

ORDINANCE NO. 20180426-008

AN ORDINANCE AMENDING CHAPTER 9-2 RELATING TO THE HOURS AN OUTDOOR MUSIC VENUE LOCATED IN THE RED RIVER CULTURAL DISTRICT MAY 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) Ordinance No. 20170126-019 created a six month pilot program that authorized extended decibel limits and hours to operate sound equipment at outdoor music venues located along Red River Street between 6th and 12th Streets.
- (4) Ordinance No. 20171019-007 extended the pilot program until April 30, 2018.

PART 2. Section 9-2-1 (*Definitions*) is amended to add a new definition of "Red River Cultural District" to read as follows and to renumber the remaining definitions accordingly:

(9) RED RIVER CULTURAL DISTRICT means the area:

- (A) that begins at the intersection of 7th Street (East) and the west bank of Waller Creek;
- (B) north along the west bank of Waller Creek to 11th Street (East);
- (C) west along 11th Street (East) to Red River Street;
- (D) north along the east side of Red River Street to 12th Street (East), including the property located at the northeast corner at the intersection of 12th Street and Red River Street;

- (E) south along the west side of Red River Street to 11th Street (East);
- (F) west along 11th Street (East) to Trinity Street;
- (G) south along Trinity Street to 9th Street (East);
- (H) east along 9th Street (East) to Neches Street;
- (I) south along Neches Street to 7th Street (East); and
- (J) east along 7th Street (East) to the west bank of Waller Creek, the place of beginning.

PART 3. Subsection (A) of Section 9-2-30 (*Decibel Limits for Outdoor Music*) is amended to read as follows:

§ 9-2-30 Decibel Limits for Outdoor Music

- (A) Unless a more restrictive decibel limit is required by a temporary event impact plan, a condition on an outdoor music venue permit, or by another provision of this code, sound equipment for which a permit has been issued under Subpart B (*Live Music Permits*) may be operated at the following decibel levels:

- (1) Up to 85 decibels between 10:00 a.m. and:

- (a) 10:30 p.m. on Sunday through Wednesday;

- (b) 11:00 p.m. on Thursday; or

- (c) 12:00 midnight on Friday or Saturday.

- (2) Up to 85 decibels at an outdoor music venue with an occupancy capacity of 600 or fewer people located in the Warehouse District or Sixth Street District, between 10:00 a.m. and 2:00 a.m.

- (3) Up to 85 decibels during spring festival season, between 10:00 a.m. and 2:00 a.m.

- (4) Up to 85 decibels at an outdoor music venue located in the Red River Cultural District, between 10:00 a.m. and:

- (a) 10:30 p.m. on Sunday through Wednesday;

- (b) 12:00 midnight on Thursday; or

- (c) 1:00 a.m. on Friday or Saturday.

PART 4. The Council directs the City Manager to continue stakeholder discussions related to the outdoor music venues located within the Red River Cultural District and to provide the Music Commission and Council with data and stakeholder feedback on a quarterly basis. Council identifies a stakeholder as 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 an outdoor music venue located within the Red River Cultural District; and Austin Music Venue Alliance, Austin Neighborhoods Council, Austin Creative Alliance, Red River Merchants Association, Austin Music People, Waller Creek Conservancy, Downtown Austin Alliance, outdoor music venues, hotels, and other businesses in or near the Red River Cultural District.

PART 5. This ordinance takes effect on May 7, 2018.

PASSED AND APPROVED

_____, April 26, 2018

APPROVED:



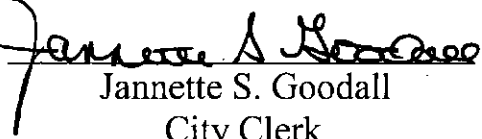
Anne L. Morgan
City Attorney

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Steve Adler
Mayor

ATTEST:



Jannette S. Goodall
City Clerk