



# City of Pflugerville

## Legislation Details (With Text)

<b>File #:</b>	ORD-0464	<b>Version:</b>	2	<b>Name:</b>	Ch. 94 Noise Control Ordinance
<b>Type:</b>	Ordinance	<b>Status:</b>	Approved		
<b>File created:</b>	6/4/2019	<b>In control:</b>	City Council		
<b>On agenda:</b>	7/9/2019	<b>Final action:</b>			

**Title:** Approving an ordinance on second reading with the caption reading: An ordinance amending Ordinance No. 291-88-10-11 of the City of Pflugerville Code of Ordinances Title IX General Regulations, Chapter 94, titled Noise Control, by reducing the maximum decibel levels, adding temporary permit procedures, revocation of permit and enforcement provisions, and amending corresponding definitions; replacing all ordinances in conflict; containing severability and repealer clauses; providing for a penalty for a violation of Chapter 94, as a class C misdemeanor and a fine in an amount not to exceed \$2,000.00; and declaring an effective date.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ch. 94 Noise Control Ordinance

Date	Ver.	Action By	Action	Result
7/9/2019	2	City Council	Approved on Second Reading	Pass
6/25/2019	1	City Council	Approved as amended on First Reading.	Pass

Approving an ordinance on second reading with the caption reading: An ordinance amending Ordinance No. 291-88-10-11 of the City of Pflugerville Code of Ordinances Title IX General Regulations, Chapter 94, titled Noise Control, by reducing the maximum decibel levels, adding temporary permit procedures, revocation of permit and enforcement provisions, and amending corresponding definitions; replacing all ordinances in conflict; containing severability and repealer clauses; providing for a penalty for a violation of Chapter 94, as a class C misdemeanor and a fine in an amount not to exceed \$2,000.00; and declaring an effective date.

The original noise control ordinance was adopted in 1988 and subsequently amended over the years with the last amendment adopted in 2006, which established the maximum noise level at 85 decibels. The proposed amendment to the noise control is intended to address the following:

1. Provides for more refinement of appropriate noise levels by distinguishing between daytime and nighttime maximum noise levels.
2. Reduces the maximum noise levels in residential areas (residential use, residential zoning district, and City park) based on daytime and nighttime hours. (i.e., 70 decibels during daytime hours and 65 decibels during nighttime hours).
3. Includes additional affirmative defenses (or exceptions) to the noise control provisions.
4. Clarifies the difference between what constitutes a general noise disturbance and a noise-related public nuisance and providing for separate penalty clauses and the applicable fines.
5. Provides for a temporary (noise) permit process by which a person or entity may request special permission to generate a noise which would otherwise be prohibited by the City. (i.e., construction activities, sound equipment generated during a special event, or music venue generating noise that may constitute a general noise disturbance or exceeds the maximum

decibels levels.) The Building Official may grant temporary (noise) permit with established criteria, considerations, and restrictions; however, the Chief of Police shall have the primary responsibility for the enforcement of the noise control regulations and any conditions and limitations specified under a temporary (noise) permit.

On June 25, 2019, the City Council approved the ordinance on first reading with the following changes to the text of the ordinance as provided:

1. Inserted "in their absence" after the word "designee" in the definition for Building Official.
2. Inserted "in their absence" after the word "designee" in the definition for Chief of Police. (However, this portion of the action has been subsequently removed from the ordinance as it would prevent police officers from issuing citations.)
3. Inserted "in their absence" after the word "designee" in the definition for City Manager.
4. Changed Daytime definition to account for hours between 7 a.m. to 10 p.m. Sunday through Thursday and 7 a.m. to 12 a.m.
5. Removed errant parentheses with the definition of Decibel to read, "DB(A)."

City Attorney has approved the ordinance as to form.

#### **Prior City Council Action**

On June 25, 2019, the City Council approved the ordinance on first reading.

#### **Deadline for City Council Action**

N/A

#### **Future City Council Action**

N/A

**Funding Expected:** Revenue ☐ Expenditure ☐ N/A ☒

**Budgeted Item:** Yes ☐ No ☐ N/A ☒

**Amount:** ☒

**1295 Form Required?** Yes ☐ No ☒

**Legal Review Required:** N/A ☐ Required ☒ Date Completed:

#### **Supporting documents attached:**

Ordinance

#### **Recommended Action**

Approve the ordinance on second reading amending Chapter 94. Noise Control.