

Noise Ordinance Update

Fort Worth Police Department

and

Fort Worth City Attorney's Office

April 2, 2024

Overview

- Sources of Noise
- Regulatory Authority
- Standards of measurement
- Enforcement

Noise complaints received from citizens vary widely from loud music, animals, barking dogs, screeching tires, loud mufflers to construction site noise near residential areas.

- Most complaints are for loud music
- These complaints may disturb the tranquility or quality of life for residents
- Complaints are received by:
 - Calls directly to the assigned Neighborhood Policing Officer
 - Calls generated to the FWPD Communications division
 - Complaints received through City Council Members

Applicable Noise Violation Laws and Ordinances

Texas Penal Code Chapter 42 Disorderly Conduct and Related Offenses

Sec. 42.01. DISORDERLY CONDUCT.

(a) A person commits an offense if he intentionally or knowingly:

- (5) makes unreasonable noise in a public place other than a sport shooting range, as defined by Section 250.001, Local Government Code, or in or near a private residence that he has no right to occupy;



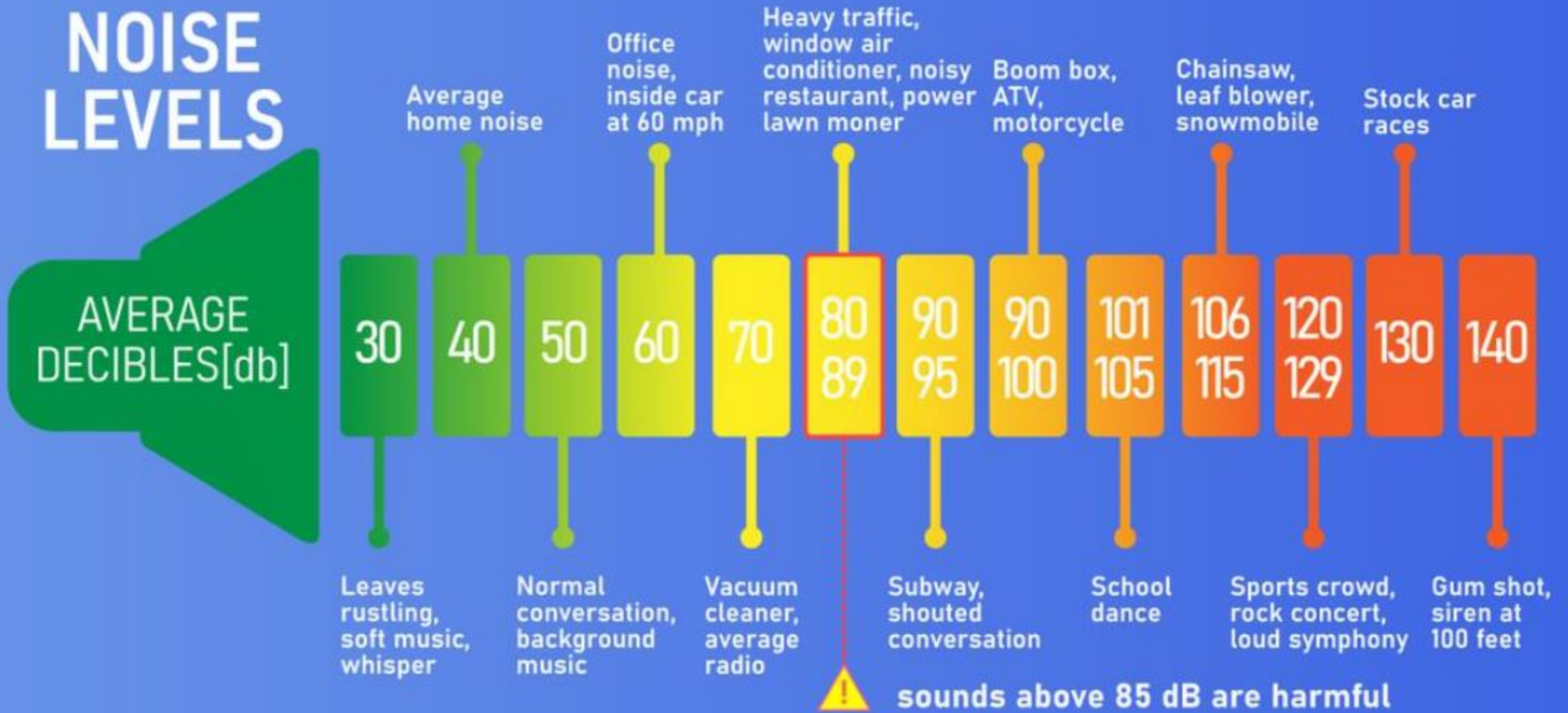
Noise Ordinance, Section 23-8

- 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 certain decibel level restrictions.
- Any noise in excess of this maximum decibel level during the times stated in the ordinance is a public nuisance. Decibel levels are measured for a duration of 30 seconds from the property line of the person making the complaint.
- Noise Ordinance does not require a decibel level for enforcement of subsection (d) of the ordinance. Subsection (d) states that no person shall make, cause, suffer, allow or permit unreasonable noise in such a manner or with such volume that it disturbs a reasonable person of ordinary sensibilities.

Exemptions from Noise Ordinance

- Texas Motor Speedway
- Public or private school property as permitted by property owner (ex. TCU)
- An outdoor event permitted by the City
- Amplifiers at entertainment venues having a capacity of 1,000 or more persons within “PI” Panther Island
- Governmental body and its contractors
- Airport, railway and vehicular transportation
- Drilling and production – regulated Gas Ordinance (sound plan)
- Normal building conditioning and ventilation and property maintenance

NOISE LEVELS



District	Time	Maximum Decibel Level
Residential Districts (one-, two- and multifamily)	Daytime: 7:00 am to 10:00 pm	70 dBA
	Nighttime 10:00 pm to 7:00 am	60 dBA
Non-residential (Commercial) and Mixed-Use Zoning - <u>Does not include downtown and industrial zoning districts</u>	Daytime: 7:00 am to 10:00 pm	80 dBA
	Nighttime 10:00 pm to 7:00 am	70 dBA
Downtown (“H”), Panther Island “PI) and West 7th Village	Sunday through Thursday	
	Daytime: 7:00 am to 10:00 pm	80 dBA
	Nighttime 10:00 pm to 7:00 am	70 dBA
	Friday through Saturday	
	Daytime: 7:00 am to 2:00 am	80 dBA
	Nighttime and Sunday 2:00 am to 7:00 am	70 dBA
All other zoning districts	Daytime: 7:00 am to 10:00 pm	Existing ambient (dBA) + 3
	Nighttime: 10:00 pm to 7:00 am	Existing ambient

Bufferyards in Zoning Ordinance

- Designed to screen or block vision and noise pollutants along the entire length of the boundary between one- or two-family zoning districts and adjacent nonresidential districts.
- Consist of open space of grass and other landscaping and a masonry wall or wood fence either alone or in combination.

Zoning District Buffers and Setbacks

Zoning District	Building setback	Bufferyard
“ER” and “E” Neighborhood Commercial	20 feet	5 feet
“FR”	25 feet	5 feet
“F”	35 feet	5 feet
“G”	40 feet	5 feet
“I, “J,” and “K” Light, Medium and Heavy Industrial*	50 feet	5 feet or 20 feet when adjacent to one- or two-family

*minimum 2½ caliper trees and shrubs for a vegetated screen. Medium trees to be planted every 15 feet on center or large trees planted every 30 feet on center. Shrubs that are to grow to a minimum of eight feet tall to be planted in between the trees.

Enforcement Actions

The Texas Penal Code offense can be enforced by any Fort Worth Police Officer. The City's Noise Ordinance violations can be enforced by the Police Department and/or the Code Compliance Department.

- Give a verbal warning
- Take enforcement action by issuing a citation to the violator if the violator can be located

The majority of officers attempt to educate first to gain compliance prior to issuing a citation for any violation.

An offense under our ordinance is punishable by a fine of not more than \$500

Calls For Service

There was a 9.2% increase in calls for service for Loud Music/Party from 2022 through 2023. Additionally, there were over 17,000 calls for Loud Music/Party and only 117 incidents resulted in enforcement action.

2022

Loud Music/ Party	Gone on Arrival	No Action Required	Cancelled	Unable to locate	Report Taken/ Citation Issued	Total
Council District 2	13	877	356	49	10	1305
Council District 3	18	476	195	49	5	743
Council District 4	8	227	55	16	3	309
Council District 5	22	620	255	67	7	971
Council District 6	17	263	180	21	4	485
Council District 7	7	291	100	17	1	416
Council District 8	24	544	374	48	8	998
Council District 9	27	668	325	28	19	1067
Council District 10	7	184	47	13	1	252
Council District 11	36	1130	569	155	13	1903
Totals	179	5280	2456	463	71	8449

Calls For Service

2023

Loud Music/ Party	Gone on Arrival	No Action Required	Cancelled	Unable to locate	Report Taken/ Citation Issued	Total
Council District 2	17	763	378	54	10	1222
Council District 3	31	542	246	39	5	863
Council District 4	13	241	65	18	2	339
Council District 5	27	631	319	69	8	1054
Council District 6	19	349	262	28	1	659
Council District 7	6	242	145	18	1	412
Council District 8	10	528	434	39	3	1014
Council District 9	14	643	459	37	6	1159
Council District 10	12	142	31	14	1	200
Council District 11	39	1399	725	133	10	2306
Totals	188	5480	3064	449	47	9228

Challenges With Loud Music Complaints

- Low priority calls and the music has been tuned down on the officers arrival
- May not rise to the level of the decibel limit
- Complainants are not willing to be a witness on citations-although not always needed, some calls require it
- Violator refuses to answer the door
 - The only available option is to write a report and mail a citation, but the loud music could continue

Other Agencies

Research was conducted on best practices or other methods to deal with Loud Music/Party complaints from other police agencies and we received 12 responses were received from across the country and Canada.

The majority of responding agencies address Loud Music/Party complaints in the same manner as the Fort Worth Police Department.

- One city has a Licenses Committee that can revoke a permit while a couple of the other agencies allows the city to revoke the establishments permit, but they did not advise if they had a specific committee to address those concerns.
- There was only one agency that has a Positive Interaction Program (PIP) that holds monthly meetings for citizens to come and voice their concerns.

Questions