

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE SECTIONS 9-2-1 AND 9-2-3 RELATED TO NOISE AND AMPLIFIED SOUND TO ADD A PROHIBITION RELATING TO OPERATION OF SOUND EQUIPMENT IN A WATERCRAFT.

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

PART 1. Section 9-2-1 (*Definitions*) of the City Code is amended to read:

§ 9-2-1 DEFINITIONS.

In this chapter:

(1) DECIBEL means sound pressure level as measured by a sound level meter using the “A” weighting network and the slow meter response as specified by the American National Standards Institute.

(2) DIRECTOR means the director of the Watershed Protection and Development Review Department.

(3) NOISE means sound which:

(a) is louder than that permitted in this chapter, or

(b) disturbs a reasonable person of normal sensibilities.

(4) 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.

(5) ACCOUNTABLE OFFICIAL means the City officer or employee designated by the city manager with a particular administrative or enforcement responsibility under this chapter.

(6) SIXTH STREET DISTRICT means the area:

(a) that begins at the intersection of IH-35 and Fifth Street (East);

(b) north along IH-35 to the intersection of Seventh Street (East);

- (c) west along Seventh Street (East) to Congress Avenue;
- (d) south along Congress Avenue to Fifth Street (East);
- (e) east along Fifth Street (East) to IH-35, the place of beginning.

(7) **SOUND EQUIPMENT** means a loud speaker, public address system, amplification system, or other sound producing device.

(8) **WAREHOUSE DISTRICT** means the area:

- (a) that begins at the intersection of Congress Avenue and Cesar Chavez Street;
- (b) north along Congress Avenue to Fifth Street (West);
- (c) west along Fifth Street (West) to Guadalupe Street;
- (d) south along Guadalupe Street to Cesar Chavez Street; and
- (e) east along Cesar Chavez Street to Congress Avenue, the place of beginning.

(9) **WATERCRAFT** means a boat or other structure designed to float on water, and includes a barge, marina, or similar floating object.

PART 2. Section 9-2-3 (*General Restrictions*) of the City Code 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.

(6) operate sound equipment in a watercraft audible or causing a vibration 100 feet from the equipment.

PART 3. This ordinance takes effect on November 16, 2009.

PASSED AND APPROVED

_____, 2009

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Lee Leffingwell
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk