

Public Assembly Code Enforcement Information Sheet

This Information Sheet is provided by the Public Assembly Code Enforcement (PACE) Team to assist in planning a gathering together of groups of people in the City of Austin. These initial questions may help understand the requirements. Multiple city ordinances govern the requirements of such gatherings and these answers cannot cover every situation. For complaints and general questions, contact the [Chair and Co-Chair of the PACE team](#). If you have specific questions about the Fire Code, please contact Battalion Chief Joe Limon, Interim Fire Marshal at 512-974-0181. Specific questions about Code Compliance can be directed to Paul Tomasovic, Assistant Division Manager Code Compliance at 512-974-2738. For other questions, please address PACE@austintexas.gov. Permits may take a number of days to review and Inspections may take a week to schedule. Please plan accordingly.

If you want to have a gathering of more than 49 people for the purposes of civic, social or religious functions, recreation or entertainment, or food or drink consumption here are some of the questions you should ask:

1. Will it be held in a structure?

Does that building currently have a *Certificate of Occupancy (CO) for public assembly use? In other words, is the structure already a *Public Assembly i.e. Convention Center, Restaurant, Night Club, Church, dance hall etc.? If yes, **please coordinate with the property owner for requirements.**

If the event is to be held in a structure that does not currently have a Certificate of Occupancy (CO) for Public Assembly use such as a store, office building, warehouse, vacant building, etc. **you will need to obtain a Temporary Change of Use (TCOU) Permit.** See Temporary Change of Use to Public Assembly (www.austintexas.gov/department/temporary-change-use-public-assembly-permit) on the PACE website for more information.

Temporary Change of Use to a Public Assembly Permit (TCOU):

Please contact the **Fire Department, Emergency Prevention Division at 512-974-0160** in order to use a building or structure that is not permitted to be a public assembly, or portion thereof, for the purposes of use as a public assembly.

Article 7. Fire Code. 25-12-172 Local Amendments to International Fire Code. (<http://bit.ly/zKz7mZ>)

105.6.35 Places of assembly. An operational permit or appropriate certificate of occupancy is required to operate a place of assembly.

2. Are you planning activities in the street or public Right of Way?

A Street Events Closure Permit will be required. Contact Transportation, Right of Way Management at 512-974-7180. You may start up an account with the "Right of Way Management Approval Network" (<https://www.ci.austin.tx.us/rowman/index.cfm>). Also see link at Use of a Sidewalk for: Protest, Demonstration or Picketing (www.austintexas.gov/department/sidewalk-protests-and-demonstrations) on the PACE website for more information.

3. Are you planning for amplified sound or music outdoors?

Commercial property where sound equipment is used to amplify sound that is not fully enclosed by permanent, solid walls and a roof requires a Sound Amplification Permit or Outdoor Music Venue Permit as prescribed by Title 9. Prohibited Activities. Chapter 9-2. Noise and Amplified Sound. (<http://bit.ly/pyohJK>) See links at Music/Noise/Sound Permits & restrictions (www.austintexas.gov/department/musicamplified-sound) on the PACE website for more information.

Temporary Event (formerly known as 24 Hour or Multi-Day) Sound Permit Application

(http://www.ci.austin.tx.us/pace/downloads/temporary_event_sound_permit.pdf)

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Outdoor Music Venue (OMV) Permit

(http://www.ci.austin.tx.us/pace/downloads/omv_application.pdf)

Send email to Sound@austintexas.gov or call 512-974-2686 for assistance.

4. Do you have plans for a temporary structure to be built, erected or installed?

Most temporary structures require the approval of Code Compliance and the Austin Fire Department. Contact both Paul Tomasovic with Code Compliance at 512-974-2738 and the Austin Fire Department, Inspections Scheduling at 512-974-0160 ext #1. See the Temporary Structures (<http://www.austintexas.gov/department/structures-temporary-structures>) and Temporary Change of Use (<http://www.austintexas.gov/department/temporary-change-use-public-assembly-permit>) pages on the PACE website for more information.

5. Does your event include erecting a tent?

A Tent Permit may be required by the Fire Department. Depending on the intended use of the tent, a **Temporary Use Permit (TUP)** may also be required for tents. See information for Item #6 below.

Tent Permit:

If a tent meets the requirements of Article 7, 25-12-172 Local Amendments to International Fire Code 105.6.44 below, an operational permit is required by the Fire Department, Emergency Prevention Division (512-974-0160)

105.6.44 Temporary membrane structures, tents and canopies. An operational permit is required to operate an air-supported temporary membrane structure or a tent having an area in excess of 200 square feet (19 m²), or a canopy in excess of 400 square feet (37 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Fabric canopies open on all sides which comply with all of the following:
 - 2.1 Individual canopies having a maximum size of 700 square feet (65 m²).
 - 2.2 The aggregate area of multiple canopies placed side by side without a firebreak clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.

6. Are you going to temporarily change the use of the property where your event will be taking place?

Some examples are holding an outdoor public, religious, patriotic, or historic assembly or exhibit, which includes festivals, benefits, fund raising events, swap meets, flea markets, parking lot sales or similar uses that attract a mass audience. See Title 25. Land Development Chapter 25-2 Zoning Article 6. Temporary Uses. Section 25-2-921 (<http://bit.ly/A5W3X5>).

To obtain a **Temporary Use Permit (TUP)**, download a Temporary Use Permit application (http://www.ci.austin.tx.us/development/onestop/downloads/temporary_use_permit.pdf) and submit it to [Susan Walker](mailto:susan.walker@austintexas.gov) (susan.walker@austintexas.gov). For questions, call 512- 974-2202.

7. Are there plans for some type of private security?

Private security licenses are required for any entity perform private security. Contact the Texas Department of Public Safety for specific information: Private Security Bureau, 5806 Guadalupe, Building I, Austin, Texas 78752 Phone 512-424-7726 www.txdps.state.tx.us/psb

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8. Are there plans for food and beverages at this event?

Permits are required for temporary food services. Refer to the Health and Human Services website (www.austintexas.gov/department/commercial-health-services) for specific information and requirements or call 512-972-5600.

Food: If plans are to sell/give away prepackaged foods that are non-potentially hazardous i.e., foods that do not require time and temperature controls, and the package or container is not opened, a permit is not required. All others will require a permit. Obtain a Temporary Food Establishment Application Packet from the Health and Human Services web site (www.austintexas.gov/department/business-applications-and-guides).

Beverages: If plans are to sell/give away packaged beverages (including alcohol) without opening the container a permit is not required from the Health and Human Services Department. If the beverage package/container is opened a permit is required. Obtain a Temporary Food Establishment Application Packet from the Health and Human Services website (www.austintexas.gov/department/business-applications-and-guides).

See the Health Department Requirements (austintexas.gov/department/health-department-requirements-pace) page on the PACE website for more information.

9. Are there plans for alcohol at this event?

Contact the Texas Alcoholic Beverage Commission at 512-451-0231. Please refer to the TABC website (<http://www.tabc.state.tx.us/>) for more information.

10. Are there plans to use Parks and Recreation Department property?

A permit to use City of Austin parkland must be obtained and approved through the Parks and Recreation Department (PARC). Contact the PARC Reservations at 512-974-6797. Go to the PARC Special Events website (<http://austintexas.gov/department/parks-special-events>) for more information.

Large public gatherings in any city park will require coordination with several City of Austin departments. See # 11 for Large Public Gatherings that are outside of City of Austin parkland.

11. Are there plans for a "Large Public Gathering" / mass gatherings?

A person may not act as a promoter unless the person obtains a permit from the City Council. The Police Department, Emergency Medical Services Department, and Health Department shall promulgate rules relating to minimum standards to protect public safety, maintain order, and provide for standards of health, sanitation and emergency medical services at a large public gathering. Contact Austin Transportation Department **Special Events Office** at (512) 974-6501

Large Public Gathering:

Mass gathering or other event as determined by PACE.

12. Do you plan to use the sidewalk for a demonstration or protest?

Protests, demonstrations or picketing activities that use the public sidewalk do not require a permit from the City. However, there are rules that you must follow so as not to violate several laws. See Use of a Sidewalk for: Protest, Demonstration or Picketing (<http://austintexas.gov/department/sidewalk-protests-and-demonstrations>) page on the PACE website for specifics.

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13. Are you planning a Parade or "March" down a public street or a demonstration?

To request the use of a public street to conduct a Parade or "March", a Parade Permit (austintexas.gov/department/special-events) is required 10 days prior to the date of the event and is approved by the APD Special Events Unit.

If you have further questions about your parade, contact the APD Special Events Unit at 512-974-5032 or fax 512-974-6636.

Other contacts:

- 1) The use of the State Capitol grounds for an event requires permits from the State Preservation Board, 512-463-3051; and coordination with the Texas Department of Public Safety (DPS)/Capitol District at 512-463-3556.
- 2) The use of City Hall Plaza is arranged through the City of Austin, Building Services Division at 512-974-3962.
- 3) A request to use City of Austin parkland is approved through the Parks and Recreation Department, reservation office at 512-974-6797. See # 10 above.

Street Closure Permit:

14. A person may not temporarily close any portion of a public street to conduct a street event, unless the person obtains a permit. Permits are issued by the Transportation Dept, Right-of-Way Management (<https://www.ci.austin.tx.us/rowman/index.cfm>) (512-974-5634)

Title 14 – Chapter 14-8 – Temporary Closure for a Right of Way Event

([http://www.amlegal.com/nxt/gateway.dll/Texas/austin/title14useofstreetsandpublicproperty/chapter14-8temporaryclosureforaright-of-?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:austin_tx](http://www.amlegal.com/nxt/gateway.dll/Texas/austin/title14useofstreetsandpublicproperty/chapter14-8temporaryclosureforaright-of-?f=templates$fn=default.htm$3.0$vid=amlegal:austin_tx))

Homeowners - Public Assembly Use in single family residential neighborhoods.

Fire and Building Code requirements do not include provisions for single family homes to be used as public assembly occupancies. From a safety perspective, the Austin Fire Department does not suggest gatherings of more than 49 people inside any structure that is not specifically designed to hold large groups of people. Once 50 people or more are gathered together at an event, it becomes a public assembly. Zoning requirements do not permit such use in residential areas because of noise, parking, sanitary facility and other issues.

For single family residential neighborhoods, this is a complaint-driven issue. Safety is the main concern of the Public Assembly Code Enforcement (PACE) team, but PACE does not patrol residential neighborhoods looking for parties. PACE will respond to complaints when available and City of Austin ordinances will be enforced. Please contact PACE (PACE@austintexas.gov) for complaints or more information on possible temporary use.

* Definitions:

Certificate of Occupancy:

Certificate issued to a building or structure stating the use and occupancy classification of the structure. The building official issues the Certificate of Occupancy (CO) after the building official finds no violations of the provisions of the building code or other applicable codes and ordinances. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the building code or of other ordinances of the City of Austin.

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Public Assembly:

The use of a building or structure, or a portion thereof, for the gathering together of persons for the purposes such as civic, social or religious functions, recreation or entertainment, food or drink consumption or awaiting transportation. A room or space used for assembly purposes by less than 50 persons and accessory to occupancy shall be included as a part of that occupancy. See 2009 International Fire Code (http://www.ci.austin.tx.us/pace/downloads/2009_ifc.pdf) for more information.