AUSTIN CENTER FOR EVENTS

SEO February 21, 2018
Community Meeting Follow Up

Overview:

Staff hosted a Community Engagement Meeting on February 21 to provide an overview of key themes identified in feedback gathered during stakeholder meetings in January. Click here to view the community engagement summary. Staff also outlined recent revisions to the draft ordinance since second reading, gathered feedback regarding a policy alternative for the notification and appeals process. The staff presentation, revised draft ordinance, and policy alternative for consideration are included in the appendix. At the conclusion of the presentation, staff conducted a Q & A session with attendees representing the following organizations:

Austin Music People

Austin Creative Alliance

Texas Book Festival

Red Velvet Events

Bangers Sausage House & Beer Garden

Fair Market

Trail of Lights

Austin Film Festival

Zilker Neighborhood Association

Q & A Session Results

Based on input from the public, staff outlined the basic framework of a policy alternative for notifications and appeals. Feedback shared with staff included:

- Support for an iterative appeals process that includes discussions between ACE and event stakeholders before going to Council
- Concern that an appeal process that includes a path to Council may not be taken seriously if stakeholders know staff administrative decisions can be overturned.
- Concern that event approval or denial decisions reversed by Council might have negative impact on staff and the relationship between staff and event organizers.
- Dialogue about application timelines and a general discussion that requiring early deadlines to accommodate an appeals process that includes a path to Council would unfairly impact new or out-of-town event organizers.

Staff also answered the following questions related to applications and Tiers:

AUSTIN CENTER FOR EVENTS

SEO February 21, 2018
Community Meeting Follow Up

Applications:

Section 4-19-34 Approval or Denial of a Special Event Application
(E) Except as provided in Section 4-19-31(C) (Contents of Special Events 25 Application), no action is required to be taken on an incomplete or 26 untimely application.

Attendees asked how they'd know if applications were incomplete if no notifications are required.

Staff clarified applicants will be contacted by ACE staff to request additional information if an application is incomplete, however a final decision isn't required on applications that remain incomplete.

Event Tiers:

Attendees asked if Tier 3 and 4 events are weighed more favorably than Tier 1 and 2 events.

Staff explained that the Tier categories do not assign preference or importance to events. Tiers are used to determine application deadlines based on the size, scope, and permit requirements for each event.

Special Events Ordinance

Community Update

February 21, 2018

AUSTIN CENTER FOR EVENTS

Agenda

- Ordinance Overview
- Summary of Feedback
- Recent Revisions
- Remaining Challenges
- Staff Recommendation
  - Notifications
  - Appeals
- Alternative Policy Option
- Group Discussion
- Next Steps

Ordinance Overview

- Formalizes Austin Center for Events (ACE)
- Offers scalability in permitting process
- Establishes base requirements:
  - Application deadline
  - Contents of application
  - Staff decision deadline
- Consolidates event related ordinances

Summary of Feedback

- Tier approach does not address permitting based on size and scale
- Application and approval process is unclear, lacks certainty
- Denial/appeal process needs clarity

Recent Revisions

- Simplified Tier 1; focuses on events protected by first amendment
- Simplified application deadlines for Tiers 1 and 2
- For Tier 2, staff must provide decision 30 days after completed application submitted
- Revised definition of “attendee”

Recent Revisions

- Payment required within 20 business days from date ACE issues bill
- Simplified application review about events blocking traffic during peak commuter hours
- Changed “emissions reduction plan” to “emissions management plan”
- Clarified that staff will engage in interactive review process
- Applies to applications submitted on or after October 2, 2018

Remaining Challenges

- Appeals process
  - Staff recommends administrative process
  - Right of appeal lies with the applicant (event organizer)
- Public notification requirements
  - Changes to appeal process could impact application and/or notification timelines

Staff Recommendation Notifications & Appeals

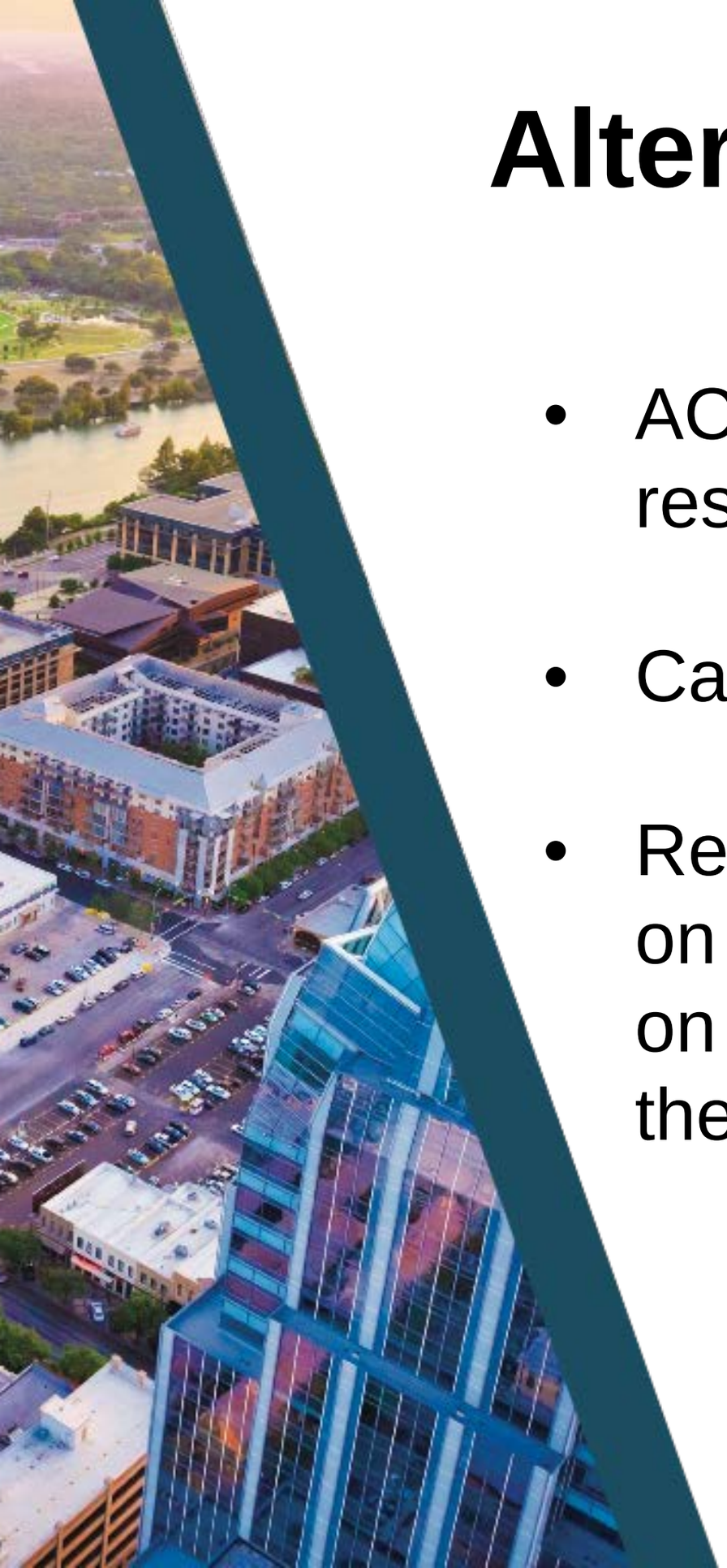
- Goals
  - Better reflect ACE's current process of working collaboratively with all event stakeholders to address and resolve issues
  - A process that more accurately reflects community sentiment within the entire special event impact area
  - Lessen potential event "limbo" waiting for Council action

Staff Recommendation Notifications

- Requirements to be defined in administrative rules development
- Completing notification process does not guarantee event approval
- Community concerns about impact on public safety, health, transportation/mobility remain a top priority
- Council action no longer automatically required for events with objections from neighborhood associations or more than 20% of affected residents per block.

Staff Recommendation Appeals

- Event organizers may appeal an application denial to the appeal team
- Appeals must be submitted to ACE no later than 10 business days after denial notification
- Appeal team must act on the appeal within 10 business days
- Appeal team to use same evaluation criteria as ACE, defined in 4-19-34



Alternative Policy Option

- ACE will review all notification responses to determine if the event:
- Can move forward or;
- Requires further review by ACE based on valid concerns about event impact on public safety, health, and mobility in the affected area.

Alternative Policy Option

- ACE may require meetings with community representatives and event organizers to mitigate concerns.
- Significant changes may require additional notifications
- ACE issues decision
- Stakeholders can appeal the final decision to City Council by written request
- ACE will post item for Council vote. Requires at least six weeks

Opportunities for Consensus

Event Notifications-Objections Process
Community Stakeholders

Event Appeals Process
Event Stakeholders

Next Steps

- Follow-Up Meeting
  - April 4, 6p – 8p Austin Energy Town Lake Center
  - Draft ordinance updates
  - Preliminary discussion on draft rules

- Council Consideration
  - May 10
  - Possible action on 3rd reading

AUSTIN CENTER FOR EVENTS

SEO Draft Alternative Process: Notifications & Appeals

Tier 1 – Parking Spaces/sidewalks – No Street or Alley Closures

- Written approval from all adjacent interested persons must be provided before permit is issued. Applicant can use an approved petition form or electronic correspondence may suffice.

Tier 2 – Up to a two block closure

- 30 day deadline
- If an applicant turns in an application at deadline, all notifications must be complete. Completion of notification process does not guarantee ACE approval.
- Application will be reviewed within 10 business days
- Notification consists of signatures on an approved petition form listing all addresses from all interested persons. 80% of interested person's addresses must sign in support.
- If application is turned in early enough, applicants can choose to follow the mailed notifications process if desired.

Tier 3 – More than two block closure

- 120 deadline
- Application will be reviewed within 10 business days
- ACE will provide approval to move forward with notification process after initial review or may require more information
- ACE will provide addresses to the event organizer with the approval for next steps
- Event organizer can mail approved postcards at any time after initial approval. Event organizer must provide proof of mailing by receipt with date. Feedback will be received to the City of Austin via 3-1-1 (calls/app/online) for 30 days after the postcard is mailed.
- ACE will review all notification responses to determine:
  - If the event can move forward as requested or;
  - If the event requires further review by ACE Staff due to notification or neighborhood association feedback raising valid concerns about impact on public safety, health, and mobility in the affected area.
  - ACE may require meetings including city staff, interested persons and event organizers to mitigate concerns.

- If significant changes are needed, additional notifications may be required
- ACE issues event approval or denial
- Interested persons or event organizers can appeal decision by written request to the Appeal Team.
- Appeal Team will respond within 10 business days.
- Interested persons or event organizers can appeal the final decision to City Council by written request

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AUSTIN CENTER FOR EVENTS

SEO Draft Alternative Process: Notifications & Appeals

- Austin Transportation Department will post item for Council vote which requires at least six weeks lead time

Tier 4

- 180 deadline
- Application will be reviewed within 10 business days
- ACE will provide approval to move forward with notification process after initial review or may require more information
- ACE will provide addresses to the event organizer with the approval for next steps
- Event organizer can mail approved postcards at any time after initial approval. Event organizer must provide proof of mailing by receipt with date. Feedback will be received to the City of Austin via 3-1-1 (calls/app/online) for 30 days after the postcard is mailed.
- ACE will review all notification responses to determine:
  - If the event can move forward as requested or;
  - If the event requires further review by ACE Staff due to notification or neighborhood association feedback raising valid concerns about impact on public safety, health, and mobility in the affected area.
  - ACE may require meetings including city staff, interested persons and event organizers to mitigate concerns.

- If significant changes are needed, additional notifications may be required
- ACE issues event approval or denial
- Interested persons or event organizers can appeal decision by written request to the Appeal Team.
- Appeal Team will respond within 10 business days.
- Interested persons or event organizers can appeal the final decision to City Council by written request.
- Austin Transportation Department will post item for Council vote which requires at least six weeks lead time.

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ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE TITLE 4 TO ADD CHAPTER 4-19 RELATING TO SPECIAL EVENTS; REPEALING AND REPLACING CHAPTER 14-8 RELATING TO RIGHT-OF-WAY CLOSURES FOR SPECIAL EVENTS AND NEIGHBORHOOD BLOCK PARTIES; REPEALING SECTION 14-6-3 RELATING TO CLOSURES FOR A STREET FESTIVITY; AMENDING CHAPTER 9-2 RELATING TO 24-HOUR LIVE MUSIC AND MULTI-DAY SPECIAL EVENT PERMITS; AND CREATING OFFENSES AND PENALTIES.

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;

(5) A special event permit application will allow the City to manage the competing uses of its public safety personnel and resources;

(6) The special events team will be able to assist event organizers in obtaining all necessary permits and facilitate the timely and efficient processing of permit applications;

(7) Citizens need to quickly access public space to respond to current events through spontaneous speech;

(8) A special event permit application process will allow the City to manage the competing uses of its public spaces and ensure

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that members of the public are able to access public space for their events;

(9) Many event organizers must apply for permits from multiple City departments;

(10) An interdepartmental team acting as a "one-stop shop" for special events will provide a single point of contact for event organizers and the public;

(11) When more than one event occurs in the same general area, the occupancy level of adjacent city streets and sidewalks increase, which may create an unsafe condition and strain the City's resources and infrastructure;

(12) 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

(13) Many special events are conducted on an annual basis and have been operating in substantially the same form for at least 20 years, and these events contribute to the City's identity.

PART 2. City Code Title 4 (*Business Regulations and Permits*) is amended to add a new Chapter 4-19 (*Special Events*) to read as follows:

CHAPTER 4-19 SPECIAL EVENTS

ARTICLE 1. GENERAL PROVISIONS.

§ 4-19-1 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 a participant, an athlete, or the event staff present during a special event. This term includes a vendor or volunteer.

Commented [LP1]: Changes:
- "Other individuals" was removed;
- Clarifies that the term includes a vendor or volunteer

(3) CITY FACILITY means city parkland, buildings, and all other city-owned, controlled, or maintained property that is not a

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street, sidewalk, right-of-way, or spaces not open to the general public for rental.

(4) DIVERSION means the act of redirecting material from disposal for a higher or best use.

(5) EVENT ORGANIZER means any person who conducts, manages, or organizes a special event.

(6) IMPACT means to impede, obstruct, impair, or interfere with normal vehicular or pedestrian traffic.

(7) LEGACY EVENT means a special event that has been held in the City of Austin in substantially the same form for a minimum of 20 consecutive years.

(8) POLICE-ESCORTED BUBBLE means a procession where individuals proceed within a perimeter of police officers or police vehicles.

(9) PRELIMINARY RECOMMENDATION means the initial review of a special event application.

(10) RIGHT-OF-WAY CLOSURE AREA means a city street, sidewalk, alley, walkway, or right-of-way that is part of a special event venue.

(11) SOUND EQUIPMENT means a loud speaker, microphone, public address system, amplification system, turntable, or other similar digital or analog device that amplifies sound.

(12) SPECIAL EVENT means an event that

(a) Has 100 or more attendees per day at a city facility, other than the Austin Convention Center, Long Center, City Hall, or Palmer Events Center;

(b) Impacts a city street, sidewalk, alley, walkway, or other city public right-of-way other than as permitted under Chapter 14-6 (*Temporary Street Closures*); or

(c) Is temporary, involves 100 or more attendees per day; and

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(i) is inconsistent with the permanent use to which the property may legally be used, or the occupancy levels permitted on the property; and

(ii) includes one of the following: set up of temporary structures, including, but not limited to, tents, stages, or fences; use of sound equipment in an area described in Section 4-19-43(A); or provision of food or beverages, including alcohol.

Commented [LP2]: Added more description for clarity.

(13) SPECIAL EVENT IMPACT AREA means the geographic area surrounding a special event venue that is subject to the requirements in Section 4-19-25 (*Special Event Impact Area*).

(14) SPECIAL EVENT VENUE means the property where the special event will occur.

(15) SPRING FESTIVAL SEASON means the Friday of the second week of March through Sunday during the third week of March, unless the City Manager designates an alternate 10-day period for a particular year.

(16) SUPERVISING POLICE OFFICER means the Austin Police Department representative designated by the Austin Police Department Special Events Commander.

(17) WASTE MANAGEMENT means collection of solid waste, recyclables, organics, and hazardous waste for disposal or diversion and includes litter control and street cleaning.

§ 4-19-2 AUSTIN CENTER FOR EVENTS.

(A) The City Manager shall create an Austin Center for Events (ACE) to carry out the responsibilities under this chapter. ACE will be comprised of employees from City departments that regulate, permit, or host special events.

(B) ACE shall review applications for special event permits; and shall approve or deny applications in compliance with this chapter and with rules adopted under this chapter.

(C) ACE may establish a special event impact area in the geographic area surrounding a special event venue.

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(D) For purposes of Chapter 25-2, Article 6 (*Temporary Uses*), approval by ACE is approval by the accountable official.

(E) In carrying out its duties, ACE may:

(1) set reasonable boundaries for the special event venue and special event impact area;

(2) impose reasonable conditions on the special event based on public health, safety, and welfare;

(3) coordinate permit issuance or authorizations for the special event with other city departments;

(4) require consolidated applications;

(5) consult with public agencies that have ownership or jurisdiction over land within a special event venue or district; and

(6) adopt rules governing the administration and enforcement of this chapter, including application requirements and provisions for interdepartmental review.

§ 4-19-3 CONFLICTS WITH THIS CHAPTER.

To the extent a conflict exists, this Chapter controls.

ARTICLE 2. SPECIAL EVENT PERMIT.

§ 4-19-20 PERMIT REQUIRED; EXCEPTIONS.

(A) Except as provided in Subsections (B) and (C), a special event permit issued under this chapter is required to conduct, manage, or operate a special event.

(B) A special event permit under this chapter is not required for:

(1) an event, which may include food or non-alcoholic beverage service, conducted entirely

(a) on city parkland that uses only Parks and Recreation Department facilities, personnel and equipment; or

(b) in a city auditorium or meeting room that requires only the facilities, personnel, or equipment associated with the facility; or

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(2) a spontaneous event for which it is not reasonably possible to provide the advance notice required by this chapter, such as an event occasioned by recent news or current affairs, that is conducted solely on city sidewalks or parkland. An organizer of a spontaneous event must provide notice to the Austin Police Department of the date, time, place, and an estimate of the approximate number of persons who will be participating at least four hours before the event, or provide other notice that may be reasonable under the circumstances.

(C) A special event permit is not required for an event that complies with Chapter 14-8, Article 3 (*Neighborhood Block Party Requirements*).

§ 4-19-21 CATEGORIES OF SPECIAL EVENTS.

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

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

(1) is stationary, impacts only one block of a sidewalk or a city right-of-way that is not a street, and only needs a permit issued under Chapter 14-8 (*Temporary Closure for Special Events and Block Parties*); or

(2) is moving and consists exclusively of people in a police-escorted bubble; or

(3) is an assembly at a city facility, lasts less than five hours, and does not include food or beverages or a request to increase the permanent occupancy limit.

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

(1) is an assembly at a city facility that estimates attendance at less than 2,500 attendees per day; or

(2) is an assembly lasting four days or less, that is held primarily on private property, and that estimates attendance at less than 2,500 attendees per day; or

(3) is stationary and impacts up to two blocks of a street, sidewalk, or city right-of-way.

Commented [LP3]: Change:
- Added language to clarify that a street closure is not included.

Commented [LP4]: Changes:
- Added language to ensure consistency with existing timelines if additional permits/approvals are required.
- Removed private property events from Tier 1 because of existing timelines related to food/beverage permits and requests to increase a permanent occupancy limit.
-These changes allow for simplified application deadlines.

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

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

(1) is an assembly at two or more city facilities and that includes the use of city streets, sidewalks, or right-of-ways; or

(2) has an estimated need, based on its permit application, for $100,000 or more in city services, staff time, and equipment.

§ 4-19-22 SPECIAL EVENT PERMIT.

(A) Except as provided in Section 4-19-20 (*Permit Required; Exceptions*), a person shall obtain a special event permit issued by ACE before the person may conduct, manage, or operate a special event.

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

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

(D) As a condition of a special event permit, the event organizer or a person who represents the event organizer shall:

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

(2) be present at all times during the operating hours for the special event;

(3) provide ACE with contact information for an individual who is responsible for set-up and take-down of the special event;

(4) ensure compliance with all applicable ordinances, regulations, rules, and the special event permit; and

(5) accept all notices of violation, citations, and closure orders.

(E) A special event permit is only effective after the event set-up has passed all required inspections.

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§ 4-19-23 OTHER PERMITS OR LICENSES REQUIRED.

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

(B) A special event conducted in compliance with this chapter does not require a separate temporary use permit under Chapter 25-2, Article 6 (*Temporary Uses*).

§ 4-19-24 LIMITATIONS ON THE PROVISION OF CITY SERVICES; COSTS AND FEES.

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

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

(1) the wages or salaries set by separate ordinance for city personnel involved in traffic control, event security, fire safety, medical safety, waste management, and other facility or event support;

(2) the use of city equipment, city-contracted services, and other non-personnel expenses; and

(3) any clean-up activity directly related to the special event, not provided by the event organizer that is required to restore the area to the same condition that existed prior to the special event.

(C) If the City is a co-sponsor of a special event, city services, equipment, or personnel may, with City Council approval, be provided to support a special event without charge.

(D) The event organizer shall not be required to provide or pay for the cost of city personnel who are present to protect event attendees from counter-demonstrators or members of the public who are hostile to the event.

(E) The City may also charge any other fees set by separate ordinance to recover costs associated with special events.

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(F) The City will not charge the wages or salaries for on-duty police officers who provide police security for a right-of-way closure area.

(G) If an event organizer requests an estimate of the charges or fees described in Subsections (B) and (E), ACE will provide an estimate at least 15 business days before the start of the special event.

(H) An event organizer shall pay to the City:

(1) within 10 business days from the date the special event ends, the estimated charges and fees described in Subsections (B) and (E); and

(2) within 20 business days from the date ACE provides the event organizer with a bill that identifies the balance due for actual charges and fees described in Subsections (B) and (E).

Commented [LP5]: This language aligns with current staff practices.

§ 4-19-25 SPECIAL EVENT IMPACT AREA.

(A) In the interests of public health, safety, and welfare, ACE may designate a special event impact area that surrounds a special event. If a special event impact area is designated, ACE may limit the number of permits, applications, or approvals described in Subsection (C) issued within the special event impact area.

(B) ACE will set the duration and boundaries of a special event impact area:

(1) consulting with affected city departments and public agencies; and

(2) balancing the needs of the special event with public health, safety, and welfare.

(C) ACE will determine, based on rules adopted in accordance with Chapter 1-2 (*Adoption of Rules*), the maximum number of special event permits or associated approvals that may be issued in a special event impact area.

(D) A business or property, including a vendor licensed under Chapter 14-9, Article 3 (*Street Vendor License*), located within the area of a special event impact area will not be required to seek additional permits if the business or property operates in a manner consistent with its existing permits.

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§ 4-19-26 INSURANCE REQUIRED; EXCEPTIONS.

(A) Except as provided in Subsection (F), the event organizer must possess or obtain insurance to protect the City against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the special event that impacts or occurs on city property, including city facilities and city streets, sidewalks, and other right-of-way.

(B) The insurance shall name the City as an additional insured and must be maintained for the duration of the special event.

(C) Failure to maintain insurance immediately preceding, during the special event, and until the conclusion of the permit period is grounds to revoke the special event permit.

(D) The City will determine the necessary amount of insurance.

(E) The insurance required by this section is not a substitute for insurance requirements that may be imposed by other required city permits.

(F) An event organizer is exempt from providing the insurance required by this section if:

(1) the special event occurs exclusively on private property; or

(2) the event organizer demonstrates that it is impossible or impractical to obtain insurance coverage.

§ 4-19-27 INDEMNIFICATION.

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

ARTICLE 3. SPECIAL EVENT APPLICATIONS.

§ 4-19-30 SPECIAL EVENT APPLICATION FEES AND DEADLINES.

(A) An event organizer shall pay an application fee set by separate ordinance.

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(B) An event organizer must submit a special event application no later than the following number of days prior to the first day of the proposed event:

(1) 3 business days for a Tier 1 event;

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

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

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

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

(1) the event organizer can show good cause, as defined in rules adopted in accordance with Chapter 1-2 (*Adoption of Rules*); and

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

§ 4-19-31 CONTENTS OF SPECIAL EVENT APPLICATION.

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

(B) Except as provided in Subsection (C), an application must contain all of the information described in this section and in rules adopted in accordance with Chapter 1-2 (*Adoption of Rules*) that is applicable to the event in order to be deemed complete.

(C) ACE may consider an application for a Tier 3 or Tier 4 event complete without the following:

(1) detailed information concerning the activities included in the special event, including:

(a) the number of bands or other musical units;

(b) the number of theatrical performances;

(c) the proposed size, location, and orientation of speakers;

(d) the ancillary activities that will be associated with the event;

Commented [LP6]: This simplifies the application deadlines.

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(e) the kinds of animals anticipated to be a part of the event;

(f) the types of non-emergency vehicles to be used for the event; and

(2) detailed information concerning:

(a) food and alcohol required to comply with Chapter 10-3 (*Food and Food Handlers*);

(b) the proposed location of portable sanitation facilities; and

(c) the proposed location of all landfill trash containers and all diversion containers;

(3) 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 described in Section 4-19-50 (*Public Safety Plan*); and

(c) other equipment or services necessary to conduct the event with due regard to public health and safety.

(D) ACE shall establish a deadline, which must be at least 30 days before the first day of the event, for the information required by Subsection (C) to be provided to ACE.

(E) 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 364 calendar days prior to the first day of the special event.

§ 4-19-32 SPECIAL EVENT APPLICATION REVIEW.

(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:

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(1) no other approved or pending special events conflict with the event organizer's proposed special event;

(2) a prior special event permit or a permit issued under Chapter 14-8 (*Temporary Closure for Special Events and Block Parties*) was not revoked by the City in the preceding 12 months;

(3) the City has sufficient resources to address public health and safety concerns raised by the special event; and

(4) the event will not cause an unresolvable conflict 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 Tier 4 event per event organizer during any two-week period.

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

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

(E) For a Tier 2 event, ACE will take final action to approve or deny an application no later than 30 days after the application is deemed complete.

(F) For a Tier 1, ACE will take final action to approve or deny an application no later than the close of business one business day before the start of the special event.

(G) During the application review period, ACE will engage in an interactive process with applicants.

§ 4-19-33 NOTIFICATION OF A SPECIAL EVENT APPLICATION.

(A) An event organizer shall provide notification as described in rules adopted in accordance with Chapter 1-2 (*Adoption of Rules*).

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

Commented [LP7]: Changes:
- Removed language related to blocking traffic or close streets during peak commuter hours.
- Modified this item to focus on unresolvable conflicts for a public right-of-way or a public facility.

Commented [LP8]: This language is to clarify the amount of time ACE has to review and take action to approve or deny an application for a Tier 2 event.

Commented [LP9]: This language adds clarity to the review process.

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(1) the event will violate any local, state, or federal law or regulation or administrative rule;

(2) the resources required to ensure public safety within the special event venue or impact area 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 impact area 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 or application has already been approved; or

(b) the provision of City services required to support scheduled or unscheduled government functions;

(5) the event organizer demonstrates an inability or 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 ACE denies an application, ACE shall notify the event organizer in writing as soon as practicable. A notification sent by electronic mail complies with this subsection.

(E) Except as provided in Section 4-19-31(C) (*Contents of Special Events Application*), no action is required to be taken on an incomplete or untimely application.

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

(1) scope of events;

(2) traffic;

(3) parking; and

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(4) public safety concerns.

§ 4-19-35 APPEAL OF SPECIAL EVENT APPLICATION DENIAL.

(A) If ACE denies a special event application, the event organizer may appeal the denial to the appeal team.

(B) The event organizer must deliver an appeal to ACE no later than 10 business days after the event organizer is notified that the application was denied.

(C) The appeal team must act on the appeal within 10 business days and may uphold or reverse the denial.

(D) In considering the appeal, the appeal team shall apply the same criteria as ACE under Section 4-19-34 (*Approval or Denial of Special Event Application*).

§ 4-19-36 NOTICE OF PROPOSED SPECIAL EVENT DATES.

A legacy event may submit a notice of proposed special event dates for up to five year period on a form approved by ACE. A legacy event must still comply with Section 4-19-30 (*Special Event Application Fees and Deadlines*) and Section 4-19-31 (*Contents of a Special Event Application*) each year of the event.

ARTICLE 4. OPERATION.

§ 4-19-40 UNPERMITTED SPECIAL EVENTS PROHIBITED.

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

§ 4-19-41 COMPLIANCE WITH PERMITS, APPROVALS, AND PLANS.

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

§ 4-19-42 THE SALE OF GOODS AND THE PROVISION OF FOOD AND BEVERAGES WITHIN A SPECIAL EVENT.

(A) Except as provided in Subsection (B), a person may not sell goods on city parkland or on a city street, sidewalk, or right-of-way within the area permitted for a special event.

(B) The sale of goods may occur if

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

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

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

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

§ 4-19-52 FIRE SAFETY.

(A) An event organizer shall comply with all applicable International Fire Code requirements as adopted and amended in Title 25 (*Land Development Code*) including but not limited to:

(1) fire lanes and public safety access;

(2) tents and temporary membrane structures;

(3) fireworks, pyrotechnics, open flames;

(4) theatrical flame or laser performances;

(5) occupant loads, exiting, and egress;

(6) use of decorative materials and finishes;

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

(8) crowd management.

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

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§ 4-19-53 MEDICAL SERVICES.

(A) An event organizer may hire private medical providers, including licensed medical providers that are not employed by the City of Austin, for medical support for a special event to supplement the services provided by the Emergency Medical Services Department.

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

ARTICLE 6. SPECIAL EVENT ENFORCEMENT.

§ 4-19-60 OFFENSE AND PENALTY.

(A) A person who violates a provision of this chapter or a requirement or condition of a special event permit is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.

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

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

(1) $2,000 for a violation of a provision of this chapter or a requirement or condition of a special event permit governing fire safety, zoning, or public health and sanitation, including dumping of refuse; or

(2) $500 for all other violations of this chapter or requirement or condition of a special event permit.

§ 4-19-61 REVOCATION OF SPECIAL EVENT PERMIT.

(A) ACE may revoke a special event permit if ACE determines:

(1) ACE issued the special event permit in error;

(2) the event organizer is conducting the event in manner that does not comply with the special event permit;

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(3) the event organizer fails to maintain insurance as required in Section 4-15-26 (*Insurance Required; Exceptions*);

(4) the event organizer or any person associated with the special event has failed to obtain any other permit required by the City Code; or

(5) the event poses a threat to public health or safety.

(B) Except as provided in Subsection (C), ACE may revoke a special event permit after it issues a notice of intent to revoke. The notice of intent will be in writing; specifically set forth the reasons for revocation; specify the corrective measures required for compliance and to prevent revocation; and provide a time period for compliance.

(C) Verbal notification is sufficient if an emergency that poses a threat to public health or safety requires immediate revocation. ACE may provide a warning to the event organizer prior to an immediate revocation.

(D) If an event organizer fails to take the corrective measures identified in the notice of intent within the time period provided, the special event permit is revoked without further action by ACE.

(E) If ACE revokes a special event permit prior to the start of the event, the event organizer may appeal to the appeal team.

(F) A revocation described in Subsection (C) that occurs during a special event is effective until the condition causing a threat to public health or safety is remedied and the special event no longer poses a threat to public health or safety.

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

CHAPTER 14-8 TEMPORARY CLOSURE FOR SPECIAL EVENTS AND BLOCK PARTIES.

ARTICLE 1. GENERAL PROVISIONS

§ 14-8-1 DEFINITIONS

In this chapter:

(1) AUSTIN CENTER FOR EVENTS means the entity created in Section 4-19-2 (*Austin Center For Events*).

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(2) BLOCK PARTY PERMIT means the permit approved by the director under Article 3 (*Neighborhood Block Party Requirements*) of this chapter.

(3) CLOSURE PERMIT means the permit approved by the director under Article 2 (*Special Events*) of this chapter.

(4) CRITICAL ROADWAY SEGMENT means roads identified in the Traffic Register.

(5) DEPARTMENT means the Austin Transportation Department.

(6) DIRECTOR means the Director of the Austin Transportation Department.

(7) SPECIAL EVENT means an event described by Section 4-19-1 (*Definitions*).

§ 14-8-2 APPLICABILITY.

This chapter applies to closures of City of Austin rights-of-way for a special event or a neighborhood block party.

§ 14-8-3 REVIEW AND REPORTING REQUIREMENTS.

In addition to other responsibilities assigned under the City Code, the Urban Transportation Commission shall periodically provide recommendations concerning:

(1) the impact of this chapter on the City;

(2) the maximum number of times per year that a particular public right-of-way should be eligible for closure under this chapter; and

(3) other transportation issues related to closure permits approved under this chapter.

ARTICLE 2. SPECIAL EVENTS.

§ 14-8-21 PERMIT REQUIRED

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

(1) a closure permit under this chapter;

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(2) a special event permit issued under Chapter 4-19 (*Special Events*); and

(3) any other permit required by the City Code.

(B) For purposes of this article, applicant means the person who applies for a special event permit under Chapter 4-19 (*Special Events*) and requests a closure permit.

§ 14-8-22 RESTRICTIONS ON APPROVAL OF CLOSURE PERMIT.

The director may not approve a closure permit for a special event:

(1) that would exceed the maximum number of special events, as established by Council, for which a particular public right-of-way may be closed during a calendar year; or

(2) for which the applicant has not paid the required fees.

§ 14-8-23 RIGHT-OF-WAY CLOSURE RULES.

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

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

(C) The Urban Transportation Commission may hold a public hearing on the proposed rules.

(D) The Urban Transportation Commission may provide a recommendation to the director on proposed rules within 30 days after the director files a notice under Chapter 1-2 (*Adoption of Rules*).

(E) As a condition of a closure permit, the applicant shall comply with any applicable rules established by the director under this section, under Chapter 4-19 (*Special Events*), or by separate ordinance.

§ 14-8-24 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 area included in the closure permit.

(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

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director may immediately halt the special event activities and reopen the public right-of-way.

§ 14-8-25 DEADLINE TO REQUEST A CLOSURE PERMIT.

An applicant must submit a request for a closure permit to the Austin Center for Events by the deadlines in Chapter 4-19 (*Special Events*).

§ 14-8-26 SECURITY DEPOSIT AND PAYMENT OF REQUIRED FEES.

(A) An applicant shall pay an application fee and safety inspection fee set by separate ordinance.

(B) Unless the department requires the applicant to provide a traffic control plan, an applicant shall pay a traffic control plan fee set by separate ordinance.

(C) Unless the department requires the applicant to use a private barricade entity, an applicant shall pay the actual costs of city-contracted services for barricades, signs, and devices to be used for redirecting traffic around the area included in the closure permit.

(D) If required by the director, an applicant shall pay a security deposit, established by separate ordinance, before a special event begins.

(E) A permittee may provide a written request to the director for a refund of any unused portion of the deposit following the special event. The director shall make such refund no later than 30 days following the receipt of the written request.

§ 14-8-27 DOCUMENTATION REQUIREMENTS.

(A) An applicant must submit a request for a closure permit that includes the following information:

(1) the proposed closure areas;

(2) the proposed use of the closure areas; and

(3) the proposed closure hours.

(B) The department may require an applicant to provide: a traffic control plan signed and sealed by a professional engineer licensed in the State of Texas that shows the location of all barricades, signs, and devices to be used for redirecting traffic around the area included in the closure permit; or a letter from a private barricade entity stating that

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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.

§ 14-8-28 APPROVAL OF PERMIT.

(A) The director shall approve a closure permit if the director determines that the application complies with this chapter, rules adopted under this chapter, and Chapter 4-19 (*Special Events*).

(B) A closure permit is not effective unless the Austin Center for Events approves the companion special event permit.

§ 14-8-29 APPEAL OF DENIAL OF APPLICATION.

If an application for a closure permit is denied, the applicant may file an appeal in accordance with Section 4-19-35 (*Appeal of Special Event Application Denial*).

ARTICLE 3. NEIGHBORHOOD BLOCK PARTY REQUIREMENTS

§ 14-8-31 PERMIT REQUIRED.

A person may not temporarily close a residential street to conduct, start, participate, or assist in a neighborhood block party, unless the person obtains:

(1) a block party permit required by this article; and

(2) any other permit required by the City Code.

§ 14-8-32 NEIGHBORHOOD BLOCK PARTY.

(A) A neighborhood block party is an event on a residential street for individuals that live in the immediate area of the residential street.

(B) For purposes of this article, a residential street is a block of right-of-way that abuts single family dwellings.

(C) A neighborhood block party cannot be located on a residential street that:

(1) is controlled with an automated traffic control device at either end of the block; or

(2) includes any bus or rail stops operated by Capital Metro.

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(D) A neighborhood block party cannot close an intersection with another street.

§ 14-8-33 APPLICATION REQUIRED.

(A) A person must submit an application for a block party permit on a form approved by the director.

(B) An applicant shall pay an application fee set by separate ordinance.

(C) An applicant must submit proof to the director that occupants of the property impacted agree to the neighborhood block party.

(D) An application must be submitted at least 10 calendar days before a neighborhood block party.

(E) The director shall approve a block party permit if the director determines that the application complies with this article.

§ 14-8-34 APPEAL OF A DENIAL OF AN APPLICATION.

(A) If an application for a block party permit is denied, the applicant may appeal to the director.

(B) An applicant must submit an appeal within 10 business days after the applicant is notified that the application has been denied.

(C) The director may uphold or reverse the denial of the application.

§ 14-8-35 BARRICADES.

An applicant shall use traffic control devices and barricades to close a street as required by the director and by the Texas Manual on Uniform Traffic Control Devices.

§ 14-8-36 INDEMNIFICATION.

An applicant must execute a written agreement to indemnify the City and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of alleged willful or negligent acts or omissions of the applicant in connection with the neighborhood block party.

ARTICLE 4. ENFORCEMENT

§ 14-8-41 OFFENSE AND PENALTY.

(A) A person commits an offense if the person violates:

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(1) any provisions of this chapter;

(2) the terms of a closure permit; or

(3) the terms of a block party permit.

(B) A person commits an offense if the person closes a public right-of-way or residential street without a permit required by this chapter.

(C) A person who violates a provision of this chapter commits a separate offense for each day or part of a day during which the violation is committed or continued.

(D) An offense under this chapter is a Class C misdemeanor punishable by a fine not to exceed $500. A culpable mental state is not required for the commission of an offense under this chapter, and need not be proved.

PART 4. City Code Section 14-6-3 (*Temporary Closure for a Street Festivity*) is repealed.

PART 5. City Code Section 9-2-36 (*Types of Live Music Permits*), Section 9-2-37 (*24-Hour Live Music Permit*), Section 9-2-38 (*Multi-Day Special Events Permit*), Section 9-2-51 (*Additional Review for Temporary Events*), and Section 9-2-52 (*Temporary Event Impact Plan*) are repealed.

PART 6. City Code Chapter 9-2 (*Noise and Amplified Sound*) is amended to amend Subsection (A) of Section 9-2-32 (*Notice Sign Requirements For Live Music Permits*), Section 9-2-50 (*Music Office Review*), Section 9-2-54 (*Notice of Application*), Section 9-2-56 (*Administrative Appeal*), Section 9-2-63 (*Suspension of a Permit*), Section 9-2-64 (*Revocation of a Permit*), and Section 9-2-65 (*Notice of Intent to Suspend a Permit*) to read as follows:

§ 9-2-32 NOTICE SIGN REQUIREMENTS FOR LIVE MUSIC PERMITS.

(A) The owner or operator of a site or property for which a permit has been issued under [~~Section 9-2-38 (*Multi-Day Special Events Permit*) or~~] Section 9-2-39 (*Permit for an Outdoor Music Venue*) shall prominently post signs that include information required under Subsection (B) of this section.

§ 9-2-50 MUSIC OFFICE REVIEW.

(A) Within three [~~(3)~~] days of receiving an application for <u>an outdoor music venue permit under Section 9-2-39 (*Outdoor Music Venue Permit*)</u> [~~any of~~

(1) any provisions of this chapter;

(2) the terms of a closure permit; or

(3) the terms of a block party permit.

(B) A person commits an offense if the person closes a public right-of-way or residential street without a permit required by this chapter.

(C) A person who violates a provision of this chapter commits a separate offense for each day or part of a day during which the violation is committed or continued.

(D) An offense under this chapter is a Class C misdemeanor punishable by a fine not to exceed $500. A culpable mental state is not required for the commission of an offense under this chapter, and need not be proved.

PART 4. City Code Section 14-6-3 (*Temporary Closure for a Street Festivity*) is repealed.

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§ 9-2-32 NOTICE SIGN REQUIREMENTS FOR LIVE MUSIC PERMITS.

(A) The owner or operator of a site or property for which a permit has been issued under [~~Section 9-2-38 (*Multi-Day Special Events Permit*) or~~] Section 9-2-39 (*Permit for an Outdoor Music Venue*) shall prominently post signs that include information required under Subsection (B) of this section.

§ 9-2-50 MUSIC OFFICE REVIEW.

(A) Within three [~~(3)~~] days of receiving an application for <u>an outdoor music venue permit under Section 9-2-39 (*Outdoor Music Venue Permit*)</u> [~~any of~~

~~the following permits~~], the accountable official must forward the application to the music office for review under this section.[~~:~~

~~(1) Section 9-2-37 (24-Hour Live Music Permit);~~

~~(2) Section 9-2-38 (Multi-Day Special Event Permit); and~~

~~(3) Section 9-2-39 (Outdoor Music Venue Permit).~~]

§ 9-2-54 NOTICE OF APPLICATION.

(A) Not later than the 14th day after receiving an application under [~~Section 9-2-38 (*Multi-Day Special Events Permit*) or~~] Section 9-2-39 (*Permit for an Outdoor Music Venue*), the accountable official shall provide notice of the application under this section.

§ 9-2-56 ADMINISTRATIVE APPEAL.

(A) Except as provided in Subsection (E) of this section, an interested party may appeal a decision by the accountable official on an application for a permit under [~~Section 9-2-38 (*Multi-Day Special Events Permit*) or~~] Section 9-2-39 (*Permit for an Outdoor Music Venue*).

§ 9-2-63 SUSPENSION OF A PERMIT.

(A) The accountable official may suspend a permit if the official determines that:

(1) the permit was issued in error; or

(2) at least four documented violations of the [~~Temporary Event Impact Plan or~~] Sound Impact Plan have occurred within a 45-day period.

§ 9-2-64 REVOCATION OF A PERMIT

(A) The accountable official may immediately revoke a permit issued pursuant to [~~Section 9-2-38 (*Multi-Day Special Events Permit*) or~~] Section 9-2-39 (*Permit for an Outdoor Music Venue*) that has been suspended if the accountable official determines that [~~Temporary Event Impact Plan or~~] Sound Impact Plan has [~~have~~] been violated:

(1) during the suspension; or

(2) within six months after the end of the suspension.

§ 9-2-65 NOTICE OF INTENT TO SUSPEND A PERMIT.

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(A) The accountable official may give notice to the permit holder of the official's intent to suspend a permit issued under [~~Section 9-2-38 (*Multi-Day Special Events Permit*) or~~] Section 9-2-39 (*Permit for an Outdoor Music Venue*).

PART 7. Parts 2, 3, 4, 5, and 6 of this ordinance apply only to an application for a special event submitted on or after October 1, 2018. An application submitted on or before September 30, 2018, is governed by the law as it existed immediately before the effective date of this ordinance, and that law is continued in effect for that purpose.

Commented [LP15]: Updated because Council action will not occur until May, 2018.

PART 8. This ordinance takes effect on _____, 2018.

PASSED AND APPROVED

§
§
_____, 2018 § _____
Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan — Jannette S. Goodall
City Attorney — City Clerk

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ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE TITLE 4 TO ADD CHAPTER 4-19 RELATING TO SPECIAL EVENTS; REPEALING AND REPLACING CHAPTER 14-8 RELATING TO RIGHT-OF-WAY CLOSURES FOR SPECIAL EVENTS AND NEIGHBORHOOD BLOCK PARTIES; REPEALING SECTION 14-6-3 RELATING TO CLOSURES FOR A STREET FESTIVITY; AMENDING CHAPTER 9-2 RELATING TO 24-HOUR LIVE MUSIC AND MULTI-DAY SPECIAL EVENT PERMITS; AND CREATING OFFENSES AND PENALTIES.

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;

(5) A special event permit application will allow the City to manage the competing uses of its public safety personnel and resources;

(6) The special events team will be able to assist event organizers in obtaining all necessary permits and facilitate the timely and efficient processing of permit applications;

(7) Citizens need to quickly access public space to respond to current events through spontaneous speech;

(8) A special event permit application process will allow the City to manage the competing uses of its public spaces and ensure

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that members of the public are able to access public space for their events;

(9) Many event organizers must apply for permits from multiple City departments;

(10) An interdepartmental team acting as a "one-stop shop" for special events will provide a single point of contact for event organizers and the public;

(11) When more than one event occurs in the same general area, the occupancy level of adjacent city streets and sidewalks increase, which may create an unsafe condition and strain the City's resources and infrastructure;

(12) 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

(13) Many special events are conducted on an annual basis and have been operating in substantially the same form for at least 20 years, and these events contribute to the City's identity.

PART 2. City Code Title 4 (*Business Regulations and Permits*) is amended to add a new Chapter 4-19 (*Special Events*) to read as follows:

CHAPTER 4-19 SPECIAL EVENTS

ARTICLE 1. GENERAL PROVISIONS.

§ 4-19-1 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 a participant, an athlete, or the event staff present during a special event. This term includes a vendor or volunteer.

Commented [LP1]: Changes:
- "Other individuals" was removed;
- Clarifies that the term includes a vendor or volunteer

(3) CITY FACILITY means city parkland, buildings, and all other city-owned, controlled, or maintained property that is not a

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street, sidewalk, right-of-way, or spaces not open to the general public for rental.

(4) DIVERSION means the act of redirecting material from disposal for a higher or best use.

(5) EVENT ORGANIZER means any person who conducts, manages, or organizes a special event.

(6) IMPACT means to impede, obstruct, impair, or interfere with normal vehicular or pedestrian traffic.

(7) LEGACY EVENT means a special event that has been held in the City of Austin in substantially the same form for a minimum of 20 consecutive years.

(8) POLICE-ESCORTED BUBBLE means a procession where individuals proceed within a perimeter of police officers or police vehicles.

(9) PRELIMINARY RECOMMENDATION means the initial review of a special event application.

(10) RIGHT-OF-WAY CLOSURE AREA means a city street, sidewalk, alley, walkway, or right-of-way that is part of a special event venue.

(11) SOUND EQUIPMENT means a loud speaker, microphone, public address system, amplification system, turntable, or other similar digital or analog device that amplifies sound.

(12) SPECIAL EVENT means an event that

(a) Has 100 or more attendees per day at a city facility, other than the Austin Convention Center, Long Center, City Hall, or Palmer Events Center;

(b) Impacts a city street, sidewalk, alley, walkway, or other city public right-of-way other than as permitted under Chapter 14-6 (*Temporary Street Closures*); or

(c) Is temporary, involves 100 or more attendees per day; and

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(i) is inconsistent with the permanent use to which the property may legally be used, or the occupancy levels permitted on the property; and

(ii) includes one of the following: set up of temporary structures, including, but not limited to, tents, stages, or fences; use of sound equipment in an area described in Section 4-19-43(A); or provision of food or beverages, including alcohol.

Commented [LP2]: Added more description for clarity.

(13) SPECIAL EVENT IMPACT AREA means the geographic area surrounding a special event venue that is subject to the requirements in Section 4-19-25 (*Special Event Impact Area*).

(14) SPECIAL EVENT VENUE means the property where the special event will occur.

(15) SPRING FESTIVAL SEASON means the Friday of the second week of March through Sunday during the third week of March, unless the City Manager designates an alternate 10-day period for a particular year.

(16) SUPERVISING POLICE OFFICER means the Austin Police Department representative designated by the Austin Police Department Special Events Commander.

(17) WASTE MANAGEMENT means collection of solid waste, recyclables, organics, and hazardous waste for disposal or diversion and includes litter control and street cleaning.

§ 4-19-2 AUSTIN CENTER FOR EVENTS.

(A) The City Manager shall create an Austin Center for Events (ACE) to carry out the responsibilities under this chapter. ACE will be comprised of employees from City departments that regulate, permit, or host special events.

(B) ACE shall review applications for special event permits; and shall approve or deny applications in compliance with this chapter and with rules adopted under this chapter.

(C) ACE may establish a special event impact area in the geographic area surrounding a special event venue.

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(D) For purposes of Chapter 25-2, Article 6 (*Temporary Uses*), approval by ACE is approval by the accountable official.

(E) In carrying out its duties, ACE may:

(1) set reasonable boundaries for the special event venue and special event impact area;

(2) impose reasonable conditions on the special event based on public health, safety, and welfare;

(3) coordinate permit issuance or authorizations for the special event with other city departments;

(4) require consolidated applications;

(5) consult with public agencies that have ownership or jurisdiction over land within a special event venue or district; and

(6) adopt rules governing the administration and enforcement of this chapter, including application requirements and provisions for interdepartmental review.

§ 4-19-3 CONFLICTS WITH THIS CHAPTER.

To the extent a conflict exists, this Chapter controls.

ARTICLE 2. SPECIAL EVENT PERMIT.

§ 4-19-20 PERMIT REQUIRED; EXCEPTIONS.

(A) Except as provided in Subsections (B) and (C), a special event permit issued under this chapter is required to conduct, manage, or operate a special event.

(B) A special event permit under this chapter is not required for:

(1) an event, which may include food or non-alcoholic beverage service, conducted entirely

(a) on city parkland that uses only Parks and Recreation Department facilities, personnel and equipment; or

(b) in a city auditorium or meeting room that requires only the facilities, personnel, or equipment associated with the facility; or

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§ 4-19-23 OTHER PERMITS OR LICENSES REQUIRED.

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

(B) A special event conducted in compliance with this chapter does not require a separate temporary use permit under Chapter 25-2, Article 6 (*Temporary Uses*).

§ 4-19-24 LIMITATIONS ON THE PROVISION OF CITY SERVICES; COSTS AND FEES.

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

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

(1) the wages or salaries set by separate ordinance for city personnel involved in traffic control, event security, fire safety, medical safety, waste management, and other facility or event support;

(2) the use of city equipment, city-contracted services, and other non-personnel expenses; and

(3) any clean-up activity directly related to the special event, not provided by the event organizer that is required to restore the area to the same condition that existed prior to the special event.

(C) If the City is a co-sponsor of a special event, city services, equipment, or personnel may, with City Council approval, be provided to support a special event without charge.

(D) The event organizer shall not be required to provide or pay for the cost of city personnel who are present to protect event attendees from counter-demonstrators or members of the public who are hostile to the event.

(E) The City may also charge any other fees set by separate ordinance to recover costs associated with special events.

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(F) The City will not charge the wages or salaries for on-duty police officers who provide police security for a right-of-way closure area.

(G) If an event organizer requests an estimate of the charges or fees described in Subsections (B) and (E), ACE will provide an estimate at least 15 business days before the start of the special event.

(H) An event organizer shall pay to the City:

(1) within 10 business days from the date the special event ends, the estimated charges and fees described in Subsections (B) and (E); and

(2) within 20 business days from the date ACE provides the event organizer with a bill that identifies the balance due for actual charges and fees described in Subsections (B) and (E).

Commented [LP5]: This language aligns with current staff practices.

§ 4-19-25 SPECIAL EVENT IMPACT AREA.

(A) In the interests of public health, safety, and welfare, ACE may designate a special event impact area that surrounds a special event. If a special event impact area is designated, ACE may limit the number of permits, applications, or approvals described in Subsection (C) issued within the special event impact area.

(B) ACE will set the duration and boundaries of a special event impact area:

(1) consulting with affected city departments and public agencies; and

(2) balancing the needs of the special event with public health, safety, and welfare.

(C) ACE will determine, based on rules adopted in accordance with Chapter 1-2 (*Adoption of Rules*), the maximum number of special event permits or associated approvals that may be issued in a special event impact area.

(D) A business or property, including a vendor licensed under Chapter 14-9, Article 3 (*Street Vendor License*), located within the area of a special event impact area will not be required to seek additional permits if the business or property operates in a manner consistent with its existing permits.

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§ 4-19-26 INSURANCE REQUIRED; EXCEPTIONS.

(A) Except as provided in Subsection (F), the event organizer must possess or obtain insurance to protect the City against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the special event that impacts or occurs on city property, including city facilities and city streets, sidewalks, and other right-of-way.

(B) The insurance shall name the City as an additional insured and must be maintained for the duration of the special event.

(C) Failure to maintain insurance immediately preceding, during the special event, and until the conclusion of the permit period is grounds to revoke the special event permit.

(D) The City will determine the necessary amount of insurance.

(E) The insurance required by this section is not a substitute for insurance requirements that may be imposed by other required city permits.

(F) An event organizer is exempt from providing the insurance required by this section if:

(1) the special event occurs exclusively on private property; or

(2) the event organizer demonstrates that it is impossible or impractical to obtain insurance coverage.

§ 4-19-27 INDEMNIFICATION.

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

ARTICLE 3. SPECIAL EVENT APPLICATIONS.

§ 4-19-30 SPECIAL EVENT APPLICATION FEES AND DEADLINES.

(A) An event organizer shall pay an application fee set by separate ordinance.

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(B) An event organizer must submit a special event application no later than the following number of days prior to the first day of the proposed event:

(1) 3 business days for a Tier 1 event;

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

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

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

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

(1) the event organizer can show good cause, as defined in rules adopted in accordance with Chapter 1-2 (*Adoption of Rules*); and

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

§ 4-19-31 CONTENTS OF SPECIAL EVENT APPLICATION.

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

(B) Except as provided in Subsection (C), an application must contain all of the information described in this section and in rules adopted in accordance with Chapter 1-2 (*Adoption of Rules*) that is applicable to the event in order to be deemed complete.

(C) ACE may consider an application for a Tier 3 or Tier 4 event complete without the following:

(1) detailed information concerning the activities included in the special event, including:

(a) the number of bands or other musical units;

(b) the number of theatrical performances;

(c) the proposed size, location, and orientation of speakers;

(d) the ancillary activities that will be associated with the event;

Commented [LP6]: This simplifies the application deadlines.

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(e) the kinds of animals anticipated to be a part of the event;

(f) the types of non-emergency vehicles to be used for the event; and

(2) detailed information concerning:

(a) food and alcohol required to comply with Chapter 10-3 (*Food and Food Handlers*);

(b) the proposed location of portable sanitation facilities; and

(c) the proposed location of all landfill trash containers and all diversion containers;

(3) 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 described in Section 4-19-50 (*Public Safety Plan*); and

(c) other equipment or services necessary to conduct the event with due regard to public health and safety.

(D) ACE shall establish a deadline, which must be at least 30 days before the first day of the event, for the information required by Subsection (C) to be provided to ACE.

(E) 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 364 calendar days prior to the first day of the special event.

§ 4-19-32 SPECIAL EVENT APPLICATION REVIEW.

(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:

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(4) public safety concerns.

§ 4-19-35 APPEAL OF SPECIAL EVENT APPLICATION DENIAL.

(A) If ACE denies a special event application, the event organizer may appeal the denial to the appeal team.

(B) The event organizer must deliver an appeal to ACE no later than 10 business days after the event organizer is notified that the application was denied.

(C) The appeal team must act on the appeal within 10 business days and may uphold or reverse the denial.

(D) In considering the appeal, the appeal team shall apply the same criteria as ACE under Section 4-19-34 (*Approval or Denial of Special Event Application*).

§ 4-19-36 NOTICE OF PROPOSED SPECIAL EVENT DATES.

A legacy event may submit a notice of proposed special event dates for up to five year period on a form approved by ACE. A legacy event must still comply with Section 4-19-30 (*Special Event Application Fees and Deadlines*) and Section 4-19-31 (*Contents of a Special Event Application*) each year of the event.

ARTICLE 4. OPERATION.

§ 4-19-40 UNPERMITTED SPECIAL EVENTS PROHIBITED.

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

§ 4-19-41 COMPLIANCE WITH PERMITS, APPROVALS, AND PLANS.

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

§ 4-19-42 THE SALE OF GOODS AND THE PROVISION OF FOOD AND BEVERAGES WITHIN A SPECIAL EVENT.

(A) Except as provided in Subsection (B), a person may not sell goods on city parkland or on a city street, sidewalk, or right-of-way within the area permitted for a special event.

(B) The sale of goods may occur if

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(1) ACE approves the sale of goods on parkland; or

(2) the event organizer obtains a closure permit under Chapter 14-8 (*Temporary Closure for Special Events and Block Parties*); or

(3) the vendor is authorized under Chapter 14-9 (*Street Vendor License*).

(C) Except as provided in Subsection (D), a person may not provide food or beverages, including alcohol, at a special event.

(D) At a special event, a person may provide food or beverages, including alcohol, only if the person is authorized under Chapter 10-3 (*Food and Food Handlers*).

(E) The provision of food or beverages at a special event shall comply with the requirements under Chapter 10-3 (*Food and Food Handlers*).

§ 4-19-43 SOUND EQUIPMENT FOR OUTDOOR SPECIAL EVENT VENUES.

(A) In this section, an outdoor special event venue is a venue that is not fully enclosed by permanent, solid walls, and roof.

(B) Except as provided by Subsection (C), the use of sound equipment is prohibited at an outdoor special event venue.

(C) Sound equipment may be used at an outdoor special event venue only if approved by ACE.

(D) An outdoor special event venue located on parkland is not subject to Subsections (E) and (G) through (L). An outdoor special event venue in a right-of-way closure area is not subject to Subsections (F) through (L).

(E) ACE may approve the use of sound equipment in a right-of-way closure area between 6:00 a.m. and 12:00 midnight.

(F) ACE may approve the use of sound equipment at an outdoor special event venue that is located on parkland:

(1) between 10:00 a.m. and 10:00 p.m. or 11:00 p.m. for use on a permanently constructed bandstand; or

(2) within the Grove Planned Unit Development, generally located at the intersection of Bull Creek Road and West 45th Street, between 10:00 a.m.

Commented [LP10]: Changes:
- Added this language align with Chapter 8-1 (*Parks Administration*).

Commented [LP11]: This language was added to ensure that sound equipment associated with events that occur before 10:00 am is included. It also simplifies the requirements applied to events in a right-of-way closure area.

Commented [LP12]: This language was added to align with the recent changes in Chapter 8-1 (*Parks Administration*).

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(1) ACE approves the sale of goods on parkland; or

(2) the event organizer obtains a closure permit under Chapter 14-8 (*Temporary Closure for Special Events and Block Parties*); or

(3) the vendor is authorized under Chapter 14-9 (*Street Vendor License*).

(C) Except as provided in Subsection (D), a person may not provide food or beverages, including alcohol, at a special event.

(D) At a special event, a person may provide food or beverages, including alcohol, only if the person is authorized under Chapter 10-3 (*Food and Food Handlers*).

(E) The provision of food or beverages at a special event shall comply with the requirements under Chapter 10-3 (*Food and Food Handlers*).

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(C) Sound equipment may be used at an outdoor special event venue only if approved by ACE.

(D) An outdoor special event venue located on parkland is not subject to Subsections (E) and (G) through (L). An outdoor special event venue in a right-of-way closure area is not subject to Subsections (F) through (L).

(E) ACE may approve the use of sound equipment in a right-of-way closure area between 6:00 a.m. and 12:00 midnight.

(F) ACE may approve the use of sound equipment at an outdoor special event venue that is located on parkland:

(1) between 10:00 a.m. and 10:00 p.m. or 11:00 p.m. for use on a permanently constructed bandstand; or

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Commented [LP12]: This language was added to align with the recent changes in Chapter 8-1 (*Parks Administration*).

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(a) and 9:00 p.m. Sunday through Thursday; or

(b) and 9:30 p.m. Friday, Saturday, or a national holiday.

(G) Unless Subsections (F) or (G) apply, ACE may approve the use of sound equipment between 10:00 a.m. and:

(1) 10:30 p.m. Sunday through Wednesday; or

(2) 11:00 p.m. on Thursday; or

(3) 12:00 midnight on

(a) Friday,

(b) Saturday, or

(c) the night before New Years' Day, Memorial Day, Independence Day, or Labor Day.

(H) ACE may approve the use of sound equipment between 10:00 a.m. and 2:00 a.m. every day if the special event will occur at a special event venue that is located within the Warehouse District or Sixth Street District; and anticipates 600 or fewer attendees.

(I) ACE may approve the use of sound equipment between 10:00 a.m. and 2:00 a.m. during Spring Festival Season.

(J) ACE may approve the use of sound equipment for no more than four consecutive days or non-consecutive days during a 30-day period.

(K) A premises may be the subject of only one approval to use sound equipment at a special event during a 30-day period, which begins the day after the approval associated with the premises expires.

(L) The City will only allow a premises to be the subject of an approval to use sound equipment at a special event for up to 19 days per calendar year.

(M) ACE may not approve the use of sound equipment that causes sound to exceed 85 "A"-weighted decibels.

(N) A sound impact plan is required and must be approved by ACE. The elements of a sound impact plan include:

(1) sound-mitigating design features;

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(2) prescribed decibel limits;

(3) operating hours for sound equipment;

(4) use of decibel meters or sentinels on site;

(5) contact information for the individual responsible for operating the sound equipment during the special event; and

(6) any other elements required by ACE.

(O) If ACE approves the use of sound equipment during a special event, the following applies:

(1) a person may not operate sound equipment to cause sound that exceeds the decibel limit established by ACE in the applicable sound impact plan; and

(2) an event organizer must require an individual to be present and responsible for operating sound equipment during the operating hours for the special event.

§ 4-19-44 ADDITIONAL REQUIREMENTS.

(A) An event organizer must provide portable toilets based on the estimated number of attendees at the special event.

(B) A waste management plan is required for any special event and must be based on the estimated number of attendees and include proof of waste management services that will be provided.

(C) After a special event, an event organizer shall provide that proof that it provided waste management services at the special event.

(D) A waste reduction and diversion plan is required for Tier 2 and Tier 3 special events.

(E) A Tier 4 special event shall provide ACE the following:

(1) waste reduction and diversion plan;

(2) emissions management plan; and

(3) plan for bicycle parking and encouraging alternative transportation.

Commented [LP13]: Changed "reduction" to "management" to add clarity and better describe the requirement.

(F) When required for a special event, a waste management plan, waste reduction and diversion plan, emission management plan, and a plan for bicycle parking and encouraging alternative transportation must comply with rules adopted in accordance with Chapter 1-2 (*Adoption of Rules*) and must be approved by ACE.

Commented [LP14]: Same reason for change described in Subsection (E).

(G) During a special event held at a city facility or on city streets, sidewalks, or right-of-way, an event organizer may not provide or distribute, or allow another to provide or distribute:

(1) expanded polystyrene; or

(2) glass containers.

(H) An event organizer may not provide or distribute, or allow another to provide or distribute single-use carryout bags, as defined in Section 15-6-121 (*Definitions*), during a special event.

(I) An event organizer shall provide suitable protection around storm water inlets to prevent debris from entering the storm water system.

(J) If applicable, an event organizer shall post a sign at each entrance and exit to a special event venue with a right-of-way closure area that is visible to all patrons entering the area that includes the amount of the entry fee, if any, and the rules of access to the right-of-way closure area. If applicable, an event organizer must post the sign required by this subsection during the time the entry fee is in effect.

(K) 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:

(1) a residence within a special event impact area or right-of-way closure area; or

(2) a business within a special event impact area or right-of-way closure.

(L) An Americans 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 Chapter 469, the Texas Accessibility Standards in Texas Administrative Code Chapter 65, and Texas Human Resources Code Chapter 121.

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ARTICLE 5. PUBLIC SAFETY

§ 4-19-50 PUBLIC SAFETY PLAN.

(A) A public safety plan is required for any special event and must be approved by ACE.

(B) An event organizer shall prepare a public safety plan for a special event that is based on the estimated number of attendees and, at a minimum, includes:

(1) on-site security for attendees and property;

(2) on-site medical coverage, number of and level of certification of emergency medical responders, and the 911-access that will be utilized for the special event;

(3) fire safety plan; and

(4) documents required in Section 14-8-27 (*Documentation Requirements*).

(C) When required for a special event, the number of police officers, emergency medical providers, and fire department employees required for a special event must be based on rules adopted in accordance with Chapter 1-2 (*Adoption of Rules*).

(D) At least 30 days prior to the start of a Tier 3 or Tier 4 special event, an event organizer shall provide ACE a written description of all non-city public safety resources that will be used at the special event.

§ 4-19-51 PERSONAL SECURITY AND PROPERTY SECURITY.

(A) An event organizer may hire private security, including licensed peace officers that are not employed by the City of Austin, for personal safety or property security during a special event to supplement the services provided by the Austin Police Department.

(B) Private security employed pursuant to Subsection (A) must:

(1) be in uniform;

(2) be able to contact City police, fire, or emergency medical services if necessary;

(3) remain on-site during the special event;

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~~the following permits~~], the accountable official must forward the application to the music office for review under this section.[~~:~~

~~(1) Section 9-2-37 (24-Hour Live Music Permit);~~

~~(2) Section 9-2-38 (Multi-Day Special Event Permit); and~~

~~(3) Section 9-2-39 (Outdoor Music Venue Permit).~~]

§ 9-2-54 NOTICE OF APPLICATION.

(A) Not later than the 14th day after receiving an application under [~~Section 9-2-38 (*Multi-Day Special Events Permit*) or~~] Section 9-2-39 (*Permit for an Outdoor Music Venue*), the accountable official shall provide notice of the application under this section.

§ 9-2-56 ADMINISTRATIVE APPEAL.

(A) Except as provided in Subsection (E) of this section, an interested party may appeal a decision by the accountable official on an application for a permit under [~~Section 9-2-38 (*Multi-Day Special Events Permit*) or~~] Section 9-2-39 (*Permit for an Outdoor Music Venue*).

§ 9-2-63 SUSPENSION OF A PERMIT.

(A) The accountable official may suspend a permit if the official determines that:

(1) the permit was issued in error; or

(2) at least four documented violations of the [~~Temporary Event Impact Plan or~~] Sound Impact Plan have occurred within a 45-day period.

§ 9-2-64 REVOCATION OF A PERMIT

(A) The accountable official may immediately revoke a permit issued pursuant to [~~Section 9-2-38 (*Multi-Day Special Events Permit*) or~~] Section 9-2-39 (*Permit for an Outdoor Music Venue*) that has been suspended if the accountable official determines that [~~Temporary Event Impact Plan or~~] Sound Impact Plan has [~~have~~] been violated:

(1) during the suspension; or

(2) within six months after the end of the suspension.

§ 9-2-65 NOTICE OF INTENT TO SUSPEND A PERMIT.

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(A) The accountable official may give notice to the permit holder of the official's intent to suspend a permit issued under [~~Section 9-2-38 (*Multi-Day Special Events Permit*) or~~] Section 9-2-39 (*Permit for an Outdoor Music Venue*).

PART 7. Parts 2, 3, 4, 5, and 6 of this ordinance apply only to an application for a special event submitted on or after October 1, 2018. An application submitted on or before September 30, 2018, is governed by the law as it existed immediately before the effective date of this ordinance, and that law is continued in effect for that purpose.

Commented [LP15]: Updated because Council action will not occur until May, 2018.

PART 8. This ordinance takes effect on _____, 2018.

PASSED AND APPROVED

§
§
_____, 2018 § _____
Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan — Jannette S. Goodall
City Attorney — City Clerk

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§ 4-19-34 APPROVAL OR DENIAL OF A SPECIAL EVENT APPLICATION.

(A) If ACE determines that none of the conditions specified in Subsections (B) or (C) apply, ACE shall approve a special event application.

(B) ACE shall deny a special event application if the applicant fails to:

(1) provide a complete application;

(2) provide the documentation required in Section 14-8-27 (*Documentation Requirements*);

(3) provide sufficient crowd control and safety measures;

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

(5) provide sufficient waste management services;

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

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

(8) obtain the approval of any other public agency within whose jurisdiction the special event or a 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 or approvals;

(11) meet the conditions set forth in Section 4-19-32(A) (*Special Event Application Review*); or

(12) make revisions to a pending application that ACE requires.

(C) ACE shall deny a special event application if it determines that:

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(1) no other approved or pending special events conflict with the event organizer's proposed special event;

(2) a prior special event permit or a permit issued under Chapter 14-8 (*Temporary Closure for Special Events and Block Parties*) was not revoked by the City in the preceding 12 months;

(3) the City has sufficient resources to address public health and safety concerns raised by the special event; and

(4) the event will not cause an unresolvable conflict 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 Tier 4 event per event organizer during any two-week period.

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

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

(E) For a Tier 2 event, ACE will take final action to approve or deny an application no later than 30 days after the application is deemed complete.

(F) For a Tier 1, ACE will take final action to approve or deny an application no later than the close of business one business day before the start of the special event.

(G) During the application review period, ACE will engage in an interactive process with applicants.

§ 4-19-33 NOTIFICATION OF A SPECIAL EVENT APPLICATION.

(A) An event organizer shall provide notification as described in rules adopted in accordance with Chapter 1-2 (*Adoption of Rules*).

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

Commented [LP7]: Changes:
- Removed language related to blocking traffic or close streets during peak commuter hours.
- Modified this item to focus on unresolvable conflicts for a public right-of-way or a public facility.

Commented [LP8]: This language is to clarify the amount of time ACE has to review and take action to approve or deny an application for a Tier 2 event.

Commented [LP9]: This language adds clarity to the review process.

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(2) a spontaneous event for which it is not reasonably possible to provide the advance notice required by this chapter, such as an event occasioned by recent news or current affairs, that is conducted solely on city sidewalks or parkland. An organizer of a spontaneous event must provide notice to the Austin Police Department of the date, time, place, and an estimate of the approximate number of persons who will be participating at least four hours before the event, or provide other notice that may be reasonable under the circumstances.

(C) A special event permit is not required for an event that complies with Chapter 14-8, Article 3 (*Neighborhood Block Party Requirements*).

§ 4-19-21 CATEGORIES OF SPECIAL EVENTS.

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

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

(1) is stationary, impacts only one block of a sidewalk or a city right-of-way that is not a street, and only needs a permit issued under Chapter 14-8 (*Temporary Closure for Special Events and Block Parties*); or

(2) is moving and consists exclusively of people in a police-escorted bubble; or

(3) is an assembly at a city facility, lasts less than five hours, and does not include food or beverages or a request to increase the permanent occupancy limit.

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

(1) is an assembly at a city facility that estimates attendance at less than 2,500 attendees per day; or

(2) is an assembly lasting four days or less, that is held primarily on private property, and that estimates attendance at less than 2,500 attendees per day; or

(3) is stationary and impacts up to two blocks of a street, sidewalk, or city right-of-way.

Commented [LP3]: Change:
- Added language to clarify that a street closure is not included.

Commented [LP4]: Changes:
- Added language to ensure consistency with existing timelines if additional permits/approvals are required.
- Removed private property events from Tier 1 because of existing timelines related to food/beverage permits and requests to increase a permanent occupancy limit.
-These changes allow for simplified application deadlines.

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

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

(1) is an assembly at two or more city facilities and that includes the use of city streets, sidewalks, or right-of-ways; or

(2) has an estimated need, based on its permit application, for $100,000 or more in city services, staff time, and equipment.

§ 4-19-22 SPECIAL EVENT PERMIT.

(A) Except as provided in Section 4-19-20 (*Permit Required; Exceptions*), a person shall obtain a special event permit issued by ACE before the person may conduct, manage, or operate a special event.

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

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

(D) As a condition of a special event permit, the event organizer or a person who represents the event organizer shall:

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

(2) be present at all times during the operating hours for the special event;

(3) provide ACE with contact information for an individual who is responsible for set-up and take-down of the special event;

(4) ensure compliance with all applicable ordinances, regulations, rules, and the special event permit; and

(5) accept all notices of violation, citations, and closure orders.

(E) A special event permit is only effective after the event set-up has passed all required inspections.

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§ 4-19-34 APPROVAL OR DENIAL OF A SPECIAL EVENT APPLICATION.

(A) If ACE determines that none of the conditions specified in Subsections (B) or (C) apply, ACE shall approve a special event application.

(B) ACE shall deny a special event application if the applicant fails to:

(1) provide a complete application;

(2) provide the documentation required in Section 14-8-27 (*Documentation Requirements*);

(3) provide sufficient crowd control and safety measures;

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

(5) provide sufficient waste management services;

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

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

(8) obtain the approval of any other public agency within whose jurisdiction the special event or a 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 or approvals;

(11) meet the conditions set forth in Section 4-19-32(A) (*Special Event Application Review*); or

(12) make revisions to a pending application that ACE requires.

(C) ACE shall deny a special event application if it determines that:

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(1) the event will violate any local, state, or federal law or regulation or administrative rule;

(2) the resources required to ensure public safety within the special event venue or impact area 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 impact area 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 or application has already been approved; or

(b) the provision of City services required to support scheduled or unscheduled government functions;

(5) the event organizer demonstrates an inability or 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 ACE denies an application, ACE shall notify the event organizer in writing as soon as practicable. A notification sent by electronic mail complies with this subsection.

(E) Except as provided in Section 4-19-31(C) (*Contents of Special Events Application*), no action is required to be taken on an incomplete or untimely application.

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

(1) scope of events;

(2) traffic;

(3) parking; and

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