



City of Dallas

Proposed Commercial Promoter Ordinance Update

**Public Safety Committee
June 13, 2022**

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City of Dallas

Commercial Promoter Ordinance (CPO)



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Actions



The Dallas Police Department and Convention and Event Services have briefed the Public Safety Committee on three separate occasions to continue to refine a draft Commercial Promoter Ordinance. The draft incorporates recommendations from collaborating city departments, city leadership, and representatives from within the entertainment community. The current draft aligns with the policy decisions and recommendations put forth by the Committee in May.



Background



The Public Safety Committee and City leadership are considering the development of an ordinance that addresses some gaps in the promoter/producer/planner/venue operator space. The ordinance is designed to ensure that:

- responsible commercial promoters and venue operators plan events with risk management in mind and prepare materials identifying reasonably foreseeable hazards and responses;
- all commercial promoters should be complying with safety plans which address crowd management, crowd control, and security.

An increasing number of events are occurring without plans in place to ensure adequate crowd management, crowd control, security, and without regard for public safety, creating a dangerous environment that produces violent crime and harm to persons and property, and unreasonably exhausts public safety resources.



Public Input



To ensure that impacted industry representatives had an opportunity to address and express their concerns regarding the ordinance, staff participated in and coordinated several opportunities for public input.

Date (2022)	Time	Forum	Audience
May 17	9 AM	Hybrid	Special Called Public Safety Committee Meeting
May 20	12:30 PM	Virtual	VisitDallas, Downtown Dallas Inc. and the Downtown Tourism Public Improvement District
June 1	3 PM	Hybrid	Promoters, Producers and Event Planners
June 1	4:30 PM	Hybrid	Arts and Culture Advisory Committee
June 1	6 PM	Hybrid	Promoters, Producers and Event Planners
June 2	10 AM	Virtual	Promoters, Producers and Event Planners
June 3	11 AM	Virtual	Promoters, Producers and Event Planners
June 7	11:30 AM	Virtual	Hotel Association of North Texas
June 7	2 PM	Virtual	Promoters, Producers and Event Planners
June 10	3 PM	Hybrid	Promoters, Producers and Event Planners



Public Comments



Comment Type	Description	Language Considered for Amendment (Y/N)
Definition		
	Clarification of <i>promoter/producer</i>	Y
	Narrower definition for <i>promoted event</i>	Y
	Clarity between terms <i>commercial promoter ordinance</i> and <i>special event permit</i>	Y
Safety Plan		
	Prefer that venues submit their safety plan and promoters submit augmentation plans as needed if the event deviates from the venue's general safety plan	Y
Exemptions		
	Viewed the non-profit exemption as a loophole	Y



Public Comments (cont.)



Comment Type	Description	Language Considered for Amendment (Y/N)
General		
	Requested City acknowledgement that most event promoters/producers/planners are good actors	N/A
	Acknowledged that safety plan requirements are best practices	N/A



Clarifications



- Commercial Promoter/Producer/Planner
- Promoted Event
- Special Event



Clarified Safety Plan Requirements



Original Language	Revised Language
<p>A general safety plan must be signed by the venue operator, the property owner, and any commercial promoters promoting events at the venue under that general safety plan.</p>	<p>A general safety plan must be signed by the venue operator. the property owner, and any commercial promoters promoting events at the venue under that general safety plan.</p>
<p>A general safety plan must be submitted to the Office of Special Events at least 14 days before the first promoted event at the venue location.</p>	<p>A complete general safety plan must be submitted to the Office of Special Events at least 14 days before the first promoted event at the venue location.</p>
<p>A venue holding promoted events under a general safety plan must also submit to the Office of Special Events an updated calendar of promoted events, including beginning and ending times of the promoted events, a minimum of 14 days in advance of the events.</p>	<p>A venue holding promoted events under a general safety plan must also submit to the Office of Special Events an updated calendar of promoted events, including beginning and ending times of the promoted events, a minimum of 14 days in advance of the events.</p>



Clarified Safety Plan Requirements (cont.)



Original Language	Revised Language
<p>An event-specific safety plan must be signed by the venue operator, the property owner, and the commercial promoter.</p>	<p>An event-specific safety plan must be signed by the venue operator, the property owner, and the commercial promoter.</p>
<p>An event-specific safety plan must include a copy of the contract between the promoter and the venue operator.</p>	<p>An event-specific safety plan must include a copy of the contract between the promoter and the venue operator.</p>
<p>An event-specific safety plan must be submitted to the Office of Special Events at least 14 business days prior to the promoted event.</p>	<p>An event-specific safety plan must be submitted to the Office of Special Events at least 14 five business days prior to the promoted event.</p>



Additions



Original Language

The director shall suspend a commercial promoter registration if the registrant has received, within the preceding ____ days, ____ notices of violation or citations related to lack of compliance with a safety plan or this chapter.

Revised Language

The director shall suspend a commercial promoter registration if the registrant has received, within the preceding **60** days, **two or more** notices of violation or citations related to lack of compliance with a safety plan or this chapter.



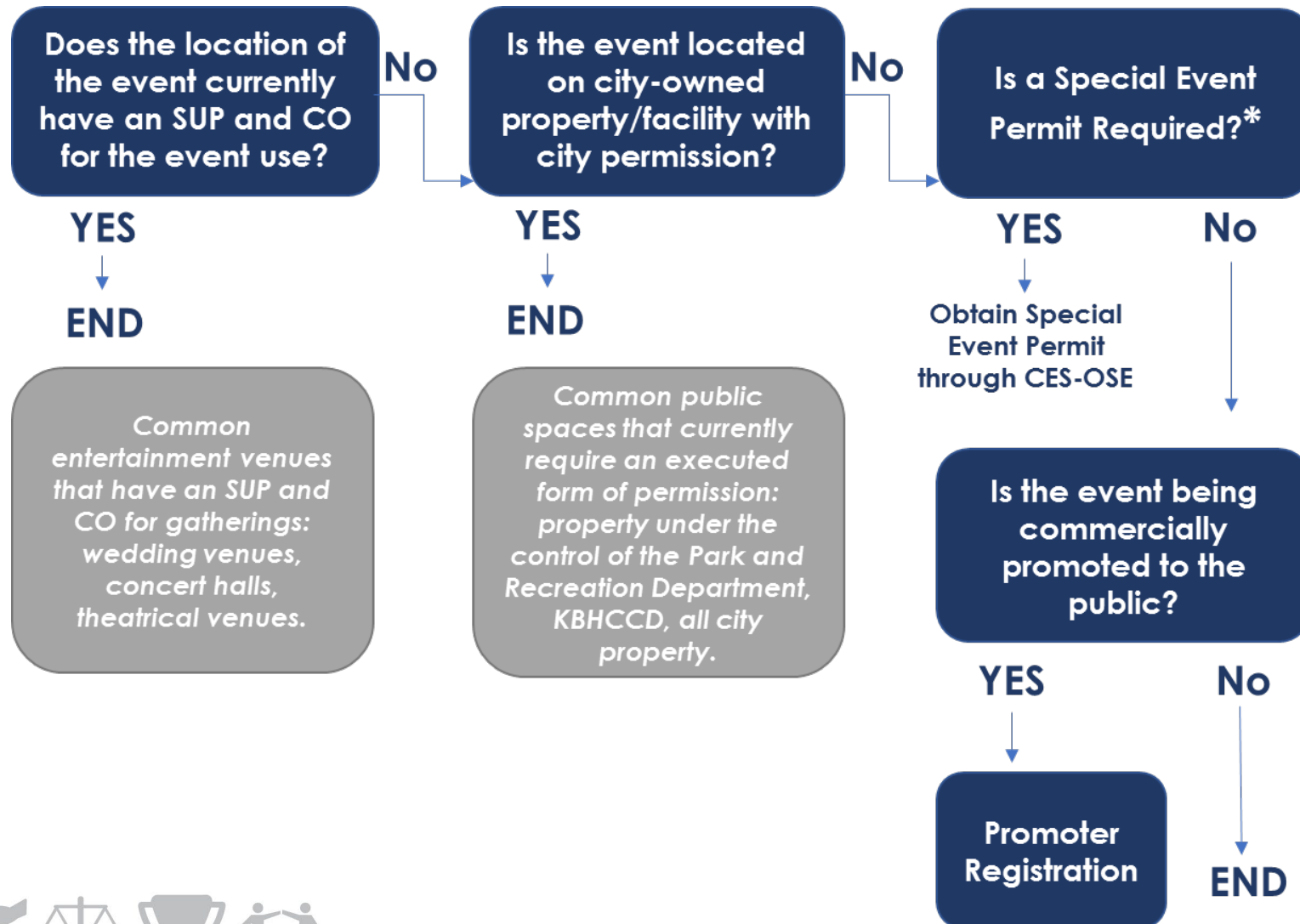
Registration Timeline and Process



- Upon the passage of the ordinance, the Convention and Event Services – Office of Special Events will begin outreach and virtual trainings on the new Eproval system over a period of 90 days. The first 90 days will function as both a grace period and a proactive education/outreach period.
- Two registration pathways will be established:
 - Venue registration includes a general safety plan requirement with a promoter list addendum.
 - Promoter registration includes registration as a promoter and when applicable an event specific safety plan requirement for any event that deviates from a venue's submitted general safety plan.



Do I need to register as a promoter?



- * Special Event Permit Triggers per Chapter 42A:**
Any temporary **outdoor** gathering, with an expected total attendance of **100 or more**, which involves **one or more** of the following on **private** or **public** property where otherwise prohibited:
- Restricting access to public property;
 - Sale of merchandise, food, or beverage (nonalcoholic and/or alcoholic);
 - Erection of a tent larger than 399 square feet in area OR erection of multiple tents with a cumulative area of over 399 square feet;
 - Installation of a temporary stage, band shell, outdoor projection technology, trailer, van, grandstand, bleachers, or portable toilets for public use;
 - Use of City Hall Plaza;
 - All moving events – *runs, walks, rides, special event parades, processions*;
 - Placement of event signage including temporary no parking, directional, over sized, sponsor, or identification signs or banners that are placed in or over a public right-of-way, or on private property where otherwise prohibited by ordinance;
 - Closing or restricting of a public street, lane, alley, or sidewalk (*regardless of the expected total attendance*).



Nonprofit Exemption



- An event that is hosted by and produced for the benefit of a registered 501(c)(3) organization under 26 C.F.R. § 1.501(c)(3) is exempt from the ordinance.



Commercial Promotor Ordinance Offenses



- Offenses – Person commits an offense if they violate any of the provisions of the ordinance, including:
 - Organizing or planning a promoted event that occurred without registering as a commercial promoter.
 - Not paying registration fee.
 - Failure to provide a safety plan or violating a safety plan.
- Penalties
 - \$2,000 for a violation of this ordinance or requirement of permit governing fire safety, zoning, or public health and sanitation.
 - \$500 for all other violations of the ordinance.
- Proposed amendment to make violation of this ordinance subject to enforcement under the Habitual Nuisance Property Ordinance.



Next Steps



- Develop appropriate fee schedule
- Make insurance recommendations
- Tentative City Council action June 22, 2022





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Questions?