

**ORDINANCE NO.**

**AN ORDINANCE REAUTHORIZING THE PILOT PROGRAM ADOPTED BY ORDINANCE NO. 20200604-047 APPLICABLE TO RETAIL STORES, RESTAURANTS, OR COCKTAIL LOUNGES THAT WANT TO SELL OR PROVIDE GOODS, FOOD, AND BEVERAGES OUTDOORS AND MODIFYING CHAPTER 4-20 (*SPECIAL EVENTS*) TO FACILITATE THE SALE OR PROVISION OF GOODS, FOOD, AND BEVERAGES OUTDOORS ON PRIVATE PARKING LOTS AND PUBLIC RIGHT-OF-WAY BY THESE BUSINESSES.**

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

**PART 1. FINDINGS.** The council readopts as necessary the Findings in Part 1 of Ordinance No. 20200604-047 and makes the following additional findings:

- (1) The COVID-19 pandemic continues and is causing unparalleled economic damage to Austin’s local small business community.
- (2) During winter and spring, Central Texas’ weather is more favorable for outdoor activities and, as a result, council wishes to extend the pilot program established in Ordinance No. 20200604-047.
- (3) In accordance with Part 6 of Ordinance No. 2020604-047, the city manager recommends modifying the pilot program. These recommendations are based on stakeholder feedback and experience.

**PART 2. Pilot Program.**

(A) This ordinance reauthorizes and amends the pilot program established in Ordinance No. 20200604-047.

(B) Eligibility

(1) A Tier 2 event, as defined in Chapter 4-20 (*Special Events*), is eligible for the pilot program if it meets the following criteria:

(a) the event must occur on a private parking lot or a City street, sidewalk, or right-of-way that is adjacent to a:

- (i) retail store,
- (ii) restaurant,
- (iii) cocktail lounge, or

- 32 (iv) group of retail stores, restaurants, or cocktail lounges that  
33 share a private parking lot or are located on the same two  
34 blocks of a street, sidewalk, or city right-of-way; and
- 35 (b) the event will not include the use of sound equipment:
- 36 (i) that causes sound in excess of 70 “A”-weighted decibels;  
37 or  
38 (ii) after 10:00 p.m.; and
- 39 (c) the anticipated number of attendees will not exceed the  
40 occupancy limit for the retail store, restaurant, cocktail lounge,  
41 or group of retail stores, restaurants, or cocktail lounges; and
- 42 (d) if the event will impact a City street or other right-of-way that is  
43 not a sidewalk or city on-street parking space, the impact to the  
44 City street or other right-of-way will not exceed 48 hours.
- 45 (2) A Tier 2 event described in (B)(1) that is held primarily on private  
46 property remains eligible for the pilot program even if the event will  
47 exceed the four-day limit in Subsection (B)(2) of Section 4-20-21  
48 (*Categories of Special Events*) because of participation in the pilot  
49 program.
- 50 (C) The pilot program will begin on December 16, 2020. Unless city council or  
51 the city manager determines it is necessary to terminate the program earlier,  
52 the program will end on June 16, 2021.
- 53 (D) Council authorizes the city manager to terminate this pilot program without  
54 further council action.
- 55 (E) Council directs the city manager to place an item on its June 3, 2021, agenda  
56 to consider whether to adopt the pilot program as a permanent City program.

57 **PART 3. Definitions.**

- 58 (A) A term defined by Chapter 4-20 (*Special Events*) has the same meaning  
59 in this ordinance.
- 60 (B) In this ordinance, the following definitions apply:
- 61 (1) COCKTAIL LOUNGE means a business that sells alcoholic  
62 beverages for consumption on the premises, including taverns,  
63 bars, and similar uses, other than a restaurant.

64 (2) RESTAURANT means a business that prepares and sells food or  
65 beverages and may include the sale and on-premises  
66 consumption of alcoholic beverages.

67 (3) RETAIL STORE means a business that sells or rents commonly  
68 used goods and merchandise for personal or household use.

69 **PART 4.** Requirements. A Tier 2 event participating in the pilot program is  
70 subject to Chapter 4-20 (*Special Events*) except as modified in this part.

71 (A) The application deadline in Section 4-20-30 (*Special Event Application*  
72 *Fees and Deadlines*) does not apply.

73 (B) The Austin Center for Events (ACE) will take final action to approve  
74 or deny an application no later than 10 business days after the  
75 application is deemed complete.

76 (C) Except as provided in Subsections (D) and (E), a special event permit  
77 expires 180 days from the date the permit is issued.

78 (D) A special event permit that includes a City street or other right-of-way  
79 that is not a sidewalk or city on-street parking space expires after the  
80 event occurs and is not eligible for a renewal.

81 (E) ACE may issue a special event permit that expires in less than 180 days  
82 from the date it is issued if another regulated activity is already  
83 approved to occur at the same right-of-way closure area.

84 (F) An event organizer may not modify the layout of the area covered by  
85 the special event permit unless the event organizer submits a written  
86 request, pays a special event permit revision fee (\$204), and pays a  
87 reinspection fee (\$102).

88 (G) An event organizer shall:

89 (1) allow attendees to use the bathroom facilities located within the  
90 retail store, restaurant, cocktail lounge; or

91 (2) provide portable toilets based on the estimated number of  
92 attendees at the special event.

93 **PART 5.** Fees.

94 (A) Except as otherwise provided in this part, an event organizer shall pay  
95 the fees, including application fees, applicable to a Tier 2 special event.

