

**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**PART 1.** City Code Section 9-2-21 (*Permit for Concrete Installation During Non-Peak Hours*) is repealed and replaced with a new Section 9-2-21 to read as follows:

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

- (A) For property located within 600 feet of a residence, church, hospital, hotel, or motel, the director may issue a permit under Subsection (B) authorizing an applicant to deliver, place, or pour concrete during the non-peak hour period of 7:00 p.m. to 6:00 a.m. if:
- (1) the accountable official determines that the delivery, finishing, placement, or pouring of concrete during non-peak hour periods is in the interest of public health, safety, and welfare, or is justified by urgent necessity; and
  - (2) the property is located:
    - (a) within the Downtown Density Bonus area identified in Section 25-2-586(B) (*Downtown Density Bonus Program*); and
    - (b) within one of the following zoning districts:
      - (i) the Central Business District (CBD) base zoning district; or
      - (ii) the Public (P) zoning district.
- (B) The director may issue one of the following permit types for a project if the application meets the general standards in Subsection (A) and complies with the additional restrictions under this subsection, which must be listed as conditions on the permit.
- (1) Type 1 Non-Peak Hour Permit:

- (a) Maximum sound level: 85 decibels.
  - (b) Permitted days during the week: Everyday.
  - (c) Permitted hours: 7:00 p.m. to 12:00 a.m.
- (2) Type 2 Non-Peak Hour Permit:
- (a) Maximum sound level: 80 decibels.
  - (b) Permitted days during the week: Everyday.
  - (c) Permitted hours: Midnight to 6:00 a.m.
- (3) Type 3 Non-Peak Hour Permit:
- (a) Maximum sound level: Unlimited.
  - (b) Permitted days during the week: Everyday.
  - (c) Permitted hours: 7:00 p.m. to 6:00 a.m.
  - (d) The director may only issue a Type 3 Non-Peak Hour Permit if:
    - (i) a special circumstance exists that requires a continuous pour, such as a mat slab or similar foundation pour that would be inconsistent with a Type 1 or 2 permit; and
    - (ii) the permit application includes a letter from a professional engineer of record for the project confirming that late night pour must be continuous and cannot reasonably be divided into multiple shorter pours.
- (4) Decibel restrictions for Type 1 and Type 2 permits shall be measured at a distance of 75 feet from the sound source, unless further restricted by a sound management plan.
- (5) If a neighbor adjacent to a site with an active permit under this section alleges a violation of the applicable decibel limit, the accountable official shall deploy sound monitoring equipment to the site and document whether or not the applicable decibel restriction has been violated.

- (C) A permit issued under this section must state the duration during which the authorized activity may occur, which may not exceed 72 hours. An applicant may not hold more than one permit under this section for a single project.
- (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 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 type of permit requested, which must be one of the categories listed in Subsection (B) of this section.
- (E) To mitigate possible impacts and minimize disruptions to adjacent residential, commercial, and civic uses, the applicant is responsible for ensuring that all delivery, placement, or pouring of concrete permitted under this section complies with the requirements of this subsection.
- (1) Notification of the exact date, time, and duration of non-peak hour activity authorized under Subsection (A), as well as 24-hour contact information for the individual with primary responsibility for the project, shall be:
    - (a) provided to city staff and to abutting property owners located next door or across the street;
    - (b) provided to representatives of property owners and residents within 300 feet; and
    - (c) clearly stated on a sign posted on the property at the construction entrance and visible from the street.
  - (2) As a condition to approval of a non-peak hour permit under Subsection (A) of this section, an applicant must comply with a sound and light management plan approved by the accountable official consistent with the requirements of this subsection.
    - (a) A sound and light management plan must identify:

- (i) where concrete trucks will queue to ensure minimal disruption to adjacent residences, businesses, and civic uses;
  - (ii) where the concrete pump will be located during all phases of construction and provides for an alternate location in the event the accountable official determines that relocating the pump is necessary to minimize disruption to adjacent residential and civic uses;
  - (iii) the location, materials and manner of placement of proposed sound mitigation materials, such as sound baffling, on the property to contain noise from concrete pumps and concrete trucks during high revolutions per minute (RPM) cycles before construction begins; and
  - (iv) the name and cell phone number of the on-site supervisor, who must be on the property during the non-peak hour concrete pour.
- (b) A sound and light management plan must include provisions that shield after-hour lighting associated with concrete installation from adjacent residential uses.
- (c) The accountable official may require that a sound and light management plan include additional measures or elements that are reasonably necessary to protect public health and safety and to ensure reasonable expectations of a sound environment that does not prevent sleep.
- (d) With reasonable notice provided to a permit holder, the accountable official may modify a sound and light management plan for a project under construction to include additional requirements or modifications that are reasonably necessary to address unanticipated changes to the project or impacts on adjacent properties.
- (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) This subsection provides for the denial of non-peak hour concrete pour permits if the accountable official finds that a project has accrued violations of this section or of a sound and light management plan required under this section:

- (1) if three or more violations occur within a 30-day period, the accountable official shall not issue a new non-peak hour permit under this section for a period of 30 days from the date of the last violation and shall issue 30-day suspension letter to the applicant;
- (2) if six or more 30-day suspensions are issued within any 12-month period, the accountable official may not issue any additional non-peak hour permits for the project; and
- (3) for purposes of Subsection (G)(2), the 12-month period is reset if less than six 30-day suspensions are issued within a 12 months from the date of the first non-peak hour permit issued for the project.

(H) If an application for a building permit was submitted prior to December 1, 2014, the accountable official 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 management plan, as provided in Subsection (D)(2) of this section.

**PART 2.** This ordinance takes effect on \_\_\_\_\_, 2016.

**PASSED AND APPROVED**

\_\_\_\_\_, 2016      §  
   §  
   § \_\_\_\_\_  
   Steve Adler  
   Mayor

**APPROVED:** \_\_\_\_\_  
                         Anne L. Morgan  
                         City Attorney

**ATTEST:** \_\_\_\_\_  
                         Jannette S. Goodall  
                         City Clerk