

City of Austin
Economic Development Department – Music Division
Agent of Change and Entertainment License – Proposed Key Concepts

AGENT OF CHANGE		
Key Concept	Currently	Proposed
Property Owner Acknowledgement	No requirement for new developments to acknowledge proximity to venues or residential areas.	Required when commercial and residential plans are submitted.
Disclosure by Property Owner	No requirement for disclosure of proximity to venues or residential areas.	Required before property leasee or buyer signs any legal document.
Nuisance Determination	City Code Ch. 9-2-61 states: (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. (B) A violation of this chapter is a nuisance.	Retain language in City Code Ch. 9-2-61. Add language stating compliance with provision of this chapter or a sound impact plan or temporary event impact plan will not constitute a nuisance by the City of Austin, in reference to sound.
ENTERTAINMENT LICENSE		
Key Concept	Currently	Proposed
Transition from Permit to License	Sound permitting is included within City Code Title 9 (Prohibited Activities) leading to confusion between business regulations and general prohibited activities.	Clarify business requirements by separating general restrictions from licensed business regulations by moving sound ‘permitted’ activities from City Code Title 9 to Title 4 (Business Regulations and Permit Requirements).
Applicability	Outdoor music venues are required to obtain an outdoor music venue permit, which includes a sound impact plan.	Indoor and outdoor music venues will require an entertainment license, which replaces the outdoor music venue permit. All outdoor venues and indoor venues with document violations will require a sound impact plan to accompany entertainment license.

ENTERTAINMENT LICENSE (con't)

Key Concept	Currently	Proposed
Fees and Term	<ul style="list-style-type: none"> Notification Fee: \$560 (annual) Sound Impact Evaluation Fee: \$200 (annual) Permit Fee: \$281 (annual) <p>Annual Total – \$1,041 Three-year Total – \$3,123</p> <p>Only paid by outdoor venues.</p>	<ul style="list-style-type: none"> Initial Application Fee: \$100 (one time) Renewal Application Fee: \$50 (every 3 years) Sound Impact Evaluation Fee: \$300 (annually) <ul style="list-style-type: none"> Bi-annual – if no documented violations <p>Three-year Total – \$100 (no sound impact plan required) \$1,000 (if annual sound impact plan required)</p>
Notification Process	City mails letters to single- or multi-family residents and declared neighborhood associations located adjacent to or within 600 feet of the property (\$560 fee).	Applicants will be required to post a placard and affidavit on the outside of their business for 30 days, along with a choice of additional outreach methods such as meeting with a neighborhood group.
Interested Party Appeal	Per City Code Ch. 9-2-55 and 56, interested parties may appeal the issuance of an outdoor music venue permit. Concerns that cannot be resolved by Music Office staff are placed on City Council agenda for consideration.	<p>Retain definition of interest party (Ch. 9-2-55) and timeframe for appeal (Ch. 9-2-56).</p> <p>Interested parties will submit written objections for review by an interdisciplinary team of City staff.</p> <p>The team will review the objections and either ratify, modify, or deny the sound impact plan/license conditions.</p> <p>Venue may appeal this decision to the City Manager's Office.</p>
Appeal, Suspension and Revocation	City Ordinance Ch. 9-2-63 and 64 provide a process for suspension and revocation of permits, respectively, based on violations within specified timeframes.	Retain established processes with the addition of hearings before the interdisciplinary team prior to suspension or revocation of license.