

RULE NO: 161-23.12

NOTICE OF PROPOSED RULE:

POSTING DATE: March 3, 2023

The Director of the Development Services Department proposes to adopt the following rule after April 4, 2023

Comments on the proposed rule are requested from the public. Comments should be submitted to Brydan Summers, Consumer Services Manager, Austin Center for Events (ACE) at Brydan.summers@austintexas.gov or 512-974-4854. To be considered, comments must be submitted before April 4, 2023, the 32nd day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

EFFECTIVE DATE OF PROPOSED RULE:

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before April 4, 2023 (32nd day after the date of this notice) or not after May 12, 2023 (70th day after the date of this notice).

If a proposed rule is not adopted on or before May 12, 2023, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

BRIEF EXPLANATION OF PROPOSED RULE:

Rule 161-23.12; Proposed addition to the Administrative Rules for City Code Chapter 4-20 (Special Events)

- The proposal is to update a definition and incorporate rules for accepting fees and performing a completeness check when processing special event applications. This addition updates the Rule's definitions to reflect that the term 'Fee Paid Events' has been removed from Chapter 14-8 and is no longer a term used by ACE or in City Code. It also codifies operational steps that have been enacted since Austin Center for Events began assessing fees in October 2022.

A copy of the complete text of the proposed rule is attached to this notice; a copy of the complete text of the rule is also available for public inspection and copying at the following locations.

Copies may be purchased at the locations at a cost of ten cents per page.

Development Services Department, Austin Center for Events located at 6310 Wilhelmina Delco Drive, Austin, Texas 78752 (by appointments only, call 512-974-4854)

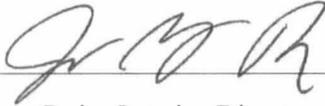
AUTHORITY FOR ADOPTION OF PROPOSED RULE:

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of City Code is provided in Chapter 1-2 and Chapter 4-20-2(E)(6) of the City Code.

CERTIFICATION BY CITY ATTORNEY:

By signing this Notice of Proposed Rule 161-23.12, The City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

REVIEWED AND APPROVED



Jose Roig, Interim Director
Development Services Department

Date: 02/28/2023

Anne L. Morgan

Anne L. Morgan
City Attorney

Date: 2/28/23

3. Definitions

- 3.2 Fee Paid Event means a right of way event that is in a fixed or stationary location and requires the payment of a gate fee to access the public right of way

4.3 Fees

- 4.3.1 An ACE Application Processing Fee (“Application Fee”) is required at the time of the application submittal. Reviews of the application by ACE departments will not begin until the Application Fee has been paid and the application has been determined to be complete. The Application Fee is non-refundable after the application has been determined to be complete even if the applicant later cancels or withdraws their application.
- 4.3.2 An ACE Permit Fee (“Permit Fee”) is required before the permit is issued. If an applicant withdraws their application before DSD verifies all substantive reviews from ACE departments have been completed or the application is denied by ACE during the review of the application, no Permit Fee will be invoiced.

4.4 Completeness Check

- 4.4.1 Upon application submittal, ACE will perform a completeness check to determine if all required information described in 4.1 and 4.2 has been submitted. A completeness check includes an initial review of the location, date, and proposed activities.
- 4.4.2 If ACE determines the wrong application was submitted for the proposed special event during completeness check, the application will be rejected, and the Application Fee will be refunded. When possible, ACE will provide a link to the applicant for the correct application or information for the appropriate agency to contact.
- 4.4.3 If an application is determined to be incomplete, ACE will contact the applicant and request the missing required information and documents. If the applicant fails to provide the required information and documents or fails to modify the application, the application will be denied without being distributed to ACE departments. ACE will provide written reason(s) for the denial of the application that will be sent to the applicant.
- 4.4.4 Once an application has been deemed complete and the applicant has paid the Application Fee required under Section 4.3, the application will be distributed to the ACE departments for a more detailed review.