



City of San Antonio

Agenda Memorandum

File Number:21-3338

Agenda Item Number: 5.

Agenda Date: 5/4/2021

In Control: Culture and Neighborhood Services Committee

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: All

SUBJECT: Proposed Noise Ordinance Task Force

Briefing and discussion of a Council Consideration Request (CCR) to review and potentially bring forward amendments to Chapter 21 Article III of the San Antonio Code that allow SAPD to enforce noise violations.

SUMMARY:

On March 15, 2021, Councilmembers Robert Trevino & Clayton Perry initiated a Council Consideration Request (CCR) for Development Services staff to review the City Code, to adjust the noise ordinance so it is easy to understand and enforce, and so residents can have a peaceful quiet enjoyment of their home without having to resort to filing a complaint on their commercial neighbors.

This item was presented to the Governance Committee on April 21, 2021 and their recommendation is for staff to create a Noise Ordinance Task Force as identified in the CCR and to present recommendations to the Cultural and Neighborhood Committee.

The charge of the Noise Ordinance Task Force will be to complete a review of the Noise Ordinance Chapter 21 Article III of the City of San Antonio Code and make recommendations on areas to include, but not limited to:

- Noise thresholds (dB levels)
- Hours specifying dB thresholds
- Hours of enforcement
- Enforcement entities and processes
- Low frequency noise (e.g. bass and sub-bass frequencies)
- Vibration
- Penalties
- "Entertainment zones," zoning overlays, and other provisions which may govern noise in and near residential (planning).

BACKGROUND INFORMATION:

The availability of food, beverage and/or entertainment businesses near neighborhoods has had a positive cultural impact as well as stabilized property values. It has also presented unique challenges that affect residents' quality of life. The neighbors of these food/beverage/entertainment areas include but are not limited to: King William, Oak Park - Northwood and Tobin Hill.

At this time the San Antonio Police Department (SAPD) enforces this ordinance since many of the reports come in late in the evening or early in the mornings. At this time enforcing the noise ordinance is not prioritized by SAPD due to the severity of the violation. SAPD prioritizes life safety calls to send Police Officers to investigate.

By working with the food/beverage/entertainment business, citizens and SAPD the City of San Antonio can reach a partnership that best helps all.

The intent of this policy is to determine how the Noise Ordinance can be adjusted so it is easy to understand/enforce for citizens and SAPD, and so residents can have a peaceful and quiet enjoyment of their homes without having to file a complaint on their food/beverage/entertainment neighbors.

ENFORCEMENT

The San Antonio Police Department works in collaboration with the Development Services Department to address noise ordinance violations. Noise complaints are primarily investigated by SAPD SAFFE and Vice units. The Department maintains an inventory of 29 noise meters which are assigned to each of the substation. Typically, officers will meet with the complainant and take a noise reading before meeting with the suspected offender in an attempt to achieve voluntary compliance. In the event voluntary compliance is not achieved a misdemeanor citation may be issued.

Since January 2020, the SAPD has responded to a total of 44,468 calls related to loud music which resulted in 56 misdemeanor noise violation citations. The majority of loud music complaints are made against entertainment venues such as bars and night clubs as well as multi-family developments.

ISSUE:

The current code needs to be updated, made easier to read and propose a solution that doesn't involve citizens calling in on their neighbors.

DSD proposes to move forward with the process to analyze these current City code regulations to determine if there is a potential need to amend existing regulations. DSD proposes to form a Task Force with representatives from neighborhoods, specifically Oak Park - Northwood, King William, Tobin Hill and others, Council Staff, the San Antonio Restaurant Association, the Food/Beverage Industry, San Antonio Police Department, Development Services, and other applicable agencies. The Task Force shall also include five (5) general neighborhood appointments - one made by each member of the Culture & Neighborhood Services Committee (Districts 1, 2, 3, 9, and 10). The Task Force will review current regulations and recommend changes for public input and approval.

This will require thorough stakeholder and public participation and given the ongoing COVID-19 public health emergency this item should not proceed to Council until it has satisfied the SA Speak Up process.

ALTERNATIVES:

None

FISCAL IMPACT:

None

RECOMMENDATION:

Staff recommends the formation of a Noise Ordinance Task Force with representatives from neighborhoods, specifically Oak Park - Northwood, King William, Tobin Hill and others, Council Staff, the San Antonio Restaurant Association, the Food/Beverage Industry, San Antonio Police Department, Development Services, and other applicable agencies. The Task Force shall include five (5) general neighborhood appointments - one made by each member of the Culture & Neighborhood Services Committee (Districts 1, 2, 3, 9, and 10). The Task Force will review current regulations and recommend changes for public input and approval and bring back to the Culture & Neighborhood Services Committee near the end of summer 2021.