

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 AMENDMENT 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.

- 1 (4) DIVERSION means the act of redirecting material from disposal for a
2 higher or best use.
- 3 (5) EVENT ORGANIZER means any person who conducts, manages, or
4 organizes a special event.
- 5 (6) HIGH-CAPACITY EVENT VENUE means an entertainment complex
6 that is not located on public-owned, controlled, or maintained property
7 that holds more than one event per calendar year that has at least 5,000
8 persons.
- 9 (7) IMPACT means to impede, obstruct, impair, or interfere with normal
10 vehicular or pedestrian traffic.
- 11 (8) POLICE-ESCORTED BUBBLE means a procession where individuals
12 proceed within a perimeter of police officers or police vehicles;
- 13 (9) PRELIMINARY RECOMMENDATION means the initial review of a
14 special event application.
- 15 (10) SPECIAL EVENT means an event that
- 16 (a) Has 100 or more attendees per day at a city facility, other than the
17 Austin Convention Center, Long Center, City Hall, or Palmer
18 Events Center;
- 19 (b) Impacts a city street, sidewalk, alley, walkway, or other city public
20 right-of-way other than as permitted under Chapter 14-6
21 (*Temporary Street Closure*); or
- 22 (c) Is temporary, involves 100 or more attendees per day, and
- 23 (i) is inconsistent with the permanent use to which the property
24 may legally be used, or the occupancy levels permitted on the
25 property; and
- 26 (ii) includes one of the following:
- 27 1. Set up of temporary structures including, but not limited to,
28 tents, stages, or fences;
- 29 2. Sound equipment as defined in Section 9-2-1 (*Definitions*);
30 or
- 31 3. Consumption of food or alcohol.

- 1 (11) SPECIAL EVENT DISTRICT means the geographic area surrounding a
2 special event venue that is subject to the requirements in Section 4-15-25
3 (*Special Event District*).
- 4 (12) SPECIAL EVENT VENUE means the property where the special event
5 will occur.
- 6 (13) SUPERVISING POLICE OFFICER means the Austin Police Department
7 representative designated by the Austin Police Department Special
8 Events Commander.
- 9 (14) VENUE OPERATOR means any person who manages or operates a
10 high-capacity event venue.
- 11 (15) WASTE MANAGEMENT means collection of solid waste, recyclables,
12 organics, and hazardous waste for disposal or diversion and includes
13 litter control and street cleaning.

14 **§ 4-15-2 AUSTIN CENTER FOR EVENTS.**

- 15 (A) The City Manager shall create an Austin Center for Events (ACE) to carry
16 out the responsibilities under this chapter. ACE will be comprised of
17 employees from City departments that regulate, permit, or host special
18 events.
- 19 (B) ACE shall review applications for special event permits and high-capacity
20 venue permits; and shall approve or deny applications in compliance with
21 this chapter and with rules adopted under this chapter.
- 22 (C) ACE may establish a special events district in the geographic area
23 surrounding a special event venue.
- 24 (D) For purposes of Chapter 9-2 (*Noise and Amplified Sound*) and Chapter 25-2,
25 Article 6 (*Temporary Uses*), approval by ACE is approval by the
26 accountable official.
- 27 (E) In carrying out its duties under Subsections (B), (C), and (D), ACE may:
- 28 (1) Set reasonable boundaries for the special event venue and special event
29 district consistent with this chapter;
- 30 (2) Impose reasonable conditions on the special event based on public health,
31 safety, and welfare;

- 1 (3) Coordinate permit issuance or authorizations for the special event with
2 other city departments;
- 3 (4) Require consolidated applications;
- 4 (5) Consult with public agencies that have ownership or jurisdiction over
5 land within the special event venue or district; and
- 6 (6) Adopt rules governing the administration and enforcement of this
7 chapter, including application requirements and provisions for
8 interdepartmental review.

9 **§ 4-15-3 CONFLICTS WITH THIS CHAPTER.**

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

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

12 **§ 4-15-20 PERMIT REQUIRED; EXCEPTIONS.**

- 13 (A) Except as provided in Subsections (B) and (C), a special event permit issued
14 under this chapter is required to conduct, manage, or operate a special event.
- 15 (B) A special event permit under this chapter is not required for:
- 16 (1) an event conducted entirely on city parkland that uses only Parks and
17 Recreation Department facilities, personnel and equipment;
- 18 (2) an event conducted in a city auditorium or meeting room that requires
19 only facilities, personnel, or equipment related to that facility; or
- 20 (3) a spontaneous event that is occasioned by news or affairs coming into
21 public knowledge less than 48 hours before the spontaneous event and
22 that is conducted on sidewalks or city parkland. An organizer must
23 provide notice to the Austin Police Department of the date, time, place,
24 and an estimate of the approximate number of persons who will be
25 participating at least four hours before the event, or provide other prior
26 notice that may be reasonable under the circumstances.
- 27 (C) A special event permit is not required for a high capacity event venue that
28 complies with Article 7 (*High Capacity Event Venues*).
- 29
30

1 **§ 4-15-21 CATEGORIES OF SPECIAL EVENTS.**

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

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

- 6 (1) is stationary, impacts only one block of a street, sidewalk, or city right-
7 of-way, and only needs a permit issued under Chapter 14-8 (*Temporary*
8 *Closure for a Right of Way Event*); or
- 9 (2) is moving and consists exclusively of people in a police-escorted bubble;
10 or
- 11 (3) Is an assembly at a city facility and lasts less than 5 hours; or
- 12 (4) Is an assembly exclusively on private property and last less than 5 hours.

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

- 14 (1) is an assembly at a city facility and that estimates attendance at less than
15 2,500 attendees per day; or
- 16 (2) is an assembly lasting four days or less, that is held primarily on private
17 property, and that estimates attendance at less than 2,500 attendees per
18 day; or
- 19 (3) is stationary and impacts up to two blocks of a street, sidewalk, or city
20 right-of-way.

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

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

- 23 (1) is an assembly at two or more city facilities and that includes the use of
24 city streets, sidewalks, or right-of-ways; or
- 25 (2) has an estimated need, based on its permit application for \$100,000 or
26 more in city services, staff time, and equipment.
- 27

1 **§ 4-15-22 SPECIAL EVENT PERMIT.**

2 (A) A person shall obtain a special event permit issued by ACE before the
3 person may conduct, manage, or operate a special event.

4 (B) A special event permit is non-transferrable.

5 (C) The event organizer shall display the special event permit in the manner
6 prescribed by ACE and shall provide the permit on request to a city
7 employee with enforcement or inspection duties related to the special event.

8 (D) As a condition of a special event permit, the event organizer or a
9 representative of the event organizer shall:

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

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

16 **§ 4-15-23 OTHER PERMITS OR LICENSES REQUIRED.**

17 (A) Except as provided by Subsection (B), the issuance of a special event permit
18 under this chapter does not satisfy the requirement to obtain any other permit
19 or approval required by this code.

20 (B) A special event conducted in compliance with this chapter does not require a
21 separate live music permit under Section 9-2-37 (*24-hour Live Music*
22 *Permit*), Section 9-2-38 (*Multi-day Special Events Permit*), or temporary use
23 permit under Chapter 25-2, Article 6 (*Temporary Uses*).

24 **§ 4-15-24 LIMITATIONS ON THE PROVISION OF CITY SERVICES; COSTS**
25 **AND FEES.**

26 (A) Issuance of a special event permit does not obligate or require the City to
27 provide services, equipment, or personnel in support of an event.

28 (B) Except as provided in Subsection (C), if the City provides services,
29 equipment, or personnel in support of a special event, the City will charge
30 the event organizer the actual cost of:

- 1 (1) the wages or salaries for city personnel involved in traffic control, event
2 security, fire safety, medical safety, waste management, or other facility
3 or event support;
- 4 (2) the use of city equipment, city-contracted services, and other non-
5 personnel expenses; and
- 6 (3) any clean-up activity directly related to the special event, not provided by
7 the event organizer, and is required to restore the area to the same
8 condition that existed prior to the special event.
- 9 (C) If the City is a co-sponsor of a special event, city services, equipment, or
10 personnel may be provided to support a special event without charge.
- 11 (D) The event organizer shall not be required to provide or pay for the cost of
12 city personnel who are present to protect event attendees from counter-
13 demonstrators or members of the public who are hostile to the event.
- 14 (E) The City may also charge any other fees as set by council pursuant to
15 separate ordinance to recover costs associated with special events.

16 **§ 4-15-25 SPECIAL EVENT DISTRICT.**

- 17 (A) In the interests of public health, safety, and welfare, ACE may require a
18 special event district for a special event. If a special event district is required,
19 the number of special event permits issued within the special event district
20 will be limited.
- 21 (B) ACE will set the duration and boundaries of a special event district after:
- 22 (1) consulting with affected city departments and public agencies; and
23 (2) balancing the needs of the special event with public health, safety, and
24 welfare.
- 25 (C) ACE will determine, based on rules adopted in accordance with Chapter 1-2
26 (*Adoption of Rules*), the maximum number of special event permits that may
27 be issued in a special event district.
- 28 (D) A business or property, including a vendor licensed under Chapter 14-9,
29 Article 3 (*Street Vendor License*), located within the area of a special event
30 district will not be required to seek additional permits if the business or
31 property operates in a manner consistent with its existing permits.

1 **§ 4-15-26 INSURANCE REQUIRED; EXCEPTIONS.**

- 2 (A) Except as provided in Subsection (F), the event organizer must possess or
3 obtain insurance to protect the City against loss from liability imposed by
4 law for damages on account of bodily injury and property damage arising
5 from the special event that impacts or occurs on city property.
- 6 (B) The insurance shall name the City as an additional insured and must be
7 maintained for the duration of the special event.
- 8 (C) Failure to maintain insurance immediately preceding, during the special
9 event, and until the conclusion of the permit period is grounds to revoke the
10 special event permit.
- 11 (D) The City will determine the necessary amount of insurance.
- 12 (E) The insurance required by this section is not a substitute for insurance
13 requirements that may be imposed by other required city permits.
- 14 (F) An event organizer is exempt from providing the insurance required by this
15 section if:
- 16 (1) the special event occurs exclusively on private property; or
- 17 (2) the event organizer demonstrates that it is impossible or impractical to
18 obtain insurance coverage.

19 **§ 4-15-27 INDEMNIFICATION.**

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

25 **ARTICLE 3. SPECIAL EVENT APPLICATIONS.**

26 **§ 4-15-30 SPECIAL EVENT APPLICATION FEES AND DEADLINES.**

- 27 (A) An event organizer shall pay the application fee established by separate
28 ordinance.
- 29 (B) An event organizer must submit a special event application no later than the
30 following number of days prior to the first day of the proposed event:

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

3 (2) 30 calendar days for a Tier 2 event;

4 (3) 120 calendar days for a Tier 3 event; and

5 (4) 180 calendar days for a Tier 4 event.

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

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

10 (2) ACE recommends waiver; and

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

12 **§ 4-15-31 CONTENTS OF SPECIAL EVENT APPLICATION.**

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

16 (B) Except as provided in Subsection (C), an application must contain all of the
17 information described in this subsection that is applicable to the event in
18 order to be deemed complete.

19 (1) The following general information:

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

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

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

25 (d) the current zoning of the location;

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

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

- 1 (g) name, address, and telephone number for all companies providing
2 on-site and off-site waste management;
- 3 (h) the number and size of dumpsters, roll-offs, trash and diversion
4 containers scheduled for use for the special event venue or route,
5 both during and upon completion of the event, that are sufficient to
6 restore the area to the same condition as existed prior to the event;
- 7 (i) a certification that the applicant will be financially responsible for
8 any fees or costs imposed by the City under Section 4-15-24
9 (*Limitations on the Provision of City Services; Costs and Fees*);
10 and
- 11 (j) if the special event is to be held by, for, or on behalf of an
12 organization other than the applicant for a special event permit, the
13 applicant must provide a written communication from the
14 organization:
- 15 (i) authorizing the applicant to apply for the permit on its behalf;
16 and
- 17 (ii) certifying that it will be responsible for any costs or fees
18 imposed in connection with the event.
- 19 (2) Detailed information regarding the physical layout of the special event,
20 which must include a map or site plan and written narrative addressing
21 the:
- 22 (a) proposed boundaries of the special event venue;
23 (b) proposed location of any structures;
24 (c) proposed location of production areas;
25 (d) proposed location and amount of event parking; and
26 (e) for a procession, parade, or athletic event, the proposed route and at
27 least one alternate route.

- 28 (3) Detailed information concerning the activities included in the special
29 event, including:

- 30 (a) the number of bands or other musical units;
31 (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 preliminary 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.

1 (C) When multiple Tier 3 or Tier 4 special events are requested for the same day
2 and location, ACE will prioritize applications based on the number of years
3 a special event has been conducted in the City. When two or more special
4 events have been conducted for the same number of years, applications will
5 be reviewed on a first come, first serve basis.

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

8 **§ 4-15-33 NOTIFICATIONS FOR A SPECIAL EVENT APPLICATION.**

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

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

13 **§ 4-15-34 APPROVAL OR DENIAL OF SPECIAL EVENT PERMIT.**

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

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

17 (1) provide a complete application;

18 (2) provide a sufficient traffic control plan;

19 (3) provide sufficient crowd control and safety measures;

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

23 (5) provide sufficient waste management services;

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

27 (7) meet the requirements for submitting an application for a special event
28 permit;

29 (8) obtain the approval of any other public agency within whose jurisdiction
30 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.

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

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

6 (1) scope of events;

7 (2) traffic;

8 (3) parking; and

9 (4) public safety concerns.

10 **§ 4-15-35 APPEAL OF SPECIAL EVENT PERMIT DENIAL.**

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

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

15 (C) The Appeal Team must act on the appeal within 10 business days and may
16 uphold or reverse the denial of the permit.

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

19 **ARTICLE 4. OPERATION.**

20 **§ 4-15-40 UNPERMITTED SPECIAL EVENTS PROHIBITED.**

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

23 **§ 4-15-41 COMPLIANCE WITH PERMITS AND PLANS.**

24 An event organizer shall conduct, operate, or manage the special event in
25 compliance with the special event permit, other city permits and approvals, and
26 approved plans.

1 **§ 4-15-42 SALE OF GOODS, FOOD, AND BEVERAGE WITHIN A SPECIAL**
2 **EVENT.**

- 3 (A) Except as provided in Subsection (B), a person may not sell goods on a city
4 street, sidewalk, or right-of-way within the area permitted for a special
5 event.
- 6 (B) The sale of goods may only occur if the vendor is authorized under Chapter
7 14-8 (*Temporary Closure for a Right-of-Way Event*) or under Chapter 14-9
8 (*Street Vendor License*).
- 9 (C) Except as provided in Subsection (D), a person may not sell food or
10 beverages, including alcohol, at a special event.
- 11 (D) At a special event, a person may sell food or beverages, including alcohol,
12 only if the person is authorized under Chapter 10-3 (*Food and Food*
13 *Handlers*).
- 14 (E) The sale of food or beverages at a special event shall comply with the
15 requirements under Chapter 10-3 (*Food and Food Handlers*).

16 **§ 4-15-43 AMPLIFIED SOUND EQUIPMENT.**

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

24 **§ 4-15-44 MISCELLANEOUS REQUIREMENTS.**

- 25 (A) An event organizer must provide portable toilets based on the estimated
26 number of attendees at the special event.
- 27 (B) An event organizer shall provide waste management plan based on the
28 number of attendees at a special event; and proof of waste management
29 services that will be provided.
- 30 (C) Styrofoam may not be provided or distributed during an outdoor special
31 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.

1 **ARTICLE 5. PUBLIC SAFETY.**

2 **§ 4-15-50 PUBLIC SAFETY.**

- 3 (A) A public safety plan is required for any special event and must be approved
4 by ACE.
- 5 (B) An event organizer shall prepare a public safety plan for a special event that
6 is based on the projected number of attendees and, at a minimum, includes
7 the following:
- 8 (1) on-site security for attendees and property;
- 9 (2) on-site medical coverage, number of and level of certification of
10 emergency medical responders, and the 911-access that will be utilized
11 for the special event;
- 12 (3) fire safety plan; and
- 13 (4) traffic control plan.
- 14 (C) When required for a special event, the number of police officers, emergency
15 medical providers, and fire department employees required for a special
16 event must be based on rules adopted in accordance with Chapter 1-2
17 (*Adoption of Rules*).
- 18 (D) At least 30 days prior to the start of a special event, an event organizer shall
19 provide ACE with a written description of all non-city public safety
20 resources that will be used at the special event.

21 **§ 4-15-51 PERSONAL SECURITY AND PROPERTY SECURITY.**

- 22 (A) An event organizer may hire private security, including licensed peace
23 officers that are not employed by the City of Austin, for personal safety or
24 property security during a special event to supplement the services provided
25 by the Austin Police Department.
- 26 (B) Private security employed pursuant to Subsection (A) must
- 27 (1) be in uniform;
- 28 (2) be able to contact the City police, fire, or emergency medical services if
29 necessary;
- 30 (3) remain on-site during the special event;

1 (4) be licensed by the State of Texas; and

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

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

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

12 **§ 4-15-52 FIRE SAFETY.**

13 (A) An event organizer shall comply with all applicable International Fire Code
14 requirements as adopted and amended in Title 25 of the City Code including
15 but not limited to:

16 (1) fire lanes and public safety access;

17 (2) tents and temporary membrane structures;

18 (3) fireworks, pyrotechnics, open flames;

19 (4) theatrical flame or laser performances;

20 (5) occupant loads, exiting, and egress;

21 (6) use of decorative materials and finishes;

22 (7) use, location, storage of propane or other fuel type equipment; and

23 (8) crowd management.

24 (B) An event organizer shall comply with all applicable Austin Fire Department
25 guidelines related to street closures.

26 **§ 4-15-53 MEDICAL SERVICES.**

27 (A) An event organizer may hire private medical providers, including licensed
28 medical providers that are not employed by the City of Austin, for medical

1 support for a special event to supplement the services provided by the
2 Austin-Travis County Emergency Medical Services Department.

- 3 (B) Unless otherwise directed by the Austin-Travis County Emergency Medical
4 Services Department or authorized by the Chief of the Austin-Travis County
5 Emergency Medical Services Department, only medical service responders
6 employed by the City of Austin may respond to 911 requests within a special
7 event or provide medical transport from a special event.

8 ***ARTICLE 6. SPECIAL EVENT ENFORCEMENT.***

9 **§ 4-15-60 OFFENSE AND PENALTY.**

- 10 (A) A person who violates a provision of this chapter or a requirement of a
11 special event permit is guilty of a separate offense for each day or part of a
12 day during which the violation is committed or continued.
- 13 (B) For offenses punishable by a fine not to exceed \$500, a culpable mental state
14 is not required for the commission of an offense under this chapter.
- 15 (C) Each offense is punishable by fine not to exceed:
- 16 (1) \$2,000 for a violation of a provision of this chapter or a requirement of a
17 special event permit governing fire safety, zoning, or public health and
18 sanitation, including dumping of refuse; or
- 19 (2) \$500 for all other violations of this chapter or requirements of a special
20 event permit.

21 **§ 4-15-61 REVOCATION OF SPECIAL EVENT PERMIT.**

- 22 (A) A special event permit may be revoked if ACE determines:
- 23 (1) the special event permit was issued in error;
- 24 (2) the event is being conducted in manner that is inconsistent with the
25 special event permit;
- 26 (3) the event organizer fails to maintain insurance as required in Section 4-
27 15-26 (*Insurance Required; Exceptions*);
- 28 (4) the event organizer or any person associated with the special event has
29 failed to obtain any other permit required by this Code; or
- 30 (5) the event poses a threat to public health or safety.

- 1 (B) Except as provided in Subsection (C), notice of revocation will be in writing
2 and specifically set forth the reasons for revocation.
- 3 (C) Verbal notification is sufficient if an emergency that poses a threat to public
4 health or safety requires immediate revocation.
- 5 (D) A revocation of a special event permit that occurs prior to the start of the
6 event may be appealed to the Appeal Team.
- 7 (E) ACE may provide a warning to the event organizer prior to an immediate
8 revocation.
- 9 (F) A revocation that occurs during a special event is effective until the
10 condition causing a threat to public health or safety is remedied and the
11 special event no longer poses a threat to public health or safety.

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

13 **§ 4-15-70 PERMIT REQUIRED.**

- 14 (A) A high-capacity venue permit issued under this chapter is required to operate
15 or manage a high-capacity event venue.
- 16 (B) A permit issued under this article expires one year after the date it is issued.
- 17 (C) A permit holder shall file an application for permit renewal not sooner than
18 the 90th day and no later the 45th day before the permit expires.

19 **§ 4-15-71 OTHER PERMITS OR LICENSES REQUIRED.**

- 20 (A) Except as provided by Subsection (B), the issuance of a high-capacity venue
21 permit under this article does not satisfy the requirement to obtain any other
22 permit or approval required by this code.
- 23 (B) A high-capacity venue operated and managed in compliance with this article
24 does not require a separate sound amplification or temporary use permit.

25 **§ 4-15-72 HIGH-CAPACITY VENUE APPLICATION FEES.**

- 26 (A) A venue operator shall pay an application fee for a high-capacity venue
27 permit.
- 28 (B) The application fee for a high-capacity venue permit requested under this
29 chapter is established by separate ordinance.

1 **§ 4-15-73 CONTENTS OF APPLICATION.**

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

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

6 (1) The following general information

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

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

11 (c) the address of the venue;

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

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

15 (2) Detailed information concerning

16 (a) the physical layout of the venue;

17 (b) public safety plan that complies with the requirements in Section 4-
18 15-50 (*Public Safety*);

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

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

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

26 **§ 4-15-74 REVIEW AND ACTION ON AN APPLICATION.**

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

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

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

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

5 (1) provide a complete application;

6 (2) provide for sufficient traffic control;

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

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

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

11 **§ 4-15-75 APPEAL OF A PERMIT DENIAL.**

12 (A) If a high-capacity venue permit application is denied, the applicant may
13 appeal the denial to the Appeal Team.

14 (B) An appeal must be received by ACE no later than 10 business days after the
15 applicant is notified that the application has been denied.

16 (C) The Appeal Team must act on the appeal within 10 business days and may
17 uphold or reverse the denial of the permit.

18 (D) In considering the appeal, the Appeal Team shall apply the same criteria as
19 ACE under Section 4-15-74 (*Review and Action on an Application*).

20 **§ 4-15-76 HIGH-CAPACITY EVENT VENUE REQUIREMENTS.**

21 (A) A person may not operate or manage a high-capacity venue without a permit
22 required by this article.

23 (B) No person may operate or manage a high-capacity event venue unless they
24 have a permit on a form approved by ACE.

25 (C) The operator shall display the high-capacity venue permit in way prescribed
26 by ACE and shall provide the permit on demand to any City official.

27 (D) As a condition of a high-capacity permit, the operator or a representative of
28 the operator shall:

1 (1) provide access to a high-capacity venue to city employees with
2 inspection and enforcement duties related to the event venue; and

3 (2) be present at all times during while the event venue is open to the public
4 and shall be responsible for ensuring compliance with all applicable
5 ordinances, regulations, and the high-capacity venue permit; and for
6 accepting all notices of violation, citations, and closure orders.

7 (E) A high-capacity venue permit is non-transferrable.

8 (F) The venue operator or designee must follow the public safety plan approved
9 for the high-capacity venue.

10 **§ 4-15-77 SUSPENSION AND REVOCATION OF A PERMIT.**

11 (A) ACE may suspend a permit if ACE determines that:

12 (1) The permit was issued in error; or

13 (2) The permit or license holder has not complied with the requirements of
14 this article.

15 (B) A suspension is effective until ACE determines that the permit holder has
16 complied with the requirements of this article.

17 (C) ACE may immediately revoke a permit issued under this article that has
18 been suspended if ACE determines that the person:

19 (1) Did not comply in a reasonable time with the requirements of this article
20 for which the suspension was ordered; or

21 (2) During the suspension, did not comply with other requirements of this
22 article.

23 (D) ACE shall give notice by certified mail, return receipt requested, of a
24 suspension or revocation by ACE under this article.

25 **§ 4-15-78 NOTICE OF INTENT TO SUSPEND A PERMIT.**

26 (A) ACE may give notice to the person affected by the ACE's intent to suspend
27 or revoke a permit issued under this article.

28 (B) The notice may specify a reasonable time for compliance with this article. If
29 a time for compliance is specified ACE may not suspend before the time for
30 compliance has expired.

1 **§ 4-15-79 OFFENSE AND PENALTY.**

2 (A) A person who violates a provision of this article or a requirement of a high-
3 capacity venue permit is guilty of a separate offense for each day or part of a
4 day during which the violation is committed or continued.

5 (B) For offenses punishable by a fine not to exceed \$500, a culpable mental state
6 is not required for the commission of an offense under this article.

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

- 8 (1) \$2,000 for a violation of a provision of this chapter or a requirement of a
9 high-capacity venue permit governing fire safety, zoning, or public health
10 and sanitation, including dumping of refuse; or
- 11 (2) \$500 for all other violations of this chapter or requirements of a high-
12 capacity permit.

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

15 **ARTICLE 1. GENERAL PROVISIONS**

16 **§ 14-8-1 DEFINITIONS**

17 In this chapter:

- 18 (1) **APPLICANT** means the person that applies for a special event permit
19 under Chapter 4-15 (*Special Events and High Capacity Event Venues*)
20 and requests a closure permit.
- 21 (2) **AUSTIN CENTER FOR EVENTS** means the entity created in Section 4-
22 15-2 (*Austin Center For Events*).
- 23 (3) **CLOSURE AREA** means the public right-of-way area the applicant
24 requests be closed for a special event.
- 25 (4) **CLOSURE PERMIT** means the permit approved by the director under
26 this chapter.
- 27 (5) **CRITICAL ROADWAY SEGMENT** means roads identified in the
28 Traffic Register.
- 29 (6) **DEPARTMENT** means the Austin Transportation Department.

1 (7) DIRECTOR means the Director of the Austin Transportation
2 Department.

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

5 **§ 14-8-2 PERMIT REQUIRED**

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

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

12 **§ 14-8-3 RESTRICTIONS ON APPROVAL OF CLOSURE PERMIT.**

13 (A) The director may not approve a closure permit for a special event

- 14 (1) that would exceed the maximum number of special events, as established
15 by council, for which a particular public right-of-way may be closed
16 during a calendar year; or
- 17 (2) the applicant fails to pay the required fees.

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

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

24 **§ 14-8-4 RIGHT-OF-WAY CLOSURE RULES.**

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

27 (B) The director will adopt rules in accordance with Chapter 1-2 (*Adoption of*
28 *Rules*).

- 1 (C) The Urban Transportation Commission may hold a public hearing on the
2 proposed rules.
- 3 (D) The Urban Transportation Commission may provide a recommendation to
4 the director on proposed rules within 30 days after the director files a notice
5 under Chapter 1-2 (*Adoption of Rules*).
- 6 (E) As a condition of a closure permit, an applicant shall comply with any
7 applicable rules established by the director under this section, under Chapter
8 4-15 (*Special Events and High Capacity Event Venue*), or by separate
9 ordinance.

10 **ARTICLE 2. CLOSURE PERMIT APPLICATION AND APPROVAL**
11 **PROCEDURES.**

12 **§ 14-8-21 TRAFFIC CONTROL PLAN REQUIREMENTS AND FEES**
13 **REQUIRED.**

- 14 (A) An applicant for a closure permit must submit an application to the Austin
15 Center for Events consistent with the deadlines in Chapter 4-15 (*Special*
16 *Events and High Capacity Event Venues*).
- 17 (B) An applicant shall pay an application fee and safety inspection fee set by
18 separate ordinance.

19 **§ 14-8-22 SECURITY DEPOSIT AND PAYMENT OF REQUIRED FEES.**

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

27 **§ 14-8-23 DOCUMENTATION REQUIREMENTS.**

- 28 (A) An applicant must submit:
- 29 (1) a preliminary traffic control plan showing the location of all barricades,
30 signs, and devices to be used for redirecting traffic around the closure
31 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.

1 **ARTICLE 4. ENFORCEMENT AND ADMINISTRATION**

2 **§ 14-8-41 OFFENSE AND PENALTY.**

- 3 (A) A person commits an offense if the person violates the terms of a closure
4 permit, closes a right-of-way without a closure permit, or violates any
5 provisions of this chapter.
- 6 (B) A person who violates a provision of this chapter is guilty of a separate
7 offense for each day or part of a day during which the violation is committed
8 or continued.
- 9 (C) An offense under this chapter is a Class C misdemeanor punishable by a fine
10 not to exceed \$500. A culpable mental state is not required for the
11 commission of an offense under this chapter.

12 **§ 14-8-42 REVIEW AND REPORTING REQUIREMENTS.**

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

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

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

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

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

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

29 **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

ssss

Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk