

§ 23-8 NOISE.

(a) *General provisions.*

(1) *Scope.* This section applies to the control of all sound and noise within the City of Fort Worth.

(2) *Overview.* This section is designed to regulate noise by various alternative means in order to allow the enforcement of noise regulations at times when and by persons for whom noise meters are not available. A noise may be in violation of this section because it is disturbing to a reasonable person of ordinary sensibilities or because it exceeds the decibel level restrictions provided below. If a noise violates more than one of these provisions, the violation will be enforced under whichever provision is most applicable to the situation as determined by the enforcement officer of the city.

(b) *Definitions.*

A-WEIGHTING (dBA). The sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated dB(A) or dBA.

AMBIENT NOISE. The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, constituting the normal or existing level of environmental noise at a given location.

BOUNDING REAL PROPERTY LINE. An imaginary line at the ground and its vertical extension which separates the real property owned or occupied by one person from that owned or occupied by another person.

DECIBEL (dBA). The unit of measurement for sound pressure at a specified location.

GOVERNMENTAL FUNCTION. Work conducted by a governmental entity in the interest of the community.

RESIDENTIAL. Property zoned for residential use in accordance with the city’s zoning ordinance.

SOUND LEVEL. The instantaneous sound pressure level measured in decibels obtained by the use of a sound level meter set for A-weighting on slow integration speed, unless otherwise noted.

UNREASONABLE NOISE.

- a. Any unreasonably loud, disturbing and unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof; or
- b. Any noise of such character, intensity and continued duration, which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities.

(c) *Restrictions on decibel levels.*

(1) *Maximum sound levels.* During the times and in the zoning districts (except for activities originating in industrial zoning districts) set out below, the activities that create a sound pressure level on the complainant’s bounding real property line that exceeds the maximum allowable sound level (dBA) below are declared to be public nuisances:

a. *All residential (one-, two- and multifamily) zoning districts.*

Daytime	7:00 a.m. to 10:00 p.m. = 70 dBA
Nighttime	10:00 p.m. to 7:00 a.m. = 60 dBA

b. *All nonresidential and mixed-use zoning districts (excluding industrial zoning districts) outside “H” central business district and “PI” Panther Island.*

Daytime	7:00 a.m. to 10:00 p.m. = 80 dBA
Nighttime	10:00 p.m. to 7:00 a.m. = 70 dBA

c. *“H” central business district, “PI” Panther Island and West 7th Village (per attached map).*

Sunday through Thursday	
Daytime	7:00 a.m. to 10:00 p.m. = 80 dBA
Nighttime	10:00 p.m. to 7:00 a.m. the following day = 70 dBA
Friday through Saturday	
Daytime	7:00 a.m. to 2:00 a.m. the following day = 80 dBA
Nighttime and Sunday	2:00 a.m. to 7:00 a.m. = 70 dBA

d. All zoning where ambient noise level exceeds the prescribed maximum level:

7:00 a.m. to 10:00 p.m. = Existing ambient (dBA) + 3 dBA
10:00 p.m. to 7:00 a.m. = Existing ambient (dBA)

(2) *Method of noise measurement.* Noise measurements shall be a minimum of 30 seconds in duration. Decibel levels are measured from the complainant’s property line. For residential districts adjacent to other districts (excluding industrial zoning districts), the residential decibel levels apply when measured from a residential complainant’s property line. Violations will be determined based on the highest registered reading in that measurement period. All measurement levels will be inclusive of any ambient noise that exists at the time of the measurement.

(d) *Noise prohibited.*

(1) In addition to the other noise restrictions in this section, no person shall make, cause, suffer, allow or permit unreasonably loud noises in such a manner, or with such volume, intensity or duration, so as to disturb a reasonable person of ordinary sensibilities. A decibel level shall not be required for the enforcement of this subsection.

(2) This subsection is intended to apply to, but is not limited to, unreasonable noises in the form of:

a. *Animals.* It shall be unlawful to keep, or to permit the keeping of, any dog(s) or rooster(s) or any other bird or animal that creates any bark, cry, crow, or other sound on a frequent, repetitive or continuous basis for ten minutes or longer.

b. *Construction work.* Noise created by construction work within 300 feet of an occupied residential structure involving the erection, excavation, demolition, alteration, or repair of any building, structure, or flatwork before 7:00 a.m. or after 8:00 p.m. is prohibited as follows:

Before 7:00 a.m. or after 8:00 p.m.	Monday—Friday
Before 9:00 a.m. or after 8:00 p.m.	Saturday—Sunday

c. *Solid waste collection.* Noise created by solid waste haulers within 300 feet of residential zoning before 6:00 a.m. or after 11:00 p.m. is prohibited, unless a waiver is granted to the waste hauler by the director of code compliance or his designee in accordance with the grant of privilege issued by the city to the waste hauler.

d. *Musical instruments.* The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel or other type of residence.

e. *Horns or other signal devices.* The continued or frequent sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle except as a danger or warning signal; the creation by means of any such signal device of any unreasonably loud or harsh device for any unnecessary and unreasonable period of time.

f. *Operation of vehicles.* The running of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, jarring or rattling noise or vibrations.

(e) *Exemptions.* The following acts and sounds shall be exempt from the requirements of this section:

- (1) Noise generated due to normal building conditioning and ventilation and property maintenance;
- (2) Noise generated on public and school property, as permitted by the property owner;
- (3) Noise generated by an outdoor event that is permitted as described in § 20-405 of the city code;
- (4) Noise generated by amplifiers at entertainment venues having a capacity of 1,000 or more persons within “PI” Panther Island;
- (5) Noise generated by any governmental body and its contractors in the performance of a governmental function;
- (6) Noise generated by airport, railway and vehicular transportation;
- (7) Noise produced by gas drilling and production, which is regulated by the gas drilling ordinance in Chapter 15 of the city code; and
- (8) Noise generated at Texas Motor Speedway.

(f) *Enforcement.* The provisions of this section shall be enforced primarily by the police department and code compliance department.

(g) *Penalties.*

- (1) A person commits an offense if the person makes noise in violation of this section.
- (2) An offense under this section is punishable by a fine of not more than \$500.
- (3) Each occurrence of a violation, or, in the case of multiple violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.
- (4) A violation of this section is a nuisance. The prosecution of an offense under this section does not limit the city’s right to abate

the nuisance, including the use of injunctive or other civil relief.

(1964 Code, § 27-18) (Ord. 8767, § 1, passed 3-29-1983; Ord. 15608, § 1, passed 7-8-2003; Ord. 20191-05-2012, § 1, passed 5-1-2012; Ord. 24752-03-2021, § 1, passed 3-23-2021, eff. 3-31-2021)