



City of Austin

Music Division

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Agora 84 N. IH 35 SVRD SB **Outdoor Music Venue Permit Revocation**

December 18th, 2012

Mr. Polycrates,

This letter is to inform you that your Outdoor Music Permit is being revoked because you are not operating in compliance with City sound ordinance code, 9-2-14, RESTRICTIONS ON PERMITS IMPACTING RESIDENTIAL PROPERTIES. The sound equipment at Agora is located within 600' of property zoned and used as residential, thus the sound ordinance states in Chapter 9-2-4, (C) that the allowed times for outdoor amplified sound are between:

- (a) 10:00 a.m. and 8:00 p.m. on Sunday through Thursday:
- (b) 10:00 a.m. and 10:00 p.m. on Friday or Saturday.

We have had previous discussions with you and clearly explained the required cut off times that are listed on your Outdoor Music Venue permit. You have repeatedly exceeded the allowed cut off times, with no regard for the rules that are a condition of your permit. The amplified sound emanating from your business is impacting nearby residents.

As per city code, once you receive this letter, **you have 7 days to correct the violations**, prior to your permit being revoked. Please see Chapter 9-2-65 of the sound ordinance, permit revocation below.

Should you have any questions, please feel free to contact me at the number below.

Thank you,

Don Pitts
Music Program Manager
City of Austin Music Office
512-974-7821

CC: Greg Guernsey, Viktor Auzenne, David Murray

§ 9-2-14 RESTRICTIONS ON PERMITS IMPACTING RESIDENTIAL PROPERTIES.

(A) The limitations in this section apply to all permits for the use* sound equipment authorized under this chapter.

(B) The accountable official may not issue a permit for use of sound equipment within 100 feet of property zoned and used as residential, except as authorized under Section 9-2-21 (*Permit for Concrete Installation During Non-Peak Hour Periods*), Chapter 8-1, Article 4 (*Restrictions on Amplified Sound*), or Section 14-8-34 (*Permit Required for the Use of Sound Equipment*).

(C) The accountable official may issue a permit for use of sound equipment, as authorized by this chapter, for property that is:

(1) beyond 100 feet but within 600 feet of property that is zoned and used as residential, between:

(a) 10:00 a.m. and 8:00 p.m. on Sunday through Thursday;

(b) 10:00 a.m. and 10:00 p.m. on Friday or Saturday; or

(c) 10:00 a.m. and 10:00 p.m. on Sunday through Thursday and 10:00 a.m. and 12:00 midnight on Friday or Saturday based on the following factors:

(i) agreements with owners and tenants of nearby property;

(ii) agreements with representatives of affected neighborhood organizations;

(iii) the code compliance history of the site; and

(iv) public health and safety based on compatibility with adjacent land uses; and

(2) beyond 600 feet of property that is zoned and used as residential, between 10:00 a.m. and 2:00 a.m.

Source: Ord. 20110210-029; Ord. 20120308-036.

§ 9-2-65 REVOCATION OF LIVE MUSIC PERMIT.

(A) The accountable official may revoke a permit issued under Article 2, Division 3 (*Outdoor Music Permits*) of this chapter if:

(1) the permit was issued in error; or

(2) the permit holder has not complied with the requirements of this chapter, including conditions imposed on a permit for an outdoor music venue under Section 9-2-39 (*Outdoor Music Venue Permit*) or a multi-day special event permit under Section 9-2-38 (*Multi-Day Special Event Permit*) in accordance with this section.

(B) The accountable official may revoke a permit issued under Section 9-2-38 (*Multi-Day Special Event Permit*) if two or more conditions of the temporary event impact plan have been violated and the applicant or operator has failed to correct the violations after 24-hour notice.

(C) The accountable official may revoke a permit issued under Section 9-2-39 (*Outdoor Music Venue Permit*) in accordance with the requirements of this subsection.

(1) The accountable official shall provide the applicant written notice, and an opportunity to correct the violations, at least seven (7) days prior to revoking a permit under Subsection (A) of this section. The notice provided under this subsection must specifically describe the violation(s) at issue.

(2) The accountable official shall give notice by certified mail, return receipt requested, of a revocation by the official under this division.

(3) The appellant may appeal the accountable official's decision to the city council by giving written notice to the accountable official not later than the third working day after receiving notice of the decision. The notice of appeal must identify the decision being appealed and explain the general grounds for the appeal.

(4) The city council shall hear the appeal at the next regularly scheduled meeting following receipt of the notice of appeal. An appeal is automatically granted if the council does not hear the appeal before the 21st day following receipt of the notice of appeal unless the applicant agrees to have the hearing scheduled for a later date.

(5) A revocation order remains in effect during the pendency of an appeal under this section.

Source: Ord. 20110210-029; Ord. 20111215-055.