

AUSTIN, TEXAS
CHAPTER 10-5: NOISE

ARTICLE 1. GENERAL RESTRICTIONS

§ 10-5-1 DEFINITION.

As used in this chapter, the term SOUND AMPLIFICATION DEVICE shall mean any apparatus for the amplification of sounds from any radio, phonograph, band, orchestra or other sound-making or sound-producing device, including any apparatus for the amplification of the human voice.

('81 Code, § 9-8-1)

§ 10-5-2 NOISE PROHIBITIONS

(A) It shall be unlawful for any person to operate or cause to be operated any horn, player piano, radio, phonograph or other loud-speaking or noise-making device or attachment on the public sidewalks, streets and other public places within the city before the hour of 7:00 a.m. or after the hour of 10:30 p.m. of any day in a way or manner reasonably calculated to disturb others in the vicinity of such public place, but nothing herein shall be construed to affect the usual and reasonable operation of railroads and motorbuses or to prohibit the reasonable use of automobile warning signals or the reasonable ringing of church bells or the reasonable or ordinary noises attendant upon athletic contests or lawful public or semipublic meetings, parades or celebrations.

(B) It shall be unlawful for any person to play or operate or permit to be played or operated, within the city, any phonograph, radio or any loud-speaking or noise-making device or attachment on any premises under the ownership, management or control of such person, when such premises are being used as a place of business to which the public generally is invited, in such a manner or in such volume as to be reasonably calculated to disturb the peace or to be unreasonably offensive to the public or to the occupants of other premises in such vicinity.

(C) It shall be unlawful for any person, between the hours of 10:30 p.m. and 7:00 a.m. the following morning, in either a public or private place or house in the city, to create, make or cause to be made upon musical instruments, horns or bugles, or by any other means, any loud noise which is reasonably calculated to disturb others in the vicinity of any such public or private place or house.

(D) Drive-in theaters may operate during the months of January, February, March, April, May, October, November and December until 12:00 midnight, of each day, and during the months of June, July, August and September such businesses may operate one hour past 12:00 midnight of each day.

(E) It shall be unlawful for any person to operate any gravel pit, rock crusher or other machinery for the separation, gathering, grading, loading or unloading of sand, rock or gravel within 600 feet of any private residence, church or hospital in the city between the hours of 7:00 p.m. and 6:00 a.m. if the operation of such plant or machinery is attended with loud noise or noises reasonably calculated to disturb the inhabitants of any such private residence, church or hospital.

(F) Nothing in this section shall apply to any person who holds a permit for the amplification of sound pursuant to § 10-5-20.

(G) For the purpose of this section, the use or operation of an amplification device at a permanent business location or private residence to produce a sound in excess of 85 dB between 10:00 a.m. and 10:00 p.m., and 80 dB between 10:00 p.m. and 2:00 a.m. as measured at the

boundary line of the permanent business location or private residence shall be deemed reasonably calculated to disturb the peace and unreasonably offensive to the public.
(’81 Code, § 9-8-2) (Ord. 840816-E) Penalty, see § 1-1-99

ARTICLE II. SOUND AMPLIFICATION PERMIT

§ 10-5-20 DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings ascribed to them.

BUILDING OFFICIAL means the head of the Building Inspection Department or his designee.

DAY means a calendar day.

DIRECTOR means the head of the Parks and Recreation Department or his designee.

RESIDENTIAL ZONING DESIGNATION includes any of the following use districts established by ordinance

"LA" Lake Austin Residence;

"RR" Rural Residence;

"SF-1" Single-Family Residence (Large Lot);

"SF-2" Single-Family Residence (Standard Lot);

"SF-3" Family Residence;

"SF-4(A)" Single-Family Residence (Small Lot);

"SF-4(B)" Single-Family; Residence (Condominium Site);

"SF-5" Urban Family Residence;

"SF-6" Townhouse and Condominium Residence;

"MF-1" Multifamily Residence (Limited Density);

"MF-2" Multifamily Residence (Low Density);

"MF-3" Multifamily Residence (Medium Density);

"MF-4" Multifamily Residence (Moderate High Density);

"MF-5" Multifamily Residence (High Density);

"MF-6" Multifamily Residence (Highest Density);

"MH" Mobile Home Residence.

SOUND AMPLIFICATION DEVICE or **DEVICE** means the speaker or mechanism from which amplified sound emanates.

(’81 Code, § 9-8-16) (Ord. 821028-H)

§ 10-5-21 WHEN REQUIRED

No person shall use or operate, or cause to be used or operated, any sound amplification device in any location within the city where the sounds therefrom may be heard in any public place or public street without first having obtained a permit from the city.

(’81 Code, § 9-8-17) (Ord. 821028-H) Penalty, see § 1-1-99

§ 10-5-22 SEPARATE PERMIT FOR EACH DEVICE NOT REQUIRED

A separate permit and fee shall not be required for each sound amplification device.

(’81 Code, § 9-8-18) (Ord. 821028-H)

§ 10-5-23 FEE

Applicants for permits required under the provisions of this article shall pay such fees as are established by ordinance (see Table III of the Tables of Special Ordinances). ('81 Code, § 9-8-19) (Ord. 821028-H)

§ 10-5-24 TERM.

A separate permit for the application of sound shall be required for each day during which a sound amplification device is used; provided, however, where authorized by this article, a single permit may be issued which will extend for the two-hour period between 12:01 a.m. and 2:00 a.m. of the subsequent day. This restriction shall not apply where the permit is requested to use or operate a sound amplification device in a park or in connection with an activity for which the City Council has approved a street closure. ('81 Code, § 9-8-20) (Ord. 821028-H)

§ 10-5-25 FREQUENCY OF PERMIT ISSUANCE

No permit may be issued for the use or operation of a sound amplification device if a sound amplification permit had been obtained for the same tract of land or address within the previous 30 days; provided, however, this restriction shall not apply to parks or in connection with an activity for which the City Council has approved a street closure. ('81 Code, § 9-8-21) (Ord. 821028-H)

§ 10-5-26 APPLICATION PROCEDURE.

Each person desiring to use or operate a sound amplification device shall make an application in writing to the Building Official on form(s) provided by the city, requesting a permit for such use or operation. The form of such application shall be prescribed by the Building Official and shall include the name, address and telephone number of the applicant; the address or location upon which the applicant proposes to use or operate a sound amplification device; the hours during which the applicant proposes to use or operate such device; and a statement by which the applicant accepts and assumes responsibility for ensuring compliance with all terms and conditions of any permit issued to the applicant. ('81 Code, § 9-8-22) (Ord. 821028-H)

§ 10-5-27 PERMIT BASED ON CERTAIN CONDITIONS.

The Building Official shall, upon receipt of such application and after payment of the required application fee, issue the applicant a sound amplification permit in accordance with the conditions established in this article:

(A) No permit shall be issued for the use or operation of a sound amplification device at any location within 100 feet of any property having a residential zoning designation; provided, this restriction shall not apply to public parks or a street closure approved by the City Council.

(B) No permit shall be issued for the use or operation of a sound amplification device located for within 300 feet of a school, church or hospital; provided, however, this prohibition shall not apply if approval in writing is obtained by the applicant from the affected school, church or hospital, and included with the application.

(C) A permit for the use of a sound amplification device on a vehicle traveling the public streets or rights-of-way will be granted conditioned upon the use of such device between the hours of 10:00 a.m. and 8:00 p.m. only on Monday through Saturday, and between the hours of 12:00 noon and 6:00 p.m. on Sunday. Notwithstanding any other provision of this article, written

permission of a church, school or hospital shall not be required as a condition for the issuance of a permit for the amplification of sound from a moving vehicle.

(D) If the sound amplification device is to be used or operated within a park, any permit shall be conditioned upon the use or operation of such device between the hours of 10:00 a.m. and 10:00 p.m., except as provided hereinafter:

(1) If approval for use of the park beyond the established curfew has been obtained from the Director, and the sound amplification device is to be used or operated on a permanently constructed bandstand, or within or about a building utilized for dances, performances, parties or similar activities, any permit shall be conditioned upon the use or operation of such device between the hours of 10:00 a.m. and 2:00 a.m.

(2) If approval for use of the park beyond the established curfew has been obtained from the Director, and the amplified sound device is more than 600 feet from any property having a residential zoning designation, any permit shall be conditioned upon the use or operation of the sound amplification device between the hours of 10:00 a.m. and 2:00 a.m.

(3a) In addition to the preceding time restrictions, no amplification device shall be used or operated within a park to produce a sound in excess of 85 dB between 10:00 a.m. and 10:00 p.m.; and 80 dB between 10:00 p.m. and 2:00 a.m., as measured 100 feet in front of the device or at the boundary of such park in front of the device, whichever distance is lesser.

(3b) No amplification device shall be used or operated at Auditorium Shores to produce sound in excess of 80 dB at any time a measurable wind is blowing from any northerly direction. Sound measurements shall be taken in front of the sound amplifier at a distance of 210 feet or at the nearest point on the north curb of Riverside Drive, whichever distance is lesser.

(E) If the tract of land or location upon which the applicant proposes to use or operate the sound amplification device is beyond 100 feet but within 600 feet of any property having a residential zoning designation, any permit will be conditioned upon such use or operation between the hours of 10:00 a.m. and 8:00 p.m. on Sunday through Thursday, and between the hours of 10:00 a.m. and 10:00 p.m. on Friday and Saturday.

(F) If the tract of land or location upon which the applicant proposes to use or operate the sound amplification device is beyond 600 feet of any property having a residential zoning designation, any permit will be conditioned upon such use or operation between the hours of 10:00 a.m. and 2:00 a.m.

('81 Code, § 9-8-23) (Ord. 821028-H; Am. Ord. 960418-D)

§ 10-5-28 COPY FOR PERMITTEE.

A copy of any original permit shall be provided to the applicant.

('81 Code, § 9-8-24) (Ord. 821028-H)

§ 10-5-29 EXEMPTIONS.

(A) Nothing in this article shall apply to a person using a device for the amplification of sound at a permanent business location or at a stadium or ballpark, or at a church where such device is used for the amplification of clarions. Such persons shall be governed by the provisions of § 10-5-2.

(B) Nothing in this article shall apply to officers and employees of the city, the county, the state, the United States of America or any official governmental entity when such amplification of sound is being used by such officer or employee while engaged in his official duty.

('81 Code, § 9-8-25) (Ord. 821028-H)

§ 10-5-30 RIGHT OF CITY COUNCIL TO IMPOSE ADDITIONAL RESTRICTIONS.

Nothing herein shall be construed to limit the City Council's right to condition the use of public lands and/or facilities upon the discontinuance of amplified sound at any time specified by such governing body.

(Code 1981 § 9-8-26) (Ord. 821028-H)

ARTICLE III. VEHICULAR MOUNTED SOUND AMPLIFICATION SYSTEMS

§ 10-5-40 LIMITATIONS ON THE VOLUME OF SOUND EMNATING FROM VEHICULAR SOUND AMPLIFICATIONS SYSTEMS

(A) It is unlawful for any person operating or controlling a motor vehicle in either a public or private place within the city to operate any sound amplifier which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette tape player, or other similar device in the motor vehicle, in such a manner that, when operated, it is audible at a distance of 30 feet or, when operated, causes a person to be aware of the vibration accompanying the sound at a distance of 30 feet from the source.

(B) The provisions of this section do not apply to:

- (1) An authorized emergency vehicle as defined in V.T.C.S. art. 6701d;
- (2) Motor vehicle used for business or political purposes, properly permitted, which in the normal course of business use sound making devices; or
- (3) Horns or warning devices required under V.T.C.S. art 6701d.

(C) A person violating any of the provisions of this section shall be of a Class C misdemeanor.