

# NOISE ORDINANCE UPDATE

Presented to the  
Health, Environment and Human Services  
Committee  
May 23, 2005

# Revisions to Chapter 30

## Background

- Changes drafted to the noise ordinance at request of Councilperson's Lill and Fantroy
- Initial revisions drafted by Prosecutor's Office
- Presented January 10 to the Health, Environment & Human Services Committee
- Draft ordinance presented to HEHS on April 25
- Directed to meet with builders and receive their comments on the proposed changes
- Additional changes drafted by City Attorney's Office including recommendation's by Environmental & Health Services Department

# Revisions to Chapter 30

- Revisions to 30-2 “Loud & Disturbing Noises”
  - Paragraph 7; adds “vibrations” to loud and disturbing noises from the exhaust of a motor vehicle
    - Vibrations are audible sounds or low range sounds that cause windows to rattle, etc. The deep base of a boom box or base drum produces this kind of vibration, often referred to as a sympathetic vibration.

# Revisions to Chapter 30

- Paragraph 8; Change in Allowable Construction Times
  - Effective in or adjacent to areas zoned residential
  - Monday through Friday: 7:00 A.M. to 7:00 P.M.
    - Current: 7:00 A.M. – 8:00 P.M.
  - Saturday: 9:00 A.M. to 7:00 P.M.
    - Current: 7:00 A.M. – 8:00 P.M.
  - Holidays: 9:00 A.M. to 7:00 P.M.
    - Current: 7:00 A.M. – 8:00 P.M.
  - Sundays: Not allowed
- Exceptions:
  - Urgent necessity in the interest of public safety
    - Permit required from director of public works and transportation

# Chapter 30 Revisions

- Paragraph 13; created to regulate sound equipment & car stereo in a motor vehicle if audible noise or vibration is:
  - Detectible 30 feet or more from the vehicle, or
  - Across a property line

# Revisions to Chapter 30

- Section 30-3.1 created to:
  - Regulate noise from idling of commercial vehicles
    - Vehicles with GVWR over 14,000 pounds
    - Idling prohibited within 300 feet of residential zoned area
    - More than 10 consecutive minutes
    - Owner, manager or person in control of the property is responsible as is the driver of the vehicle
  - Defenses
    - Traffic control device, stopped in traffic, obeying an officer, vehicle being repaired inside, defrost windshield, school bus or commercial passenger vehicle not idling on a street or alley, concrete trucks pouring or staged to pour concrete, refrigeration units on trucks
    - Recommended modifications to defenses
      - » Busses must be in passenger service to be exempt

# Results of May 17 Meeting with Building Industry Representatives

- Construction time change
  - Requested exemptions during summer months for certain trades, example roofers, brick masons, concrete work
    - 7:00 a.m. start time has been in place for a number of years
  - Requested exemption for concrete work on approval by Chief Building Official when forecast temperatures are 95 degrees F and above. Some want to start concrete work at 4:30 a.m.
  - Opposed to 9:00 a.m. Saturday start time
    - Will delay job finish resulting in greater cost
    - Will stop Saturday work especially concrete work
    - On Saturday workers like to start early and finish early
  - Would like to see only “noisy construction” regulated by Chapter 30.
  - Not particularly opposed to 7:00 p.m. stop or holiday start time of 9:00 a.m.

# Results of May 17 Meeting with Building Industry Representatives

- Vehicle Idling
  - Concerned that enforcement for idling delivery vehicles in street would be against builder
  - Out of town delivery trucks would not know of the restriction
  - Ordinance should be against truck stops only
  - Concerned about concrete trucks and other trucks idling at job sit before 7:00 a.m. start time
    - Concrete are exempt from idling ordinance but not from the 7:00 a.m. start time

# Possible Changes to Construction Rules

- Add language to further define construction restricted by code to that which creates a loud and unreasonable noise, “ Any construction activity, except those activities that do not produce loud and unreasonable noise, related to the erection.....”
- Keep Saturday start time at 7:00 a.m.
- Exempt concrete work when forecast temperatures exceed 95 degrees F.
- Include health and economic reasons to exempt certain activities from the start and stop times, “in the interest of public safety, or other reasons such as, worker health or safety, severe economic impact as determined by the director of public works and transportation”

# Chapter 30, Next Steps

- Recommend approval by HEHS and send to full council for approval
- Tentatively set for May 25, 2005 Council Agenda

Attachment

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Section 30-2 of and adding Section 30-3.1 to CHAPTER 30, "NOISE," of the Dallas City Code, as amended; defining terms; revising the hours during which construction activities may be conducted in or near a residential area; prohibiting automobile noise from being audible or causing vibrations more than 30 feet from the vehicle or across a property line; prohibiting the idling of commercial motor vehicles at locations in or adjacent to residential neighborhoods; providing defenses; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 30-2, "Loud and Disturbing Noises Presumed Offensive," of CHAPTER 30, "NOISE," of the Dallas City Code, as amended, is amended to read as follows:

**"SEC. 30-2. LOUD AND DISTURBING NOISES PRESUMED OFFENSIVE.**

The following loud and disturbing noises are presumed to be offensive to the ordinary sensibilities of the inhabitants of the city:

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle, except as a danger signal, as required by state law.
- (2) The playing of any radio, phonograph, television, or musical instrument with such volume as to disturb the peace, quiet, comfort, or repose of persons in any dwelling, apartment, hotel, or other type of residence.
- (3) The continuous barking, howling, crowing, or making of other loud noises by an animal for more than 15 minutes near a private residence that the animal's owner or person in control of the animal has no right to occupy.

(4) The loud grating, grinding, or rattling noise caused by the use of any automobile, motorcycle, bus, streetcar, or vehicle that is out of repair or poorly or improperly loaded.

(5) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

(6) The discharge into the open air of the exhaust of any stationary steam engine, stationary internal combustion engine, or motor boat engine, except through a muffler or other device that will effectively and efficiently prevent loud and disturbing noises.

(7) The discharge into the open air of the exhaust from any motor vehicle, except through a muffler or other device that will effectively and efficiently prevent loud and disturbing noises or vibrations.

(8) Any construction activity related to the [The] erection, [including] excavation, demolition, alteration, or repair of any building in or adjacent to a residential area other than between the hours of 7:00 a.m. and 7:00 [8:00] p.m., Monday through Friday, and between the hours of 9:00 a.m. and 7:00 p.m. on Saturdays and legal holidays, except that the director of public works and transportation may issue a written permit to exceed these hours in the case of urgent necessity in the interest of public safety or for other reasons determined by [; for which a permit must be obtained from] the director of public works and transportation to be necessary for the public health, safety, or welfare [of the city]. For purposes of this paragraph, "legal holidays" include New Year's Day (January 1), Memorial Day (observed date), Fourth of July (July 4), Labor Day (observed date), Thanksgiving Day (observed date), and Christmas Day (December 25).

(9) The shouting and crying of peddlers, hawkers, and vendors that disturb the quiet and peace of the neighborhood.

(10) The use of any drum or other instrument or sound amplifying equipment for the purpose of attracting attention by the creation of noise, to any performance, show, sale, or display of merchandise as to attract customers to any place of business.

(11) The use of mechanical loudspeakers or sound amplifiers on trucks or other moving vehicles for the purpose of advertising any show, sale, or display of merchandise.

(12) The collection of garbage, waste, or refuse between the hours of 10:00 p.m. and 7:00 a.m. on or within 300 feet of any premises zoned for residential use, as defined by the Dallas Development Code.

(13) The operation of sound equipment, including a car stereo, in a motor vehicle in such a manner that the noise is audible or causes a vibration:

(A) more than 30 feet from the vehicle; or

(B) across a property line.”

SECTION 2. That CHAPTER 30, “NOISE,” of the Dallas City Code, as amended, is amended by adding Section 30-3.1, “Noise from the Idling of Commercial Motor Vehicles,” to read as follows:

**“SEC. 30-3.1. NOISE FROM THE IDLING OF COMMERCIAL MOTOR VEHICLES.**

(a) In this section:

(1) COMMERCIAL MOTOR VEHICLE means any motor vehicle with a gross vehicle weight rating (GVWR) over 14,000 pounds.

(2) IDLE means the operation of an engine in operating mode where the engine is not engaged in gear.

(b) A person commits an offense if he idles a commercial motor vehicle for more than 10 consecutive minutes at a location on or within 300 feet of any residential use, as defined by the Dallas Development Code.

(c) A person commits an offense if, on any premises that he owns or controls, he permits the idling of a commercial motor vehicle for more than 10 consecutive minutes at a location on or within 300 feet of any residential use, as defined by the Dallas Development Code.

(d) It is a defense to prosecution under Subsections (b) and (c) of this section that the commercial motor vehicle was:

(1) idling in obedience to an official traffic control device;

(2) idling while stopped in traffic;

(3) idling in obedience to a peace officer;

(4) idling while being repaired in an enclosed structure;

(5) idling in order to defrost a windshield;

(6) a school bus;

(7) intended for commercial passenger transportation and was not idling on a public street, highway, or alley;

(8) a concrete mixer truck that was only idling while actually pouring concrete or staging to pour concrete; or

(9) a refrigerated truck that was only running the motor of the refrigerated unit (and not idling the truck engine) while carrying a load that required refrigeration.”

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 4. That CHAPTER 30 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., Interim City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

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