

ORDINANCE NO. 20191114-011

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 November 25, 2019.

PASSED AND APPROVED

_____, November 14, 2019

APPROVED:



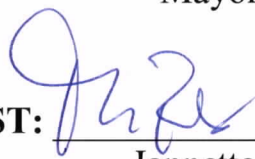
Anne L. Morgan
City Attorney

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Steve Adler
Mayor

ATTEST:



Jannette S. Goodall
City Clerk