

## ORDINANCE NO.

### AN ORDINANCE AMENDING CITY CODE CHAPTER 9-2 RELATING TO DECIBEL MEASUREMENT AND OTHER REQUIREMENTS FOR AMPLIFIED SOUND PERMITS.

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1.** City Code Section 9-2-1 (*Definitions*) is amended to add new definitions of “C-Weighting” and “Mobile Response Code” to read as follows and to renumber the remaining definitions accordingly:

- (2) C-WEIGHTING means a frequency response adjustment of a sound level meter with a “C-weighting” filter, as defined by the American National Standards Institute, that analyzes the sound source signal with approximately equal weight to all frequencies. Measurements made with this weighting are designated “dBC.”
- (4) MOBILE RESPONSE CODE means a two-dimensional bar code that can be read through applications available on a smartphone or other mobile device and linked to information available online.

**PART 2.** Subsections (A) and (B) of City Code Section 9-2-32 (*Notice Sign Requirements for Live Music Permits*) are amended to read:

- (A) The owner or operator of a site or property for which a permit has been issued under Section 9-2-38 (*Multi-Day Special Event Permit*) or Section 9-2-39 (*Permit for an Outdoor Music Venue*) shall:
  - (1) prominently post signs that include the information required under Subsection (B) of this Section; and
  - (2) keep copies of the permit and associated sound impact plan on-site and make them available for inspection.
- (B) The accountable official shall adopt requirements, in accordance with Chapter 1-2 (Adoption of Rules), governing the design, placement, and size of signs to be posted at all outdoor music venues. At a minimum, the signs shall specify the following:
  - (1) the name and address of the site or property and the type of live music permit issued;

- (2) the name and address of the owner or operator of the site or property;
- (3) the decibel limits for operation of sound equipment at the site or property;
- (4) the hours during which sound equipment may be used at the site or property; ~~[and]~~
- (5) the date on which the permit for the site or property expires; and
- (6) if applicable, a mobile response code that links to the sound impact plan or temporary event impact plan required in connection with the amplified sound permit.

**PART 3.** City Code Chapter 9-2 (*Noise and Amplified Sound*) is amended to redesignate “Subpart D” as “Subpart C” and to amend Subsection (C) of Section 9-2-50 (*Music Office Review*) to read as follows:

- (C) After conducting an investigation under Subsection (B) of this section, the music office shall prepare a report recommending approval or denial of the application and any appropriate conditions and restrictions. If necessary to protect public health and safety, the music office may recommend heightened restrictions for one or more of the following that exceed the standards required under Section 9-2-30 (*Decibel Limits for Outdoor Music*) or other provisions of this chapter:
- (1) limits on attendance and capacity; ~~[and more restrictive]~~
  - (2) decibel limits, which may include a requirement to use C-weighting in addition to standard decibel measurements; and
  - (3) hours of operation ~~[than required under Section 9-2-30 (*Decibel Limits for Outdoor Music*)].~~

**PART 4.** Subsections (B) and (C) of City Code Section 9-2-52 (*Temporary Event Impact Plan*) are amended to read as follows:

- (B) A temporary event impact plan must be based on the findings and recommendations under Section 9-2-50 (*Music Office Review*) and Section 9-2-51 (*Additional Review for Temporary Events*) and must include the following elements:
- (1) Appropriate restrictions for:
    - (a) stage construction and orientation;

- (b) size, location, and orientation of speakers;
- (c) appropriate sound buffering; and
- (d) on-site decibel meters.

~~[(2) If necessary to protect public health and safety, limits on attendance and capacity and more restrictive decibel limits and hours of operation than required under Section 9-2-30 (Decibel Limits for Outdoor Music).]~~

~~(2)~~[(3)] A statement of all code requirements applicable to the permit under Division 1 (*General Provisions*) and Division 3 (*Outdoor Music Permits*) of this chapter.

~~(3)~~[(4)] Identification and contact information of one or more responsible parties to be present at events requiring the use of sound equipment.

(C) If necessary to protect public health and safety, the Music Office may require a temporary event impact plan [may] to include heightened restrictions for one or more of the following that exceed the standards required under Section 9-2-30 (*Decibel Limits for Outdoor Music*) or other provisions of this chapter:

(1) limits on attendance and capacity; [and more restrictive]

(2) decibel limits, which may include a requirement to use C-weighting in addition to standard decibel measurements; and

(3) hours of operation [than required under Section 9-2-30 (*Decibel Limits for Outdoor Music*)].

**PART 5.** Subsection (A) of City Code Section 9-2-61 (*Offenses*) is amended to read as follows:

(A) A person commits an offense if the person makes noise or uses sound equipment in violation of a provision of this chapter or a sound impact plan or temporary event impact plan required under this chapter.

**PART 6.** The City Manager is directed to collect and analyze approximately one year's worth of data regarding the effectiveness of C-weighting requirements included in sound impact plans and temporary event impact plans and to provide a report to the City Council by no later than December 17, 2015.

**PART 7.** Part 5 of this ordinance takes effect on December 17, 2014. All other parts of this ordinance take effect on \_\_\_\_\_, 2014.

**PASSED AND APPROVED**

\_\_\_\_\_, 2014      §  
                                 §  
                                 § \_\_\_\_\_  
                                 Lee Leffingwell  
                                 Mayor

**APPROVED:** \_\_\_\_\_  
                         Karen M. Kennard  
                         City Attorney

**ATTEST:** \_\_\_\_\_  
                         Jannette S. Goodall  
                         City Clerk

DRAFT