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PART 1. FINDINGS.

The council finds the following:

- (1) New Year's Eve is a tradition celebrated around the country and much of the world, and an opportunity for Austinites and tourists from all walks of life to celebrate together in public spaces and entertainment venues; and
- (2) The live music and nightlife industry provides a \$2 billion dollar economic impact in Austin and New Year's Eve is one of the most significant dates in the nightlife calendar; and
- (3) Participation in New Year's Eve celebrations is widespread, including among families, and the public is accustomed to fireworks, music and celebrations leading up to and at midnight on this holiday; and
- (4) The City is committed to ensuring that Austin remain a welcoming city for live music.
- (5) This will be the second year the Council has modified the hours to operate sound equipment on New Year's Eve and as a result, it is appropriate to consider amending the City Code for future New Year's Eve celebrations.

PART 2. In this ordinance, the following definitions apply:

- (1) **OUTDOOR MUSIC VENUE** means a commercial property where sound equipment is used to amplify sound that is not fully enclosed by permanent, solid walls and a roof.
- (2) **SOUND IMPACT PLAN** means a plan required in connection with approval of an outdoor music venue permit under Section 9-2-39 (*Outdoor Music Venue Permit*).

PART 3. This ordinance authorizes extended hours to operate sound equipment at a property that is permitted as an outdoor music venue on December 31, 2018 and January 1, 2019 as follows:

(A) Except as provided in Subsections (B) through (D), an outdoor music venue must operate sound equipment consistent with its approved sound impact plan.

(B) An outdoor music venue may operate sound equipment between 10:00 a.m. beginning on December 31, 2018, and 1:00 a.m. on January 1, 2019, if the outdoor music venue is located beyond:

- (1) 600 feet of property zoned and used as residential and is authorized by its sound impact plan to operate sound equipment until 12:00 midnight on Fridays or Saturdays; or
- (2) 100 feet of property zoned and used as residential and is authorized by Section 9-2-14(C)(1)(c) to operate sound equipment until 12:00 midnight on Fridays or Saturdays, and the permit holder reaches an agreement with:
 - (a) owners and representatives of nearby property; and
 - (b) representatives of affected neighborhood organizations.

(C) On December 31, 2018, an outdoor music venue that is located beyond 100 feet of property zoned and used as residential and is not authorized to operate sound equipment until 12:00 midnight on Fridays or Saturdays may operate sound equipment consistent with the hours established in the sound impact plan for a Friday or Saturday if the permit holder reaches an agreement with:

- (1) owners and representatives of nearby property; and
- (2) representatives of affected neighborhood organizations.

(D) On December 31, 2018, an outdoor music venue that is not described in Subsection (B) or (C) may operate sound equipment consistent with the hours established in the sound impact plan for a Friday or Saturday.

PART 4. The City Council directs the City Manager to prepare and present an ordinance that amends Chapter 9-2 (*Noise and Amplified Sound*) to establish hours to operate sound equipment on New Year's Eve at a permitted outdoor music venue.

PART 5. This ordinance takes effect on _____, 2018.

PASSED AND APPROVED

_____, 2018 § _____
§
§

Steve Adler
Mayor

APPROVED: _____

Anne L. Morgan
City Attorney

ATTEST: _____

Jannette S. Goodall
City Clerk

DRAFT