

Chapter 25 SPECIAL EVENTS

ARTICLE I. SPECIAL EVENTS—GENERALLY

Sec. 25-5. Application for permit; information required.

- (a) An application shall be submitted on a form supplied by the MOSE director, signed by the special event organizer, and filed with MOSE.
- (b) Each application must be accompanied by the non-refundable application processing fee stated for this provision in the city fee schedule. All tendered fees must be in the form of cash, cashier's check, money order, or other method of payment accepted by the city.
- (c) An application that includes a request to close a freeway entrance ramp or any portion of a state-owned controlled access highway shall be filed not less than 90 days prior to the proposed special event date(s).
- (d) A permit required by section 25-4 of this Code may only be obtained upon written application filed with MOSE containing the following information, if applicable:
 - (1) The date of application and the date and time period desired for the special event, including the anticipated time necessary to set up and take down temporary structures;
 - (2) The designated area and facility desired for the special event;
 - (3) The name, address, and phone number of the special event organizer;
 - (4) The estimated attendance at the special event;
 - (5) The type or purpose of the special event, including the name of the special event, a suggested plan for utilization of the space or area sought under the permit, and a general description of the activities involved;
 - (6) The type of sound system or amplified sound equipment to be used, if any;
 - (7) A description of any special effects or features such as hot air balloons, gun salutes (blanks only), fireworks, bands, or other similar devices or attractions to be used, if any;
 - (8) Whether the special event is for profit or nonprofit purposes, including a description of all commercial activity to occur during the special event, if any;
 - (9) The method by which the clean up and removal of any litter or debris generated by the special event will be handled;

- (10) A description of any goods or services to be sold and a schedule of all fees to be charged;
- (11) Any proposed security control plan or traffic control plan, including a description of security control services and traffic control services that will be provided at the special event, as well as a staffing plan that includes the contact information for the event organizer and security coordinator;
- (12) The names and portions or blocks of any park road, public street, freeway entrance or exit ramp requested to be closed for the special event;
- (13) All documentation relating to the corporate, partnership, non-profit, assumed name, or other organizational status of a special event organizer;
- (14) Descriptions or depictions of any signs the special events organizer proposes to display during the special event; and
- (15) Any other information required by any appropriate director or MOSE.

Sec. 25-6. Issuance; priority of conflicting applications.

- (a) The MOSE director shall review each application to ensure that the proposed special event complies with all applicable provisions of this chapter. The MOSE director shall:
 - (1) Notify the special event organizer of the denial of the application if it is found to conflict with another special event already permitted for the same time, location, and date, or to be incomplete or to violate any provision of this Code, which notice shall set forth the reasons for the denial; or
 - (2) Issue a permit if the special event organizer has satisfied all applicable requirements of this chapter.
- (b) No application shall be accepted for filing that is submitted prior to 365 consecutive days immediately preceding the date(s) sought. A permit application filed fewer than 30 days prior to the commencement of the special event will require an additional expedited processing fee as set forth in the city fee schedule. The director may, in the director's reasonable discretion, deny a permit application filed fewer than 30 days prior to the commencement of the special event if the proposed event's complexity is such that an approval may not be obtained prior to the event being promoted. All applications shall be time stamped immediately upon receipt. An application received first in time shall be the first in right; provided that if two or more conflicting applications are received simultaneously, precedence shall be determined by an impartial means of chance.
- (c) The MOSE director shall notify the special event organizer of the approval or denial of an application upon the receipt and review of all information requested by the MOSE director and any appropriate director taking into consideration the nature

and size of the proposed special event and the time necessary for the MOSE director to coordinate with any appropriate director to determine the availability of city personnel resources to provide the necessary city services requested by the special events organizer or required by the MOSE director.

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Sec. 25-21. Offenses.

- (a) A person commits an offense under this section if they conduct a special event:
- (1) Without an approved special event permit;
 - (2) After the approved special event permit is suspended or revoked; or
 - (3) In violation of an approved permit provisions.
- (b) Any offense committed under this article is a misdemeanor punishable upon conviction by a fine not to exceed \$2,000.

Secs. 25-221—25-49. Reserved.

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Secs. 25-159—25.160. Reserved.

ARTICLE V. OUTDOOR MUSIC EVENTS ON PRIVATE PROPERTY—GENERALLY

Sec. 25-161. Definitions.

For purposes of this article, the following words and phrases shall have the meanings provided in this section, unless the context of their usage clearly indicates another meaning:

Affected director means the director of any city department having jurisdiction over a core city service affected by an outdoor music event, or the director's designee.

Attendance load means the total number of allowed attendees based on the size of the outdoor music event space.

Attendance load calculation means the calculation used to determine the total number of allowed attendees, which is reached by dividing the available standing room area of the outdoor music event space by 7 square feet per person.

Conditional permit means a permit subject to the satisfaction of conditions that if not satisfied within the time allotted shall result in the automatic revocation of such permit.

EMS medical director means the medical director of EMS or the director's designee.

Fire chief means the chief of the fire department or the chief's designee.

MOSE director means the director of the mayor's office of special events or the director's designee.

Outdoor music event means any form of musical entertainment provided by live performances, including but not limited to a singer, band, or disk jockey, if:

- (1) The event is not a special event as defined in section 25-2 of this Code;
- (2) More than 500 people attend or are expected to attend any performance;
- (3) Any performer or audience member is not within a permanent structure;
- (4) The event is open to the public or requires a ticket or entry fee to attend; and
- (5) The event takes place on private property, unless the event takes place in a permanent outdoor stage area located on a property with an A-1 Certificate of Occupancy.

Outdoor music event organizer means any person who has submitted an application for a permit to conduct an outdoor music event pursuant to this chapter.

Police chief means the chief of police or the police chief's designee.

Permanent structure means a structure fixed to the ground by a foundation, slab, piers, poles, or other means allowed by the Houston Building Code. The term also includes a structure placed on the ground that lacks a foundation, a slab, piers, or poles, and that can only be moved through disassembly into its component parts or by techniques commonly used in house moving. The term does not apply to tents or lean-tos.

Private property means property owned by non-governmental entities. The term does not include property owned by religious organizations, as defined in Section 11.20 of the Texas Tax Code, or institutions of higher education, either public or private.

Property owner means the person or entity that has legal possession or ownership of a property.

Venue operator means the person with control over the location and the real property where the outdoor music event occurs.

Sec. 25-162. Outdoor Music Event permit required.

- (a) It shall be unlawful for any person to conduct an outdoor music event without first securing an outdoor music event permit approved by the Mayor's Office of Special Events ("MOSE") director.
- (b) The MOSE director, with the approval of any affected director, shall promulgate all forms and process all applications necessary to implement the provisions of this chapter relating to outdoor music events on private property.

Sec. 25-163. Outdoor Music Event Permit.

- (a) An outdoor music event organizer shall file a permit application with MOSE no later than the 30th day before the date the outdoor music event organizer plans to hold an outdoor music event, on a form supplied by the MOSE director and signed by the organizer. No applications shall be accepted fewer than 30 days prior to an event unless the director, in the director's reasonable discretion based on the size and complexity of the event, grants an extension of the deadline, if the event is such that MOSE anticipates that it can complete the permitting approval process prior to the start of event promotion.
- (b) Each application must be accompanied by the non-refundable application processing fee as listed in the city fee schedule. All tendered fees must be in the form of cash, cashier's check, money order, or other method of payment accepted by the city.
 - (1) An expedited fee as listed in the city fee schedule will be assessed for applications submitted fewer than 30 days prior to an event.
 - (2) The application will not be approved if the event requires an expedited ramp and/or Texas Department of Transportation state right-of-way closure.
- (c) The application must include:
 - (1) The name, street address, mailing address, electronic mailing address, and telephone number of:
 - a. The outdoor music event organizer;

- b. Each of the outdoor music event organizer's associates and employees assisting in the promotion of the outdoor music event;
 - c. The registered agent for the organizer;
 - d. The venue operator; and
 - e. The property owner of the event location, if different from the venue operator.
- (2) The proposed event control plan pursuant to section 25-164;
- (3) A statement indicating whether the organizer has been convicted of a crime involving the misappropriation of funds, theft, burglary, or robbery;
- (4) The address and a physical description of the event location;
- (5) A copy of the agreement or a written description of the terms and conditions of the agreement between the venue operator and the outdoor music event organizer to use the proposed event location;
- (6) The dates and times of the outdoor music event;
- (7) The maximum-allowed attendance load of the usable event space;
- (8) The maximum number of tickets to be sold;
- (9) The expected total attendance;
- (10) The maximum number of persons the outdoor music event organizer will allow to attend the event, including staff and performers, not to exceed the attendance load pursuant to the attendance load calculation;
- (11) A copy of the agreement or a written description of the agreement between the outdoor music event organizer and each contracted artist who is scheduled to appear at the event along with their management's contact information;
- (12) Event preparations to comply with the minimum standards of sanitation and health prescribed by Chapter 341, Health and Safety Code, and Chapter 20 of the City Code;
- (13) Proof of insurance which must cover all operations of the outdoor event including, but not limited to, participants, subcontractors, vendors, exhibitors, volunteers, liquor liability, and auto, if applicable;
- (14) The Tax ID Number of the entity hosting the outdoor music event;

- (15) A description of any special effects or features such as hot air balloons, gun salutes (blanks only), fireworks, bands, or other similar devices or attractions to be used, if any;
 - (16) A list of unmanned aircraft systems (UAS) to be used, if any, and the purposes for which the UAS will be used;
 - (17) A description of any goods or services to be sold and a schedule of all fees to be charged;
 - (18) The names and portions or blocks of any park road, public street, freeway entrance or exit ramp requested to be closed for the outdoor music event;
 - (19) The manner in which the event is being promoted, such as print, radio, television, and social media, and;
 - (20) Such additional information as the outdoor music event organizer desires to include or that the MOSE director reasonably deems necessary to aid in the determination of whether the requested permit should be granted.
- (d) Permits may not be transferred or assigned under any circumstances.

Sec. 25-164. Event control plan required.

- (a) Outdoor music events must comply with an event control plan that has been approved by the MOSE director in coordination with the Houston police chief, the Houston fire chief, the EMS medical director, and the local health authority. The venue operator and the outdoor music event organizer are responsible for operating an outdoor music event in compliance with an approved event control plan.
- (b) The MOSE director, in consultation with the affected directors, shall promulgate rules, regulations, and criteria to evaluate event control plans required for outdoor music events.
- (c) All control plans shall be subject to review, approval, and appeal in the same manner as a permit application under this article.
- (d) An event control plan for outdoor music events must include the following:
 - (1) Security and crowd control information that includes:
 - a. The number, location, and responsibilities of security personnel, including the provider/agency and command structure;

- b. The number, location, and responsibilities of crowd management personnel;
- c. The security coordinator's name, agency name, phone number(s), and contact information;
- d. The hours security personnel will be on site;
- e. Incident report procedures;
- f. Plans to control crowd circulation including signage, barricades, and corrals, as applicable;
- g. Plans for outdoor queuing for event entry;
- h. Plans for queuing for food, beverages, merchandise, and other similar products and services;
- i. The number and location of metal detectors, if any;
- j. Emergency contingencies, including event stoppage and evacuation;
- k. The names, street addresses, mailing addresses, electronic mailing addresses, and telephone number of an emergency contact person or persons who can be contacted 24 hours a day, seven days a week, in the event of an emergency condition involving the outdoor music event, and who will be physically present at the event throughout its duration; and

(2) Site plan information that includes:

- a. All ingress, egress, and circulation of vehicular and pedestrian traffic, including emergency access for emergency responders;
- b. A description of the square footage that will be accessible to the attendees immediately surrounding the performance area(s);
- c. The total available standing room square footage area within the outdoor music event space;
- d. The location of all tents;
- e. Information required by the Fire Code, including but not limited to any planned use of combustibles, flammables, and pyrotechnics, and their locations;
- f. Fire hydrant locations;
- g. Locations of event exits and emergency exits; and

- h. Street functions, if applicable.
- (3) If the event may affect traffic on a public street, a written proposal for the operation and regulation of traffic control devices used to facilitate vehicular and pedestrian traffic safely and efficiently through a temporary traffic control zone which must be prepared in conformance with the Texas Manual on Uniform Traffic Control Devices.
- (4) First aid and medical information that includes:
 - a. Name of providers, including command structure;
 - b. Number and location of medical personnel and first aid and medical stations;
 - c. Routes of ingress and egress for all emergency vehicles;
 - d. Safety precautions for adverse weather events;
 - e. Location of signage directing the public to first aid and medical stations;
 - f. Accident/incident report procedures; and
 - g. Confirmation that the number of first aid and medical resources meet or exceed, as calculated, the suggested resource requirements detailed in the tables of the Event Safety Alliance's *The Event Safety Guide's* section on Medical, Ambulance, and First-Aid Management.
- (5) If the outdoor music event will include the sale or service of alcohol, the Texas Alcohol Beverage Commission ("TABC") license number and TABC temporary approval and whether attendees may bring their own alcohol for consumption at the venue;
- (6) Food safety permits and protocols; and
- (7) Noise abatement strategies, including a sound permit.
- (e) Minimum number of exits required:

<u>Attendance load</u>	<u>Minimum number of exits</u>	<u>Minimum width of each exit (inches)</u>
<u>500 to 999</u>	<u>4</u>	<u>96</u>
<u>1,000 to 1,999</u>	<u>5</u>	<u>120</u>
<u>2,000 to 2,999</u>	<u>6</u>	<u>120</u>
<u>Over 3,000*</u>	<u>7</u>	<u>120</u>

<p><u>*When the attendance load exceeds 3,000, the total width of exit space in inches shall not be less than the total attendance load multiplied by 0.2 inches per person.</u></p>
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Sec. 25-165. Denial of permit.

(a) Upon review, the MOSE director shall approve an application unless:

- (1) The outdoor music event organizer has failed to tender payment of any applicable fee required by this chapter or this Code;
- (2) The application was not timely filed in accordance with this chapter or fails to contain information required by this chapter;
- (3) The outdoor music event organizer has failed to provide or an event control plan, or has not received the MOSE director's approval of a required event control plan, as well as a plan for provision of first aid or emergency medical services, sanitary facilities, site cleanup and debris removal, or off-site parking or shuttle service, as required;
- (4) The size or nature of the outdoor music event space is inadequate to accommodate the anticipated attendance, will substantially interrupt the safe and orderly movement of traffic or police, fire or ambulance emergency equipment on streets adjacent to, running through, or in the vicinity of the outdoor music event, or would adversely affect the use of the adjacent area by others;
- (5) The application contains a material falsehood or misrepresentation;
- (6) The outdoor music event organizer has failed to timely tender any required insurance documentation;
- (7) The outdoor music event organizer has failed to pay any fees due or has failed to reimburse the city for any costs or fees assessed for city services provided for a previously-permitted outdoor music event;
- (8) The outdoor music event organizer has failed to provide for sufficient safety, health and sanitation equipment, services, or facilities to ensure that the outdoor music event will be safely conducted, or has proposed to utilize equipment or facilities of an unsafe nature;
- (9) The outdoor music event has failed to conform to the requirements of any applicable law;
- (10) The outdoor music event organizer has failed to obtain the requisite approval of any other public agency required to hold the outdoor music event; or

- (11) If a listed performer has a prior conviction of inciting a riot, is under indictment for or has pending charges for inciting a riot, or has prior convictions for certain actions taking place at a music event or concert, including but not limited to reckless conduct, disorderly conduct, criminal negligence, or has a history of other similar activities including pending civil lawsuits or judgments, that information may be taken into consideration when considering the totality of the application.
- (b) The MOSE director may issue a conditional permit if additional requirements are to be satisfied in the future but within the time period prescribed by this article.
- (c) The issuance of a conditional permit shall not authorize an outdoor music event organizer to conduct an outdoor music event and shall serve only to reserve the time, place, and date of the proposed outdoor music event pending the outdoor music event organizer's timely satisfaction of all other requirements of this article. A conditional permit shall be automatically revoked 14 days prior to the event if the organizer has not satisfied the requirements of this article and obtained a final permit by that date.

Sec. 25-166. Revocation and suspension of permit.

- (a) An outdoor music event permit may be revoked or suspended if the MOSE director determines that:
- (1) A violation of any condition of the permit exists, including failure to obtain approval of any event control plan, failure to implement any such approved plan according to its terms, or if the event exceeds the maximum attendance listed in the approved permit application;
 - (2) The outdoor music event poses an immediate threat to public health or safety;
 - (3) The outdoor music event organizer has failed to obtain any other permit required by this Code or other applicable law;
 - (4) The permit was issued in error or contrary to law;
 - (5) There are two or more violations of section 25-169(b) associated with one outdoor music event; or
 - (6) A responsible party as defined in section 25-168(a)(3) has an outstanding balance for Emergency Response Costs for a prior event, pursuant to section 25-168.
- (b) Except as provided in subsection (c) of this section, notice of revocation or suspension shall be in writing, shall set forth the specific reasons for the revocation or suspension, and shall be provided to the music event organizer.

- (c) When there is an imminent threat to health or safety, e.g., severe weather, bomb threat/terrorist threat, imminent health concerns, fire, or blocked exits, that requires immediate revocation or suspension of a permit, the MOSE director is authorized to notify the outdoor event organizer verbally of such revocation or suspension. Such verbal notification shall be followed by a written notification from the MOSE director within 24 hours. This provision shall not in any way diminish the authority of public safety authorities to preserve public safety and enforce all applicable laws during an outdoor music event.
- (d) The appeal of a revocation shall be handled in the same manner and under the same time requirements as the denial of a permit.
- (e) If an outdoor music event permit is suspended on the day of the event the MOSE director may either:
 - (1) revoke the permit pursuant to section 25-167(a) if the MOSE director determines the violation or threat continues or cannot be fully addressed by the outdoor music event organizer in an adequate timeframe to ensure public health and safety; or
 - (2) reinstate the permit and the outdoor music event may continue as planned if the immediate threat or violation is properly addressed and resolved.

Sec. 25-167. Appeal of permit denial or revocation.

- (a) The decision of the MOSE director is final unless appealed under this section. An outdoor music event organizer may appeal the denial or revocation of a permit by filing a written request for a hearing with the MOSE director within ten (10) business days of the date of such denial or revocation.
- (b) A hearing shall be conducted within ten (10) business days of the receipt of such request before a hearing conducted by an impartial hearing officer appointed by the MOSE director. The director shall not designate a person to act as hearing officer who participated in the review of the application. The appellant may be represented by legal counsel and may present evidence. The MOSE director shall explain the rationale for the denial or revocation during the hearing. The hearing officer shall have the discretion to exclude from hearings any person who is not the appellant, the MOSE director, their legal representatives, and such other persons not entitled to attend and participate as a matter of law and any persons whose presence the hearing officer deems unnecessary to the complete resolution of the matter. The hearing officer shall render a written decision on the matter within five business days of the date of the hearing and will promptly provide a copy of such decision to the outdoor music event organizer. The hearing officer's decision, which shall be based upon the preponderance of credible evidence presented, shall be final.

Sec. 25-168. Emergency Response Cost Recovery.

(a) Definitions. In this section:

Emergency response means the provision, sending, or utilization of public service, police, firefighting, paramedics, rescue service, or any other agent of the city at an outdoor music event.

Expense of an emergency response means the direct and reasonable costs incurred by the city, or by a private person, corporation, or other entity operating at the request of or direction of the city, through the extraordinary use of public services, when making an emergency response to the outdoor music event, including the costs of providing police, firefighting, emergency medical technicians (EMT), paramedics, rescue services at the outdoor music event. These costs further include but are not limited to: all of the salaries, wages, workers' compensation benefits and fringe benefits of the city personnel responding to the incident; all salaries, wages, workers' compensation benefits and fringe benefits of the city personnel engaged in investigation, supervision and preparation of post incident reports; cost of equipment operation, cost of materials obtained directly by the city, cost of any labor or materials, and any property damage.

Responsible party means:

- a. the outdoor music event organizer;
- b. the venue operator; or
- c. the property owner of the event location.

(b) Liability for expenses of emergency response. The city may pursue cost recovery fees and expenses from a responsible party for an emergency response in connection with the operation of an unpermitted outdoor music event or a permitted outdoor music event that violated an approved event control plan in the amount of the expense of the emergency response.

(c) Enforcement, billing, and collection of emergency response costs. Any responsible party liable for the expense of an emergency response, who fails to reimburse the city within 30 days of receiving written notice of the emergency response expenses incurred by the city, shall be considered in default. If the responsible party who is liable for the debt refuses to reimburse the city, the city shall pursue collection actions.

Sec. 25-169. Offenses.

(a) A person commits an offense under this section if they conduct an outdoor music event:

- (1) Without an approved outdoor music event permit;
 - (2) After the approved outdoor music event permit is suspended or revoked; or
 - (3) In violation of an approved event control plan.
- (b) A person commits an offense if they are the responsible party or the individual named as the emergency contact person in section 25-164(d)(1)(k) for the outdoor music event, and an emergency contact:
 - (1) Earlier than 72 hours before the start of the event, fails to respond to a city representative within 24 hours of being contacted by the representative of the city in person, by telephone, or by email;
 - (2) Between 72 hours and 12 hours before the start of the event, fails to respond to the city within 4 hours of being contacted by the representative of the city in person, by telephone, or by email;
 - (3) Between 12 hours prior to the start of the event and the event's beginning, fails to meet police officers or code enforcement officers at the site of the promoted outdoor event within one hour of being contacted by the representative of the city in person, by telephone, or email;
 - (4) During the event, an emergency contact fails to be physically present at the outdoor music event to be able to immediately communicate with police officers or code enforcement officers on scene.
- (c) Any offense committed under this article is a misdemeanor punishable upon conviction by a fine not to exceed \$2,000.