

Substantive Proposed Sound Ordinance Amendments¹

1. Add to the definition section of the Ordinance
 - a. GOOD NEIGHBOR POLICY means a set of good business practices required as a condition of an Outdoor Music Venue permit issued under this chapter.
 - b. 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*).
2. Add the following sections to the Ordinance
 - a. § 9-2-40 GOOD NEIGHBOR POLICY
 - i. The purpose of the Good Neighbor Policy is to maintain the safety, quiet, and cleanliness of an Outdoor Music Venue.
 - ii. A permit holder, as a condition of the Outdoor Music Venue permit, must comply with the requirements set forth in the Good Neighbor Policy.
 - iii. The Good Neighbor Policy shall be adopted by rule in accordance with Chapter 1-2 (*Adoption of Rules*).
 - b. § 9-2-41 SOUND IMPACT PLAN
 - i. A sound impact plan is required for a permit issued under Section 9-2-39 (*Permit for an Outdoor Music Venue*).
 1. The elements of a sound impact plan are:
 2. sound-mitigating design features;
 3. prescribed decibel levels and hours of operating;
 4. location of decibel meters on site;
 5. contact information and hours of availability for an individual responsible for sound
 6. location for display of permit; and
 7. any other elements required by the accountable official.
 - ii. After a permit has been issued, the accountable official may modify a sound impact plan. A sound impact plan may not be modified until a notice of intent to modify the sound impact plan has been provided to the permit holder.
 - c. § 9-2-63 SUSPENSION OF A PERMIT
 - i. The accountable official may suspend a permit if the official determines that:
 1. the permit was issued in error; or
 2. at least four documented violations of the Temporary Event Impact Plan or Sound Impact Plan have occurred within a 45-day period.
 - ii. A suspension is effective for up to two weeks.
 - d. § 9-2-64 REVOCATION OF A PERMIT
 - i. The accountable official may immediately revoke a permit issued pursuant to Section 9-2-38 (*Multi-Day Special Event Permit*) or Section 9-2-39 (*Permit for an Outdoor Music Venue*) that has been suspended if the accountable official determines that the Temporary Event Impact Plan or Sound Impact Plan have been violated
 1. during the suspension; or
 2. within six months after the end of the suspension.

¹ Actual ordinance language may change prior to bringing the item to the Council.

- ii. A permit holder may appeal a revocation not later than 10 calendar days after the date of the revocation.
 - iii. A notice of appeal must be on a form prescribed by the accountable official and must include:
 - 1. the name, address, and telephone number of the appellant;
 - 2. the name, address, and telephone number of the venue; and
 - 3. the reasons the appellant believes the decision does not comply with the requirements of this chapter.
 - iv. The city council shall hear the appeal at the next regularly scheduled meeting following receipt of the notice of appeal. An appeal is automatically granted if the council does not hear the appeal before the 21st day following the receipt of the notice of appeal unless the applicant agrees to have the hearing scheduled for a later date.
 - v. A revocation order remains in effect during the pendency of an appeal under this section.
- e. §9-2-65 NOTICE OF INTENT TO SUSPEND A PERMIT
- i. The accountable official may give notice to the permit holder of the official's intent to suspend a permit issued under Section 9-2-38 (*Multi-Day Special Event Permit*) or Section 9-2-39 (*Permit for an Outdoor Music Venue*).
 - ii. The notice may include one or more of the following:
 - 1. proposed modifications to the sound impact permit; or
 - 2. the time, date, and place for a mandatory meeting between the permit holder and City personnel.