



AGENDA ITEM SUMMARY

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| Agenda Date | November 4 th , 2024 |
| Requested Action | A request to discuss proposed modifications to Article V. – Noise and Sound Level Regulation of Chapter 14 – Nuisances of the Code of Ordinances. |
| Contact Person | Tyler Cain, Planner II (830) 248-1628, tcain@boerne-tx.gov |
| Background Information | <p>BACKGROUND:</p> <p>The City of Boerne previously formed a subcommittee in 2021 to discuss noise and sound regulation and hosted an open house that solicited targeted feedback from the broader community.</p> <p>The Planning and Zoning Commission revisited the topic in the spring of 2024. Specifically, during the April 24th, 2024 P&Z meeting, the Commission contemplated strategies to amend Article V. – Noise and Sound Level Regulation.</p> <p>The Commission was presented with strategies employed by other municipalities throughout Texas (Fredericksburg, San Marcos) and how they address amplified sound and corresponding noise complaints.</p> <p>The Commission was posed with three (3) overarching options:</p> <ol style="list-style-type: none">1. Maintain the status quo and the current language of the Code (e.g., no changes).2. Strengthen the Code to ensure measurements are being recorded at correct locations for more accurate measurements.3. Develop a grant program to work with businesses to mitigate noise emitted by speakers and provide financial incentives to update their sound systems. <p>The Commission discussed further considering Option 2 - Strengthening the Code.</p> <p>Select members from City Council and P&Z then formed a subcommittee to continue exploring proposed changes to the Code of Ordinances.</p> |

REQUEST:

1. The request will amend decreases the maximum volume, changes the measurement method and the measurement location.

ANALYSIS:

- Maximum Volume:
The Code currently indicates that amplified sound “plainly audible at a distance of fifty (50) feet or more shall be presumed to be violative.” The proposed change introduces a precise, measurable threshold to determine incompliance: sounds that “exceed 70 decibels at any time or 65 decibels during nighttime hours.”
- Measurement Method:
The current version of the Code does not articulate a metric nor an objective method of measurement.

New recommended changes indicate that measurements must be at least 30 seconds in duration, and the highest registered decibel reading attained more than once (or sustained) during that 30-second period will be the final recorded measurement/number.

- Measurement Location:
The Code currently indicates that amplified sound “plainly audible at a distance of fifty (50) feet or more shall be presumed to be violative.”

The proposed changes remove the language that sound measurements be taken from the curb line of the nearest public street to the violating property.

Instead, the proposed changes provide a new array of options for where to properly collect a sound violation measurement:

- A minimum of ten ft. from any property line from where the sound originates, but no less than 50 ft from the sound source in non-residential areas.
- A minimum of 10 ft. from the property line nearest the sound source with the reading recorded from the complainant’s property, but no less than 50 ft. in non-residential areas.
- A minimum of 50 ft. from the sound source when property lines do not apply.

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| Financial Considerations | N/A |
| Citizen Input/Board Review | N/A |
| Legal Review | N/A |
| Alternative Options | N/A |
| Supporting Documents | Proposed Amendment |