

ORDINANCE NO. 2024-30

AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS ARTICLE V. NOISE AND SOUND REGULATION, CHAPTER 14, SECTION 14-139. AMPLIFIED SOUND AND CHAPTER 14, SECTION 14-142. METHOD OF SOUND MEASUREMENT. PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (Amendments to Code of Ordinance, Noise and Sound)

WHEREAS, the City of Boerne, Texas, has determined that amendments to Chapter 14 of the Code of Ordinances are necessary to clarify and update regulations related to amplified sound and the method of sound measurement; and

WHEREAS, the City Council finds that the proposed amendments will help establish clearer guidelines for sound measurement, enforcement, and compliance, ensuring that sound levels within the City limits remain within acceptable standards for the benefit of all residents and businesses;

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

That the Code of Ordinances, City of Boerne, TX is hereby amending Section 14-139 to update and clarify the regulations governing the use of amplified sound within the city limits, Section 14-142 to update the method of sound measurement.

Chapter 14 NUISANCES

Article V NOISE AND SOUND LEVEL REGULATION

Section 14-139. - Amplified sound.

- (a) It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound using any sound amplifier that is part of or connected to any speaker system, radio, stereo receiver, compact disc player, cassette tape player, microphone, or any other sound source, when operated: (i) in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or (ii) at any time with louder volume than is necessary for convenient hearing for persons who are in the vehicle or within the property or premises in which such sound amplifier is operated and who are voluntary listeners thereto. The operation of any such sound amplifier in such a manner as to be plainly audible at a distance of fifty (50) feet or more from a vehicle shall be presumed to be violative of this section. The operation of any such sound amplifier in such a manner that ~~bass~~ sounds exceed 70 decibels at any time or 65 decibels during nighttime hours measured shall be presumed to be a violation of this section. ~~are plainly audible at a distance of fifty (50) feet or more~~ Measurements may be taken as provided in section 14-142 of this article. ~~shall be presumed to be violative of this section.~~

Section. 14-142. - Method of sound measurement.

(a) Whenever portions of this chapter prohibit sound over a certain decibel limit, measurement shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American Standards Association. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used.

Traffic, aircraft, and other transportation noise shall not be considered in taking measurements except where such background noise interferes with the noise being measured and cannot reasonably be distinguished from the primary noise.

~~Measurements of sound generated shall be taken from the curb line of the nearest public street to the property where the sound is generated and taken toward the source of the sound. In the event that there is not at least fifty (50) feet of distance from the building in which sound is being generated and from which sound is being measured, then measurements shall be taken from the street curb line opposite the said building of the nearest public street to the property where the sound is generated. Measurements will be made for a duration of no less than 30 seconds. Violations will be based on the highest registered reading within such time period which is attained more than one time in said time period or sustained.~~

(b) Measurements of sound shall be taken from either:

- a. A minimum of ten feet from any property line of the property from which the sound originates, but in no event greater than 50 feet from the sound source when the sound is generated in non-residential zoned areas, and all measurements shall be taken toward the source of the sound; or
- b. A minimum of ten feet from the property line nearest the sound source of a property occupied by a person who reports a violation of this article, but in no event greater than 50 feet from the sound source when the sound is generated in nonresidential zoned areas, and all measurements shall be taken toward the source of the sound; or
- c. A maximum of 50 feet from the sound source in the event the sound violation originates from a source where property lines are not applicable.

PASSED and APPROVED on first reading this the ___ day of December, 2024.

PASSED, APPROVED, and ADOPTED on second reading this the ___ day of January, 2025.

APPROVED:

Mayor

ATTESTED:

City Secretary