

**RULE NO.: R161-23.12**

**NOTICE OF RULE ADOPTION**

**ADOPTION DATE: April 13, 2023**

By: Jose Roig, Interim Director  
Development Services Department

The Director of the Development Services Department has adopted the following rule. Notice of the proposed rule was posted on March 3, 2023. Public comment on the proposed rule was solicited in the March 3, 2023 notice. This notice is issued under Chapter 1-2 of the City Code. The adoption of a rule may be appealed to the City Manager in accordance with Section 1-2-10 of the City Code as explained below.

A copy of the complete text of the adopted rule is attached to this notice.

**EFFECTIVE DATE OF ADOPTED RULE**

A rule adopted by this notice is effective on April 13, 2023

**TEXT OF ADOPTED RULE**

R161-23.12: Notice of Adoption to the Administrative Rules for City Code Chapter 4-20 (Special Events).

- Updates a definition and incorporates 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.

**SUMMARY OF COMMENTS**

The Development Services Department did not receive comments regarding Rule R161-23.12.

**AUTHORITY FOR ADOPTION OF RULE**

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

## **APPEAL OF ADOPTED RULE TO CITY MANAGER**

A person may appeal the adoption of a rule to the City Manager. **AN APPEAL MUST BE FILED WITH THE CITY CLERK NOT LATER THAN THE 30TH DAY AFTER THE DATE THIS NOTICE OF RULE ADOPTION IS POSTED. THE POSTING DATE IS NOTED ON THE FIRST PAGE OF THIS NOTICE.** If the 30th day is a Saturday, Sunday, or official city holiday, an appeal may be filed on the next day which is not a Saturday, Sunday, or official city holiday.

An adopted rule may be appealed by filing a written statement with the City Clerk. A person who appeals a rule must (1) provide the person's name, mailing address, and telephone number; (2) identify the rule being appealed; and (3) include a statement of specific reasons why the rule should be modified or withdrawn.

Notice that an appeal was filed and will be posted by the city clerk. A copy of the appeal will be provided to the City Council. An adopted rule will not be enforced pending the City Manager's decision. The City Manager may affirm, modify, or withdraw an adopted rule. If the City Manager does not act on an appeal on or before the 60th day after the date the notice of rule adoption is posted, the rule is withdrawn. Notice of the City Manager's decision on an appeal will be posted by the city clerk and provided to the City Council.

On or before the 16th day after the city clerk posts notice of the City Manager's decision, the City Manager may reconsider the decision on an appeal. Not later than the 31st day after giving written notice of an intent to reconsider, the City manager shall make a decision.

## **CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Rule Adoption R161-23.12 the City Attorney certifies that 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**

  
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Jose Roig, Interim Director  
Development Services Department

Date: 04/05/2023

*Anne L. Morgan*  
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Anne L. Morgan  
City Attorney

Date: 4/5/23

### 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.