

ORDINANCE NO. 20210603-012

AN ORDINANCE REAUTHORIZING THE PILOT PROGRAM ADOPTED BY ORDINANCE NO. 20200604-047 AND AMENDED BY ORDINANCE NO. 20201203-007 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 Nos. 20200604-047 and 20201203-007; and makes the following additional findings:

- (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.

PART 2. Pilot Program.

- (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.

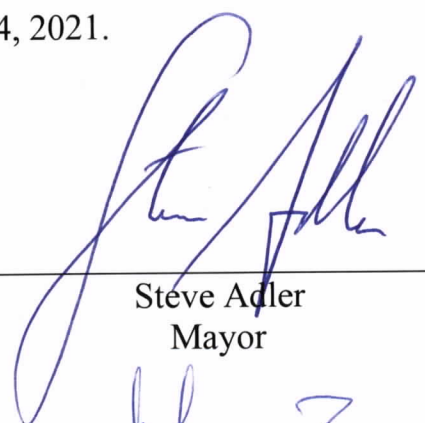
- (A) A special event permit issued pursuant to Ordinance No. 20201203-007 and in effect on June 16, 2021, expires as set forth in Ordinance 20201203-007. To continue participating in the pilot program, an event organizer shall obtain a new special event permit pursuant to this ordinance.
- (B) A special 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 June 14, 2021.

PASSED AND APPROVED

_____, June 3, 2021

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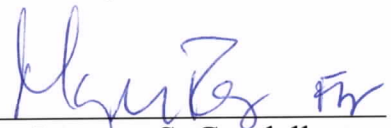
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk