

**RESOLUTION NO. \_\_\_\_\_**

**WHEREAS**, on June 12, 2014, the City Council approved Resolution No. 20140612-076 directing the City Manager to work with the Austin Music Commission, live music venue proprietors, and stakeholders within the sound-shed of music venues to develop recommendations for incorporating the use of the “C-weighting” (dBC) of decibels as an auxiliary tool for measuring and mitigating amplified sound; and

**WHEREAS**, C-weighting (dBC) captures a broader frequency range, including bass levels, than the standard “A-weighting” (dBA) measurement currently required by City Code Chapter 9-2 (*Noise and Amplified Sound*) for sound levels; and

**WHEREAS**, staff issued a memorandum on September 3, 2014 recommending code amendments authorizing the City’s Music Office to use C-weighting as a sound mitigation tool, where appropriate, in Sound Mitigation Plans (“SIPs”) required for the approval of Outdoor Music Venue permits; and

**WHEREAS**, C-weighting would also be an appropriate tool for Temporary Event Impact Plans (“TEIPs”), which are developed under City Code 9-2-52 as part of the approval of Multi-Day Special Permits and, like SIPs, are used to impose sound mitigation and other operational requirements; and

**WHEREAS**, it is the City Council’s intent that special mitigation requirements included in SIPs and TEIPs be enforceable in the same manner and to the same extent as code requirements of uniform applicability; and

**WHEREAS**, staff further recommends a three-month education and outreach period for internal staff, the Austin Police Department (APD), and the community, as well as a thirty-day grace period before APD issues citations for dBC limits imposed within impact plans and a subsequent 1-year period to evaluate the effectiveness of C-weighting; and

**WHEREAS**, the staff memorandum further recommends making sound permits and impact plans readily available for inspection; and

**WHEREAS**, City Code Section 9-2-32 (*Notice Sign Requirements for Live Music Permits*) requires posting the basic elements of live music permits for Outdoor Music Venues and Multi-day Special Events; and

**WHEREAS**, incorporating “mobile response codes,” such as QR Codes,<sup>TM</sup> on the required notice for Outdoor Music Venues and Multi-day Special Events would provide an efficient method of providing the public and staff information by connecting them to the online permit and impact plan; and

**WHEREAS**, the City currently uses similar kinds of mobile response codes in other communication and code enforcement measures, such as verifying and tracking dumpsters; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

1. The City Manager is directed to develop a recommendation for the use of mobile response codes on notification signs for Outdoor Music Venue Permits and Multi-day Special Event Permits required by City Code Section 9-2-32 (*Notice Sign Requirements for Live Music Permits*). The recommendation should be presented to the City Council concurrent with the ordinance initiated under Paragraph 2, below.
2. The City Council initiates amendments to City Code Chapter 9-2 (*Noise and Amplified Sound*) and directs the City Manager to prepare an ordinance:
  - (a) authorizing the use of C-weighting, which should be clearly defined and distinguished from standard A-weighting, as a noise mitigation requirement allowed to be included in SIPs and TEIPs;
  - (b) if deemed appropriate based on the analysis required under Paragraph 1, above, modifying the notification and posting requirements for live music permits;
  - (c) incorporating the outreach and grace periods recommended in the September 3, 2014 staff memorandum, as well as the 1-year study period for evaluating the effectiveness of C-weighting; and
  - (d) making any changes deemed necessary to ensure the enforceability of mitigation requirements included in SIPs and TEIPs, including but not limited to provisions for the use of C-weighting.
3. The City Manager is directed to present the proposed ordinance and recommendation to the City Council for consideration at the November 6, 2014 council meeting.

**ADOPTED:** \_\_\_\_\_, 2014    **ATTEST:** \_\_\_\_\_

Jannette S. Goodall  
City Clerk

DRAFT