



Proposed Ordinances: Noise Nuisance and Outdoor Sound Permit

**Environmental Services,
Planning & Inspections,
Police Department**

"Delivering Outstanding Services"



1. Strategic Goals

- Goal 1.6: **Provide business friendly permitting** and inspection process
- Goal 2.8: **Implement effective code enforcement strategies** to reduce nuisances, enhance visual appearance and improve overall health and safety



2. Presentation Topics

- Background and recommendations
- Review of proposed nuisance ordinance
- Review of proposed sound permit
- Review of ordinance enforcement (EPPD Presentation)

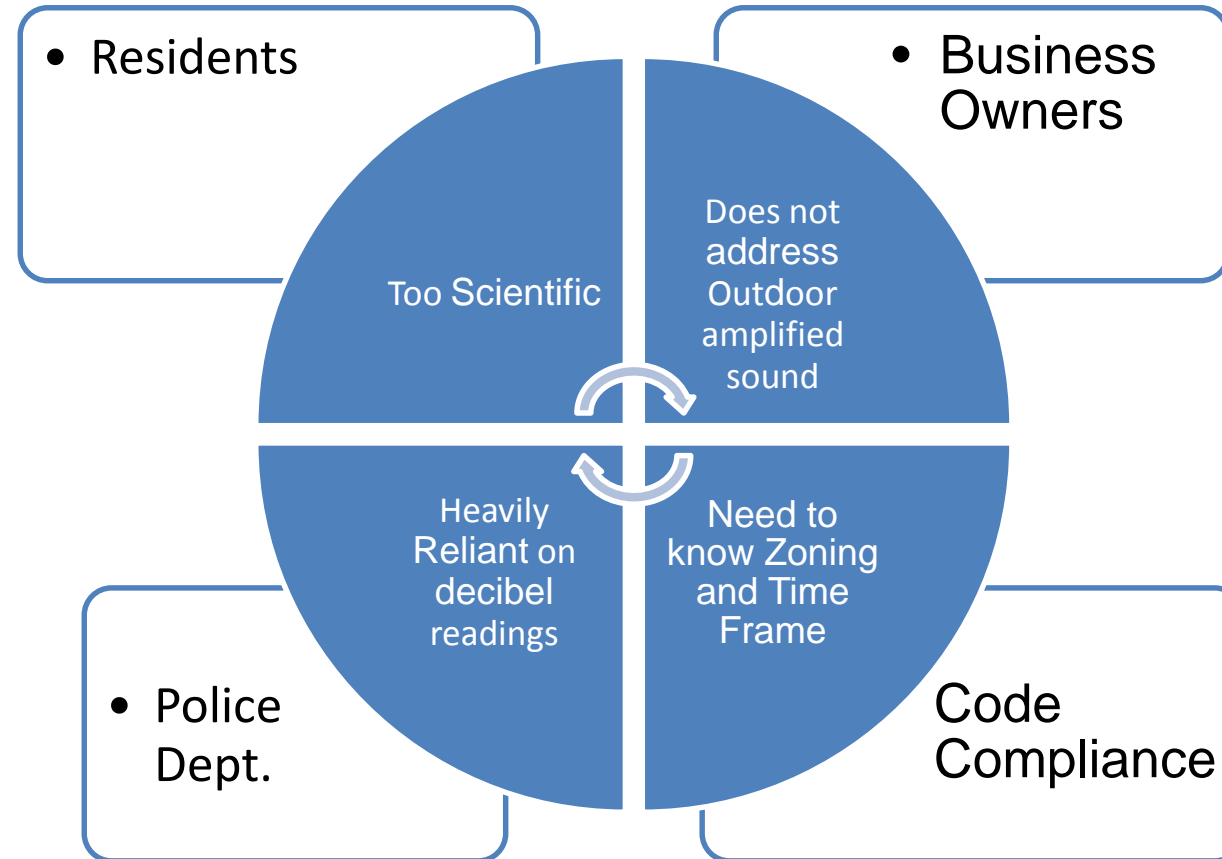


3. Objective

- Review Chapter 9.40 of the City Code and propose revisions to address concerns of key stakeholders:
 - Residents
 - Business owners
 - Police Dept.
 - Code Compliance
 - Planning and Inspections



4. Why Revise?



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5. Challenges

- Residents – cease all amplified sound and noise by 10:00 p.m.
- Business Owners – allow to operate per state standards 85 dB
- Too many bars and nightclubs allowed on a single property and in close proximity to residential neighborhoods
- Heavy reliance on PD to cover weekend and nightshift, not enough officers to enforce, too long response time
- Barking dogs continue to be a problem
- Municipal court enforcement process takes time and often does not resolve continuing issues
- DMD may seek to be exempt from new ordinance



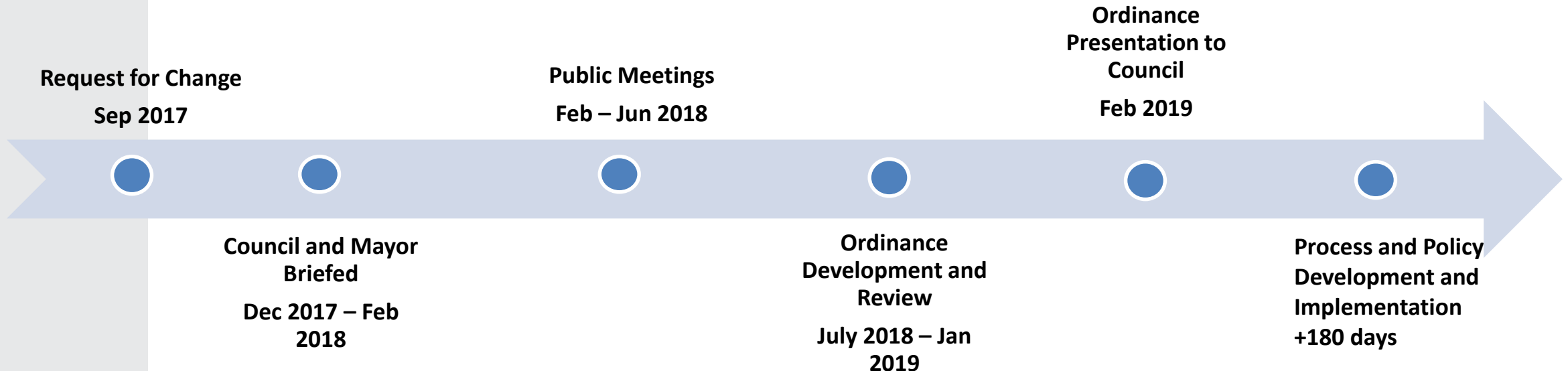
6. Recommendations

- Simplify existing ordinance to address nuisances only
 - Describe specific nuisance conditions
 - Do not rely on decibel levels
 - Include “person of reasonable sensibilities” standard
- Introduce new permit for outdoor amplified sound at establishments
 - Require notice to surrounding property owners and neighborhood associations
 - Introduce standards for outdoor amplified sound
 - Provide for suspension or revocation of permit for noncompliance



7. Timeline and Efforts

- Intra-departmental collaboration: ESD, PD, Planning & Inspections
- Field surveillance of various hotspots throughout the City conducted by ESD, PD and P&I staff





8. Background and Input

- Researched noise ordinances in Lubbock, Corpus Christi, Austin
- Briefed City Representatives and Mayor
- Conducted 6 community meetings for public input:
 - April 10th and 11th
 - April 17th and 18th
 - April 23rd and 24th
- Conducted 3 meetings with business associations
- Meetings with DMD, Neighborhood associations, and community organization



9. Changes from Public Input

- Increased radius for notification of sound permit
- City will issue notifications, not the applicant
- Adopt notification methods to include not only property owners
- Recommend cutoff time for amplified sound outdoors at midnight, not 2 a.m., as originally proposed



Proposed Noise Nuisance Ordinance Revision

El Paso City Code Chapter 9.40



1. Objective

- Review Chapter 9.40 of the City Code and propose revisions to address concerns of neighborhood residents and enforcement officers (Police and Code Compliance)



2. Recurring Issues

- Decibel readings required, not enough sound level meters
- Complex system of noise zones and allowable noise per time of day or night makes training and enforcement extremely difficult
- Noise from nearby businesses impacting residential neighborhoods
- After hours response time
- Inconsistent Municipal Court results

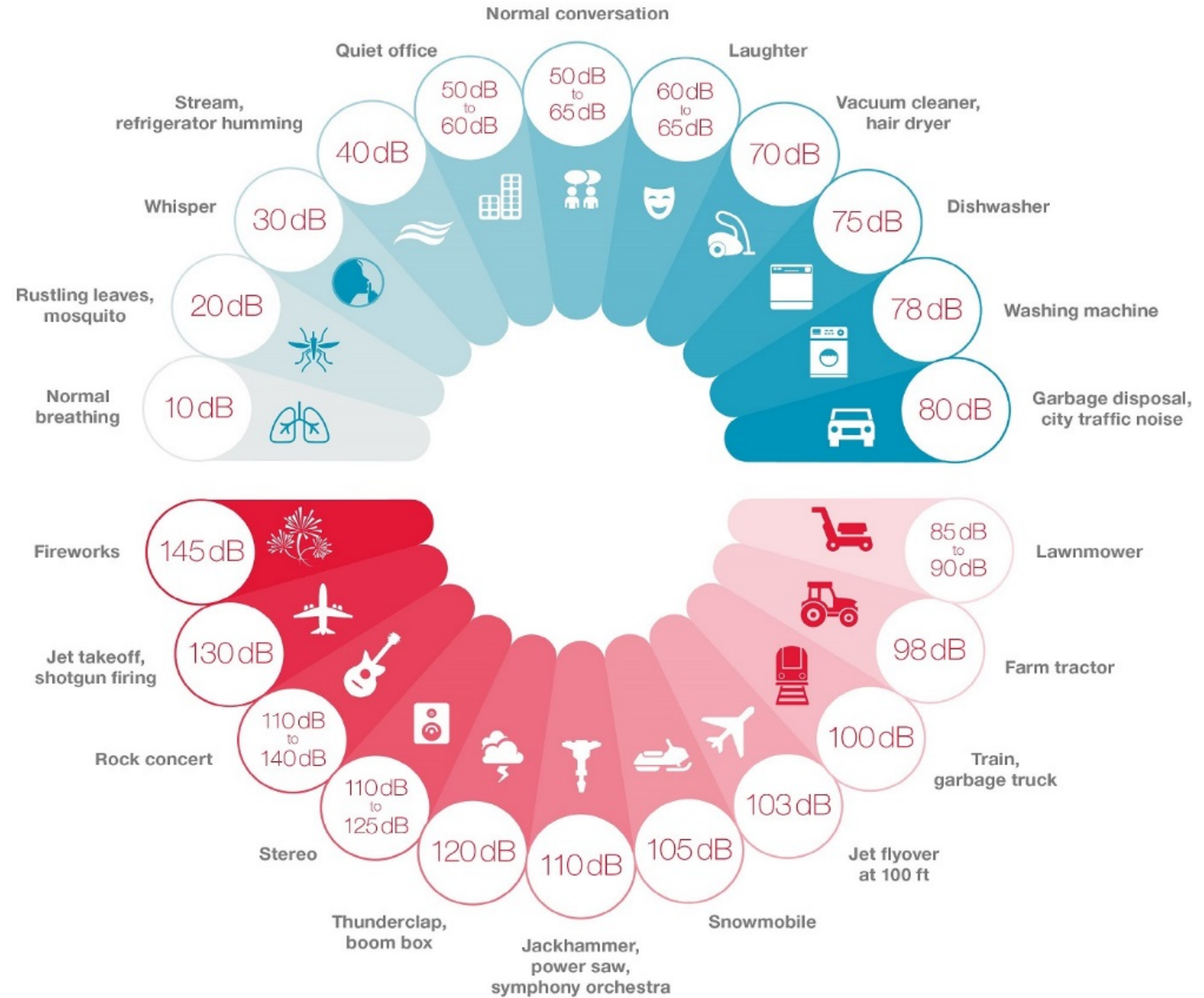


3. Existing Standards

9.40.040.A. - Exterior noise standards.

This table illustrates how allowable noise levels vary by zone and time of day:

Noise Zone	Time Interval	Allowable Exterior Noise Level
I – Residential	10:00 p.m. to 7:00 a.m.	50 dB(A)
	7:00 a.m. to 10:00 p.m.	55 dB(A)
II – Commercial	10:00 p.m. to 7:00 a.m.	60 dB(A)
	7:00 a.m. to 10:00 p.m.	65 dB(A)
III – Manufacturing and Industrial	10:00 p.m. to 7:00 a.m.	65 dB(A)
	7:00 a.m. to 10:00 p.m.	70 dB(A)



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5. Staff Research

- Existing noise ordinances from the following cities:
 - Abilene
 - Austin
 - Corpus Christi
 - El Paso
 - Lubbock
- Noise standards per Texas Penal Code
- Texas Municipal Courts Education Center review of case law and constitutional noise standards



6. What Changes?

Concept	Current	Proposed
Regulated sound	All noise	Only defined noise nuisances; Sound above specified level after 10:00 p.m.
Quieter time standards	10:00 p.m. – 7:00 a.m.	No change
Nuisance	Not defined	Specific activities defined
“Annoys a person of reasonable sensibilities”	Included in definition of “noise”	Used as standard to confirm defined nuisances
Documenting a violation	Primarily by measuring decibels using a sound level meter	Primarily by defining noise nuisance activities; Sound level meter may be used per City policy (EPPD, Code Compliance)
Noise Zones	Residential, commercial, and manufacturing/industrial	Residential and nonresidential



7. Reasonable Sensibilities

- Can be enforced in municipal court, per the Texas Municipal Court Education Center
- The sensory perception of noise when taking into account:
 - Source of noise
 - Volume
 - Time of day
 - Duration of noise
- Specific initial training and annual refresher will be required for Police and Code Officers
- Feedback from Prosecutor and court decisions is essential to improve training and enforcement



8. Applicable Noise Standards

1. Exemptions

2. Prohibitions

3. Sound that annoys a person of reasonable sensibilities

4. A sound exceeding 70 dB at the property line (from 10:00 pm – 7:00 am)



9. Examples

Regulation	Description	Example
Exemptions	Certain noise-producing activities are allowed per ordinance	Emergency vehicle sirens
Prohibitions	Certain activities prohibited between 10:00 pm – 7:00 am	Power equipment outdoors at a residential property
Reasonable Sensibilities	Sound that annoys a person of reasonable sensibilities	Exterior loudspeakers; Radios, TVs, musical instruments, etc.
Decibel Limit	Sound produced (10:00 pm – 7:00 am) over 70 dB at the property line is a violation	Loud music coming from inside of a nightclub



10. Benefits of Revision

- Allow for more efficient enforcement for patrol officers
 - Simplified standards in revised ordinance
 - Only two types of noise zones (residential, nonresidential)
 - Consistent quiet time (10:00 pm – 7:00 am)
 - Sound level readings allowed, but not required
- No longer regulate sound created from certain operations/activities by noise nuisance ordinance [regulated by permit(s)]
- Defining nuisances in language both the general public and enforcement officers can more easily understand



Proposed Outdoor Amplified Sound Permit

El Paso City Code Chapter 5.03



1. Objective

- **Introduce a permit** that regulates outdoor amplified sound at business establishments



2. Observations

- Trend of establishments providing amplified sound in outdoor areas is increasing
- Sound may be from music playback or from live bands or DJs
- Venues are often in close proximity to residential neighborhoods
- Currently, there are not specific rules for this type of sound and regulating it as a nuisance is not the most effective method



3. Benefits of Permit

- Based on similar permit used in Austin
- Draws on existing City processes such as public notification for zoning and alcoholic beverage licenses
- Provides rules specific to amplified sound that occurs on a regular basis at business establishments
- Allows the City to work with businesses to set up outdoor areas in such a way as to minimize noise nuisance conditions to nearby residents
- If permit holder does not comply with permit conditions, it may be suspended or revoked



4. Permit Conditions

- Public notification required within a 350-ft. radius
- Residential property owners within a 150-ft. radius have ability to contest permit
- Sound Impact Plan required for outdoor area
- Outdoor amplified sound must cease at 12:00 a.m.
- Permit term is one year
- Permit may be suspended or revoked if more than two violations are documented within permit term; not eligible for renewal process
- Renewal process does not require public notification
- Establishment owner change requires new permit



5. Sound Impact Plan

- Outdoor area must be identified on plan
- Sound equipment must be specified
- Structures associated with the sound equipment must be identified (stage, risers, support structures) and inspected by building inspectors
- Electrical cords and connections will be inspected for safety
- Permit applicant may install sound mitigation structures or panels to minimize impact on nearby residences



6. Possible Violations

- Exceeding decibel limit at property line (70 dB proposed)
- Not complying with Sound Impact Plan
- Playing amplified sound outdoors after 10:00 p.m. without a permit, or with a suspended or revoked permit
- Playing amplified sound outdoors after 12:00 a.m.
- Noise nuisance violations of customers on property under the control of the establishment



7. City Staff

- One Stop Shop receives and processes permit applications, and mails public notification cards to property owners within the 350-ft. radius of the establishment
- Building inspectors verify Sound Impact Plan on-site, and inspect any structures or electrical systems associated with the outdoor area
- Police officers respond to possible permit noise violations on weekends or after 4:00 p.m.
- Code Compliance officers respond to possible permit violations during weekdays and may assist EPPD during periodic evening enforcement sweeps



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