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

- (1) Because of the pandemic and the need to continuously adapt to rapidly evolving public health conditions, Austin's local small business community has suffered economic damage.
- (2) Despite progress with members of the public getting vaccinated against the COVID-19 disease and the falling number of active cases, Central Texas's economy continues to experience the economic effects of the pandemic.
- (3) Over time the number of people vaccinated should increase due to targeted efforts to reach a greater population and eventually expansion of the age eligibility to include children younger than 12 years old.
- (4) During the next six months, Central Texas' economy should improve and, as a result, council wishes to extend the pilot program established in Ordinance No. 20200604-047.
- (5) In accordance with Part 7 of Ordinance No. 20201203-007, the city manager recommends modifying the pilot program. These recommendations are based on stakeholder feedback and experience.

(A) This ordinance reauthorizes and amends the pilot program established in Ordinance No. 20200604-047 and extended in Ordinance No. 20201203-007.

(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
    - (iv) group of retail stores, restaurants, or cocktail lounges that share a private parking lot or are located on the same two blocks of a street, sidewalk, or city right-of-way; and
  - (b) the event will not include the use of sound equipment:
    - (i) that causes sound in excess of 70 “A”-weighted decibels; or
    - (ii) after 10:00 p.m.; and
  - (c) the anticipated number of attendees will not exceed the occupancy limit for the retail store, restaurant, cocktail lounge, or group of retail stores, restaurants, or cocktail lounges; and
  - (d) if the event will impact a City street or other right-of-way that is not a sidewalk or city on-street parking space, the impact to the City street or other right-of-way will not exceed 48 hours.
- (2) A Tier 2 event described in (B)(1) that is held primarily on private property remains eligible for the pilot program even if the event will exceed the four-day limit in Subsection (B)(2) of Section 4-20-21 (*Categories of Special Events*) because of participation in the pilot program.

(C) Unless city council or the city manager determines it is necessary to terminate the program earlier, the pilot program will end on December 1, 2021.

(D) Council authorizes the city manager to terminate this pilot program without further council action.

### **PART 3. Definitions.**

(A) A term defined by Chapter 4-20 (*Special Events*) has the same meaning in this ordinance.

(B) In this ordinance, the following definitions apply:

- (1) COCKTAIL LOUNGE means a business that sells alcoholic beverages for consumption on the premises, including taverns, bars, and similar uses, other than a restaurant.
- (2) RESTAURANT means a business that prepares and sells food or beverages and may include the sale and on-premises consumption of alcoholic beverages.
- (3) RETAIL STORE means a business that sells or rents commonly used goods and merchandise for personal or household use.

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

- (A) The application deadline in Section 4-20-30 (*Special Event Application Fees and Deadlines*) does not apply.
- (B) The Austin Center for Events (ACE) will take final action to approve or deny an application no later than 10 business days after the application is deemed complete.
- (C) Except as provided in Subsections (D) and (E), a special event permit expires 180 days from the date the permit is issued.
- (D) A special event permit that includes a City street or other right-of-way that is not a sidewalk or city on-street parking space expires after the event occurs and is not eligible for a renewal.
- (E) ACE may issue a special event permit that expires in less than 180 days from the date it is issued if another regulated activity is already approved to occur at the same right-of-way closure area.
- (F) An event organizer may not modify the layout of the area covered by the special event permit unless the event organizer submits a written request, pays a special event permit revision fee (\$204), and pays a reinspection fee (\$102).
- (G) An event organizer shall:
  - (1) allow attendees to use the bathroom facilities located within the retail store, restaurant, cocktail lounge; or
  - (2) provide portable toilets based on the estimated number of attendees at the special event.

**PART 5. Fees.**

- (A) Except as otherwise provided in this part, an event organizer shall pay the fees, including application fees, applicable to a Tier 2 special event.
- (B) When the permit includes the use of a sidewalk or City on-street parking space, an event organizer shall pay the daily safety closure fee that is applicable for one block once every 30 days.

**PART 6. Expiration of special event permits.**

- (A) A special event permit issued pursuant to Ordinance No. 20201203-007 and in effect on June 16, 2021, expires as set forth in Ordinance 20201203-007. To continue participating in the pilot program, an event organizer shall obtain a new special event permit pursuant to this ordinance.
- (B) A special event permit issued pursuant to this ordinance expires as set forth in Part 4 of this ordinance when an application for the pilot program is submitted on or before December 1, 2021.
- (C) If an event organizer submits an application for another City program that functions similarly to this pilot program on or before December 1, 2021, a special event permit issued pursuant to this ordinance can be renewed as set forth in Part 4 of this ordinance until the application is approved or denied.

**PART 7.** This ordinance takes effect on \_\_\_\_\_, 2021.

**PASSED AND APPROVED**

\_\_\_\_\_, 2021      § \_\_\_\_\_  
Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
Anne L. Morgan      Jannette S. Goodall  
City Attorney      City Clerk