

RESOLUTION NO. 20140925-084

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,[™] 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**,

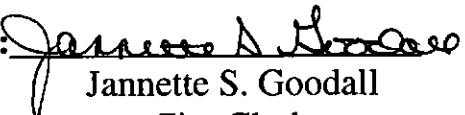
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

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: September 25, 2014

ATTEST:


Jannette S. Goodall
City Clerk