

# Outdoor Music Events Ordinance

Public Safety and Homeland Security Committee Meeting  
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# Why is this ordinance needed?

- ▶ The extensions to Chapter 25 are an effort to reduce risks by being informed of such events on private property that could require unexpected city resources.
- ▶ Knowing about events in advance and having input in the plans would help ensure that the organizer has the proper resources in place, including traffic management, security and medical personnel, and that the City can adequately staff HPD, HFD, and EMS personnel in anticipation of large upcoming events.
- ▶ Working in advance with event organizers will also ensure that proper health and safety planning is compliant with current standards when organizers are utilizing other security and medical agencies.
- ▶ Advanced communication will improve the impact that outdoor music events have on surrounding neighborhoods.

# Ordinance Focus

- ▶ This Ordinance focuses on outdoor music events with more than 500 people in attendance, that are open to the public or require a ticket or entry fee, and take place on private property. This event type has historically caused the most difficulties for Houston's first responders.
- ▶ Outdoor music events on private property are not currently regulated in the Code to the same degree that events on public property are under the Special Events ordinance and indoor events are under the City's Construction Code, permitting review process, and Fire Code enforcement.

# Permit application

- ▶ Event organizers may apply for an event permit 365 days prior to the event and no fewer than 60 days prior to the start of the event without paying a late fee.
- ▶ Applications received less than 60 days prior to the event date will be assessed an expedited fee.
- ▶ Applications will not be accepted 30 days prior to the event date, unless under the director's reasonable discretion based on the size and complexity of the event.
- ▶ Application must include:
  - Detailed description of event, including maximum occupancy and entertainment.
  - PROPOSED event control plan, including plans for crowd management, emergency response, first aid and medical information, traffic management, etc.
  - Contact information for organizer, venue operator, emergency contact, and security coordinator.
  - Proof of insurance.

# Requirements

- ▶ Organizer and event's head of security must be available and responsive to City leading up to the event.
- ▶ Event organizer must provide a detailed event control plan laying out security and crowd control information, site plan details, first aid and medical information, and other relevant information.
- ▶ Event organizer is accountable to inform the City of any updates or changes.

# Denial of Permit

- ▶ May occur if the following applies:
  - ▶ Non-payment of application fee and/or not filed in the time required.
  - ▶ Failure to provide or receive approval for event control plans.
  - ▶ The size or nature of the event space is inadequate to accommodate the anticipated attendance,
  - ▶ Application contains false or misrepresented information.
  - ▶ The organizer has failed to timely tender any insurance documentation.
  - ▶ Failure to pay any fees due or reimburse the city for any costs or fees assessed for city services provided for any previous outdoor events.
  - ▶ Failure to conform to any applicable law.
  - ▶ Failure to obtain requisite approval of any other public agency required to hold the outdoor music event.
  - ▶ If a listed performer has a prior conviction of inciting a riot, is under indictment for or has pending charges for inciting a riot.
  - ▶ Prior conviction for actions taking place at an event or concert.

# Revocation and Suspension of Permit

- ▶ 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.
  - ▶ If the event exceeds the maximum attendance listed in the approved permit application.
- ▶ The event poses an immediate threat to public health or safety.
- ▶ The organizer has failed to obtain any other permit required by this code or other applicable law.
- ▶ The permit was issued in error or contrary to law.
- ▶ A responsible party has an outstanding balance for emergency response costs for a prior event.

# Appeal of permit denial or revocation

- ▶ An event organizer may appeal the denial or revocation 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.
- ▶ A hearing will be conducted withing ten (10) business days of the date of such denial or revocation.
  - ▶ The hearing will be 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.



# Emergency response cost recovery

- ▶ In the event of an emergency response, the City may pursue cost recovery fees and expenses if the event was operated either without an approved permit or in violation of an approved permit.
- ▶ This includes the costs of providing police, firefighters, paramedics, and rescue services; cost of equipment operation; cost of materials obtained and used by the City; and any property damage.

# Offenses and Penalties

- ▶ A person commits an offense under this section if they conduct an outdoor music event:
  - ▶ Without an approved outdoor music event permit;
  - ▶ After the approved outdoor music event permit is suspended or revoked; or
  - ▶ In violation of an approved event control plan.
- ▶ It is an offense for both the responsible party and the emergency contact if the emergency contact fails to respond to a city representative in a timely fashion as outlined in Ch. 25, art. V, section 25-169.
- ▶ It is also an offense if the emergency contact fails to be physically present at the outdoor music event to provide immediate access and communication with police officers or code enforcement officers on scene.
- ▶ Any offense committed under this article is a misdemeanor punishable upon conviction by a fine not to exceed \$2000.