

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING A PILOT PROGRAM THAT AUTHORIZES
EXTENDED HOURS TO OPERATE SOUND EQUIPMENT.**

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

PART 1. FINDINGS.

The council finds the following:

- (1) The Music Commission's Recommendation No. 20161107-4 highlighted the impact of the Red River Cultural District on local live music industry.
- (2) The City is committed to ensuring that live music venues along Red River Street continue to serve as incubators for local musicians; and to protecting the quality of life for residents and visitors.
- (3) The purpose of this pilot program is to collect meaningful data to determine the impact of extended live music hours on venues and the public.

PART 2. This ordinance creates a pilot program that authorizes extended decibel limits and hours to operate sound equipment at outdoor music venues located along Red River Street between 6th and 12th Streets (commonly referred to as the "Red River Cultural District"). The pilot program will begin on the effective date of this ordinance and continue for 12 months.

PART 3. In this ordinance, the following definitions apply:

- (1) **DECIBEL** means sound pressure level as measured by a sound level meter using the "A" weighting network, the "C" weighting network, or either the slow or fast meter response as specified by the American National Standards Institute.
- (2) **MUSIC OFFICE** means the division of the Economic Development Department designated by the City Manager with advisory and administrative functions related to permitting of outdoor music venues under Chapter 9-2 (*Noise and Amplified Sound*).
- (3) **OUTDOOR MUSIC VENUE** means a commercial property where sound equipment is used to amplify sound that is not fully enclosed by permanent, solid walls and a roof.

1 (4) PILOT PROGRAM VENUE means a permitted outdoor music venue
2 located along Red River Street between 6th and 12th Streets.

3 (5) SOUND IMPACT PLAN means a plan required in connection with
4 approval of an outdoor music venue permit under Section 9-2-39
5 (*Outdoor Music Venue Permit*).

6 (6) SPRING FESTIVAL SEASON means Friday of the second week in
7 March through Sunday during the third week of March, unless the City
8 Manager designates an alternate ten-day period for a particular year.

9 **PART 4. Program requirements:**

10 (A) The music office is authorized to extend the decibel levels and operating
11 hours in a sound impact plan for a pilot program venue as set forth in this
12 ordinance.

13 (B) Unless the music office determines a more restrictive decibel limit is
14 required in a sound impact plan, a pilot program venue may operate sound
15 equipment up to 85 decibels as follows:

16 (1) 10:00 a.m. and 12:00 midnight on Thursdays; and

17 (2) 10:00 a.m. and 1:30 a.m. on Fridays or Saturdays; or

18 (3) 10:00 a.m. and 2:00 a.m. during the spring festival season.

19 **PART 5. Updates, Evaluations, and Recommendations.**

20 (A) The City Council recommends, as part of the pilot program, the City
21 Manager create an interdepartmental working group that consists of City
22 employees from City departments with regulatory, administrative, or
23 enforcement responsibilities related to outdoor music venues. The City
24 Council recommends the interdepartmental working group meet prior to
25 providing the updates described in Part 5(B) of this ordinance; and
26 recommends the interdepartmental working group meet prior to providing
27 the evaluation described in Part 5(C) of this ordinance

28 (B) The City Manager is directed to provide the Music Commission and
29 Council an update on economic impacts, public safety impacts, and sound
30 complaints related to the pilot program every 90 days of the pilot
31 program.

32 (C) After the pilot program ends, the City Manager is directed to evaluate the
33 pilot program; and to provide the Music Commission and Council with
34 the evaluation. The evaluation should include any recommended changes
35 to City Code; and should identify stakeholder concerns and comments.

1 (D) The Music Commission is directed to review the evaluation and any
2 recommended City Code changes; and to provide Council with a
3 recommendation.

4 **PART 6.** This ordinance takes effect on _____, 2017.

5 **PASSED AND APPROVED**

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7 §
8 §
9 _____, 2017 § _____

10 Steve Adler
11 Mayor

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14 **APPROVED:** _____
15 Anne L. Morgan
16 City Attorney

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ATTEST: _____
Jannette S. Goodall
City Clerk