

# A G E N D A



## Recommendation for Council Action

Austin City Council	Item ID	26965	Agenda Number	33.
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Meeting Date:	8/22/2013	Department:	Planning and Development Review
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### Subject

Approve an ordinance amending City Code Chapter 9-2 relating to permitting, operational and enforcement requirements for amplified sound, and creating a penalty. Related to Items # 16 and # 122.

### Amount and Source of Funding

### Fiscal Note

**Purchasing Language:**
**Prior Council Action:**

February 14, 2013 - Council approved Resolution No. 20130214-049 accepting the recommendations of the Austin Music Commission passed by resolution on November 5, 2012, and directing the City Manager to bring forward any code changes necessary to enact those recommendations.

**For More Information:**

Greg Guernsey, Director, PDRD (512) 974-2387; Don Pitts, Music Program Manager, EGRSO (512) 974-7821.

**Boards and Commission Action:**

May 14, 2013 - Unanimously approved by the Austin Music Commission on a 7-0 vote.

**MBE / WBE:**
**Related Items:**

### Additional Backup Information

On February 14, 2013, the City Council adopted Resolution No. 20130214-049, which recognized the importance of live music in Austin and the need to achieve a balance between this important creative industry with its surrounding neighbors and environment. The resolution approved the recommendations in the Austin Music Commission's November 5, 2012 resolution and directed the City Manager to create a new "Good Neighbor" program that incents adherence to a Sound Impact Plan; a "Bad Actor" program that clarifies Staff's authority regarding violations of a Sound Impact Plan; a multi-year plan to transition to a permanent Music Venue Assistance Program; and a Venue Education Program about navigating City processes, as well as industry-wide best practices.

This proposed ordinance amends Chapter 9-2: Noise and Amplified Sound of the City Code as it relates to the processing and enforcement of sound amplification permits. The ordinance proposed: 1) creates additional sound related definitions; 2) creates a "Good Neighbor Policy" that will set good business operation practices for music venues; 3) clarifies that business practices that make up the Good Neighbor Policy" will be adopted by rule; 4) outlines the elements of a Sound Impact Plan; 5) clarifies the procedures to deny a permit; 6) establishes penalties if a venue operator commits an offense; and 7) establishes procedures to suspend and revoke a permit.

The recommended ordinance has been reviewed by the Music Commission on May 14, 2013 and is recommended by Staff. The proposed ordinance is supported by the Austin Music People (AMP) and the Texas Bar and Nightclub Association (TBNA).