

MINUTES OF THE CITY COUNCIL COMMITTEE
TUESDAY, MAY 17, 2022

22-0015

SPECIAL CALLED PUBLIC SAFETY COMMITTEE MEETING
CITY COUNCIL CHAMBER, CITY HALL/VIDEO CONFERENCE
COUNCILMEMBER ADAM MCGOUGH, PRESIDING

PRESENT: [5] McGough, *Atkins,* Moreno, *Resendez,, Willis

ABSENT: [2] Mendelsohn, Thomas

The meeting was called to order at 9:02 a.m. with a quorum of the committee present.

The meeting agenda, posted in accordance with Chapter 551, "OPEN MEETINGS," of the Texas Government Code, was presented.

After all business properly brought before the committee had been considered, the meeting adjourned at 10:38 a.m.

Chair

ATTEST:

City Secretary Staff

Date Approved

The agenda is attached to the minutes of this meeting as EXHIBIT A.

The actions taken on each matter considered by the committee are attached to the minutes of this meeting as EXHIBIT B.

The briefing materials are attached to the minutes of this meeting as EXHIBIT C.

***Note: Members of the Committee participated in this meeting by video conference.**

MINUTES OF THE CITY COUNCIL COMMITTEE
TUESDAY, MAY 17, 2022

EXHIBIT A

RECEIVED

2022 MAY 13 AM 9:47

**CITY SECRETARY
DALLAS, TEXAS**

City of Dallas

*1500 Marilla Street, Council
Briefing Room, 6ES
Dallas, Texas 75201*

Public Notice

220517

POSTED CITY SECRETARY
DALLAS, TX



Public Safety Committee

May 17, 2022

9:00 AM

SPECIAL CALLED MEETING

2022 CITY COUNCIL APPOINTMENTS

COUNCIL COMMITTEE	
ECONOMIC DEVELOPMENT Atkins (C), Arnold (VC), McGough, Narvaez, Resendez, West, Willis	ENVIRONMENT AND SUSTAINABILITY Blackmon(C), Ridley (VC), Arnold, Bazaldua, Resendez, Schultz, West
GOVERNMENT PERFORMANCE AND FINANCIAL MANAGEMENT Mendelsohn (C), Willis (VC), Atkins, Bazaldua, McGough, Ridley, West	HOUSING AND HOMELESSNESS SOLUTIONS Thomas (C), Moreno (VC), Arnold, Blackmon, Mendelsohn, Ridley, Schultz
PUBLIC SAFETY McGough (C), Mendelsohn (VC), Atkins, Moreno, Resendez, Thomas, Willis	QUALITY OF LIFE, ARTS, AND CULTURE Bazaldua (C), West (VC), Arnold, Blackmon, Narvaez, Ridley, Thomas
TRANSPORTATION AND INFRASTRUCTURE Narvaez (C), Atkins (VC), Bazaldua, Mendelsohn, Moreno, Schultz, Willis	WORKFORCE, EDUCATION, AND EQUITY Schultz (C), Thomas (VC), Blackmon, McGough, Moreno, Narvaez, Resendez
AD HOC JUDICIAL NOMINATING COMMITTEE Resendez (C), Arnold, Bazaldua, Ridley, Thomas, West, Willis	AD HOC LEGISLATIVE AFFAIRS Atkins (C), McGough, Mendelsohn, Narvaez, Willis
AD HOC COMMITTEE ON COVID-19 RECOVERY AND ASSISTANCE Thomas (C), Atkins, Mendelsohn, Moreno, Ridley	AD HOC COMMITTEE ON GENERAL INVESTIGATING & ETHICS Mendelsohn (C), Atkins, Blackmon, McGough, Schultz

(C) – Chair, (VC) – Vice Chair

Note: A quorum of the Dallas City Council may attend this Council Committee meeting.

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while

Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne en el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal

"Los ciudadanos y visitantes presentes durante las

attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que este presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisara al oficial que este presidiendo la sesión a tomar acción." Según la sección 3.3 (c) de las reglas de procedimientos del Ayuntamiento.

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistol oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

"Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into any open meeting on this property."

"De conformidad con la Sección 46.03, Código Penal (coloca armas prohibidas), una persona no puede llevar un arma de fuego u otra arma a ninguna reunión abierta en esta propiedad."

The City Council Special Called Public Safety meeting will be held by videoconference and in the Council Briefing Room, 6ES at City Hall. Individuals who wish to speak in accordance with the [City Council Rules of Procedure](#) must sign up with the City Secretary's Office by Monday, May 16, 2022 at 5pm. Speakers may register by calling 214-670-3738 or may register [online](#).

The public is encouraged to attend the meeting virtually; however, City Hall is available for those wishing to attend the meeting in person following all current pandemic-related public health protocols.

The following videoconference link is available to the public to listen to the meeting and Public Affairs and Outreach will also stream the City Council Briefing on Spectrum Cable Channel 95 and [bit.ly/cityofdallastv](#):
<https://dallascityhall.webex.com/dallascityhall/j.php?MTID=m01fc3435a993392ebc0af097d2065ada>

CALL TO ORDER

BRIEFING ITEMS

- A. [22-1131](#) Briefing, Discussion, and Public Comments Regarding Proposed Commercial Promoters Ordinance
[Michael Igo, Assistant Chief, Dallas Police Department]

Attachments:

[Memorandum](#)
[Presentation](#)
[Ordinance](#)

Open Microphone Speakers

ADJOURNMENT

EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

MINUTES OF THE CITY COUNCIL COMMITTEE
TUESDAY, MAY 17, 2022

EXHIBIT B

OFFICIAL ACTION OF THE CITY COUNCIL COMMITTEE

MAY 17, 2022

BRIEFING ITEM

Item A: Briefing, Discussion, and Public Comments Regarding Proposed Commercial Promoters Ordinance

The following individuals briefed the committee on the item:

- Michael Igo, Assistant Chief, Dallas Police Department;
- Jon Fortune, Deputy City Manager, City Manager's Office;
- Bertram Vandenberg, Assistant City Attorney, City Attorney's Office;
- Rosa Fleming, Director, Tourism, Conventions, and Events;
- Jill Haning, Assistant City Attorney; City Attorney's Office;
- Laura Morrison, Assistant City Attorney, City Attorney's Office;
- Carl Simpson, Director, Code Compliance; and
- Eddie Garcia, Chief of Police, Dallas Police Department

OFFICIAL ACTION OF THE CITY COUNCIL COMMITTEE

MAY 17, 2022

CITIZEN SPEAKERS

In accordance with the City Council Rules of Procedure, the council committee provided "open microphone" opportunities for the following individuals to comment on matters that were scheduled on the committee agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda:

OPEN MICROPHONE:

SPEAKER: Harley Barnes, 9613 Walnut St.
SUBJECT: Commercial Promoters Ordinance

SPEAKER: Anthony Page, 3210 Carlisle St.
SUBJECT: Commercial Promoters Ordinance

SPEAKER: Damany Daniel, 3523 Puget St.
SUBJECT: Commercial Promoters Ordinance

SPEAKER: Kathy Stewart, 9509 Shady Valley Dr.
SUBJECT: Commercial Promoters Ordinance

SPEAKER: Bryan Tony, 1500 Pecos St.
SUBJECT: Commercial Promoters Ordinance

SPEAKER: Julie McCullough, 505 Melba St.
SUBJECT: Commercial Promoters Ordinance

SPEAKER: John LaRue, 4401 Hyer St.
SUBJECT: Commercial Promoters Ordinance

SPEAKER: Krista Nightengale, 1623 Main St.
SUBJECT: Commercial Promoters Ordinance

SPEAKER: Kamica King, 5555 Amesbury Dr.
SUBJECT: Commercial Promoters Ordinance

MINUTES OF THE CITY COUNCIL COMMITTEE
TUESDAY, APRIL 17, 2022

EXHIBIT C

Memorandum



CITY OF DALLAS

DATE May 13, 2022

Honorable Members of the Public Safety Committee
TO Adam McGough (Chair), Cara Mendelsohn (Vice Chair), Tennell Atkins, Jesse Moreno,
Jaime Resendez, Casey Thomas, Gay Donnell Willis

SUBJECT **Proposed Commercial Promoters Ordinance**

As requested by Chairman McGough the Special Called Meeting on May 17, 2022, will allow staff to brief, discuss, and receive public comments regarding the proposed Commercial Promoter ordinance. Chief Garcia and his executive leadership team, City Attorney's Office and the Office of Special Events will be available to discuss the suggested draft ordinance. For your reference attached you will find a copy of May 9, 2022, Public Safety's Committee presentation and the draft ordinance.

Should you have any questions regarding this item, please contact me at (214) 670-5299.

Jon Fortune
Deputy City Manager
[Attachment]

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney
Mark Swann, City Auditor
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizzor Tolbert, Deputy City Manager

Majed A. Al-Ghafry, Assistant City Manager
M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager
Robert Perez, Assistant City Manager
Carl Simpson, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Genesis D. Gavino, Chief of Staff to the City Manager
Directors and Assistant Directors



City of Dallas

Proposed Commercial Promoter Ordinance

**Public Safety Committee
May 9, 2022**

Michael Igo
Assistant Chief of Police
Dallas Police Department
City of Dallas

Commercial Promoter Ordinance (CPO)



- Background/History
- Purpose
- CPO – Definitions/Requirements
- Special Event Permitting - Chapter 42A
- CPO – Emergency Response Cost Recovery
- CPO – Offenses/Penalty
- Next Steps



Background/History



- Increase in frequency of commercially promoted events.
- Lack of crowd management or crowd control.
- Inadequate or no security or safety plans.
- Documented occurrences of violent crime.
- Disregard for public safety.
- Unreasonably exhausts public safety resources.



Purpose



- Establish standards for commercially promoted events that are not otherwise permitted events, to provide protection for attendees and the public and reduce the unreasonable use of public safety resources.



Definitions



- Commercial Promoter – Person engaged in commercial promotion.
- Commercial Promotion – Advertisement by any means for a promoted event other than a **permitted event**.
- Promoted Event – Indoor event, with an occupancy over ____, or outdoor event of a public nature that is not a permitted event.
 - Music shows, concerts, outdoor activities, theatrical or other performances.
 - Fees charged to vendors or public for admission or participation.
- Venue Operator – Person with control over a location and property where the action or event occurs.
- **Permitted Event** – Any event that:
 - Requires a special event permit or is issued special event permit under Chapter 42A;
 - Occurs on city-owned property or at a city-owned facility with the city's permission; or
 - Occurs in a location with a valid specific use permit and a certificate of occupancy for a use that allows the event.



Special Event Permitting - Chapter 42A



- SPECIAL EVENT means a temporary outdoor gathering, with an expected total attendance greater than 100, which involves one or more of the following on private or public property where otherwise prohibited by ordinance:
 - Closing or restricting of a public street lane, alley, or sidewalk;
 - Restricting access to public property;
 - Sale of merchandise, food, alcohol, or other beverages where otherwise not permitted as a neighborhood market or by an annual Dallas Farmers Market farmers market permit;
 - 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, bandshell, outdoor projection technology, trailer, van, grandstand, bleachers, or portable toilets for public use;
 - Use of city hall plaza;
 - A run, walk, ride, or special event parade;
 - Placement of temporary no parking, directional, oversized, or identification signs or banners in connection with an event that are placed in or over a public right-of-way, or on private property where otherwise prohibited by ordinance; or
 - Clean zone enforcement.



Special Event Permit Process



Applications are required a minimum of either:
30 days (no street closures);
60 days (static street closure); or
120 days (moving event) in advance of event date.

Proposed Ordinance Requirements



- Must register with the City as a Commercial Promoter
 - Registration expires after two years.
 - Registration fee is required.
- Safety Plan required – Promoted events must include an approved safety plan.
 - General Safety Plan – Serves as the safety plan for promoted events at the venue specified in the plan.
 - Must be signed by the commercial promoter, venue operator, and property owner.
 - Event-Specific Safety Plan – Required when a venue does not have a General Safety plan on file or if a promoted event type deviates from the General Safety plan on file.
 - May only serve as safety plan for promoted event specified by date, time, and location.
 - Must be signed by commercial promoter, venue operator, and property owner.
- Safety Plan requirements are listed in the ordinance (description of event, expected attendance, crowd management, security management, medical & first aid, TABC information, etc.).



Emergency Response Cost Recovery



- Protect the City from financial burdens resulting from an emergency response to promoted events that violate the ordinance.
 - Includes police, fire, paramedics, or any other agent of the City.
- Responsible Party
 - Any person responsible for a promoted event that did not register as a commercial promoter.
 - Any person responsible for a promoted event as a registered commercial promoter without an approved safety plan.
 - Person owns a property where the emergency response is necessary if the promoted event occurred and was not in compliance with the ordinance.
- City representatives are responsible for tracking of all costs during emergency response.



Offenses and Penalties



- Offenses – Person commits an offense if they violate any of the provisions of the ordinance, including:
 - Promoting or conducting a promoted event if not registered as a commercial promoter.
 - Registration fee was not paid.
 - Safety plan violated or not provided.
- Penalties (considering a tiered approach for 1st offense, 2nd offense, etc.)
 - \$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



Receive feedback from:

- Public Safety Committee
 - Special Called Meeting May 17, 2022.
- Entertainment Industry.
- Community.





City of Dallas

Proposed Commercial Promoter Ordinance

Questions

ORDINANCE NO. _____

An ordinance amending the Dallas City Code by adding a new Chapter ___, “Commercial Promoter Program”; providing a commercial promoter registration program, registration fee, and safety plan requirements for commercial promoters; amending Chapter 27, “Minimum Property Standards,” of the Dallas City Code by amending Section 27-46 to include violations of Chapter ___ in the definition of code violations in the habitual nuisance properties program; providing a penalty not to exceed \$500 or \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, commercial promoters are, together with venue operators, over promoting events throughout the city that create large crowds without adequate crowd management, crowd control, security, a general safety plan or an event specific plan, 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; and

WHEREAS, city council desires to address these public safety issues created by promoted events, including recouping the city’s resources when promoted events do not follow city ordinances; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the Dallas City Code is amended by adding a new Chapter ___, “Commercial Promoters Program,” to read as follows:

“CHAPTER ___

COMMERCIAL PROMOTER PROGRAM

SEC. ___-1. PURPOSE.

The purpose of this chapter is to establish standards for the operation of promoted events in a way that provides protection for the public attending promoted events that do not receive permits or oversight through other city processes.

SEC. ____-2. DEFINITIONS.

In this chapter:

- (1) **COMMERCIAL PROMOTER** means a person engaged in commercial promotion.
- (2) **COMMERCIAL PROMOTION** means advertisement by any means for a promoted event other than a permitted event.
- (3) **OWNER.** The word “owner”, applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.
- (4) **PERMITTED EVENT** means any event that:
 - (A) requires a special event permit or has been issued a special event permit under Chapter 42A;
 - (B) occurs on city-owned property or at a city-owned facility with city permission; or
 - (C) occurs in a location with a valid specific use permit and a certificate of occupancy for a use that allows the event.
- (4) **PERSON.** The word “person” shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to individuals.
- (5) **PROMOTED EVENT** means an indoor event, with an occupancy over _____, or outdoor event of a public nature that is not a permitted event. Promoted events include, but are not limited to music shows, concerts, outdoor activities, and theatrical and other performances where fees are charged to vendors or members of the public for participation or admission.
- (6) **PROPERTY.** The word “property” includes real and personal property.
- (7) **VENUE OPERATOR** means the person with control over a location and property where the action or event occurs.

SEC. ____-3. COMMERCIAL PROMOTER REGISTRATION.

- (a) A person engaging in commercial promotion shall register with the city as a commercial promoter. Commercial promoter registration must be submitted on a form provided for that purpose by _____.

(b) A complete commercial promoter registration application must contain the following information:

(1) The legal name, street address, mailing address, electronic mailing address, and telephone number of the registrant.

(2) Any aliases the registrant intends to use in connection to with any commercial promotion.

(3) The names, street addresses, mailing addresses, electronic mailing addresses, and telephone numbers of all partnerships, corporations, or other business entities (including DBAs) associated with the registrant that will appear on any marketing materials advertising or promoting a promoted event.

(4) The name, street address, mailing address, electronic mailing address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week, in the event of an emergency condition involving a promoted event connected to the registrant.

(5) The name, street address, mailing address, electronic mailing address, and telephone number of the registered agent for the registrant, if any.

(6) Potential insurance requirements working with Risk Management

(7) Tax ID Number.

(8) Such additional information as the registrant desires to include or that the chief deems necessary to aid in the determination of whether the requested registration should be granted.

(c) A registrant shall notify the _____ within 30 days after any change in the information contained in the commercial promoter registration.

(d) Commercial promoter registration expires two years from the date of registration. Registrants may renew his or her registration for the next two-year period before the expiration of the current period, but not before 30 days prior to expiration.

SEC. ____-4. COMMERCIAL PROMOTER REGISTRATION FEE.

A fee of \$____ must be paid to _____ at the time of commercial promoter registration or renewal.

SEC. ____-5. SAFETY PLAN REQUIRED.

(a) In general. Promoted events must comply with an approved safety plan. The venue operator and the commercial promoter are responsible for operating a promoted event in compliance with an approved safety plan.

(b) General safety plan.

(1) A venue operator may file with the _____ a general safety plan that complies with Section ____-6. A general safety plan may only serve as the safety plan for promoted events at the venue specified in the plan and for the type of promoted event specified in the plan.

(2) 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.

(3) A general safety plan must be submitted to the _____ at least 14 days before the first promoted event at the venue location.

(4) A venue holding promoted events under a general safety plan must also submit to the _____ 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.

(c) Event-specific safety plan.

(1) If a venue does not have a general safety plan on file with the _____, or if a promoted event deviates in any way from the general safety plan on file, the venue operator or commercial promoter must file with the _____ an event-specific safety plan that complies with Section ____-6. An event-specific safety plan may only serve as the safety plan for the promoted events specified by date, time, and location in the plan.

(2) An event-specific safety plan must be signed by the venue operator, the property owner, and the commercial promoter.

(3) An event-specific safety plan must include a copy of the contract between the promoter and the venue operator.

(4) An event-specific safety plan must be submitted to the _____ at least 14 days prior to the promoted event.

(d) Availability. The safety plan must be kept on-site during the duration of each promoted event and be made immediately available upon request by a representative of the city.

SEC. ____-6. SAFETY PLAN REQUIREMENTS.

A safety plan must include the following:

(1) The legal name, street address, mailing address, electronic mailing address, and telephone number of the property owner, venue operator, and commercial promoter.

- (2) The registration number for each commercial promoter.
- (3) Street address of the promoted event.
- (4) Date(s) of the promoted event (for event-specific safety plans).
- (5) The promoted event beginning and ending times (for event-specific safety plans).
- (6) A description of the promoted event, including activities, programming, entertainment, and all vendors.
- (7) Maximum occupancy of indoor or outdoor spaces pursuant to the Chapter 16, “Dallas Fire Code,” or Chapter 52, “Administrative Procedures for the Construction Codes of the Dallas City Code.”
- (8) Maximum total number of tickets to be sold.
- (9) Expected total attendance and maximum expected attendance at any given time.
- (10) Parking, including service vehicle loading/unloading and any valet services used.
- (11) A description of any infrastructure built in connection with the promoted event such as stages and booths including the names and contact information for all contractors and other responsible parties building the infrastructure.
- (12) Set-up and tear-down process and post-event outdoor clean-up plan.
- (13) A crowd management plan that includes:
 - (A) the number, location, and responsibilities of crowd management personnel;
 - (B) all ingress, egress, and circulation of vehicular and pedestrian traffic, including emergency access for emergency responders;
 - (C) outdoor queuing for event entry;
 - (D) indoor queuing for food, beverages, merchandise, etc.; and
 - (E) any information required by Chapter 16, “Dallas Fire Code.”

(14) A security management plan that includes:

(A) the number, location (inside and outside), and responsibilities of security personnel, including the provider/agency and command structure;

(B) the hours security personnel will be on site; and

(C) incident report procedures.

(15) First aid and medical information that includes:

(A) name of providers, including command structure;

(B) number and location of personnel and first aid and medical stations;

(C) location of signage directing the public to first aid and medical stations; and

(D) accident/incident report procedures.

(16) If the promoted event includes alcohol, provide the TABC license/permit number) or specify if patrons may bring their own alcohol.

(17) Food safety protocols.

(18) Noise abatement strategies.

(19) The number and location of metal detectors, if any.

(20) Whether pyrotechnics will be included in the promoted event.

(21) Emergency contingencies, including event stoppage and evacuation.

SEC. ____-7. DENIAL, SUSPENSION, OR REVOCATION.

(a) The chief shall deny a commercial promoter registration or a renewal if:

(1) the registrant has had his or her registration revoked within the preceding ____ months; or

(2) the registrant has received, within the preceding ____ months, two or more notices of violation or citations related to lack of compliance with a safety plan or this chapter.

(b) The chief shall suspend a commercial promoter registration if the registrant has received, within the preceding ____ months, ____ or more notices of violation or citations related to lack of compliance with a safety plan or this chapter.

(c) The chief shall revoke a commercial promoter registration if:

(1) the registrant made a false statement or omission of material fact on an application for a commercial promoter registration; or

(2) the registrant has received, within the preceding ____ months, ____ or more notices of violation or citations related to lack of compliance with a safety plan or this chapter.

SEC. ____-8. APPEAL.

If the chief of police denies the issuance of a commercial promoter registration or suspends or revokes a commercial promoter registration he shall send to the applicant, or licensee, by certified mail, return receipt requested, written notice of his action and the right to an appeal. The aggrieved party may appeal the decision of the _____ to the permit and license appeal board in accordance with Section 2-96. The filing of an appeal stays the action of the chief of police in suspending or revoking a registration until the permit and license appeal board makes a final decision.

SEC. ____-9. EMERGENCY RESPONSE COST RECOVERY.

(a) Purpose. To protect the city from extraordinary operational and financial burdens resulting from the use of city resources in response to certain public safety incidents, demands for services, and criminal activity related to commercial promoter events in violation of this chapter. Emergency response cost recovery shall safeguard city resources and shall, to the extent permitted by law, allow emergency response cost recovery from the responsible party.

(b) Definitions. in this section:

(1) **EMERGENCY RESPONSE** means the provision, sending, or utilization of public service, police, firefighting, paramedics, rescue service, or any other agent of the city at a promoted event; or

(2) **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 promoted event, including the costs of providing police, firefighting, paramedics, rescue services at the promoted 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.

(3) RESPONSIBLE PARTY means:

(A) any person that is responsible for, in whole or in part, or holds or promotes a promoted event that did not use a commercial promoter registered with the city;

(B) a person that is responsible for, in whole or in part, or holds or promotes a promoted event with a commercial promoter registered without an approved safety plan or in violation of an approved safety plan; or

(C) a person that owns the property where the emergency response is necessary.

(c) Liability for expenses of emergency response. Any responsible party who is responsible for or contributes to any circumstance that results in an emergency response is liable for damages in the amount of the expense of the emergency response. The city may pursue cost recovery fees and expenses for an emergency response in connection with a promoted event that:

(1) is promoted by a person who is not registered as a commercial promoter with the city; or

(2) operates without an approved safety plan or in violation of an approved safety plan.

(d) 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 notice of the expense incurred by the city because of the emergency response, shall be considered in default. If the responsible party who is liable for the debt refuses to reimburse the city, collection shall be pursued by the city.

SEC. ____-10. OFFENSES.

(a) A person commits an offense if he or she promotes or conducts a promoted event:

(1) while not registered in compliance with this chapter;

(2) without having paid the registration fee;

(3) without an approved safety plan; or

(4) in violation of an approved safety plan.

(b) A person commits an offense if he or she is the individual named as the contact person for the promoted event and fails to meet police officers or code enforcement officers at the site of the promoted event within one hour of being contacted by a representative of the city by telephone or email.

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

(d) This chapter may be enforced by the director of the office of special events, the director of code compliance, the chief of police, the fire chief, or their designated representatives.

SEC. ____-10. PENALTY.

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

(1) \$2,000 for a violation of a provision of this chapter or a requirement of a permit governing fire safety, zoning, or public health and sanitation; or

(2) \$500 for all other violations of this chapter.

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

SECTION 2. That Paragraph (3) of Section 27-46, “Definitions,” of Article VIII, “Habitual Criminal and Nuisance Properties,” of Chapter 27, “Minimum Property Standards,” of the Dallas City Code is amended to read as follows:

“(3) CODE VIOLATIONS mean violations of the following provisions of the Dallas City Code:

(A) Section 107.6, “Overcrowding,” of Chapter 16, “Dallas Fire Code.”

(B) Section 30-1, “Loud and Disturbing Noises and Vibrations,” of Chapter 30, “Noise.”

(C) Section 30-4, “Loudspeakers and Amplifiers,” of Chapter 30, “Noise.”

(D) Sections 43-126.9, 43-126.10, and 43-126.11 of Division 3, “Valet Parking Services,” of Article VI, “License for the Use of Public Right-of-Way,” of Chapter 43, “Streets and Sidewalks.”

(E) Chapter ____.

(F) Section 51A-6.102, “Noise Regulations,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code.”

(G[F]) Conditions in planned development or specific use permit ordinances regulating outdoor live music, outdoor patios, the operation of outdoor speakers and amplification, and hours of operation of a use.”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed (1) \$500; or (2) \$2,000 for violations governing fire safety, zoning, or public health and sanitation.

SECTION 3. That Chapter 27 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect [30/45/60 days] from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By DRAFT
Assistant City Attorney

Passed _____

DRAFT



City of Dallas

Proposed Commercial Promoter Ordinance

**Public Safety Committee
Special Called
May 17, 2022**

Michael Igo
Assistant Chief of Police
Dallas Police Department
City of Dallas

Commercial Promoter Ordinance (CPO)



- Purpose
- Permitted Event – Chapter 42A.
- Commercial Promoter Ordinance Overview
- Next Steps



Purpose



- Commercial Promoter Ordinance discussion – May 9th, Public Safety Committee
- Continued discussions with external stakeholders and revisions to existing draft
- Solicit feedback from the community to include in final draft revisions



Permitted Event



- Permitted Event – Any event that:
 - Requires special event permit under Chapter 42A.
 - Occurs on City-owned property or City-owned facility and has an executed agreement or contract with the City for its use.
 - Occurs in a location with a valid specific use permit and a certificate of occupancy for a use that allows the event.



Commercial Promoter Ordinance (CPO) Overview



- Establish standards for the operation of promoted events in a way that provides protection for the public attending promoted events that do not receive permits or oversight through other city processes.
- Commercial Promoter – Person engaged in commercial promotion.
- Commercial Promotion – Advertisement by any means for a promoted event other than a permitted event.
- Promoted Event – Indoor or outdoor event of public nature that is not a permitted event.
 - Music shows, concerts, outdoor activities, theatrical or other performances and;
 - Fees charged to vendors or public for admission or participation.
 - Venue Operator – Person with control over a location and property
- A promoted event does not include an event that is produced for the benefit of or by a registered 501 (c)(3) organization under 26 C.F.R.



CPO continued



- Must register with the City as a Commercial Promoter (Office of Special Events)
- Safety Plan required – Promoted events must include an approved safety plan.
 - General Safety Plan – Serves as the safety plan for promoted events at the venue specified in the plan.
 - Event-Specific Safety Plan – Required when a venue does not have a General Safety plan on file or if a promoted event type deviates from the General Safety plan on file.
 - May only serve as safety plan for promoted event specified by date, time, and location.
- Safety Plan requirements are listed in the ordinance



CPO continued



- Emergency Cost Recovery
 - Protect the City from financial burdens resulting from an emergency response to promoted events that violate the ordinance.
- Responsible Party
 - Any person responsible for a promoted event that did not register as a commercial promoter.
 - Any person responsible for a promoted event as a registered commercial promoter without an approved safety plan.
 - Person owns a property where the emergency response is necessary if the promoted event occurred and was not in compliance with the ordinance.



CPO continued



- Offenses – Person commits an offense if they violate any of the provisions of the ordinance, including:
 - Promoting or conducting a promoted event if not registered as a commercial promoter.
 - Registration fee was not paid.
 - Safety plan violated or not provided.
- 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



- Continue to receive feedback from stakeholders
- Ascertain appropriate fee schedule
- Determine Denial, Revocation, and Suspension periods
- Draft presentation – June 13th Public Safety meeting





City of Dallas

Proposed Commercial Promoter Ordinance

Questions?

ORDINANCE NO. _____

An ordinance amending the Dallas City Code by adding a new Chapter ___, “Commercial Promoter Program”; providing a commercial promoter registration program, registration fee, and safety plan requirements for commercial promoters; amending Chapter 27, “Minimum Property Standards,” of the Dallas City Code by amending Section 27-46 to include violations of Chapter ___ in the definition of code violations in the habitual nuisance properties program; providing a penalty not to exceed \$500 or \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, commercial promoters are, together with venue operators, over promoting events throughout the city that create large crowds without adequate crowd management, crowd control, security, a general safety plan or an event specific plan, 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; and

WHEREAS, city council desires to address these public safety issues created by promoted events, including recouping the city’s resources when promoted events do not follow city ordinances; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the Dallas City Code is amended by adding a new Chapter ___, “Commercial Promoters Program,” to read as follows:

“CHAPTER ___

COMMERCIAL PROMOTER PROGRAM

SEC. ___-1. PURPOSE.

The purpose of this chapter is to establish standards for the operation of promoted events in a way that provides protection for the public attending promoted events that do not receive permits or oversight through other city processes.

SEC. ____-2. DEFINITIONS.

In this chapter:

- (1) **COMMERCIAL PROMOTER** means a person engaged in commercial promotion.
- (2) **COMMERCIAL PROMOTION** means advertisement by any means for a promoted event other than a permitted event.
- (3) **OWNER.** The word “owner”, applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.
- (4) **PERMITTED EVENT** means any event that:
 - (A) requires a special event permit or has been issued a special event permit under Chapter 42A;
 - (B) occurs on city-owned property or at a city-owned facility with city permission; or
 - (C) occurs in a location with a valid specific use permit and a certificate of occupancy for a use that allows the event.
- (4) **PERSON.** The word “person” shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to individuals.
- (5) **PROMOTED EVENT** means an indoor event, with an occupancy over _____, or outdoor event of a public nature that is not a permitted event. Promoted events include, but are not limited to music shows, concerts, outdoor activities, and theatrical and other performances where fees are charged to vendors or members of the public for participation or admission. A promoted event does not include an event that is produced for the benefit of or by a registered 501(c)(3) organization under 26 C.F.R. § 1.501(c)(3).
- (6) **PROPERTY.** The word “property” includes real and personal property.
- (7) **VENUE OPERATOR** means the person with control over a location and property where the action or event occurs.

SEC. ____-3. COMMERCIAL PROMOTER REGISTRATION.

- (a) A person engaging in commercial promotion shall register with the city as a commercial promoter. Commercial promoter registration must be submitted on a form provided for that purpose by the Office of Special Events.

(b) A complete commercial promoter registration application must contain the following information:

(1) The legal name, street address, mailing address, electronic mailing address, and telephone number of the registrant.

(2) Any aliases the registrant intends to use in connection to with any commercial promotion.

(3) The names, street addresses, mailing addresses, electronic mailing addresses, and telephone numbers of all partnerships, corporations, or other business entities (including DBAs) associated with the registrant that will appear on any marketing materials advertising or promoting a promoted event.

(4) The name, street address, mailing address, electronic mailing address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week, in the event of an emergency condition involving a promoted event connected to the registrant.

(5) The name, street address, mailing address, electronic mailing address, and telephone number of the registered agent for the registrant, if any.

(6) Potential insurance requirements working with Risk Management

(7) Tax ID Number.

(8) Such additional information as the registrant desires to include or that the chief deems necessary to aid in the determination of whether the requested registration should be granted.

(c) A registrant shall notify the Office of Special Events within 30 days after any change in the information contained in the commercial promoter registration.

(d) Commercial promoter registration expires two years from the date of registration. Registrants may renew his or her registration for the next two-year period before the expiration of the current period, but not before 30 days prior to expiration.

SEC. ____-4. COMMERCIAL PROMOTER REGISTRATION FEE.

A fee of \$____ must be paid to the Office of Special Events at the time of commercial promoter registration or renewal.

SEC. ____-5. SAFETY PLAN REQUIRED.

(a) In general. Promoted events must comply with an approved safety plan. The venue operator and the commercial promoter are responsible for operating a promoted event in compliance with an approved safety plan.

(b) General safety plan.

(1) A venue operator may file with the Office of Special Events a general safety plan that complies with Section ____-6. A general safety plan may only serve as the safety plan for promoted events at the venue specified in the plan and for the type of promoted event specified in the plan.

(2) 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.

(3) 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.

(4) 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.

(c) Event-specific safety plan.

(1) If a venue does not have a general safety plan on file with the Office of Special Events, or if a promoted event deviates in any way from the general safety plan on file, the venue operator or commercial promoter must file with the Office of Special Events an event-specific safety plan that complies with Section ____-6. An event-specific safety plan may only serve as the safety plan for the promoted events specified by date, time, and location in the plan.

(2) An event-specific safety plan must be signed by the venue operator, the property owner, and the commercial promoter.

(3) An event-specific safety plan must include a copy of the contract between the promoter and the venue operator.

(4) An event-specific safety plan must be submitted to the Office of Special Events at least 14 days prior to the promoted event.

(d) Availability. The safety plan must be kept on-site during the duration of each promoted event and be made immediately available upon request by a representative of the city.

SEC. ____-6. SAFETY PLAN REQUIREMENTS.

A safety plan must include the following:

- (1) The legal name, street address, mailing address, electronic mailing address, and telephone number of the property owner, venue operator, and commercial promoter.
- (2) The registration number for each commercial promoter.
- (3) Street address of the promoted event.
- (4) Date(s) of the promoted event (for event-specific safety plans).
- (5) The promoted event beginning and ending times (for event-specific safety plans).
- (6) A description of the promoted event, including activities, programming, entertainment, and all vendors.
- (7) Maximum occupancy of indoor or outdoor spaces pursuant to the Chapter 16, “Dallas Fire Code,” or Chapter 52, “Administrative Procedures for the Construction Codes of the Dallas City Code.”
- (8) Maximum total number of tickets to be sold.
- (9) Expected total attendance and maximum expected attendance at any given time.
- (10) Parking, including service vehicle loading/unloading and any valet services used.
- (11) A description of any infrastructure built in connection with the promoted event such as stages and booths including the names and contact information for all contractors and other responsible parties building the infrastructure.
- (12) Set-up and tear-down process and post-event outdoor clean-up plan.
- (13) A crowd management plan that includes:
 - (A) the number, location, and responsibilities of crowd management personnel;
 - (B) all ingress, egress, and circulation of vehicular and pedestrian traffic, including emergency access for emergency responders;
 - (C) outdoor queuing for event entry;
 - (D) indoor queuing for food, beverages, merchandise, etc.; and

(E) any information required by Chapter 16, “Dallas Fire Code.”

(14) A security management plan that includes:

(A) the number, location (inside and outside), and responsibilities of security personnel, including the provider/agency and command structure;

(B) the hours security personnel will be on site; and

(C) incident report procedures.

(15) First aid and medical information that includes:

(A) name of providers, including command structure;

(B) number and location of personnel and first aid and medical stations;

(C) location of signage directing the public to first aid and medical stations; and

(D) accident/incident report procedures.

(16) If the promoted event includes alcohol, provide the TABC license/permit number) or specify if patrons may bring their own alcohol.

(17) Food safety protocols.

(18) Noise abatement strategies.

(19) The number and location of metal detectors, if any.

(20) Whether pyrotechnics will be included in the promoted event.

(21) Emergency contingencies, including event stoppage and evacuation.

SEC. ____-7. DENIAL, SUSPENSION, OR REVOCATION.

(a) The chief shall deny a commercial promoter registration or a renewal if:

(1) the registrant has had his or her registration revoked within the preceding ____ months; or

(2) the registrant has received, within the preceding ____ months, two or more notices of violation or citations related to lack of compliance with a safety plan or this chapter.

(b) The chief shall suspend a commercial promoter registration if the registrant has received, within the preceding ____ months, ____ or more notices of violation or citations related to lack of compliance with a safety plan or this chapter.

(c) The chief shall revoke a commercial promoter registration if:

(1) the registrant made a false statement or omission of material fact on an application for a commercial promoter registration; or

(2) the registrant has received, within the preceding ____ months, ____ or more notices of violation or citations related to lack of compliance with a safety plan or this chapter.

SEC. ____-8. APPEAL.

If the chief of police denies the issuance of a commercial promoter registration or suspends or revokes a commercial promoter registration he shall send to the applicant, or licensee, by certified mail, return receipt requested, written notice of his action and the right to an appeal. The aggrieved party may appeal the decision of the _____ to the permit and license appeal board in accordance with Section 2-96. The filing of an appeal stays the action of the chief of police in suspending or revoking a registration until the permit and license appeal board makes a final decision.

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(a) Purpose. To protect the city from extraordinary operational and financial burdens resulting from the use of city resources in response to certain public safety incidents, demands for services, and criminal activity related to commercial promoter events in violation of this chapter. Emergency response cost recovery shall safeguard city resources and shall, to the extent permitted by law, allow emergency response cost recovery from the responsible party.

(b) Definitions. in this section:

(1) **EMERGENCY RESPONSE** means the provision, sending, or utilization of public service, police, firefighting, paramedics, rescue service, or any other agent of the city at a promoted event; or

(2) **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 promoted event, including the costs of providing police, firefighting, paramedics, rescue services at the promoted 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.

(3) RESPONSIBLE PARTY means:

(A) any person that is responsible for, in whole or in part, or holds or promotes a promoted event that did not use a commercial promoter registered with the city;

(B) a person that is responsible for, in whole or in part, or holds or promotes a promoted event with a commercial promoter registered without an approved safety plan or in violation of an approved safety plan; or

(C) a person that owns the property where the emergency response is necessary.

(c) Liability for expenses of emergency response. Any responsible party who is responsible for or contributes to any circumstance that results in an emergency response is liable for damages in the amount of the expense of the emergency response. The city may pursue cost recovery fees and expenses for an emergency response in connection with a promoted event that:

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(b) A person commits an offense if he or she is the individual named as the contact person for the promoted event and fails to meet police officers or code enforcement officers at the site of the promoted event within one hour of being contacted by a representative of the city by telephone or email.

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

(d) This chapter may be enforced by the director of the office of special events, the director of code compliance, the chief of police, the fire chief, or their designated representatives.

SEC. ____-10. PENALTY.

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

(1) \$2,000 for a violation of a provision of this chapter or a requirement of a permit governing fire safety, zoning, or public health and sanitation; or

(2) \$500 for all other violations of this chapter.

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

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SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed (1) \$500; or (2) \$2,000 for violations governing fire safety, zoning, or public health and sanitation.

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SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect [30/45/60 days] from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By DRAFT
Assistant City Attorney

Passed _____