay an application fee and safety inspection fee set by
14 separate ordinance.

15 **§ 14-8-26 SECURITY DEPOSIT AND PAYMENT OF REQUIRED FEES.**

- 16 (A) If required by the director, an applicant shall pay a security deposit,
17 established by separate ordinance, before a special event begins.
- 18 (B) A permittee may provide a written request to the director for a refund of any
19 unused portion of the deposit following the special event. The director shall
20 make such refund no later than 30 days following the receipt of the written
21 request.

22 **§ 14-8-27 DOCUMENTATION REQUIREMENTS.**

- 23 (A) An applicant must submit:
- 24 (1) a preliminary traffic control plan showing the location of all barricades,
25 signs, and devices to be used for redirecting traffic around the closure
26 area; and
- 27 (2) a letter from a private barricade entity stating that all devices to be used
28 during the closure will be set up and removed by the barricade entity in
29 accordance with the City's Transportation Criteria Manual and the
30 conditions of the permit.
- 31 (B) The department may require updated traffic control plans.

- 1 (C) An applicant must provide a final traffic control plan signed and sealed by a
2 professional engineer licensed in the State of Texas that shows the location
3 of all barricades, signs, and devices to be used for redirecting traffic around
4 the area included in the closure permit.

5 **§ 14-8-28 APPROVAL OF PERMIT.**

- 6 (A) The director shall approve a closure permit if the director determines that the
7 application complies with this chapter, rules adopted under this chapter, and
8 Chapter 4-15 (*Special Events*).

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

11 **§ 14-8-29 APPEAL OF DENIAL OF APPLICATION.**

12 If an application for a closure permit is denied, the applicant may file an appeal in
13 accordance with Section 4-15-35 (*Appeal of Special Event Application Denial*).

14 **ARTICLE 3. NEIGHBORHOOD BLOCK PARTY REQUIREMENTS**

15 **§ 14-8-31 PERMIT REQUIRED.**

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

- 18 (1) a block party permit required by this article; and
19 (2) any other permit required by this code.

20 **§ 14-8-32 NEIGHBORHOOD BLOCK PARTY.**

- 21 (A) A neighborhood block party is an event on a residential street for individuals
22 that live in the immediate area of the residential street.
- 23 (B) For purposes of this article, a residential street is a block of right-of-way that
24 abuts single family dwellings.
- 25 (C) A neighborhood block party cannot be located on a residential street that
26 (1) is controlled with an automated traffic control device at either end of the
27 block or
28 (2) includes any bus or rail stops operated by Capital Metro.
- 29 (D) A neighborhood block party cannot close an intersection with another street.

1 **§ 14-8-33 APPLICATION REQUIRED.**

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

11 **§ 14-8-34 APPEAL OF A DENIAL OF AN APPLICATION.**

- 12 (A) If an application for a block party permit is denied, the applicant may appeal
13 to the director.
- 14 (B) An appeal must be received by the director no later than 10 business days
15 after the applicant is notified that the application has been denied.
- 16 (C) The director may uphold or reverse the denial of the application.

17 **§ 14-8-35 BARRICADES.**

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

21 **§ 14-8-36 INSURANCE AND INDEMNIFICATION.**

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

26 **ARTICLE 4. ENFORCEMENT**

27 **§ 14-8-41 OFFENSE AND PENALTY.**

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

(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 is guilty of 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.

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

(N) Expanded polystyrene may not be provided or distributed during an outdoor special event held on city-owned, controlled, or maintained property.

(O) Glass containers may not be provided or distributed during an outdoor special event held on city-owned, controlled, or maintained property.

(P) Single-use carryout bags, as defined in Section 15-6-121 (*Definitions*), may not be provided or distributed.

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

PART 6. This ordinance takes effect on _____, 2016.

PASSED AND APPROVED

§

§

§

_____, 2016

Steve Adler
Mayor

APPROVED: _____

Anne L. Morgan
City Attorney

ATTEST: _____

Jannette S. Goodall
City Clerk