

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 9-2 OF THE CITY CODE TO AUTHORIZE PERMITS FOR CONCRETE INSTALLATION DURING NON-PEAK HOUR PERIODS; AMENDING CITY CODE SECTIONS 9-2-3, 9-2-11, 9-2-21, 9-2-22, 9-2-23, AND 9-2-24 RELATING TO PERMIT REQUIREMENTS AND FEES; AND ADDING NEW CITY CODE SECTIONS 9-2-15 AND 9-2-16.

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

PART 1. City Code Section 9-2-3 (*General Restrictions*) is amended to read:

§ 9-2-3 GENERAL RESTRICTIONS.

A person may not:

- (1) make noise or use sound equipment in public between 10:30 p.m. and 7:00 a.m.;
- (2) use or permit the use of sound equipment at a business in excess of the decibel limits prescribed by this chapter;
- (3) make noise or play a musical instrument audible to an adjacent business or residence between 10:30 p.m. and 7:00 a.m.;
- (4) operate a machine that separates, gathers, grades, loads, or unloads sand, rock, or gravel within 600 feet of a residence, church, hospital, hotel, or motel between 7:00 p.m. and 6:00 a.m., except for the installation of concrete as authorized under Section 9-2-15 (*Permit for Concrete Installation During Non-Peak Hour Periods*); or
- (5) operate sound equipment in a vehicle audible or causing a vibration 30 feet from the equipment.

PART 2. City Code Section 9-2-11 (*Permit Required*) is amended to read:

§ 9-2-11 PERMIT REQUIRED.

A person must obtain a permit to:

- (1) operate sound equipment audible to the public as prescribed by this article, Chapter 8-1, Article 4 (*Restrictions on Amplified Sound*), and Section 14-8-34 (*Permit Required for the Use of Sound Equipment*); or

(2) deliver, finish, place, or pour concrete between 7:00 p.m. and 6:00 a.m. in the Central Business District (CBD) base zoning district at property located within 600 feet of a residence, church, hospital, hotel, or motel.

PART 3. City Code Chapter 9-2, Article 2 (*Permit Requirements*) is amended to add a new section 9-2-15 to read:

§ 9-2-15 PERMIT FOR CONCRETE INSTALLATION DURING NON-PEAK HOUR PERIODS.

(A) Subject to the limitations in subsections (B) and (C) of this section, the director may issue a permit authorizing an applicant to deliver, finish, place, or pour concrete during the non-peak hour period of 7:00 p.m. to 6:00 a.m. at property that is located within:

- (1) the Central Business District (CBD) base zoning district; and
- (2) 600 feet of a residence, church, hospital, hotel, or motel.

(B) The director may issue a permit under subsection (A) of this section only if the application meets the requirements of Section 9-2-21 (*Application Procedure*) and the director determines that the delivery, finishing, placement, or pouring of concrete during non-peak hour periods is in the interest of public health, safety, or welfare or is justified by urgent necessity.

(C) A permit issued under this section must state the duration during which the authorized activity may occur, which may not exceed 72 hours.

PART 4. City Code Chapter 9-2, Article 2 (*Permit Requirements*) is amended to add a new section 9-2-16 to read:

§ 9-2-16 FEES.

The city council may establish an application and permit fee by separate ordinance.

PART 5. City Code Section 9-2-21 (*Application Procedure*) is amended to add a new subsection (C) to read:

§ 9-2-21 APPLICATION PROCEDURE.

(C) An application to deliver, finish, place, or pour concrete during non-peak hour periods under Section 9-2-22 must include:

- (1) the name, address, and telephone number of the applicant;

(2) the address or a description of the location of the property where the work will be performed; and

(3) the amount of time, up to 72 hours, needed to complete the work and the reason why the work cannot be completed during normal business hours.

PART 6. Subsection (B) of City Code Section 9-2-22 (*Restrictions on Permit*) is amended to read:

§ 9-2-22 RESTRICTIONS ON PERMIT.

(B) This section does not apply to a permit issued under Chapter 8-1, Article 4 (*Restrictions on Amplified Sound*), Section 9-2-15 (*Permit for Concrete Installation During Non-Peak Hour Periods*), or ~~and~~ Section 14-8-34 (*Permit Required for the Use of Sound Equipment*).

PART 7. City Code Section 9-2-23 (*Permit Issuance*) is amended to read:

§ 9-2-23 PERMIT ISSUANCE AND ADMINISTRATIVE AUTHORITY.

The director shall issue a permit to a person who submits an application meeting the application requirements under this article and pays the application fee. The director may adopt administrative rules to implement the requirements of this article in accordance with Chapter 2-1 (*Administrative Rules*).

PART 8. City Code Section 9-2-24 (*Duration of Permit*) is amended to read:

§ 9-2-24 DURATION OF PERMIT.

(A) A permit issued under Section 9-2-12 (*Permit for an Outdoor Music Venue*) expires at midnight on the first anniversary of the date on which the permit was issued.

(B) A permit issued under Sections 9-2-13 (*Permit for Sound Equipment on Vehicle*) and 9-2-14 (*Permit for Other Property*) shall be valid for a 24 hour period.

(C) A permit issued under Section 9-2-15 (*Permit for Concrete Installation During Non-Peak Hour Periods*) may not exceed the period of time stated on the permit.

~~(D)~~[(C)] This section does not apply to a permit issued under Chapter 8-1, Article 4 (*Restrictions on Amplified Sound*) and Section 14-8-34 (*Permit Required for the Use of Sound Equipment*).

PART 9. This ordinance takes effect on _____, 2008.

PASSED AND APPROVED

_____, 2008

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Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk

DRAFT