

ORDINANCE NO. O-2019-0129

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE VIII OF THE CODE OF ORDINANCES (2018 EDITON), CITY OF ROUND ROCK, TEXAS, BY AMENDING SECTIONS 14-209 AND 14-210, AND BY ADDING NEW SECTION 14-213.2 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:

1.

That Chapter 14, Article VIII, Section 14-209 of the Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

Sec. 14-209. - General.

- (a) This article is adopted under the authority of the Constitution and laws of the state, particularly V.T.C.A., Local Government Code ch. ~~244~~**217, Subchapter C**, and by virtue of the authority of the city, as granted to it by the citizens of the city and contained in article 2, section 2.01 of the City Charter.
- (b) The purpose of this article is to provide an objective framework whereby the officers of the city may act to ensure the safety and welfare of the citizens by adopting quantitatively defined measures to protect against the deleterious effects of excessive, prolonged, or otherwise undesirable noise.

That Chapter 14, Article VIII, Section 14-210 of the Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended as follows, with the new definitions set forth below being appropriately inserted alphabetically:

Sec. 14-210 Definitions.

Outdoor music venue means a commercial property where sound equipment is used to amplify sound that is:

- (a) not fully enclosed by permanent, solid walls and a roof; or
- (b) allowed to project out of an exterior doorway that is routinely opened.

Sound equipment means a loud speaker, public address system, amplification system, or other sound producing device.

III.

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

Sec. 14-213.2. Specific regulations for outdoor music venues zoned MU-1.

(a) Applicability.

This Section is applicable to outdoor music venues that are on property zoned MU-1.

(b) Restrictions on time and decibel levels.

(1) "Permitted Hours" shall mean the times set forth below:

- From 10:00 a.m. to 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday;
- 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 onsite 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 onsite.

(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;

- 1 c. The name, address, and telephone number of the business's registered agent on file with
2 the Texas Secretary of State;
3 d. An application fee of \$50.00;
4 e. A statement that the outdoor music venue has an approved decibel meter onsite; and
5 f. A statement that the applicant has obtained a copy of this Chapter and section and agrees
6 to comply with all applicable requirements.
7
8 (e) Permit issuance.
9 The amplified sound permit shall be issued to the business which submits an application that
10 meets the requirements of this section and pays the applicable fee.
11
12 (f) Revocation of a permit.
13 (1) The Chief of Police shall revoke a permit issued under this section if the permit holder has
14 been found guilty of violating any provisions of this Section three times in a 12-month period.
15 (2) The period of revocation shall be one year from the date of revocation.
16 (3) A permit holder may appeal to the City Council a revocation not later than 10 calendar days
17 after the date of the revocation.
18 (4) The notice of appeal shall be filed with the City Clerk and must include;
19 a. The name, address, and telephone number of the appellant;
20 b. The name, address, and telephone number of the outdoor music venue;
21 c. The reasons the appellant believes that the decision does not comply with the
22 requirements of this Chapter.
23 (5) The city council shall hear the appeal at the next available regularly scheduled meeting
24 following ten days after receipt of the appeal.
25 (6) A revocation order remains in effect during the pendency of an appeal under this section.

26 27 **IV.**

28 This ordinance shall be effective as of the 15th day of May, 2019.
29

30 31 **V.**

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

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

36 **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

1 and that such meeting was open to the public as required by law at all times during which
2 this Ordinance and the subject matter hereof were discussed, considered and formally
3 acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government
4 Code, as amended.

5 **READ** and **APPROVED** on first reading this the _____ day of
6 _____, 2019.

7 **READ, APPROVED** and **ADOPTED** on second reading this the _____ day of
8 _____, 2019.

9
10
11 _____
12 CRAIG MORGAN, Mayor
13 City of Round Rock, Texas

14 ATTEST:

15
16 _____
17 SARA L. WHITE, City Clerk
18