



## OUTLINE OF STAFF'S RECOMMENDATION FOR THIRD READING DRAFT SPECIAL EVENTS ORDINANCE

### Part 1: Council's findings

### Part 2: Creates Chapter 4-19 for "special events" in Title 4 (*Business Regulations and Permits*)

- General Provisions
  - Definitions unique to this chapter.
  - Creates Austin Center for Events (ACE); establishes ACE's authority and responsibilities
  - In the event of a conflict with another provision of the City Code, Chapter 4-19 controls.
- Permit Required; Exceptions
  - A permit is required to conduct, manage, or operate a special event.
  - Exceptions to the permit requirement
    - an event with food or non-alcoholic beverages
      - on parkland and uses only PARD employees/resources OR
      - at a city auditorium or meeting room and uses only employees/resources dedicated to the facility;
    - a spontaneous event conducted solely on city sidewalks or parks for which it is not reasonably possible to provide advance notice required by this chapter
    - neighborhood block party
- Establishes tiers based on event characteristics
  - Tier 1 –
    - no alcohol, is stationary, impacts one block, and only needs a permit to close the roadway; OR
    - no alcohol, is moving and consists exclusively of people in a police-escorted bubble; OR
    - no alcohol, is an assembly at a city facility, lasts less than five hours; OR
    - no alcohol, is exclusively on private property and lasts less than five hours
  - Tier 2 –
    - is an assembly at a city facility, attendance 2,499 or less; OR
    - is an assembly, lasts no more than four days, held primarily on private property, attendance 2,499 or less; OR
    - is stationary, impacts no more than two blocks
  - Tier 3 –
    - an event that does not meet the descriptions found in the other tiers
  - Tier 4 –
    - is an assembly at least two city facilities and includes use of city streets, sidewalks, or city right-of-way; OR
    - has an estimated need, based on the permit application, for \$100,000 or more in city services, staff time, and equipment.
- Must obtain a permit before a special event can occur; cannot transfer a permit; required to display the permit; effective after any set-up passes final inspection.
- Conditions on a permit: Access; Event organizer or rep be present during operating hours; Provide contact information; Ensure compliance with all laws; Accept NOV's, citations, closure orders
- Does not satisfy all requirements in City Code but does cover temporary use permits.
- Limits on providing city services; costs and fees
  - City is not obligated to provide services, equipment or personnel.
  - If the City provides, then will charge actual costs for: personnel; use of equipment; city-contracted services; other non-personnel expenses; clean up activity required to restore the area to the condition before the special event

- If City co-sponsors, Council may authorize the CM to provide services, equipment, personnel without charge.
- Not required to pay for costs associated with city personnel who are present to protect event attendees from counter-demonstrations or members of the public who are hostile to the event.
- Fees are not assessed for police security provided by on-duty officers for a right-of-way closure
- If requested, ACE will provide an estimate at least 15 business days before the event.
- Event organizer will be responsible for paying the estimated costs within 10 business days from the date the special event ends and the balance of the final costs is due within 20 business days from the date the special event ends.
- Special Event Impact areas
  - Allows ACE to limit the number of permits, applications, or approvals within the impact area
  - ACE will balance the needs of the special event with public health, safety, and welfare.
  - Maximums will be based on criteria adopted in the rules.
  - If an existing business or vendor operates in a manner consistent with its existing permits, no need to secure additional permits.
- Insurance required
  - Applies to events that impact or occur on City property – city facilities, city streets, sidewalks, and right-of-way
  - City determines the necessary amount of insurance.
    - Exception if event is solely on private property or impossible/impractical to obtain insurance coverage.
- Indemnification
  - Event organizer must indemnify the City, its officers, and employees against all claims of injury or damage to persons or property (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.
- Special Event Application Fees and Deadlines
  - Must pay an application fee.
  - Deadline to submit an application before the event occurs is based on the Tier and in some circumstances, the time of year.
    - Tier 1:
      - 3 business days –
        - no alcohol, is stationary, impacts one block, and only needs a permit to close the roadway; OR
        - no alcohol, is moving and consists exclusively of people in a police-escorted bubble; OR
      - Event will not occur during or within 14 days after Spring Festival Season –
        - No food/beverages and no request to increase occupancy limits
          - 5 business days if no alcohol, is an assembly a city facility, lasts less than five hours
          - 5 business days if no alcohol, is exclusively on private property and lasts less than five hours
        - Includes food or beverages but no request to increase occupancy limits: 10 calendar days
        - Includes a request to increase occupancy limits: 21 days OR
      - Event will occur during or within 14 days after Spring Festival Season: 30 calendar days

- if no alcohol, is an assembly at a city facility, lasts less than five hours
    - if no alcohol, is exclusively on private property and lasts less than five hours.
  - Tier 2: 30 calendar days
  - Tier 3: 120 calendar days
  - Tier 4: 180 calendar days
- Deadline may be waived if there is good cause (will be defined in the rules) and no unreasonable burden on the City.
- Contents of an application
  - Must submit an application on the form approved by ACE.
  - Most required information for the applications will be set out in a rule.
  - Must submit all information before ACE will consider the application complete.
    - Exception certain information in Tier 3 and 4 applications
      - activities included in the special event
      - food and alcohol
      - location of portable sanitation facilities
      - landfill trash containers and all diversion containers
      - provisions for queuing event attendees on streets, sidewalks, or other city right-of-ways;
      - public safety plans
      - other equipment or services necessary to conduct the event with due regard to public health and safety.
    - Information excepted must be submitted at least 30 days before the first day of the event.
  - Earliest date an application can be submitted 335 calendar days prior to the first day of the special event
    - Exception is 364 calendar days if the event was held in the city during the prior calendar year.
- Application review
  - Preliminary recommendation for Tier 3 and 4 events: 10 business days after receiving a complete application
  - ACE is not required to process more than one application for a Tier 3 or Tier 4 event per event organizer during any two-week period.
  - If multiple Tier 3 or 4 events are requested for the same day and location, ACE prioritizes the application based on the number of years the event has been conducted in the City.
    - If 2 or more events have been conducted for the same number of years, applications are considered on a first come, first serve basis.
  - Final action on an application for a
    - Tier 3 or Tier 4 event must be at least 30 days before the first day of the special event.
    - Tier 1 or Tier 2 event must be at least one business day before the first day of the special event.
- Notification process
  - Is required
  - Will be adopted as a rule.
- Approval or Denial of a Special Event Application
  - If denied, will be notified in writing
  - Approve unless event organizer fails to do certain things or ACE makes certain determinations.
  - No action required on an incomplete or untimely application
  - ACE can require modifications

- Appeal Process
  - Deadline to appeal: 10 business days after the event organizer is notified
  - Appeal is decided by appeal team (department directors)
  - Deadline to act on an appeal: 10 business days.
  - Must follow same criteria as staff.
- Notice of Proposed Special Even Dates
  - Applicability: a legacy event, a special event held in substantially the same form for a minimum of 20 consecutive years.
  - Event organizer can give notice of proposed special event dates for up to a five year period.
  - Must still submit an application each year and within the deadlines.
- Prohibits unpermitted special events.
- Event organizer must comply with all permits, approvals, and plans.
- Sale of Goods/Food/Beverages
  - To sell goods on a
    - city street, sidewalk, or right-of-way that is located within the area of the special event,
      - event organizer obtains closure permit; or
      - must be a vendor authorized in Chapter 14-9;
    - parkland – approval by ACE
  - To provide food or beverages, including alcohol, at a special event must be authorized under Chapter 10-3 (*Food and Food Handlers*)
- Sound equipment
  - To use sound equipment at an outdoor special event venue, ACE must approve.
    - Sets the hours to use sound equipment.
    - Sets the maximum number of days: 4 consecutive or non-consecutive days during a 30-day period.
    - Sets the maximum number of approvals per premises per 30-day period and per calendar year.
  - Sets the hours to use sound equipment
    - For outdoor special event venues located on a city street, sidewalk, or right-of-way.
    - For outdoor special event venues located on parkland.
  - All outdoor special event venues
    - Sets the maximum “A”-weighted decibel limit.
    - Requires a sound impact plan.
- Additional requirements
  - Must provide portable toilets based on the estimated number of attendees (defined as “participant, athletes, event staff, and other individuals present during a special event”).
  - All tiers required to provide a waste management plan based on the estimated number of attendees; must provide proof of services (pre-and post-event)
  - Tier 2 and Tier 3 required to provide a waste reduction and diversion plan.
  - Tier 4 required to provide
    - Waste reduction and diversion plan
    - Emission reduction plan; and
    - Plan for bicycle parking and encouraging alternative transportation.
  - All plans in this section must comply with rules.
  - At a special event on city property,
    - event organizer may not provide/distribute
      - expanded polystyrene

- glass containers
  - For an event on City right-of-way (or in an impact area): Cannot charge an entry fee for a person who needs access to a residence or business within the closure or impact area.
  - ADA compliance plan
- At a special event with a right-of-way closure, event organizer has to post signs with amount of entry fee and rules of access to the right-of-way closure area.
- Required to provide suitable protection around storm water inlets to prevent debris from entering storm water system.
- No one can distribute or provide single-use carryout bags.
- Public Safety Plan
  - Event organizer must prepare based on the estimated number of attendees that, at a minimum, includes
    - On-site security for attendees and property
    - On-site medical coverage, number of and level of certification for emergency medical responders and 911- access
    - Fire safety plan
    - Documents related to closing the right-of-way
  - Number of police officers, emergency medical providers, and fire dept. employees required will be based on rules.
  - 30 days prior to the start of a Tier 3 or 4 special event, a written description of all non-city public safety resources that will be used at the special event is required.
- Personal security and property security
  - May hire private security for personal safety or property security to supplement the services provided by APD.
  - Sets requirements for private security personnel.
  - Supervising APD officer may reduce the number of peace officers posted at a special event.
  - Only peace officers commission by the City shall be used for traffic control on city streets/right-of-way
    - Exception Chief of Police can authorize other peace officers to do this traffic control.
- Fire Safety
  - Must comply with requirements in the International Fire Code and local amendments.
  - For a street closure, must comply with all AFD guidelines.
- Medical Services
  - May hire private medical providers for medical support to supplement the services provided by EMS.
  - Only medical service responders employed by the City can respond to 911 requests within a special event or provide medical transport from a special event.
- Offenses and Penalty
  - Violates the chapter or a requirement/condition of a permit commits an offense each day or part of a day.
  - No culpable mental state for fines that do not exceed \$500.
- Revocation
  - May revoke if
    - permit issued in error
    - event organizer does not conduct the event as required by the permit
    - event organizer fails to maintain insurance
    - event organizer fails to secure the necessary permit

- event poses a threat to public health or safety.
- Will issue a notice of intent to revoke which will provide notice of the violation, the corrective measures, and time period for compliance.
  - Exception: Verbal notification is sufficient when an emergency poses a threat to public health or safety requires immediate revocation. Can provide a warning prior to immediate revocation.
  - If an event organizer fails to comply with the notice of intent to revoke, the special event permit is revoked without further action by ACE.
- Can appeal the revocation if occurs before the special event.
- Revocation in an emergency is effective until the condition causing the threat to public health and safety is remedied.

**Part 3: Repeals and replaces current Chapter 14-8**

- General Provision
  - Definitions
  - Applicable to closures of COA rights-of-way for a special event or neighborhood block party.
  - Review and reporting requirements for Urban Transportation Commission (UTC)
- Special events
  - Requires proper permits to close COA rights-of-way for a special event.
  - Restrictions: Director cannot approve a closure permit for a special event if
    - the closure permit will exceed the max number of permits a particular ROW may be closed (Council est. limit separately)
    - fees are not paid.
  - ROW closure rules
    - Director may adopt rules in accordance with Chapter 1-2.
    - UTC may hold a public hearing on the proposed rules.
    - UTC may provide a recommendation to the director within the 30 days after the director files a notice of proposed rule.
    - Rules must be followed.
  - General restrictions
    - Cannot block street in a manner that prevents the free movement of pedestrians into and out of the area included in the closure permit.
    - Director can immediately halt special event activities and reopen the ROW if the event organizer does not comply with closure permit
  - Deadline to apply: follow Chapter 4-19
  - Security Deposit and Payment of Fees
    - Must pay application and safety inspection fees.
    - May be required to pay a traffic control plan fee if the City prepares the traffic control plan.
    - May be required to pay city’s costs of city-contracted services for barricades/signs/etc.
    - May be required to pay a deposit; can request a refund.
  - Documentation requirements
    - Proposed: Closure areas; Use of the closure areas; Closure hours
    - Traffic control plan (if City does not create traffic control plan)

- Approval of a permit: Approve if complies with this chapter and 4-19 plus applicable rules.
- Appeal of denial: follow Section 4-19-35
- Neighborhood Block Party
  - Permit required.
  - Applies to an event on a residential street for individuals who live in the immediate area of the residential street.
    - Residential Street means a block of ROW that abuts single-family dwellings.
    - Not a residential street if either end of the block is controlled with an automated traffic control device or includes any bus or rail stops operated by Cap Metro.
    - Cannot close an intersection with another street.
  - Application and fee required; deadline is 10 calendar days before the event.
  - Can appeal a denial.
  - Barricades are required; must comply with directions from the director and Texas Manual on Uniform Traffic Control Devices.
  - Insurance and indemnification required.
- Enforcement
  - It’s an offense if you violate the chapter or a permit issued under this chapter.
  - Violates the chapter or a requirement/condition of a permit commits an offense each day or part of a day.
  - No culpable mental state for fines that do not exceed \$500

**Part 4:** Repeals Section 14-6-3 (*Temporary Closure for a Street Festivity*)

**Part 5:** Repeals sections in Chapter 9-2 that relate to 24-hour and multi-day sound permits because those requirements have been incorporated into Section 4-19-43 (*Sound Equipment for Outdoor Special Event Venues*).

**Part 6:** Amends certain sections in Chapter 9-2 that included references to 24-hour and multi-day sound permits and temporary sound impact plans because of Section 4-19-43 (*Sound Equipment for Outdoor Special Event Venues*).

**Part 7:** Establishes the date applications must comply with the ordinance (June 1, 2018)

**Part 8:** Effective date of the ordinance – use standard effective date.