

## **CHAPTER 4-20 SPECIAL EVENTS ORDINANCE RULES**

### **NOTICE OF DECISION ON APPEAL OF ADOPTED RULE**

**POSTING DATE: April 26, 2019**

In accordance with Austin City Code Section 1-2-15, the City Manager issues this Notice of Decision on Appeal of Adopted Rule ("Notice of Decision") deciding the appeal of the rule adopting Rule 4.3.5.2.5 of the Special Events Ordinance Rules on February 25, 2019 relating to the number of peace officers required for a beer garden. Four appeals were timely filed:

1. Appeal by Nicole Oglesby received March 22, 2019;
2. Appeal by Marian Kansas received March 26, 2019;
3. Appeal by Salvage Vanguard Theater received March 25, 2019; and
4. Appeal by Melanie Hickerson received March 22, 2019.

### **BRIEF EXPLANATION OF RULE**

Rule 4.3.5.2.5 established the minimum number of peace officers required to be present when alcohol is served, consumed, or possessed in a beer garden located on a City street, right-of-way, or facility.

### **EFFECTIVE DATE OF THE RULE**

Rule 4.3.5.2.5 was adopted on February 25, 2019, and effective on April 1, 2019. In accordance with Austin City Code Section 1-2-12, the appeals suspended the effective date pending a decision on the appeals. The effective date of Rule 4.3.5.2.5 is now established by this Notice of Decision on April 26, 2019.

### **AUTHORITY FOR ADOPTION OF RULE**

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to establish requirements for special events is established in Section 4-20-2 (*Austin Center for Events*).

### **APPEAL DECISION**

The City Manager affirms the Rule as adopted with the following amendment:

1. Rule 4.3.5.2.1 is amended to read:

4.3.5.2.1 A beer garden is required when alcohol will be served outdoors during a special event that occurs on a City street, right-of-way, or facility.

The remainder of the Rule is affirmed without change.

#### JUSTIFICATION

In accordance with City Code Section 1-2-13, the following is a summary of the appeals and justification for the above decision:

1. Appeal by Nicole Oglesby received March 22, 2019

Ms. Oglesby's appeal expresses concerns about the financial impact of requiring two peace officers to be present at city-run spaces such as Dougherty Arts Center.

Because beer gardens occur outdoors, the rule does not impact events that occur indoors. As a result, I am amending Rule 4.3.5.2.1 to add clarity that the two peace officer minimum applies when an event includes an outdoor beer garden.

2. Appeal by Marian Kansas received March 26, 2019

Ms. Kansas' appeal expresses concerns about the financial impact of requiring two peace officers to be present at PARD facilities.

Because beer gardens occur outdoors, the rule does not impact events that occur indoors. As a result, I am amending Rule 4.3.5.2.1 to add clarity that the two peace officer minimum applies when an event includes an outdoor beer garden.

3. Appeal by Salvage Vanguard Theater received March 25, 2019

Salvage Vanguard Theater's appeal expresses concerns about the financial impact of requiring two peace officers to be present at city-run facilities.

Because beer gardens occur outdoors, the rule does not impact events that occur indoors. As a result, I am amending Rule 4.3.5.2.1 to add clarity that the two peace officer minimum applies when an event includes an outdoor beer garden.

4. Appeal by Melanie Hickerson received March 22, 2019

Ms. Hickerson's appeal expresses concerns about the financial impact of requiring two peace officers.

Because beer gardens occur outdoors, the rule does not impact events that occur indoors. As a result, I am amending Rule 4.3.5.2.1 to add clarity that the two peace officer minimum applies when an event includes an outdoor beer garden.

## **TEXT OF ADOPTED RULES**

A copy of the complete text of the adopted rules are available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page.


Austin Center for Events 505 Barton Springs Road, Suite 1070 and  
Office of the City Clerk, City Hall, located at 301 West 2nd Street.

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### **CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Decision, the City Attorney certifies that the City Attorney has reviewed the Rule, as amended, timely filed appeals of the Rule, and this Notice of Decision and finds that the decision regarding appeals of adoption of the Rule is a valid exercise of the City Manager's administrative authority.

### **REVIEWED AND APPROVED**

  
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For Spencer Cronk  
City Manager

Date: 4/26/19

  
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Anne L. Morgan  
City Attorney

Date: 4/26/19