

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 9-2 (NOISE AND AMPLIFIED SOUND) RELATING TO OPERATING SOUND EQUIPMENT ON CERTAIN DAYS AND ON A TEMPORARY BASIS; AND CREATING AN OFFENSE.**

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

**PART 1.** City Code Section 9-2-30 (*Decibel Limits for Outdoor Music*) is amended to amend Subsection (A) to read as follows:

**§ 9-2-30 DECIBEL LIMITS FOR OUTDOOR MUSIC.**

(A) Unless a more restrictive decibel limit is required by a sound ~~[temporary event]~~ impact plan, a condition in ~~[on]~~ an outdoor music venue permit, or by another provision of this code, sound equipment for which a permit has been issued under Subpart B (*Live Music Permits*) may be operated at the following decibel levels:

(1) Up to 85 decibels between 10:00 a.m. and:

(a) 10:30 p.m. on Sunday through Wednesday;

(b) 11:00 p.m. on Thursday; or

(c) 12:00 midnight on Friday, ~~[on]~~ Saturday, ~~[on]~~ or the night before New Year's Day.

(2) Up to 85 decibels at an outdoor music venue with an occupancy capacity of 600 or fewer people located in the Warehouse District or Sixth Street District, between 10:00 a.m. and 2:00 a.m.

(3) Up to 85 decibels during the spring festival season, between 10:00 a.m. and 2:00 a.m.

(4) Up to 85 decibels at an outdoor music venue located in the Red River Cultural District, between 10:00 a.m. and:

(a) 10:30 p.m. on Sunday through Wednesday;

(b) 12:00 midnight on Thursday; or

(c) 1:00 a.m. on Friday, ~~[on]~~ Saturday, or the night before New Year's Day.

**PART 2.** Chapter 9-2 (*Noise and Amplified Sound*) is amended to add a new Section 9-2-33 (*Temporary Use of Sound Equipment*) to read as follows:

**§ 9-2-33 TEMPORARY USE OF SOUND EQUIPMENT.**

- (A) This section applies to the temporary use of sound equipment outdoors at an event that is not subject to City Code Chapter 4-20 (*Special Events*).
- (B) In this section, temporary use of sound equipment outdoors is the use of sound equipment on:
  - (1) any part of a premises that is not fully enclosed by permanent, solid walls, and roof; and
  - (2) four or fewer days during a 30-day period.
- (C) Except as provided in Subsection (J), a person must obtain a permit issued under this section for the temporary use of sound equipment.
- (D) Subject to the restrictions in Article 2, Divisions 1 (*General Provisions*) and 3 (*Outdoor Music Permits*), the accountable official is authorized to issue a sound permit that allows for the temporary use of sound equipment.
- (E) A sound impact plan that complies with Section 4-20-43 (*Sound Equipment for Outdoor Special Event Venues*) is required for a permit issued under this section.
- (F) To obtain a permit issued under this section, a person must submit an application that complies with Section 9-2-12 (*Application Requirements*) at least 30 days before the beginning of the event.
- (G) If an application for a temporary sound permit is denied, the applicant may file an appeal that complies with the requirements in Section 4-20-35 (*Appeal of Special Event Application Denial*).
- (H) A permit issued under this section is subject to Section 4-20-61 (*Revocation of Special Event Permit*).
- (I) The maximum number of days a premises may be the subject of a permit described in this section is 19 days per calendar year.
- (J) In lieu of a permit described in this section, an applicant may apply for a permit authorized in Article 2, Division 3 (*Outdoor Music Permits*).

**PART 3.** City Code Section 9-2-31 (*Additional Application Requirements*) is amended to delete Subsections (A) and (B) and to re-letter the remaining subsections accordingly.

**PART 4.** City Code Section 9-2-53 (*Decision on Application*) is amended to read as follows:

**§ 9-2-53 DECISION ON APPLICATION.**

(A) The accountable official shall approve an application under [~~Section 9-2-37 (24 Hour Live Music Permit), Section 9-2-38 (Multi-Day Special Event Permit), or~~] Section 9-2-39 (*Outdoor Music Venue Permit*) if:

~~[(1) the music office and the special events office have recommended a temporary event impact plan under Section 9-2-52 (Temporary Event Impact Plan), if applicable; and]~~

(~~1~~[2]) the accountable official finds that the conditions included in the sound [~~temporary event~~] impact plan or other recommendation of the music office are sufficient to:

- (a) mitigate adverse impacts of the proposed venue on adjacent residential, commercial, and civic uses; and
- (b) protect the health and safety of residents living in areas adjacent to the proposed [~~event or~~] venue.

**PART 5.** This ordinance takes effect on \_\_\_\_\_, 2019.

**PASSED AND APPROVED**

\_\_\_\_\_, 2019      § \_\_\_\_\_  
§ \_\_\_\_\_  
§ \_\_\_\_\_

Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_  
Anne L. Morgan  
City Attorney

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