



City of Dallas

Proposed Commercial Promoter Ordinance

**Public Safety Committee
May 9, 2022**

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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.





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Questions