



## **ALCOHOL SALES and CONSUMPTION POLICY and PROCEDURES**

### **Applicability and Fee**

Applicable to all events in parks where alcohol is **NOT** prohibited by City Code or administratively, and for where there is a confirmed (paid or approved) reservation or contract for rental, which includes permission (approval) to serve, consume, or sell alcohol. For quick reference, please see the picnic sites/shelters and facility rental areas information available online.

#### **Areas prohibited by/under CODE Chapter 8 are in summary:**

Sales, possession and consumption are prohibited in:

- the enclosed area or within 100 feet of an unenclosed swimming pool in a park;
- a recreation facility or adjacent outdoor area that is part of the recreation facility including a field, playground, parking lot, play slab, or playscape;
- all or part of a park or playground designated by the director as being an area in which the sale, possession, or consumption of alcohol is prohibited;
- the playing area or dugout area of an athletic field; a school district/playground area; or a nature preserve.

**Fee:** For events which require TABC permit processing, a \$30 alcohol permit fee is due to Austin Parks and Recreation at the time of TABC application submission for approval.

### **Definitions**

**PUBLIC EVENT:** An event is considered **public** if any of the following apply:

- a. There is NOT a finite and/or limited guest list.
- b. A person of the public may purchase or acquire a ticket for entrance or participation.
- c. A person of the public may attend the event.
- d. Advertised by website, email, print or radio media to the public.

**PRIVATE EVENT:** Events are considered **private** where a limited and finite count of guests is expected. An example would be a wedding, or birthday party, or private reception, which are NOT open to the public.



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<http://www.austintexas.gov/parkevents>

**ALCOHOL SALES:** Whether public or private, for an event where alcohol will be served/sold and admission to the event and service to those of legal age is dependent upon any of the conditions listed below:

- Sale, admission, a ticket, a donation, a donation JAR, membership fee, meal charge, or "tip".
- A TABC permit, liquor liability insurance. If a public event, service area enclosure and a
- licensed peace officer plan is required.

**Alcohol Sales** – For alcohol to be truly "free", it must be available to any adult who walks in the door and requests it. If alcoholic beverages are only available to paying customers, the assumption is that the cost of the alcohol is included in the price of the service. This constitutes a sale of alcoholic beverages, and a TABC permit would be required. When you provide the alcoholic beverage, there cannot be any expectation of receiving money. You cannot ask for a "donation" or "tip." If the drinks will only be available to paying guests, then you will need a permit.

**Some examples:** A wedding reception with free drinks is really free. A boutique that serves free wine while you shop, even if you don't buy anything, is really free. A nail salon with a "free" drink when you pay for a manicure is not really free. If you buy tickets to attend a charity ball and they serve "free" drinks, those are not really free. If a tip jar sits next to a keg of beer expecting "donations," the beer would not be considered free.

**Specific to alcohol service, consumption or sale.....**

**RECREATION FACILITY:** A park property owned or operation by the City which is primarily used for recreational activity and is readily available on a daily basis to the public during normal park use hours which either does not have a secured point of entry, or that has not been approved as a designated special event venue. Normal activities conducted at a recreation facility are by example:

- public picnic and recreation use
- budgeted programmed activities for the public (programs)
- accessible daily under normal working conditions for public enjoyment and benefit

For recreation facilities, temporary permits for the sale, consumption or possession of alcohol will not permitted to exceed 48 hours by Code. In general this definition includes all picnic sites, public park areas, and/or facilities **NOT** defined as a special



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event venue.

**SPECIAL EVENT VENUE:** A venue with established venue fees intended for the production of events which are closed to the public during approved event hours where alcohol is sold/consumed, or, an identified property not regularly available to the public for reasonably expected recreation use which is locked and/or secured during non-rental periods. Event venues and facilities where first identified by the Parks Board Special Events Policy established in 1998.

Approved special event venues are:

**Special Event Properties**

Auditorium Shores  
Republic Square Park  
Wooldridge Square Park  
Brush Square Park  
Zilker Park  
Pease Park  
Fiesta Gardens West End  
Walter Long

**Special Event Facilities**

Commons Ford Ranch House  
Fiesta Gardens Building  
Zilker Club House  
Mayfield Cottage and Gardens

For special event venues, temporary permits for the sale, consumption or possession of alcohol shall not exceed the period approved by the Director in the rental agreement or contract.



## ALCOHOL SERVICE STANDARDS PRIVATE AND PUBLIC EVENTS

### Service Expectations, Standards, and Park User Responsibility

#### Regulations applicable to **ALL events**.

1. The organizer should review the **Code and administratively restricted park listing**. Determine if the park is alcohol prohibited, where additional PARD authorization is required to sell, possess, or consume alcohol. **NOTE:** This will **ONLY** be considered for approved confirmed (paid) reservations made through the Office of Special Events.
2. The organizer assumes all risk, and is responsible for acquiring all necessary Federal, State and Local **permits**, and for securing and providing (if required) the necessary Liquor Liability Insurance. If in question, it is recommended the organizer contact the local beverage control commission and fully review the proposed event with the proper authorities, in addition to consulting the Office of Special Events staff.
3. All park property where alcohol is served, sold, and/or BYOB as part of any event must be both **monitored and actively managed** in a manner to prevent alcohol from being provided, sold, served or obtainable to minors, guests who are at risk of over consumption, AND to those not invited or included to/in in the event.
4. Alcohol should remain **directly within the rented site**. It may NOT be carried to other areas of the park or outside of "shelter" or "picnic" or "rented" areas. Alcohol served at facilities may NOT be carried outside the premises, building or fenced area and it is the responsibility of the organizer to ensure all guests strictly adhere to this policy. **For example**, if alcohol is allowed to be consumed at a shelter, you may NOT walk over to an adjacent athletic field, park area, or pool with the beverage. **GLASS AND STYROFOAM ARE PROHIBITED AT ALL TIMES**. Public events must be inside a building, or 6' fenced area.
5. All alcohol MUST be **served in aluminum, plastic or paper** containers (recyclable or compostable preferred). **NO glass or Styrofoam** is allowed at any park properties. Wine or other beverages packaged in glass MUST be served (**by renter provided server(s)**) from the bottle into necessary plastic or paper containers at the point of sale or distribution by a representative of the renter.
6. If at anytime the organizer is found to be in **violation** of any alcohol related Laws/Ordinances, all sales and/or consumption of alcohol will be stopped immediately up to



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an including eviction from the event site. If alcohol service is stopped, the service of alcoholic beverages will be closed for the remainder of the event time.

- 7. ALCOHOL SALES - Liquor Liability insurance and a TABC permit is required IF alcohol will be served/sold/distributed and admission to the event and service to those of legal age is dependent upon: sale, admission, a ticket, a donation, a donation JAR, membership fee, meal charge, or "tip". YOU ARE ENCOURAGED TO CONSULT WITH THE TEXAS ALCOHOLIC BEVERAGE COMMISSION IF YOU HAVE ANY QUESTIONS.**

There is a **\$30 alcohol permit** fee due to the Austin Parks and Recreation Department at the time of TABC application is submitted to PARD for approval.

- 8. Organizers MUST MINIMALLY contract with licensed peace officers as a portion of their event security plan. Without discussion of event hours, nature and type, organizers should minimally draft a plan that includes 2 licensed peace officers/1000 when alcohol is served, sold or present at public events. This is in addition to any hired security/staffing the organizer needs/requires for personal event needs such as cash transport, admission work, back of house security, etc. Adjustments may be requested to enhance public safety based upon event track record, duration, or scope.**
- 9. Use of TABC certified servers hired by the organizer or through a subcontract of a licensed caterer.**
- 10. In all instances, user(s) should contact the **Austin/Travis County Health and Human Services Department** to ensure service is in accordance with Health and Human Services Food Service Guidelines, and that necessary permits are obtained.**
- 11. If not an indoor facility or existing fenced area, event site perimeter fencing must be erected or an enclosed "Beer Garden" \* must be installed within the area. (see below – Beer Gardens).**

**NOTE:** The department reserves the right to require additional requirements AT ANY EVENT, public or private, to protect the health and safety of event patrons at any time. **Example Additional requirements** which may be requested at any time: TABC certified servers, Licensed Peace Officer(s) Plan, Ticketing/Wristbands for those of Adult Age, Age Verification Plan, Liquor Liability Insurance,

**NOTE:** The City of Austin (under Code Chapter 8) reserves the right to deny consumption and/or sale of alcoholic beverages based on previous user/group history.



## **Beer (Alcohol) Garden Technical Requirements**



1. If a "Beer Garden" is erected, it shall be **chain-link type** fencing of preformed **6-foot-high** freestanding panels (support poles may NOT be inserted into park grounds) which once completed shall be enclosed except for entrances and exits. Vertical support posts may be NO FURTHER than 10' apart. As a best practice due to varying environmental conditions, some fences may require sand bagging.
2. The exact location and number of **entrances/exits** will depend upon the size of the enclosed area, and shall be approved by the Austin Fire Department Fire Prevention Division and Parks and Recreation staff. Please diagram the garden(s) on your site plan/event map provided at the time of application. The organizer is responsible for maintaining a count of persons entering the garden as determined by the Fire Department. Minimally organizers should prepare for 2 separate gated location points for a beer garden. One primary, and one emergency gate point.
3. All beer gardens must have **emergency entrance/exit signage** at each gate, placed ABOVE standing eye level of a person of average height. Events continuing past dusk must install/provide dual power or source **lighting for each gate and the signage**.
4. All beer gardens which are requesting to have 50 or more people, are required to have a minimum of 2 entries/exits. Additional gates may be requested after site plan review/inspection by the Austin Fire Department.
5. The **servicing areas** must be positioned so as not to interfere or impede pedestrian traffic entering or exiting the enclosure in order to maintain public safety.
6. At a minimum, there will be at least one **uniformed security officer** positioned at **each** entrance and exit. For some events, an overall safety and security plan approved by designated City public safety personnel will be required.



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## Typical Permitting Process

**As a courtesy, we provide this information on the department alcohol approval process (sell, serve, consume), and TABC Permit Approval Process.**

1. Book and confirm (paid or approved) the reservation. Have all required paperwork and contractual items in good standing throughout the process.
2. Approval must have already been granted by special request, or written into the event contract and approved by the Director to sell, consume, or serve alcohol. This applies to all places where alcohol sales/service is not permitted/allowed.
3. Applicant provides TABC permit  application. It should be completed by Travis County and APD before submission to Parks.
  - (Typically about 1 week in advance of the first event date.)
4. Reservation reviewed for state of compliance by Office of Special Events or managing rental complex. At a minimum, fees must be paid, and liquor liability insurance **MUST** be on file. If there are outstanding items (fees, street permit, other), **the permit approval may be withheld** until reasonable compliance is reached.
5. If **ALL** contract/rental items are current, parks staff will **stamp** permit, and route to for approval(s).
6. Return to customer for routing to TABC for final approval.
7. Renter ensures all requirements of the service standards are documented in the event file.
8. Renter provides a final copy of the TABC permit  before the event day(s).
9. Events staff log approved permits into EVENTS CALENDAR or special events file.

**Please plan and account for the time it takes to obtain all required signatures.  
Parks and Recreation requires permits be left overnight a minimum of 1 business day.  
Plan accordingly.**

 = item that requires completion of a prescribed form, or provision of a copy by renter.

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