



Ordinances Amending
TITLE 9 – Health and Safety
Noise Nuisance

TITLE 5 – Business License and Permit Regulations
Sound Amplification Permit

GOAL 2 – Set Standard for a Safe & Secure City



Strategic Goal Alignment

- 2.1 Maintain standing as one of the nation's top safest cities
- 2.2 Strengthen community involvement in resident safety
- 2.3 Increase public safety operational efficiency
- 2.8 Implement effective code enforcement strategies to reduce nuisances, enhance visual appearance and improve overall health and safety
- 6.4 Implement leading-edge practices for achieving quality and performance excellence
- 6.5 Deliver services timely and efficiently with focus on continual improvement



Review:

- Current law
- Benchmarking other cities
- Existing data and data gathering processes
- Proposed amendments

2 Sources of Current Law

- EP Code Chapter 9.40 Noise Nuisance
 - Amended in 2019
 - General noise nuisance
 - Three categories of violations: 1) noise higher than 70 dB between 10 p – 7 a
 - 2) reasonable sensibilities standard 3) vibrations
 - Violations: max fine of \$500/day
- EP Code Chapter 5.03 - Amplified Sound Permit
 - Created in 2019
 - Only if business is within 350 feet of a residence
 - Permit allows for amplified sound up to 70 dB from 10 pm to midnight
 - No outdoor amplified sound after midnight
 - Violations: max fine of \$2,000/day

Texas Cities – Noise Ordinances

City	Max Decibel Level	Location of Reading	Time Restrictions
El Paso (current)	70 dB	Property receiving the noise	10 p – 7 a
El Paso (pre-2019)	60-65 dB for commercial properties	Property producing the noise	10 p – 7 a (65 dB) 7 a – 10 p (60 dB)
Austin	85 dB 70 dB (if property is a restaurant)	Property producing the noise	10 a – 2 a
Dallas	Greater of 49 dB or 5 dB above background (if adjacent to residential); greater of 49-63 dB or 5 dB above background (if not adjacent)	Property producing the noise	10 p
Houston	Nonresidential: 68 dB Residential: 65 dB (day); 58 dB (night)	Property receiving the noise	Enforceable 24/7
San Antonio	Business: 70 dB; residential: 63 dB (day) Business: 63 dB; Residential: 56 dB (night) (Riverwalk District allows 72/80)	Property receiving the noise	10 p

Texas Cities – Permits for Sound Amp

City	Max Decibel Level	Location of Reading	Time Restrictions	Distance from Residential
El Paso (current)	70 dB	Property producing the noise	Permit required 10 p – midnight; no sound amp after midnight	350 ft
Austin	85 dB	At commercial property line	Sun – Thurs: 8 p Fri – Sat: 10 p	600 ft
Dallas	N/A	N/A	N/A	N/A
Houston	75 dB	At nearest receiving property line	Sun – Thurs: 8 a – 10 p; Friday – Sat: 8 am – 11p	Permit required for all businesses playing amp sound
San Antonio	N/A	N/A	N/A	N/A

Timeline

- 2/26/2019
 - Amendments to both chapters passed
 - Floor Amendments passed:
 - Excluding DMD (from Chapter 5 permit)
 - Adding 350 distance requirement from residence (for Chapter 5 permit)
 - Chapter 5 permitting appeal to City Council
 - Revisit in six months
- 8/20/19, 9/3/19: postponed
- 10/15/19
 - Proposed amendments: to extend permit time frame to 2 am with sound impact plan and mitigation equipment installed
 - Not passed, revisit in six months
- COVID
- Reopening of businesses



Outreach

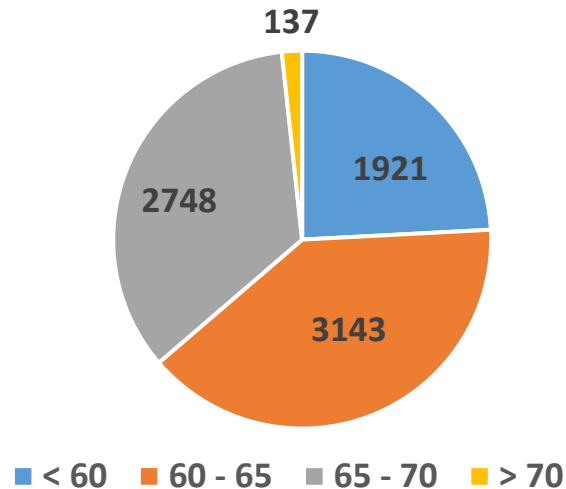
- Neighborhood meetings
- Citizen calls
- El Paso Police Department – Regional Command meetings
 - Citizens – Neighborhood Associations - Businesses
- Entertainment District Cross Functional Team
 - Operational Departments:
 - Police Department
 - Code Enforcement
 - Planning and Inspections
 - Streets and Maintenance
 - City Attorney's Office
 - District Representatives #1, 2, 5, and 7

“Entertainment Districts” Noise Enforcement

Number of Noise Readings – 4/22/21-1/22/22

Count of Violation				
Command	Code Enforcement	PD	None	Grand Total
Central	17	1	2,108	2,269
Mission Valley	0	0	283	283
Pebble Hills	4	0	3,423	3,143
Westside	38	12	2,061	2,113
Grand Total	59	13	7,875	7,947

Over 70 db = 1.72%
65 to 70 db = 34.57%
60 to 65 db = 39.54%
60 db or less = 24.17%



Total
Readings:
7,949

“Entertainment Districts” Noise Enforcement

2021:

PD Commands	# Readings	# Venues	Ave dB	# Violations
Westside • 200 Cincinnati	1,625	16	66 dB	50
Pebble Hills • 3000 Zaragoza • 2100 Zaragoza • 1700 Zaragoza • 1400 Zaragoza • 1100 Airway • 1500 G. Dieter • 12000 Tierra Este • 11400 Montana • 10700 Pebble Hills	2,878	31	62 dB	4
Central • Downtown-DMD	374	13	60 dB	1
Central • 5 Points	1,544	15	62 dB	17
Total	6,421	75	62.5 dB	72

Cincinnati Area Special Operations

Noise Enforcement

April 22, 2021 – Jan 22, 2022

- Noise Violations – Cincinnati Entertainment District: 50
- **DB Actual Average = 63.03**
- **DB Ambient Average = 59.86**

April 22, 2021 – Jan 22, 2022

Noise Disturbance Calls:

- 131 Calls for Police Service:
- Noise Disturbance / Nuisance Calls

Cincinnati Area Special Operations

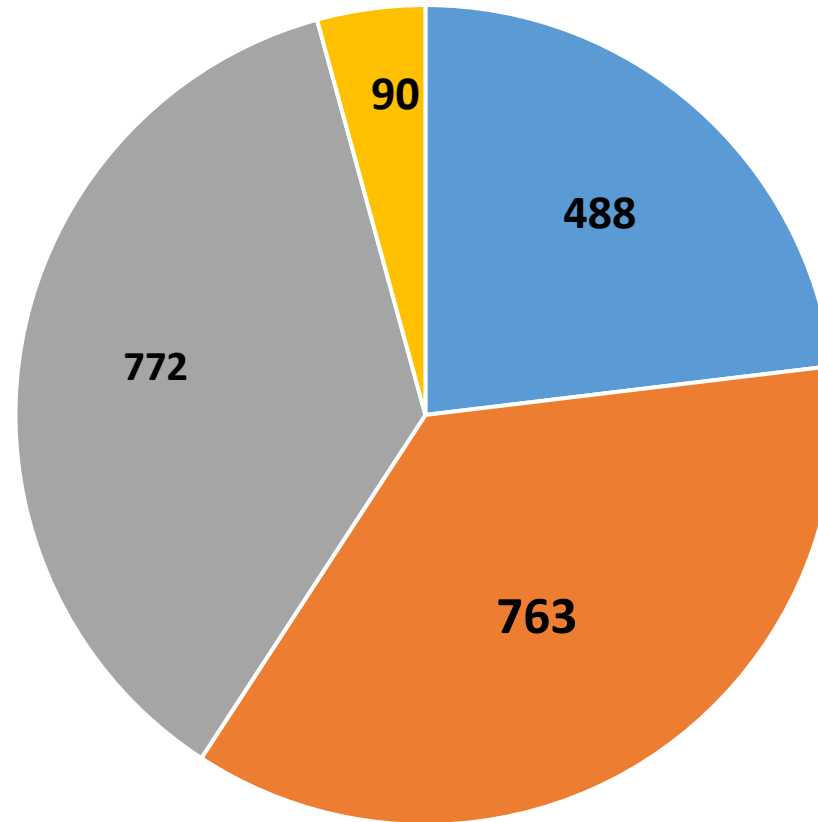
Noise Readings and Violations

Count of Violation				
Business	Code Enforcement	Police	None	Grand Total
Champagne Villain	1		218	219
Chino Chido			78	78
College Dropout	4	2	185	191
Ditzy Duck	6	1	121	128
El Rey Muerto			2	2
Faded Barber	1		6	7
Fools Gold	3		195	198
Geogeske G2			169	169
Good Times	4		213	217
Lost And Found Bar	3	1	225	229
Palomino	8	4	208	220
Profe	5	4	154	163
Rockin Cigar			208	208
Sister Esthers Bar	3		80	83
Spirit Of 66			1	1
Grand Total	38	12	2063	2113

Cincinnati Area Special Operations

Number of Noise Readings – 4/22/21 - 1/22/22

Total
Readings:
2,113



Over 70 db = 4.26%
65 to 70 db = 36.54%
60 to 65 db = 36.11%
60 db or less = 23.1 %

■ < 60 ■ 60 - 65 ■ 65 - 70 ■ > 70



Proposed Changes TITLE 9, CHAPTER 9.40 Noise

Proposed Revisions – Ch. 9.40

- Reasonable Sensibilities standard
 - Clarifying violations can occur at any time of the day if noise unreasonably disturbs or interferes with the sleep, peace, comfort, or repose of a person of reasonable sensibilities
- Location of Reading
 - Revising location from property line of the property receiving the noise to property line of the property producing the noise
- Decibel Level
 - Lowering from 70 dB to 65 dB
- Vibration Violations
 - Revising requirement from adjoining properties to affected property.

Penalties – 9.40.070

- Class C Citation: max of \$500/day
- Additionally, the city may, in accordance with Chapter 54 of the Texas Local Government Code, bring a civil action against a person violating a provision of this chapter.
- The civil action may include civil penalties of up to \$1,000/day



TITLE 5, CHAPTER 5.03

Amplified **Sound** Permit

Sound Amplification Permit

- Any business entity that utilizes amplification equipment at a non-residential property within 350 feet of a residential property must get a sound amplification permit
 - Outdoor Area
 - 10:00PM to 12:00AM
 - 70 Decibels



Sound Amplification Permits

- # of businesses with sound amp permit as of 1/20/22: 2
- # of businesses with pending applications: 0
- # of businesses denied: 0



Proposed Revisions – Ch. 5.03

- Revise definition of "Outdoor Area" to clarify that roll-up style doors, open doors, and windows constitute an outdoor area.
- Lowering decibel level from 70 dB to 65 dB
- Expand location requirement from 350 ft. to 500 ft. from residences.
- Written notice to neighbors expanded to 500 ft. (from 300 ft.); written responses expanded to 300 ft. (from 150 ft.).
- Lower revocation threshold from ten citations to two citations.
- Clarify that the City may seek injunctive relief for violations under the Texas Local Government Code.

- ***Not applicable to Downtown Management District – no change.

Sound Amplification Permit Process

Application submitted and reviewed for completeness If incomplete returned to applicant for corrections to applicant	2 days
If complete Routed to GIS planner to develop mailing labels of parcels within 150' and 350' to be notified.	2 days
Site Inspection conducted to verify on-site posting and location of outdoor amplification equipment	2 days
Notification of intent to acquire permit mailed	2 days
30 day response allowance for notified parties	30 days
Review of responses from notified parties	2 days
Permit issuance If less than 25% of residential properties within 150' object – permit issued If more than 25% of residential properties within 150' object – permit denied	1 day
Approximate time for permit issuance/denial	40-45 days



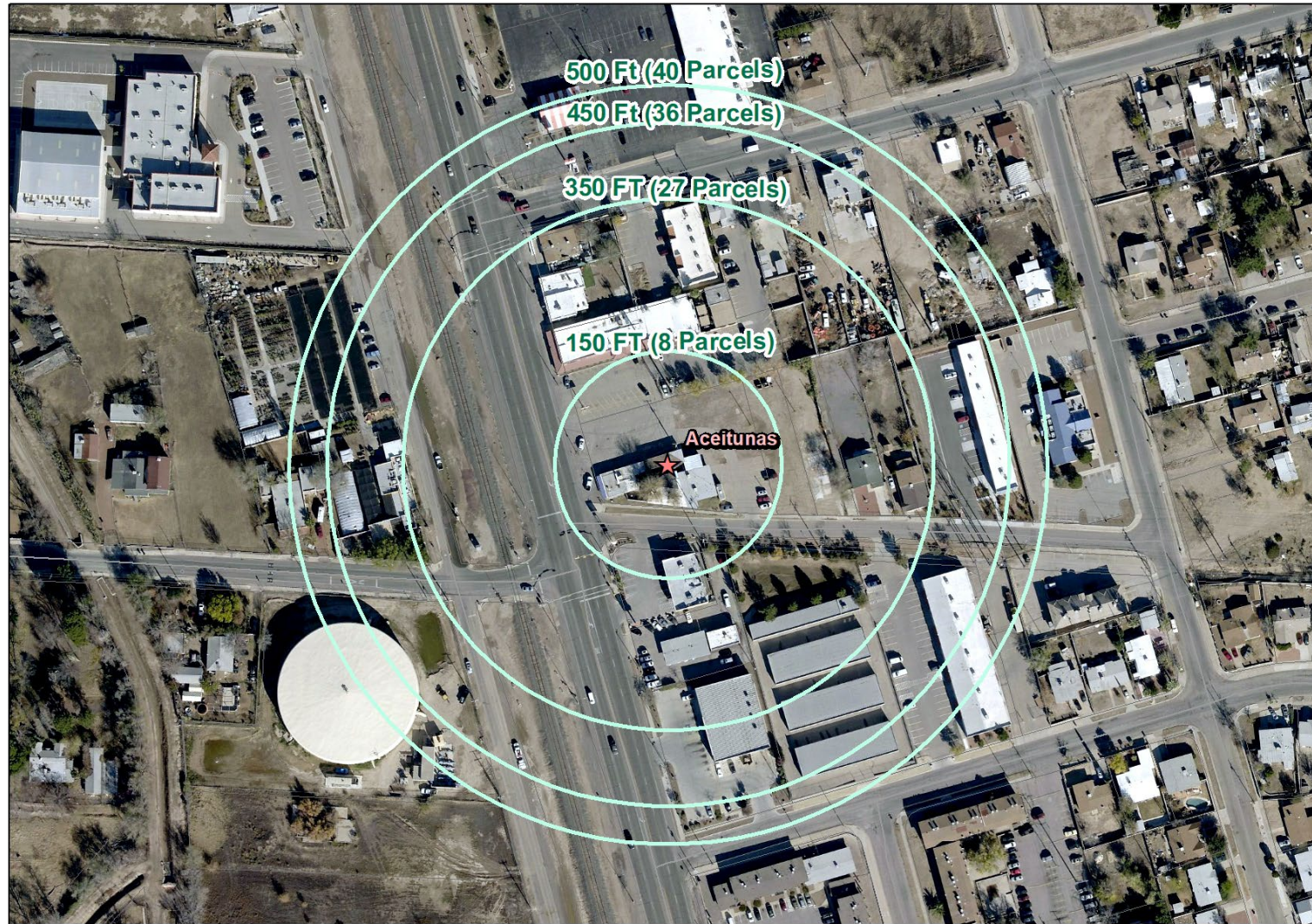
Establishment Survey

Police Regional Command Area	Outdoor Sound Amp	No Outdoor Sound Amp	Total
Central	50 (11 DMD exempt)	78	128
Mission Valley	8	26	34
West Side	59	113	172
Pebble Hills	88	183	271
Northeast	17	16	33
	222	416	638

34 % of establishments have outdoor sound amplification ability



Westside Regional Command



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



★ Patio Center
□ Buffers

0 75 150 300 450 600 Feet



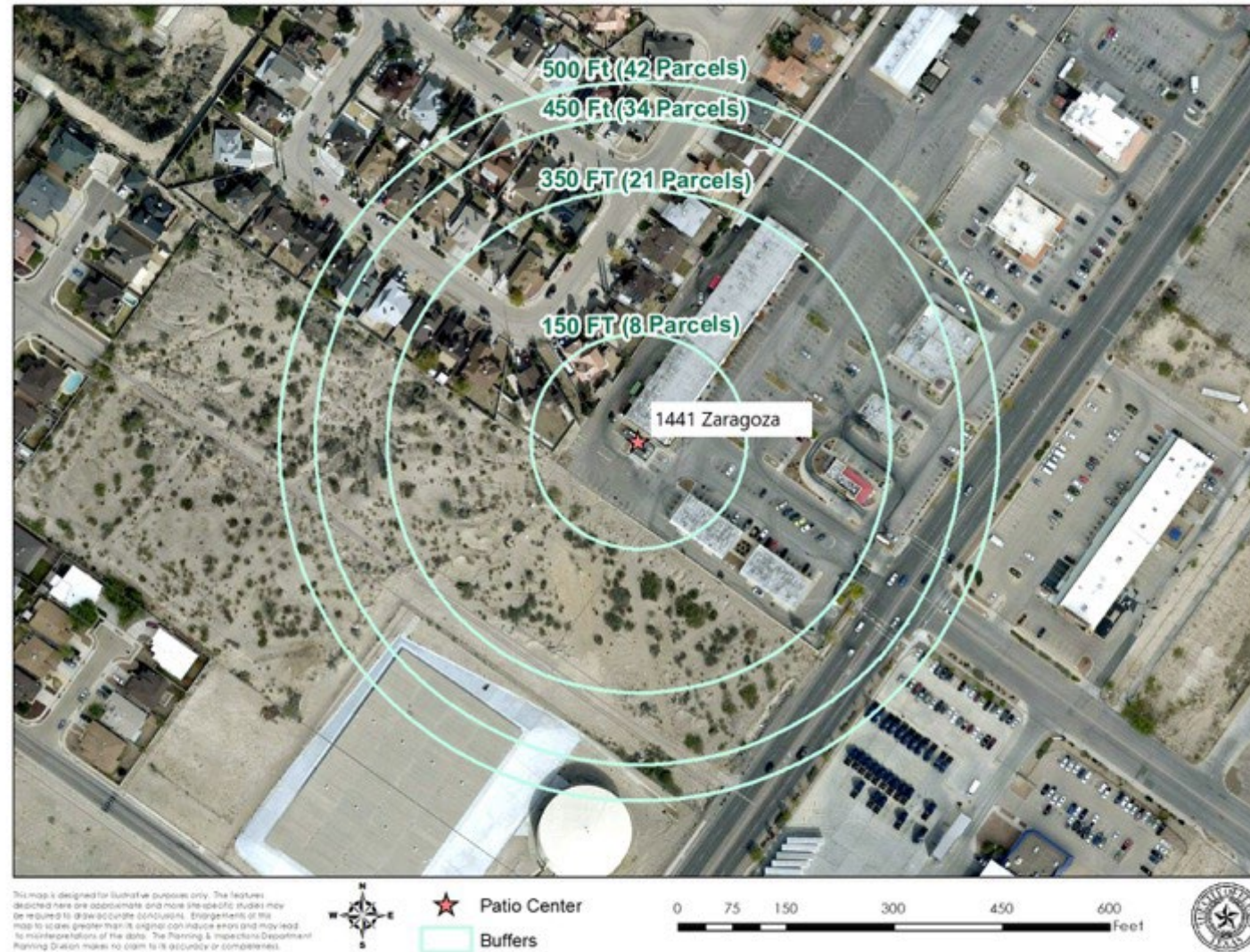
Pebble Hills Regional Command



Westside Regional Command



Pebble Hills Regional Command



Pebble Hills Regional Command



Central Regional Command



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★ Patio Center
□ Buffers

0 75 150 300 450 600 Feet





City Attorney's Office Prosecutors

Citizen Complaint Packets

- Reasonable Sensibilities Cases
- Now available to the public at the CAO website
 - <https://www.elpasotexas.gov/city-attorney/complaint-forms/>
- Videos strongly encouraged
- Identification of violating party and other elements of offense

Municipal Court Cases

- Citations/Notices of Violations from Police/Code:92
 - Violations: Max decibel level, no permit, vibrations
 - Plea/paid fine: 4
 - Reset: 59
 - Warrants: 28
 - Dismiss: 1
- City Attorney's Office cases under Reasonable Sensibilities standard in 2021-Feb 2022: 39
 - 31 Accepted
 - 6 reset
 - 25 awaiting first setting
 - 8 rejected

Questions?

Mission

Deliver exceptional services to support a high quality of life and place for our community

Values

Integrity, **R**espect, **E**xcellence,
Accountability, **P**eople

Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government