ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE TITLE 4 TO ADD CHAPTER 4-15 RELATING TO SPECIAL EVENTS AND HIGH-CAPACITY VENUES; REPEALING AND REPLACING CHAPTER 14-8 RELATING TO RIGHT-OF-WAY CLOSURES FOR SPECIAL EVENTS; AMENDING SECTION 10-3-96 RELATING TO TEMPORARY FOOD ESTABLISHMENTS; REPEALING SECTION 14-6-3 RELATING TO CLOSURES FOR A STREET FESTIVITY; INITIATING A CODE AMENDEMENT FOR CHAPTER 25-10 RELATING TO TEMPORARY SIGNS DURING A SPECIAL EVENT; AND CREATING A PENALTY.

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

PART 1. FINDINGS

The council finds the following:

(1) The City’s festivals, road races, and other special events contribute to the unique character and vitality of the City;

(2) Special events range from very small neighborhood-level events to large-scale, multi-million dollar productions;

(3) Events held in the City impact public safety and impede the flow of pedestrian and vehicular traffic;

(4) The City’s public safety personnel are better able to respond to issues affecting public safety when they are alerted in advance to the timing, location, and nature of events occurring in the City. The special event permit application process will allow the City to manage the competing uses of its public safety personnel;

(5) The special events team will be able to assist event organizers in obtaining all necessary permits and facilitate the timely and efficient process of permit applications;

(6) Citizens need to quickly access public space to respond to current events through spontaneous speech;
(7) A special event permit application process will allow the City to manage the competing uses of its public spaces and ensure that members of the public are able to access public space for their events;

(8) Many event organizers must apply from permits for multiple City departments;

(9) An interdepartmental special events team acting as a “one-stop shop” for special events will provide a single point of contact for event organizers and the public;

(10) When more than one event occurs in the same general area, the occupancy level of adjacent city streets and sidewalks increases, which may create an unsafe condition and strain the City’s resources and infrastructure;

(11) Limiting the number of special events that may occur simultaneously in an area will allow the City to prevent people from being injured due to overcrowded streets and sidewalks and will allow the City to better manage its resources and infrastructure; and

(12) High capacity event venues that host mass gatherings of people pose risks to public safety unless they maintain appropriate safety precautions and facilities.

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.

§ 4-15-1 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) DIVERSION means the act of redirecting material from disposal for a higher or best use.

(5) EVENT ORGANIZER means any person who conducts, manages, or organizes a special event.

(6) HIGH-CAPACITY EVENT VENUE means an entertainment complex 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 persons.

(7) IMPACT means to impede, obstruct, impair, or interfere with normal vehicular or pedestrian traffic.

(8) POLICE-ESCORTED BUBBLE means a procession where individuals proceed within a perimeter of police officers or police vehicles;

(9) PRELIMINARY RECOMMENDATION means the initial review of a special event application.

(10) SPECIAL EVENT means an event that

   (a) Has 100 or more attendees per day at a city facility, other than the Austin Convention Center, Long Center, City Hall, or Palmer Events Center;

   (b) Impacts a city street, sidewalk, alley, walkway, or other city public right-of-way other than as permitted under Chapter 14-6 (Temporary Street Closure); or

   (c) Is temporary, involves 100 or more attendees per day, and

      (i) is inconsistent with the permanent use to which the property may legally be used, or the occupancy levels permitted on the property; and

      (ii) includes one of the following:

         1. Set up of temporary structures including, but not limited to, tents, stages, or fences;

         2. Sound equipment as defined in Section 9-2-1 (Definitions); or

         3. Consumption of food or alcohol.
(11) SPECIAL EVENT DISTRICT means the geographic area surrounding a special event venue that is subject to the requirements in Section 4-15-25 (Special Event District).

(12) SPECIAL EVENT VENUE means the property where the special event will occur.

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

(14) VENUE OPERATOR means any person who manages or operates a high-capacity event venue.

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

§ 4-15-2 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 (B), (C), and (D), 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) Require consolidated applications;

(5) Consult with public agencies that have ownership or jurisdiction over land within the special event venue or district; and

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

§ 4-15-3 CONFLICTS WITH THIS CHAPTER.

To the extent a conflict exists, this Chapter controls.

ARTICLE 2. SPECIAL EVENT PERMIT.

§ 4-15-20 PERMIT REQUIRED; EXCEPTIONS.

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

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

(1) an event conducted entirely on city parkland that uses only Parks and Recreation Department facilities, personnel and equipment;

(2) an event conducted in a city auditorium or meeting room that requires only facilities, personnel, or equipment related to that facility; or

(3) a spontaneous event that is occasioned by news or affairs coming into public knowledge less than 48 hours before the spontaneous event and that is conducted on sidewalks or city parkland. An organizer must provide notice to the Austin Police Department of the date, time, place, and an estimate of the approximate number of persons who will be participating at least four hours before the event, or provide other prior notice that may be reasonable under the circumstances.

(C) A special event permit is not required for a high capacity event venue that complies with Article 7 (High Capacity Event Venues).
§ 4-15-21 CATEGORIES OF SPECIAL EVENTS.

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

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

1. is stationary, impacts only one block of a street, sidewalk, or city right-of-way, and only needs a permit issued under Chapter 14-8 (Temporary Closure for a Right of Way Event); or

2. is moving and consists exclusively of people in a police-escorted bubble; 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 last 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) 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; and

(2) be present at all times during the special event hours who shall be responsible for ensuring compliance with all applicable ordinances, regulations, and the special event permit; and for accepting all notices of violation, citations, and closure orders.

§ 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 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.

§ 4-15-25 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 in a manner consistent with its existing permits.
§ 4-15-26 INSURANCE REQUIRED; EXCEPTIONS.

(A) Except as provided in Subsection (F), 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.

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

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

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

§ 4-15-27 INDEMNIFICATION.

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

ARTICLE 3. SPECIAL EVENT APPLICATIONS.

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

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

(B) An event organizer must submit a special event application no later than the following number of days prior to the first day of the proposed event:
§ 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 this subsection that is applicable to the event in order to be deemed complete.

(1) The following general information:

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

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

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

(d) the current zoning of the location;

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

(f) the approximate number of people expected to attend the event;
(g) name, address, and telephone number for all companies providing on-site and off-site waste management;

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

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

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

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

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

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

   (a) proposed boundaries of the special event venue;

   (b) proposed location of any structures;

   (c) proposed location of production areas;

   (d) proposed location and amount of event parking; and

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

(3) 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.

(4) 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 waste management dumpsters, roll-offs, trash and diversion containers.

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

(6) Detailed information concerning public safety and emergency preparedness including, but not limited to:

(a) provisions for queuing event attendees on streets, sidewalks, or other city right-of-ways;

(b) a public safety plan as set forth in Section 4-15-50 (Public Safety); and

(c) other equipment or services necessary to conduct the event with due regard to public health and safety.

(7) Detailed information concerning compliance with the Americans with Disabilities Act (ADA) as required by Section 4-15-44 (Miscellaneous Requirements);

(8) Detailed information describing a sustainability plan as required in Section 4-15-44 (Miscellaneous Requirements);

(9) The following financial information:

(a) insurance;

(b) statement of the fees to be charged for the event, including activities and performances included as part of the event; and
(c) for a non-profit event, a copy of a tax-exemption certificate issued for an applicant.

(10) Any additional information required by ACE in order to assess the impacts imposed or created by a proposed special event.

(C) An application for a Tier 3 or Tier 4 event may be considered complete without submission of the information required in Subsections (B)(3), (B)(4), and (B)(6). ACE shall establish a deadline, which must be at least 30 days before the first day of the event, for the information required by Subsections (B)(3), (B)(4), and (B)(6) to be provided.

(D) An application for a special event permit may be submitted no earlier than 335 calendar days prior to the first day of the special event, unless the same event was held in the City during the prior calendar year, in which case an application for a special event permit may be submitted no earlier than 365 calendar days prior to the first day of the special event.

§ 4-15-32 REVIEW OF APPLICATION FOR TIER 3 AND TIER 4 EVENTS.

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

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

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

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

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

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

(B) ACE is not required to process more than one application for a Tier 3 or 4 event per event organizer during any two-week period.
(C) When multiple Tier 3 or Tier 4 special events are requested for the same day and location, ACE will prioritize applications based on the number of years a special event has been conducted in the City. When two or more special events have been conducted for the same number of years, applications will be reviewed on a first come, first serve basis.

(D) For a Tier 3 or Tier 4 event, ACE will take final action to approve or deny the permit no later than 30 days before the first day of the special event.

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

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

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

§ 4-15-34 APPROVAL OR DENIAL OF SPECIAL EVENT PERMIT.

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

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

1. provide a complete application;
2. provide a sufficient traffic control plan;
3. provide sufficient crowd control and safety measures;
4. provide sufficient safety, health, or portable sanitation equipment, services, or facilities that are reasonably necessary to ensure that the event will be conducted with due regard for safety;
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 permit if it determines that:

(1) the event will violate any local, state, or federal law or regulation or any rule adopted by ACE;

(2) the resources required to ensure public safety within the special event venue or district 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 district 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

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

(D) If an application for a permit under this section is denied, ACE shall notify the event organizer in writing as soon as is reasonably possible. A notification sent by electronic mail complies with this Subsection.

(E) For a Tier 1 or Tier 2 event, ACE will take final action to approve or deny a permit no later than the close of business one business day before the start of the special event.
(F) Except as provided in Section 4-15-31(C) (Contents of Special Events Application), no action is required to be taken on an incomplete or untimely application.

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

1. scope of events;
2. traffic;
3. parking; and
4. public safety concerns.

§ 4-15-35 APPEAL OF SPECIAL EVENT PERMIT DENIAL.

(A) If a special event application is denied, the event organizer may appeal the denial to the Appeal Team.

(B) An appeal must be received by ACE no later than 10 business days after the event organizer 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 4-15-34 (Approval or Denial of Special Event Permit).

ARTICLE 4. OPERATION.

§ 4-15-40 UNPERMITTED SPECIAL EVENTS PROHIBITED.

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

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

An event organizer shall conduct, operate, or manage the special event in compliance with the special event permit, other city permits and approvals, and approved plans.
§ 4-15-42 SALE OF GOODS, FOOD, AND BEVERAGE WITHIN A SPECIAL EVENT.

(A) Except as provided in Subsection (B), a person may not sell goods on a city street, sidewalk, or right-of-way within the area permitted for a special event.

(B) The sale of goods may only occur if the vendor is authorized under Chapter 14-8 (Temporary Closure for a Right-of-Way Event) or under Chapter 14-9 (Street Vendor License).

(C) Except as provided in Subsection (D), a person may not sell food or beverages, including alcohol, at a special event.

(D) At a special event, a person may sell food or beverages, including alcohol, only if the person is authorized under Chapter 10-3 (Food and Food Handlers).

(E) The sale of food or beverages at a special event shall comply with the requirements under Chapter 10-3 (Food and Food Handlers).

§ 4-15-43 AMPLIFIED SOUND EQUIPMENT.

(A) Except as provided in Subsection (B), the use of amplified sound equipment is prohibited during a special event.

(B) Amplified sound equipment may be used during a special event only if approved by ACE.

(C) Proposed use of amplified 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).

§ 4-15-44 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 or distributed 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) If applicable, 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. If applicable, an event organizer must post the sign required by this Subsection during the time the entry fee is in effect.

(H) If an entry fee is charged for a special event, an event organizer may not charge an entry fee for a person that needs access to a:

1. residence in a special event district or right-of-way closure area; or
2. business within a special event district or right-of-way closure area.

(I) A sustainability plan is required for Tier 2, 3, and 4 special events and must be approved by ACE.

(J) A sustainability plan must include, at a minimum, the following information

1. a waste management plan,
2. a waste reduction and recycling plan,
3. an emission reduction plan,
4. a plan for bicycle parking and encouraging alternative transportation, and
5. any other information required in rules adopted pursuant to Chapter 1-2 (Rules Adoption).

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

§ 4-15-50 PUBLIC SAFETY.

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

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

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

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

(3) fire safety plan; and

(4) traffic control plan.

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

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

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

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

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

(1) be in uniform;

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

(3) remain on-site during the special event;
(4) be licensed by the State of Texas; and

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

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

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

§ 4-15-52 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.

§ 4-15-53 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 otherwise directed by the Austin-Travis County Emergency Medical Services 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.

ARTICLE 6. SPECIAL EVENT ENFORCEMENT.

§ 4-15-60 OFFENSE AND PENALTY.

(A) A person who violates a provision of this chapter or a requirement of a special event 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 chapter.

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

(1) $2,000 for a violation of a provision of this chapter or a requirement of a special event permit governing fire safety, zoning, or public health and sanitation, including dumping of refuse; or

(2) $500 for all other violations of this chapter or requirements of a special event permit.

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

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

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

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

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

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

(5) the event poses a threat to public health or safety.
(B) Except as provided in Subsection (C), notice of revocation will be in writing and specifically set forth the reasons for revocation.

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

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

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

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

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

§ 4-15-70 PERMIT REQUIRED.

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

(B) A permit issued under this article expires one year after the date it is issued.

(C) A permit holder shall file an application for permit renewal not sooner than the 90th day and no later the 45th day before the permit expires.

§ 4-15-71 OTHER PERMITS OR LICENSES REQUIRED.

(A) Except as provided by Subsection (B), the issuance of a high-capacity venue permit under this article does not satisfy the requirement to obtain any other permit or approval required by this code.

(B) A high-capacity venue operated and managed in compliance with this article does not require a separate sound amplification or temporary use permit.

§ 4-15-72 HIGH-CAPACITY VENUE APPLICATION FEES.

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

(B) The application fee for a high-capacity venue permit requested under this chapter is established by separate ordinance.
§ 4-15-73 CONTENTS OF APPLICATION.

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

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

(1) The following general information

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

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

   (c) the address of the venue;

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

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

(2) Detailed information concerning

   (a) the physical layout of the venue;

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

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

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

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

§ 4-15-74 REVIEW AND ACTION ON AN APPLICATION.

(A) ACE will review a complete application in accordance with this article and take final action to approve or deny the application as soon as practicable. No action is required to be taken on an incomplete application.
(B) If ACE determines that none of the conditions specified in Subsection (D) apply, ACE shall issue a high-capacity venue permit.

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

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

   (1) provide a complete application;

   (2) provide for sufficient traffic control;

   (3) provide for sufficient public safety resources; or

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

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

§ 4-15-75 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 4-15-74 (Review and Action on an Application).

§ 4-15-76 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.

§ 4-15-77 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.

§ 4-15-78 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.
§ 4-15-79 OFFENSE AND 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.

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

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

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

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

ARTICLE 1. GENERAL PROVISIONS

§ 14-8-1 DEFINITIONS

In this chapter:

(1) APPLICANT means the person that applies for a special event permit under Chapter 4-15 (Special Events and High Capacity Event Venues) and requests a closure permit.

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

(3) CLOSURE AREA means the public right-of-way area the applicant requests be closed for a special event.

(4) CLOSURE PERMIT means the permit approved by the director under this chapter.

(5) CRITICAL ROADWAY SEGMENT means roads identified in the Traffic Register.

(6) DEPARTMENT means the Austin Transportation Department.
(7) DIRECTOR means the Director of the Austin Transportation Department.

(8) SPECIAL EVENT means an event described by Section 4-15-1(9) (Definitions).

§ 14-8-2 PERMIT REQUIRED

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

1. a closure permit under this chapter;
2. a special event permit issued under Chapter 4-15 (Special Events and High Capacity Event Venues); and
3. any other permit required by this code.

§ 14-8-3 RESTRICTIONS ON APPROVAL OF CLOSURE PERMIT.

(A) The director may not approve a closure permit for a special event
1. that would exceed the maximum number of special events, as established by council, for which a particular public right-of-way may be closed during a calendar year; or
2. the applicant fails to pay the required fees.

(B) The director may not approve, without Council approval, a closure permit that would cause a critical roadway segment to be closed for more than 12 hours per day.

(C) An applicant that violates this chapter or the terms of a closure permit approved under this chapter may not apply for a closure permit for a minimum period of 24 months after the date of the violation.

§ 14-8-4 RIGHT-OF-WAY CLOSURE RULES.

(A) The director may adopt rules that establish criteria for safe and appropriate right-of-way closures for special events.

(B) The director will adopt rules in accordance with Chapter 1-2 (Adoption of Rules).
(C) The Urban Transportation Commission may hold a public hearing on the proposed rules.

(D) The Urban Transportation Commission may provide a recommendation to the director on proposed rules within 30 days after the director files a notice under Chapter 1-2 (Adoption of Rules).

(E) As a condition of a closure permit, an applicant shall comply with any applicable rules established by the director under this section, under Chapter 4-15 (Special Events and High Capacity Event Venue), or by separate ordinance.

ARTICLE 2. CLOSURE PERMIT APPLICATION AND APPROVAL PROCEDURES.

§ 14-8-21 TRAFFIC CONTROL PLAN REQUIREMENTS AND FEES REQUIRED.

(A) An applicant for a closure permit must submit an application to the Austin Center for Events consistent with the deadlines in Chapter 4-15 (Special Events and High Capacity Event Venues).

(B) An applicant shall pay an application fee and safety inspection fee set by separate ordinance.

§ 14-8-22 SECURITY DEPOSIT AND PAYMENT OF REQUIRED FEES.

(A) If required by the director, an applicant shall pay a security deposit, established by separate ordinance, before beginning of the proposed special event.

(B) A permittee may provide a written request to the director for a refund of any unused portion of the deposit following the special event. The director shall make such refund no later than 30 days following the receipt of the written request.

§ 14-8-23 DOCUMENTATION REQUIREMENTS.

(A) An applicant must submit:

(1) a preliminary traffic control plan showing the location of all barricades, signs, and devices to be used for redirecting traffic around the closure area; and
(2) a letter from a private barricade entity stating that all devices to be used
during the closure will be set up and removed by the barricade entity in
accordance with the City’s Transportation Criteria Manual and the
conditions of the permit.

(B) The department may require updated traffic control plans.

(C) An applicant must provide a final traffic control plan signed and sealed by a
professional engineer licensed in the State of Texas showing the location of
all barricades, signs, and devices to be used for redirecting traffic around the
closure area as approved by the department.

§ 14-8-24 APPROVAL OF PERMIT.

(A) The director shall approve a closure permit to the applicant if the director
determines that the application complies with this chapter and rules adopted
under this chapter and Chapter 4-15 (Special Events and High Capacity
Event Venues).

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

§ 14-8-25 APPEAL OF DENIAL OF APPLICATION.

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

ARTICLE 3. SPECIFIC EVENT REQUIREMENTS

§ 14-8-31 GENERAL RESTRICTIONS.

(A) A permittee may not block off a street in a manner that prevents the free
movement of pedestrians into and out of the closure area.

(B) If the director or the director’s designee to the Austin Center for Events
determines that a permittee has violated or failed to comply with the terms of
a closure permit approved under this chapter, the director may immediately
halt the special event activities and reopen the closure area.
ARTICLE 4. ENFORCEMENT AND ADMINISTRATION

§ 14-8-41 OFFENSE AND PENALTY.

(A) A person commits an offense if the person violates the terms of a closure permit, closes a right-of-way without a closure permit, or violates any provisions of this chapter.

(B) 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.

(C) 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.

§ 14-8-42 REVIEW AND REPORTING REQUIREMENTS.

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

(1) the impact of this chapter on the city;

(2) the maximum number of times per year that a particular public right-of-way should be eligible for closure under this chapter; and

(3) other transportation issues related to closure permits approved under this chapter.

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

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

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

(N) 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. The City Council initiates code amendments to City Code Chapter 25-10 (*Sign Regulations*) to establish requirements for temporary signs identifying a special event. The City Council directs the City Manager to process the proposed amendments and present a proposed ordinance to the City Council.

PART 7. This ordinance takes effect on ________________________________, 2013.

PASSED AND APPROVED

_________________________, 2013

Lee Leffingwell
Mayor

APPROVED: ________________________
Karen M. Kennard
City Attorney

ATTEST: ________________________
Jannette S. Goodall
City Clerk