

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 9-2 RELATING TO NON-PEAK HOUR PERMITS FOR CONCRETE INSTALLATION.

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

PART 1. City Code Section 9-2-21 (*Permit for Concrete Installation During Non-Peak Hours*) is amended to read as follows:

§ 9-2-21 PERMIT FOR CONCRETE INSTALLATION DURING NON-PEAK HOUR PERIODS.

- (A) Subject to the requirements [~~limitations in Subsections (B) and (C)~~] of this section, the director may issue a permit authorizing an applicant to deliver, place, or pour concrete during the non-peak hour period of 7:00 p.m. to 2:00 a.m. or, in special circumstances of limited duration, from 7:00 p.m. to 6:00 a.m., at property that is located within:
- (1) the Downtown Density Bonus area identified in Section 25-2-586(B) (*Downtown Density Bonus Program*) and one of the following zoning districts:
 - (a) the Central Business District (CBD) base zoning district; or
 - (b) the Public (P) zoning district; and
 - (2) 600 feet of a residence, church, hospital, hotel, or motel.
- (B) The director may issue a permit under [~~subsection (A) of~~] this section only if the director determines that the delivery, finishing, placement, or pouring of concrete during non-peak hour periods is in the interest of public health, safety, or welfare or is justified by urgent necessity.
- (C) A permit issued under this section:
- (1) is subject to the following maximum decibel limitations, as measured at the property line of the construction site:
 - (a) 75 decibels for concrete delivery, placement, or pouring authorized to occur between 7 p.m. and:
 - (i) 10:30 p.m. on Sunday through Wednesday;

- (ii) 11:00 p.m. on Thursday; and
- (iii) 12 midnight on Friday or Saturday;
- (b) 65 decibels for concrete delivery, placement, or pouring authorized to occur between:
- (i) 10:30 p.m. and 6:00 a.m. on Sunday through Wednesday;
- (ii) 11:00 p.m. and 6:00 a.m. on Thursday; and
- (iii) 12 midnight and 6:00 a.m. on Friday or Saturday; and
- (2) must state the duration during which the authorized activity may occur, which may not exceed 72 hours.
- (D) In addition to information required by Section 9-2-12 (*Application Requirements*) an application to deliver, finish, place, or pour concrete during non-peak hour periods under this section [~~Section 9-2-22 (*Restrictions on Permit*)~~] must include:
- (1) the name, address, and telephone number of the applicant;
- (2) the address or a description of the location of the property where the work will be performed; and
- (3) the amount of time, up to 72 hours, needed to complete the work and the reason why the work cannot be completed during normal business hours.
- (E) To mitigate possible impacts and minimize disruptions to adjacent residential and commercial uses, the director shall require a permit applicant to:
- (1) [~~contact adjacent property owners located next door or across the street, and representatives of property owners or residents within 600 feet, to inform them when the non peak pour will occur and the duration of the project~~] provide the following information to abutting property owners located next door or across the street and to representatives of property owners or residents within 300 feet:
- (a) the dates when non-peak hour concrete installation will occur and the duration of the project, which must be consistent with the approved permit; and
- (b) 24-hour contact information for the individual with primary responsibility for the project;

- (2) ~~[provide 24-hour contact information for the individual with primary responsibility for the project to adjacent property owners located next door or across the street, to representatives of property owners or residents within 600 feet, and to city staff]~~ post a sign containing the information required under Paragraph (1)(a)-(b), in a manner approved by the director, at the construction entrance and visible from the street; and
- (3) provide a sound and light mitigation plan, which must:
- (a) identify where concrete trucks will queue to ensure minimal disruption to adjacent residences and businesses;
 - (b) locate the concrete pump and if necessary, relocate it to a location that will minimize disruption to adjacent residential uses;
 - (c) identify where and how sound attenuation will be placed on the property during non-peak hour pours;
 - ~~[(e)]~~(d) shield after-hour lighting associated with the concrete installation from adjacent residential uses; ~~[and]~~
 - (e) incorporate the elements required for a sound impact plan under Section 9-2-41(B) (*Sound Impact Plan*); and
 - ~~[(f)]~~(f) require such other actions as the director determines are reasonably necessary to protect public health, safety, and welfare and to ensure reasonable expectations of a sound environment that does not preclude sleep.
- (F) Concrete finishing is permitted from 7:00 p.m. to 6:00 a.m., provided that it does not include delivery, placement, or pouring.
- (G) If an application for a building permit was submitted prior to December 1, 2014, the director shall:
- (1) permit delivery, placement, or pouring of concrete in connection with construction of that building during the non-peak hour period of 7:00 p.m. to 6:00 a.m.; and
 - (2) require a sound and light mitigation plan, as provided in Subsection (E)(3) of this section.
- (H) The director shall adopt rules governing the "special circumstances" in which overnight concrete pours may be extended to 6:00 a.m., as provided in Subsection (A) of this section. Such rules shall, at a minimum, limit the number of overnight pour permits that may be issued for a project over a period of time and include restrictions on the days for which such permits may be issued.

PART 2. Subsection (A) of City Code Section 9-2-3 (*General Restrictions*) is amended to read:

(A) A person may not:

- (1) use or permit the use of sound equipment at a business in excess of the decibel limits prescribed by this chapter;
- (2) make noise or play a musical instrument audible to an adjacent business or residence between 10:30 p.m. and 7:00 a.m.;
- (3) 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 9-2-21 [~~9-2-15~~] (*Permit for Concrete Installation During Non-Peak Hour Periods*);
- (4) use or authorize or allow the use of a vehicle, equipment, attachment, or device associated with a vehicle, for cold hold, refrigeration, or freezing of any consumable food or beverage product, including water in any form such as consumer ice or ice used to refrigerate food or beverage, between 7 p.m. and 6 a.m. if noise or sound originating from the vehicle or any associated equipment (such as an engine or generator, equipment, attachment, trailer or device) is audible or causes vibration at a residence;
- (5) operate sound equipment in a vehicle audible or causing a vibration 30 feet from the equipment; or
- (6) operate sound equipment in a watercraft audible or causing a vibration 100 feet from the equipment.

PART 3. This ordinance takes effect on _____, 2015.

PASSED AND APPROVED

_____, 2015 §
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 § _____
 Steve Adler
 Mayor

APPROVED: _____
 Anne L. Morgan
 Interim City Attorney

ATTEST: _____
 Jannette S. Goodall
 City Clerk