

**ORDINANCE NO. 20170126-019**

**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 6<sup>th</sup> and 12<sup>th</sup> Streets (commonly referred to as the "Red River Cultural District"). The pilot program will begin on May 1, 2017. Unless the City Council or City Manager determines it is necessary to terminate the program earlier, the program will end on November 1, 2017. The City Manager is authorized to terminate this pilot program without further Council action. The City Council directs the City Manager to place an item on its October 19, 2017, agenda to consider extending the pilot program an additional six 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.
- (4) **PILOT PROGRAM VENUE** means an outdoor music venue located along Red River Street between 6<sup>th</sup> and 12<sup>th</sup> Streets that is permitted as an outdoor music venue as of January 26, 2017.
- (5) **SOUND IMPACT PLAN** means a plan required in connection with approval of an outdoor music venue permit under Section 9-2-39 (*Outdoor Music Venue Permit*).
- (6) **SPRING FESTIVAL SEASON** means Friday of the second week in March through Sunday during the third week of March, unless the city manager designates an alternate ten-day period for a particular year.

**PART 4. Program requirements:**

- (A) The music office is authorized to extend the decibel levels and operating hours in a sound impact plan for a pilot program venue as set forth in this ordinance.
- (B) Unless the music office determines a more restrictive decibel limit is required in a sound impact plan, a pilot program venue may operate sound equipment up to 85 decibels as follows:
  - (1) 10:00 a.m. and 12:00 midnight on Thursdays; and
  - (2) 10:00 a.m. and 1:00 a.m. on Fridays or Saturdays; or
  - (3) 10:00 a.m. and 2:00 a.m. during the spring festival season.

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

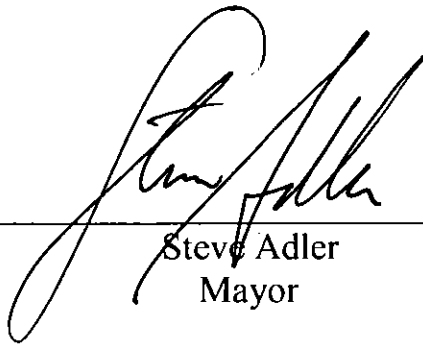
- (A) The City Council recommends, as part of the pilot program, the City Manager create an interdepartmental working group that consists of City employees from City departments with regulatory, administrative, or enforcement responsibilities related to outdoor music venues. The City Council recommends the interdepartmental working group meet prior to providing the updates described in Part 5(B) of this ordinance; and recommends the interdepartmental working group meet prior to providing the evaluation described in Part 5(C) of this ordinance. The City Council also recommends the City Manager create a dedicated complaint line answered by the Music Office and utilize noise sentinels to measure sound levels.


- (B) The City Manager is directed to provide the Music Commission and Council an update on economic impacts, public safety impacts, and sound complaints related to the pilot program every 90 days of the pilot program. At a minimum, factors that should be considered include: sound complaints received from 3-1-1 or received by the Music Office; number of criminal citations; documented violations of sound impact plans; modifications to sound impact plans; tax revenues; sound measurements from non-pilot program venue properties; direct benefits to musicians, venues employees, and auxiliary personnel; and costs to the City. Sound measurements means measurements using the "A" or "C" weighting networks.
- (C) Prior to the conclusion of the 6-month period, the City Manager is directed to evaluate the pilot program and to provide the Music Commission and Council with information based on the data and stakeholder input. After the pilot program ends, the City Manager is directed to evaluate the pilot program; and to provide the Music Commission and Council with the evaluation. The evaluation should include any recommended changes to City Code; and should identify stakeholder concerns and comments. At a minimum, a stakeholder is a person who resides or is an organization that operates within the boundaries of the following associations: Downtown Austin Neighborhood Association ("DANA"), North University Neighborhood Association ("NUNA"), Hyde Park, Hancock, and Eastwoods; a person who makes a sound complaint related to the pilot program; and Austin Music Venue Alliance, Austin Neighborhoods Council, Austin Creative Alliance, Red River Merchants Association, Austin Music People, Waller Creek Conservancy, Downtown Austin Alliance, music venues, hotels, and other businesses in or near the Red River Cultural District.
- (D) The Music Commission is directed to review the evaluation and any recommended City Code changes; and to provide Council with a recommendation.

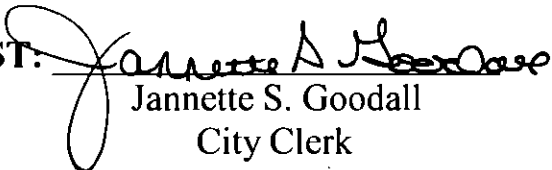
**PART 6.** This ordinance takes effect on February 6, 2017.

**PASSED AND APPROVED**

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January 26, 2017

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Steve Adler  
Mayor

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

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