



DOWNTOWN COMMISSION RECOMMENDATION 20150121-005

Date: January 21, 2015

Subject: Amendments to City Code Chapters 9-2 (Noise and Amplified Sound)
and 9-4 (Prohibited Activities)

Motioned By: Jude Galligan Seconded By: Joel Sher

Recommendation

The Downtown Commission recommends that the City Council approve the amendments as presented to the Downtown Commission (attached), conditioned upon the oversight of a permitting office to be determined by the Council.

Vote: 9-2

For: Martin Barrera, Jude Galligan, Dan Leary, Maureen Metteauer, Jim Nix,
Owen Snell, Joel Sher, Bart Whatley, Bruce Willenzik

Against: Lindsey Sokol, Sunshine Mathon

Abstaining: Dale Glover

Absent: Brian Roark

Attest: Michael R. Knox
Michael Knox, Executive Liaison

ORDINANCE NO. _____

1 AN ORDINANCE AMENDING CITY CODE CHAPTERS 9-2 (*NOISE AND*
2 *AMPLIFIED SOUND*) AND 9-4 (*PROHIBITED ACTIVITIES*) RELATING TO
3 AUDIBLE NOISES AND MUSIC AND SOLICITATION.
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5 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
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7 PART 1. City Code Section 9-2-2 (*Applicability*) is amended to remove Subsection (B).

8 PART 2. City Code Sections 9-2-3 (*General Restrictions*) is amended to read as follows:

9 § 9-2-3 GENERAL RESTRICTIONS.
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11 (A) A person may not:

12 (1) use or permit the use of sound equipment at a business that produces
13 sound

14 (a) in excess of 85 decibels between 10:00 a.m. and 2:00 a.m., as
15 measured at the property line of the business; or

16 (b) is plainly audible at the property line of the business between 2:00
17 a.m. and 10:00 a.m.[the decibel limits prescribed by this chapter];

18 (2) use or permit the use of sound equipment at a residence that produces
19 sound

20 (a) in excess of 75 decibels at the boundary line of the residence; or

21 (b) is plainly audible at the boundary line of the residence between
22 10:00 p.m. and 10:00 a.m.;

23 (3) make noise or play a musical instrument that is plainly audible from the
24 boundary line of the nearest [to an adjacent] business or residentially
25 occupied property [residence]

26 (a) between 1:00 a.m. and 7:00 a.m. in the following areas

27 (i) 600 to 900 blocks of Red River Street;

28 (ii) Sixth Street District;

1 (iii) Warehouse District; or

2 (b) between 10:30 p.m. and 7:00 a.m. in all other areas of the City;

3 (4) operate a machine that separates, gathers, grades, loads, or unloads sand,
4 rock, or gravel within 600 feet of a residence, church, hospital, hotel, or
5 motel between 7:00 p.m. and 6:00 a.m., except for the installation of
6 concrete as authorized under Section 9-2-21[15] (*Permit for Concrete*
7 *Installation During Non-Peak Hour Periods*);

8 (5) use or authorize or allow the use of a vehicle, equipment, attachment, or
9 device associated with a vehicle, for cold hold, refrigeration, or freezing
10 of any consumable food or beverage product, including water in any form
11 such as consumer ice or ice used to refrigerate food or beverage, between
12 7:00 p.m. and 6:00 a.m. if noise or sound originating from the vehicle or
13 any associated equipment (such as an engine or generator, equipment,
14 attachment, trailer or device) is audible or causes vibration at a residence;

15 (6) operate sound equipment in a vehicle audible or causing a vibration 30
16 feet from the equipment, except as authorized under Section 9-2-22
17 (*Permit for Sound Equipment on Vehicle*); or

18 (7) operate sound equipment in a watercraft audible or causing a vibration
19 100 feet from the equipment.

20 **PART 3.** City Code Section 9-2-4 (*Restriction on Decibel Level*) is repealed and
21 replaced to read as follows:

22 **§ 9-2-4 PERMIT REQUIRED.**

23 A person may not use or permit the use of sound equipment that is audible to the
24 public without a permit required by this chapter.

25 **PART 4.** City Code Section 9-2-5 (*Restriction on Use of Sound Equipment in a*
26 *Residential Area*) is repealed.

27 **PART 5.** City Code Section 9-4-13 (*Solicitation Prohibited*) is amended to amend
28 Subsection (A) to read as follows:

29 **§ 9-4-13 SOLICITATION PROHIBITED.**

30 (A) A person commits an offense if the person solicits:

31 (1) in an aggressive manner in a public area;

- 1 (2) in a bus, at a bus station or stop, or at a facility operated by a
2 transportation authority for passengers;
- 3 (3) within 25 feet of:
- 4 (a) an automated teller facility;
- 5 (b) the entrance or exit of a bank; or
- 6 (c) the entrance or exit of a check cashing business; or
- 7 (4) at a marked crosswalk;
- 8 (5) on either side of the street on a block where a school attended by minors
9 or childcare facility has an entrance or exit;
- 10 (6) at a sidewalk café authorized under Chapter 14-4 (*Sidewalk Cafes*) or the
11 patio area of a bar or restaurant; [ø]
- 12 (7) between 1:00 am and 7:00 am in the following areas:
- 13 (i) 600 to 900 blocks of Red River Street;
- 14 (ii) Sixth Street District as defined in Section 9-2-1 (*Definitions*); or
- 15 (iii) Warehouse District as defined in Section 9-2-1 (*Definitions*); or
- 16 (8) in the downtown business area described in Section 9-4-14 (*Sitting or*
17 *Lying Down on Public Sidewalks in the Downtown Business Area*
18 *Prohibited*) between 7:00 p.m. and 7:00 a.m..

19 **PART 6.** Six months after the effective date of this ordinance, the City Manager shall
20 report to Council on any issues related to blocked entrances and exits and abuse of
21 amplified sound that result from this ordinance and also any recommendations to address
22 the issues.

23 **PART 7.** This ordinance takes effect on _____, 2015.

PASSED AND APPROVED

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_____, 2015

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Steve Adler
Mayor

APPROVED: _____

Karen M. Kennard
City Attorney

ATTEST: _____

Jannette S. Goodall
City Clerk

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