

ORDINANCE NO. O-2024-083

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE VIII, SECTION 14-213.2 OF THE CODE OF ORDINANCES (2018 EDITON), CITY OF ROUND ROCK, TEXAS, REGARDING SPECIFIC REGULATIONS FOR OUTDOOR MUSIC VENUES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK,
TEXAS:

I.

That Chapter 14, Article VIII, Section 14-213.2 of the Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended as follows:

Sec. 14-213.2. - Specific regulations for outdoor music venues zoned MU-1 or a PUD with an underlying zoning of MU-L.

- (a) *Applicability.* This section is applicable to outdoor music venues that are on property zoned MU-1 or a PUD with an underlying zoning of MU-L. All terms and conditions of a PUD development agreement shall remain effective, and in the event of a conflict between this section and the development agreement, the most stringent and restrictive provisions shall apply.
- (b) *Restrictions on time and decibel levels.*
- (1) "Permitted hours" shall mean the times set forth below:
 - a. From 10:00 a.m. to 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday;
 - b. From 10:00 a.m. to midnight on Friday and Saturday.
 - (2) During permitted hours, permit holders shall not operate sound equipment in excess of 80 decibels as measured at the property line of the business.
 - (3) During non-permitted hours, permit holders shall not operate sound equipment in excess of 60 decibels as measured at the property line of the business.
 - (4) It shall be a violation for the owner and/or tenant of an outdoor music venue to operate sound equipment in excess of the decibel limits set out in this section.
- (c) *Permit and decibel meter required.*
- (1) It shall be a violation for the owner and/or tenant of an outdoor music venue to operate sound equipment without possessing an amplified sound permit and a decibel meter located on-site which has been approved by the chief of police (or his/her designee).
 - (2) The chief of police (or his/her designee) shall be responsible for the review of applications and the issuance of amplified sound permits, subject to the requirements of this section.

- (3) The chief of police (or his/her designee) may inspect an outdoor music venue prior to issuing a permit under this section to verify whether an approved decibel meter is located on-site.
 - (4) The amplified sound permit shall expire one year from the date of issuance.
 - (5) A decision by the chief of police to approve or deny a permit under this section may be appealed to the city manager, whose decision shall be final.
 - (6) The outdoor music venue shall post the amplified sound permit inside the business so that it is visible to the general public.
- (d) *Permit application requirements.*
- (1) An application for a permit required by this section must include:
 - a. The name, address, telephone number, and title of the individual filing an application on behalf of an outdoor music venue;
 - b. The business name, address, and telephone number of the outdoor music venue;
 - c. The name, address, and telephone number of the business's registered agent on file with the Texas Secretary of State;
 - d. An application fee of \$50.00;
 - e. A statement that the outdoor music venue has an approved decibel meter on-site; and
 - f. A statement that the applicant has obtained a copy of this chapter and section and agrees to comply with all applicable requirements.
- (e) *Permit issuance.* The amplified sound permit shall be issued to the business which submits an application that meets the requirements of this section and pays the applicable fee.
- (f) *Revocation of a permit.*
- (1) The chief of police shall revoke a permit issued under this section if the permit holder has been found guilty of violating any provisions of this section three times in a 12-month period.
 - (2) The period of revocation shall be one year from the date of revocation.
 - (3) A permit holder may appeal to the city council a revocation not later than ten calendar days after the date of the revocation.
 - (4) The notice of appeal shall be filed with the city clerk and must include:
 - a. The name, address and telephone number of the appellant;
 - b. The name, address and telephone number of the outdoor music venue;
 - c. The reasons the appellant believes that the decision does not comply with the requirements of this chapter.
 - (5) The city council shall hear the appeal at the next available regularly scheduled meeting following ten days after receipt of the appeal.
 - (6) A revocation order remains in effect during the pendency of an appeal under this section.

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ and **APPROVED** on first reading this the ____ day of _____, 2024.

READ, APPROVED and **ADOPTED** on second reading this the ____ day of _____, 2024.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:

MEAGAN SPINKS, City Clerk