



**NOTICE OF WORK SESSION AGENDA
LANCASTER CITY COUNCIL
JAMES R. WILLIAMS PUMP STATION
TRAINING ROOM, 1999 JEFFERSON, LANCASTER, TEXAS**

Monday, March 21, 2022 - 7:00 PM



While one or more City Council Members may be present via video or audio link, a quorum of the City Council will be at the Municipal Center-City Council Chambers, as required by the Texas Open Meetings Act.

Please click the link below to join the webinar:

<https://us02web.zoom.us/join/zoom/register/tZYrcOihrgjpHdV11hjmEQw6SR9rvBDVglzB>

The meeting will be broadcast live via video at the following address:

<http://www.lancaster-tx.com/324/Watch-Meetings>

7:00 P.M. WORK SESSION

CALL TO ORDER

1. Receive a presentation and discuss the Best Southwest Regional Crisis assessment & Resource Engagement (CARE) Team.
2. Discuss and receive a presentation regarding implementation of a new Enterprise Resource Planning (ERP) Project with Tyler Technologies and Kreative Core Technologies.
3. Discuss Code of Ordinances, Section 14.04 Noise.
4. Discuss amending Chapter 14 of the City Code of Ordinances "Offenses and Additional Provisions" by Amending Article 14.10.001 Abandoned or Junked Vehicles.

ADJOURNMENT

EXECUTIVE SESSION: The City Council reserves the right to convene into executive session on any posted agenda item pursuant to Section 551.071(2) of the Texas Government Code to seek legal advice concerning such subject.

ACCESSIBILITY STATEMENT: Meetings of the City Council are held in municipal facilities and are wheelchair-accessible. For sign interpretive services, call the City Secretary's office, 972-218-1311, or TDD 1-800-735-2989, at least 72 hours prior to the meeting. Reasonable accommodation will be made to assist your needs.

PURSUANT TO SECTION 30.06 PENAL CODE (TRESPASS BY HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.

CONFORME A LA SECCION 30.06 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO 411, CODIGO DEL GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO OCULTADA.

PURSUANT TO SECTION 30.07 PENAL CODE (TRESPASS BY HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY.

CONFORME A LA SECCION 30.07 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO AL AIRE LIBRE CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO H, CAPITULO 411, CODIGO DE GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO AL AIRE LIBRE.

Certificate

I hereby certify the above Notice of Meeting was posted at Lancaster City Hall on March 17, 2022 @ 9:00 p.m. and copies thereof were provided to the Mayor, Mayor Pro-Tempore, Deputy Mayor Pro-Tempore and Council members.

A handwritten signature in blue ink, reading "Carey D. Neal, Jr.", is positioned above a solid black horizontal line.

Carey D. Neal, Jr.

Assistant City Manager

CITY OF LANCASTER CITY COUNCIL

City Council Work Session

Item 1.

Meeting Date: 03/21/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

Goal(s): Healthy, Safe & Engaged Community
Professional and Committed City Workforce

Submitted by: Opal Mauldin-Jones, City Manager
Sam Urbanski, Police Chief

Agenda Caption:

Receive a presentation and discuss the Best Southwest Regional Crisis assessment & Resource Engagement (CARE) Team.

Background:

In July, Dallas County Judge Clay Jenkins requested that I, along with our Police Chief, serve on the Dallas County New Directions for Public Safety and Positive Community Change Working Group. The work group was comprised of city managers from Balch Springs, Dallas, DeSoto, Irving, Lancaster and Mesquite as well as the Dallas County District Attorney; and community members from various social justice and faith-based organizations, including individuals such as Dr. Frederick D. Hayes of Friendship West Baptist Church. The working group met for six weeks beginning in July 2020. Major areas of discussion were: Overcriminalization / Alternatives to Incarceration and Arrest / Barriers to Re-Entry for Mental Health as Crisis Point / Non-Police Intervention Investments in Health Care, Mental Health Services, Community Health for Homelessness as a Crisis Point / Non-Police Intervention Investments and Policies to Create Housing Affordable to Low-Wage Individuals and Households.

Responsively, the Dallas County Commissioners Court allocated a total of \$3,000,000 for grant proposals towards the New Direction Public Safety Grant. The goal of this grant is to provide funds to help cities and groups of cities address the crisis of criminalization, mental health, poverty and homelessness and utilize alternatives to police response and incarceration to Dallas County residents. The proposals funded by this grant will in turn provide information and data for the University of Texas at Dallas Institute of Urban Policy Research on their development of an evaluation tool to monitor the effectiveness of the programs developed by the cities.

The City of DeSoto was awarded the Dallas County New Directions Public Safety Grant for the implementation of a regional system with Best Southwest Cities. The City of DeSoto has already implemented their Crisis Assessment and Resource Engagement (CARE) Team. The CARE team provides prevention and follow-up activities in response to individuals and their families/support systems experiencing behavioral health needs, in order to lessen the frequency of crisis interventions that require Police Patrol or Fire Rescue Response, Emergency Hospitalization, or Arrest/Incarceration. The grant allowed DeSoto to extend the program to the Best Southwest Cities and Glenn Heights. Participation in the grant requires the City to enter into an Interlocal Agreement.

City Council will receive a presentation.

CITY OF LANCASTER CITY COUNCIL

City Council Work Session

Item 2.

Meeting Date: 03/21/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

Goal(s): Financially Sound Government
Sound Infrastructure

Submitted by: Opal Mauldin-Jones City Manager,
Michael Delmore, Director of Finance

Agenda Caption:

Discuss and receive a presentation regarding implementation of a new Enterprise Resource Planning (ERP) Project with Tyler Technologies and Kreative Core Technologies.

Background:

The City has utilized STW as our ERP - financial software package since circa 1994. In 2020, STW was acquired by Open Gov. Prior to the acquisition, the City experienced superior customer service, system security and timely upgrades which ensured reliability and customer confidence. Open Gov has introduced a corporate model which requires a system change from an onsite hardware system to a virtual cloud system. Post acquisition we have received inconsistent and unreliable support. In addition, there have been concerns with possible cyber compromise. Our current system will reach end of life and will no longer be supported by Open Gov in September 2023.

Staff evaluated systems and proposals for an ERP System. City Council will receive a presentation regarding Tyler Technologies and Kreative Core Technologies.

CITY OF LANCASTER CITY COUNCIL

City Council Work Session

Item 3.

Meeting Date: 03/21/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

Goal(s): Healthy, Safe & Engaged Community

Submitted by: Sam Urbanski, Police Chief

Agenda Caption:

Discuss Code of Ordinances, Section 14.04 Noise.

Background:

SECTION 3.14 Rules of Procedure

As prescribed in the City Council Rules and Procedures, amended on November 16, 2020, Section D. City Council Agenda Process, Subsection 1.b., Councilmember Carol Strain-Burk requested that an item be included in a City Council Work Session for the purpose of discussing Code of Ordinances, Section 14.04 Noises.

It is the priority of the Lancaster Police Department that every citizen lives in a healthy, safe and engaged community and to keep the City of Lancaster “The Shining Star of Texas.” It is our duty to resolve every situation and serve our community with fairness and professionalism.

From January – December 2021, The Lancaster Police Department responded to an estimated 800 calls for service in reference to noise/music complaints.

Each of these call for service, regardless if the complainant wanted contact from officer or remain anonymous, are a priority and requires our response. The Lancaster Police Department regards all calls for service important and make it a point that our officers to respond expeditiously.

In the estimated 800 calls for service, The Lancaster Police Department was able to obtain compliance via a verbal warning and/or citations were issued.

In regards to citations, the Lancaster Police Department also made contact with the Lancaster Municipal Judge Campbell who advised that when a citizen call to report the noise violation, contact is required and the reporting citizen’s information needs to be obtained for a citation to be issued and forwarded to Lancaster Municipal Courts.

In regard to noise/music complaints in the City of Lancaster, the Lancaster Police Department uses its full legal authority to respond and enforce all laws and ordinances.

We have reviewed our survey cities to evaluate any additional enforcement options.

A summary of the city’s ordinances is described below.

Texas Penal Code:

Texas State Law (Texas Penal Code Chapter 42 Disorderly Conduct and Related Offenses) states that a noise is presumed to be unreasonable if the noise exceeds a decibel level of 85 dB after the person making the noise receives notice from a magistrate or peace officer that the noise is a public nuisance.

City of Lancaster:

Sec. 14.04.001 Penalty

An offense under this article shall be deemed to be a misdemeanor, and upon conviction is punishable by a fine in accordance with section 1.01.009 of this code for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate punishable offense.

Sec. 14.04.002 Prohibited acts

(a) It shall be unlawful for any person to make, cause or allow to be made any unreasonably loud or raucous noise within the city which may be offensive to a reasonable person of normal sensitivity within the area of audibility.

(b) The following acts are deemed to create an unreasonably loud or raucous noise and shall be deemed a violation of this article, but such enumerated acts are merely an aid and amplification of the general prohibition of unreasonably loud or raucous noises in the city and are in no way an exclusive list of the types of sounds or noises prohibited by this article:

(1) The playing of any horn, radio, musical instrument, or other loud-speaking or noise-making device or attachment, or vocal shouting or outcry for purposes of selling anything, in a public or private place, in such a manner or volume as to disturb the peace, quiet and comfort of a reasonable person of normal sensitivity.

(2) The playing of any horn, radio, musical instrument, or other loud-speaking or noise-making device or attachment on any premises under the ownership, management or control of a person or business operation, in such a manner or volume as to disturb the peace or to be unreasonably offensive to a reasonable person of normal sensitivity in the vicinity or occupants of other premises in the vicinity.

(3) To create, make, cause or allow to be made any means of any loud and disturbing noise which may disturb a reasonable person of normal sensitivity in the vicinity of any public or private place after 10:00 p.m. and before 6:00 a.m.

(4) To be operating or in control of a motor vehicle in either a public or private place within the city while playing any sound amplifier which is a part of, or connected to, the vehicle stereo system or any other similar device in the motor vehicle, in such a manner that, when operated, it is audible at a distance of thirty (30) feet from the source or causes a reasonable person of normal sensitivity to be aware of the vibration accompanying the sound at a distance of thirty (30) feet from the source.

(5) The keeping of any animal or bird which by causing frequent or continuing noise shall disturb the comfort and repose of any person of normal sensitivity within the area of audibility.

(6) Any noise or sound of such a character, intensity and duration which shall disturb the comfort and repose of any person of normal sensitivity within the area of audibility.

Sec. 14.04.003 Allowable events, acts or activities

The provisions of this article shall not apply to sounds produced by or emanating from the following types of events, acts or activities:

(1) The lawful operation of aircraft, trains or legally registered motor vehicles operating on public roadways, provided that such vehicles are equipped with all noise-suppression devices required by state law.

- (2) Equipment used exclusively in the maintenance of or repairs of buildings or grounds, provided that such equipment is rated at not more than fifteen (15) horsepower.
- (3) Construction equipment operating between the hours of 7:00 a.m. and 7:00 p.m.
- (4) The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound and [in] the performance of emergency work.
- (5) The operation of farm equipment.
- (6) Parades, fairs or similar outdoor entertainment, provided that a permit for such activity has been granted by the city for not more than ten (10) days.
- (7) Lawfully operating athletic events on public property or on the grounds of private schools, religious institutions or similar nonprofit institutions.
- (8) Reasonable or ordinary noise of children at play in parks and other public places.
- (9) The reasonable use of automobile signals or horns in accordance with state law as set forth in the Texas Transportation Code and as amended from time to time.
- (10) The reasonable ringing of church bells.

(Ordinance 2008-06-23 adopted 6/23/08)

City of Desoto:

Sec. 8.401 – No person shall make or cause to be made any loud and raucous noise in the city which is offensive to the ordinary sensibilities of the inhabitants of the city, interferes with the enjoyment of life or property, or disturbs public peace and comfort. (1995 Code of Ordinances, Chapter 7 Article 7.400, Section 7.041).

(7)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 6:00 p.m. on weekdays, and 8:00 a.m. and 6:00 p.m. on Saturdays, and 9:00 a.m. and 5:00 p.m. without heavy equipment on Sundays, except in the case of urgent necessity or in the interest of public safety for which a permit must be obtained from the city manager, or his designee, prior to any deviation of these hours.

City of Duncanville:

Sec. 12-3 Noise Prohibitions:

(A)It shall be unlawful for any person to make, cause or allow to be made any unreasonably loud or raucous noise within the city which may be offensive to a reasonable person of normal sensitivity within the area of audibility.

(B)(3) To create, make, cause or allow to be made by any means any loud and disturbing noise which may disturb a reasonable person of normal sensitivity in the vicinity of any public or private place after 10:00 P.M. and before 7:00 A.M.

City of Cedar Hill:

Sec. 14-21. – Prohibitions.

The following acts are deemed to create an unreasonably loud or raucous noise and shall be deemed a violation of this Section, but such enumerated acts are merely an aid and amplification of the general prohibition of unreasonably loud or raucous noises in the City of Cedar Hill and are in no

way exclusive list of the types of sounds of noises prohibited by the article.

(A)(3) To create, make, cause or allow to be made any means of any loud and disturbing noise which may disturb a reasonable person of normal sensitivity in the vicinity of any public or private place after 11:00 p.m. and before 6:00 a.m.

(B)(3) Construction equipment operating between the hours of 7:00 a.m. and 7:00 p.m.

City of Farmers Branch:

Sec. 34-246. Prohibited noises—Generally.

No person shall make or cause to be made any unreasonably loud, disturbing and unnecessary noise in the city which is offensive to the ordinary sensibilities of the inhabitants of the city, which noise renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort, nor shall any person make or cause to be made any unreasonably loud, disturbing and unnecessary noise in the city.

Sec. 34-248. Construction.

The erection, including excavation, demolition, alteration or repair of any building in a residential district, or within 500 feet of any residence, other than between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and between the hours of 11:59 a.m. and 5:00 p.m. on Sundays, is prohibited, except in the case of urgent necessity in the interest of public safety, for which a permit shall be obtained from the city manager, or such other person as may be designated by the city manager.

Sec. 34-253. Lawn and garden maintenance equipment.

(a) *Restricted hours.* It shall be unlawful and it is hereby found and declared to be a public nuisance for any person to operate or to permit the operation of any powered lawn and garden equipment such as, but not limited to, lawn mowers, edgers, clippers, blowers and garden tillers before the hours of 7:00 a.m. and after 9:30 p.m., Monday through Saturday, and before 9:00 a.m. and after 9:30 p.m. on Sunday.

(b) *Exceptions.* Noise created by power equipment being operated by city employees during normal performance of duties and utility company employees during an emergency or under special conditions are exempt from the provisions of this section.

City of Haltom City:

Sec. 66-14. Noises—Declaration of nuisance and illegality.

(a) Any unreasonably loud, disturbing, unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is declared to be a nuisance and is prohibited.

(b) Any noise of such character, intensity and continued duration, which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities, is declared to be a nuisance and is prohibited.

Sec. 66-15. Same—Enumeration.

(1)The playing of any radio, phonograph or other musical instrument in such manner or with such volume, during the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of persons of ordinary sensibilities in any dwelling, hotel, or other type of residence.

(9) The erection, including excavation, demolition, alteration or repair work on any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public safety and convenience, and then only by permit from the city council, which permit may be renewed by the council during the time the emergency exists.

City of Keller:

Sec. 10-1310. Noise nuisances.

The following acts, among others, are declared to be, per se, violations of this article. The following enumerations shall not be deemed to be exclusive:

(1) *Unreasonable noise prohibited.* No person shall make or knowingly permit or allow to be made any unreasonably loud, disturbing, unnecessary noise which disturbs the peace and quiet of a neighborhood or which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity.

(2) *Unreasonable noise prohibited in or near residential areas.* No person shall make or allow for any noise of such character, intensity, and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities. No business within a commercial district shall allow for any unreasonable noise of such character, intensity, and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities.

(9) *Lawn mowers, blowers and similar devices:* In residential areas, between the hours of 10:00 p.m. and 7:00 a.m., the operation of any noise, disturbing, and unnecessary:

(11) *Commercial establishments adjacent to residential property:* Businesses in a Commercial District shall only be allowed to have an outdoor band, music or any type of amplified sound according to the following schedule:

Sunday:	Between 10:00 a.m. to 11:00 p.m.
Monday:	Between 10:00 a.m. to 11:00 p.m.
Tuesday:	Between 10:00 a.m. to 11:00 p.m.
Wednesday:	Between 10:00 a.m. to 11:00 p.m.
Thursday:	Between 10:00 a.m. to 2:00 a.m. the following Friday morning
Friday:	Between 10:00 a.m. to 2:00 a.m. the following Saturday morning
Saturday:	Between 10:00 a.m. to 2:00 a.m. the following Sunday morning
Sunday:	Between 10:00 a.m. to 11:00 p.m.

Sec. 10-1340. Offenses.

(1) A person commits an offense if the person creates a noise nuisance, as defined in this article, or uses sound generating equipment in violation of a provision of this article.

(2) Notice.

a. *Generally.* Prior to issuance of a court summons or ticket, a violator will be given notice to stop the noise or the source of the noise.

- b. *No waiting period.* If the violation does not cease after notice, the violator may receive a court summons or ticket on the same date as the original notice.
- c. *Notice good for a year.* Once a notice is received, the violator will not be entitled to another warning notice for a noise violation at any time in the next year.
- d. *Notice requirement not applicable to other offenses occurring contemporaneously.* The requirement for notice does not apply to any other violation found while investigating a noise complaint.
- e. *Notice requirement not applicable to vehicles.* Notice is not required for noise violations emanating from vehicles.

City of Grand Prairie:

The City of Grand Prairie expands on local noises ordinances with the inclusion of decibel levels and the defining of Designated Noise Zones.

Sec. 13-275. Definitions.

When used in the context of this article, the following definitions shall apply:

A-weighted sound level: shall mean the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. This level is designated dB(A) or dBA.

Background sound pressure level: shall mean that measured value which represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds and the sound from the source under investigation. Background sounds are those that are relatively constant at the point of measurement.

Boundary line: an imaginary line exterior to any enclosed structure, at the ground surface and its vertical extension, which separates the real property owned by one (1) person from that owned by another person.

Commercial: shall mean any premises where offices, clinics, kennels, shopping and service establishments or similar retail establishments exist and where the use of less than twenty-five (25) per cent of the gross floor area meets the definition of residential premises.

Construction: shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action.

Daytime: shall mean the hours between 6:00 a.m. and 10:00 p.m.

Decibel: shall mean a logarithmic unit of measure often used in measuring magnitudes of sound. Represented by the symbol dB.

Extraneous sound: shall mean a short-duration or intermittent sound that is neither part of the background sound, nor comes from the source under investigation.

Impulsive sound: shall mean sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

Industrial: shall mean any premises where manufacturing, processing or fabrication of goods or products takes place.

Leq: shall mean an average measure of continuous noise that has the equivalent acoustic energy of the fluctuating signal over the same period. The time period of monitoring will be continuous over a minimum of fifteen (15) minutes and will use the A-weighting network reported in decibel units.

Nighttime: shall mean the hours between 10:00 p.m. and 6:00 a.m.

Noise: shall mean sound that is measured as the sound pressure level in decibels (dB).

Noise nuisance: shall mean any loud, irritating, vexing or disturbing sound originating from a nearby property under separate ownership which causes injury, discomfort, or distress of a person of reasonable nervous sensibilities.

Person: shall mean any individual, firm, association, partnership, corporation or any other entity, public or private.

Pure tone: shall mean any sound that can be distinctly heard as a single pitch or a set of single pitches.

Residential: shall mean any premise where single or multiple dwelling units exist and shall include schools, libraries, churches, hospitals, nursing homes and similar institutional facilities, including any commercial premise where the use of more than twenty-five (25) per cent of the gross floor area meets this definition of residential premise. However, motels and hotels shall be considered commercial properties.

Sound: shall mean an oscillation in pressure, stress, particle displacement and particle velocity which induce auditory sensation.

Sound pressure level: shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter (20×10^{-6} Newtons/meter²).

Sec. 13-282. Maximum permissible sound levels.

(a) The following noise standards, unless otherwise specifically indicated, shall apply to all property within a designated noise zone:

Noise Standards

Noise Zones	Time of Day	Average Equivalent Sound Levels (Leq)
Noise Zone 1	6:00 a.m. to 10:00 p.m.	65 dB(A)
	10:00 p.m. to 6:00 a.m.	58 dB(A)
Noise Zone 2	6:00 a.m. to 10:00 p.m.	67 dB(A)
	10:00 p.m. to 6:00 a.m.	60 dB(A)
Noise Zone 3	6:00 a.m. to 10:00 p.m.	70 dB(A)
	10:00 p.m. to 6:00 a.m.	65 dB(A)
Noise Zone 4	6:00 a.m. to 1:00 a.m.	80 dB(A)
	1:00 a.m. to 6:00 a.m.	60 dB(A)

(b) When noise contains strong pure tone components or is impulsive, 5 dB(A) shall be subtracted from the appropriate limitation.

(c) If the background sound level exceeds the applicable standard, the background level shall be

the standard.

(d) Measurements may be taken at a point on adjacent private property or on either side of an adjacent public right-of-way at or near the boundary line of the property where the noise is generated.

(e) When the noise zone of the property on which the source of sound originates differs from the designation of the property on which the sound is measured, the more restrictive noise standard shall apply. This requirement shall not apply to properties within the Zone 4 classification.

(f) At any time in a measurement period, no noise may exceed the maximum sound level standard plus 20 dB(A).

City of Rockwall:

The City of Rockwall expands on local noises ordinances with the inclusion of decibel levels and the defining of limitations on environmental sound levels.

Sec. 16-179. Definitions and standards.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All terminology used in this article and not defined in this section shall be in conformance with applicable publications of the American National Standards Institute (ANSI), or its successor body.

A-weighted sound pressure level means the sound pressure level in decibels as measured on a sound level using the A-weighting network. The level so read shall be designated db(A) or dbA.

Ambient (background) sound pressure level means the all-encompassing sound associated with a given environment, being usually a composite of sounds from all sources, excluding the alleged offensive sound, at the location and approximate time at which a comparison with the alleged offensive sound is to be made.

Construction means any site preparation, assembly, erection, substantial repair, alteration, or similar action excluding demolition, for or on public or private rights-of-way, structures, utilities or similar property.

Decibel (dB) means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter), denoted as dB.

Device means any mechanism which is intended to produce, or which actually produces, noise when operated or handled.

Emergency vehicle means a motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

Emergency work means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an emergency.

Energy equivalent sound level (Leq) means the sound level corresponding to the average sound energy during a specified period of time. Its calculation involves the conversion of decibels (a logarithmic quantity) to corresponding intensities (a linear quantity), performing the averaging, and finally changing the average back to decibels.

Land use district means those classifications established by the city Unified Development Code (i.e.,

the term "residential" means all residential classifications; the term "commercial/agricultural" means all commercial and/or agricultural classifications; and the term "industrial" means all industrial classifications). For purposes of this article, planned development districts shall be considered as residential, commercial, or industrial according to the primary use.

Motor vehicle means any vehicle propelled by mechanical power, such as, but not limited to, any passenger car, truck, truck-trailer, semitrailer, camper, motorcycle, minibike, go-cart, dune buggy or racing vehicle.

Noise means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance means any unreasonably loud, disturbing and unnecessary noise which is offensive to an adult person within the city, which noise renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.

Percentile sound pressure level:

(1) *Unit percentile level* means the A-weighted pressure level that is exceeded one percent of the time in a measurement period. It is denoted as L_1 .

(2) *Tenth percentile level* means the A-weighted sound pressure level that is exceeded ten percent of the time in any measurement period (such as the level that is exceeded for one minute in a ten-minute period). It is denoted as L_{10} .

(3) *Ninetieth percentile level* means the A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period (such as the level that is exceeded for nine minutes in a ten-minute period). It is denoted as L_{90} .

Property boundary means an imaginary line exterior to any enclosed structure, at the ground surface, and its vertical extension, which separates the real property owned by one or controlled by a governmental entity.

Public property means any real property or structures thereon which are owned or controlled by a governmental entity.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley, or similar place which is owned or controlled by a governmental entity.

Sound means a temporal or spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium and which propagates at finite speed to distant points.

Sound level means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in the American National Standards Institute specifications for sound level meters. If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound level meter means an instrument for the measurement of sound, including a microphone, amplifier, RMS detector and integrator, time averager, output meter and weighted networks, that is sensitive to pressure fluctuations. The instruments read sound pressure levels when properly calibrated and is of Type II or better so specified in ANSI Publication S1.4-1971 or its successor body.

Sound pressure level means, expressed in decibels, 20 times the logarithm to the base ten of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

Stationary sound source means any device, fixed or movable, which is located or used on property other than a public right-of-way.

Sec. 16-183. Limitations on environmental sound levels.

It shall be a violation of this article for any person to operate or permit to be operated any stationary source of sound which creates a unit percentile sound level (L_1) greater than 15 dbA above the ambient sound pressure level (L_{90}) as set forth in the table below in any residential use zone, or creates a tenth percentile sound level (L_{10}) or a 90th percentile sound level (L_{90}) which exceeds the limits set forth in the table below for the receiving land use districts when measured at the property boundary. For the purpose of enforcing these provisions, a measurement period shall not be less than ten minutes or more than 30 minutes.

Limiting Sound Levels
(in dbA)

Land Use District	Tenth Percentile (L 10)	Ambient, or 90th Percentile (L 90)
<i>Residential:</i>		
7:00 a.m.—10:00 p.m.	65	55
10:00 p.m.—7:00 a.m.	60	50
<i>Commercial/Agricultural:</i>		
7:00 a.m.—10:00 p.m.	72	62
10:00 p.m.—7:00 a.m.	67	57
<i>Industrial:</i>		
7:00 a.m.—10:00 p.m.	85	75
10:00 a.m.—7:00 a.m.	85	75

When a noise source can be identified and its noise measured in more than one land use category, the limits of the most restrictive shall apply at the boundary and within the most restrictive land use category.

Sec. 16-185. Construction work hours.

Construction and construction-related activities within the city limits or the extraterritorial jurisdiction (ETJ) of the city shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. on Saturday. Reasonable working hours outside of this limit will be allowed only after receiving permission from the city. There shall be no construction allowed on Thanksgiving Day, Christmas Day or New Year's Day. The construction related activity includes, but is not limited to, the maintenance, servicing and fueling of construction equipment. The delivery of construction-related materials and/or construction equipment shall also be limited to the hours noted in this section. It is the responsibility of the developer/contractor to use good judgment when scheduling work in construction zones, located in close proximity to residences, schools, churches, businesses, etc. This is to ensure that citizens are not subjected to undesirable or excessive construction noise. At locations where voluntary compliance is not being observed, the city may issue written orders to stop work or further regulate site construction working hours if site work is being done outside the above-noted defined time guidelines or is interfering with the reasonable tranquility of a neighborhood. The city may also issue citations if it is determined that a violation of this article exists.

City of Rowlett:

The City of Rowlett expands on local noises ordinances with the inclusion of decibel levels and the defining of environmental sound levels.

Sec. 22-201. - Policy and intent of article.

It shall be the policy of the city to minimize exposure of citizens to the psychological and physiological harm of excessive noise and to protect, promote, and preserve public peace, health, comfort, convenience, safety, and welfare. It is the intent of the city to control noise in a manner that promotes commerce; protects the sleep and repose of citizens; promotes the use, value, and enjoyment of property; and preserves the quality of the environment.

Sec. 22-202. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All technical

terminology not defined in this article shall be interpreted in conformance with applicable American National Standards Institute noise specifications.

A-weighted sound pressure level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read shall be designated dBA.

Ambient sound level means the sound level of the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources. It is also the A-weighted sound level exceeded 90 percent of the time (L_{90}), based on a measurement period that shall not be less than ten minutes nor more than 30.

Decibel means logarithmic unit of measure used in describing the amplitude of sound, denoted as dB.

Device means any mechanism that is intended to produce, or which actually produces, noise when operated or handled.

Director means the director of planning and environmental services for the city.

Emergency work means work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from an imminent danger.

Motor vehicle means any vehicle propelled by mechanical power, such as, but not limited to, any passenger car, truck, truck-trailer, semitrailer, camper, motorcycle, minibike, go-cart, dune buggy, or racing vehicle.

Muffler means any apparatus consisting of baffles, chambers, or acoustical absorbing material whose primary purpose is to transmit liquids or gases while causing a significant reduction in sound emission.

Noise means any sound that is unwanted or which causes, or tends to cause, an adverse psychological or physiological effect on human beings.

Percentile sound pressure level means:

(1) Tenth percentile level: The A-weighted sound pressure level that is exceeded ten percent of the time in any measurement period (such as the level that is exceeded for one minute in a ten-minute period); denoted as L_{10} .

(2) Ninetieth percentile level: The A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period (such as the level that is exceeded for nine minutes in a ten-minute period); denoted as L_{90} .

Person means any individual, firm, association, partnership, corporation, or any other entity, public or private.

Property boundary means an imaginary line at the ground surface and its vertical extension that separates the real property owned or occupied by one person from that owned or occupied by another person.

Sound means a temporal or spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium and which propagates at finite speed to distant points.

Sound level means the weighted sound pressure level measured by the use of a metering characteristic and weighted as specified in American National Standards Institute specifications. The sound pressure level of a sound expressed in decibels is 20 times the logarithm to the base ten of the ratio of the pressure of the sound to the reference sound pressure of 20 micropascals. If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound level meter means an instrument, which includes a microphone, amplifier, RMS detector and integrator, time averager, output meter, and weighting networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure levels when properly calculated with an acoustical calibrator accurate to 1 dB and is Type 1 or Type II as specified in ANSI S 1.4-1971, or the latest approved revision thereof.

Use district means those zoning districts established by the city zoning ordinance.

Vibration means a temporal and spatial oscillation of displacement, velocity, or acceleration in a solid material.

Vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

(Code 1982, § 9-9-2)

Cross reference— Definitions generally, § 1-2.

Sec. 22-203. - Noise measurement generally.

Sound level measurements shall be made with a sound level meter, Type II or better, using the A-weighting network in accordance and conforming with the noise measurement standards promulgated by the American National Standards Institute.

(Code 1982, § 9-9-3)

Sec. 22-204. - Limitations on environmental sound levels.

(a) It shall be a violation of this article for any person to operate or permit to be operated any stationary sources of sound that create a tenth percentile level (L_{10}) or a 90th percentile sound level (L_{90}) that exceeds the limits set forth in the following table for the receiving land use districts when measured five feet above the property boundary. For the purpose of this article, a measurement period shall not be less than ten minutes nor more than 60 minutes.

LIMITING SOUND LEVELS IN dBa			
		(L_{10})	(L_{90})
Residential	7:00 a.m.—10:00 p.m.	65	55
	10:00 p.m.—7:00 a.m.	60	50
	Sunday: 7:00 a.m.—9:00 a.m.	60	50
Commercial/agricultural	7:00 a.m.—10:00 p.m.	72	62
	10:00 p.m.—7:00 a.m.	67	57
Industrial	7:00 a.m.—10:00 p.m.	85	75
	10:00 p.m.—7:00 a.m.	85	75

(b) It shall also be a violation of this article if the noise standards of subsection (a) of this section, plus 20 decibels are exceeded at any time in a measurement period. When a noise source can be

identified and its noise measured in more than one land use category, the limits of the most restrictive use shall apply at the boundary and within the most restrictive land use category.

The City of The Colony:

Sec. 6-192. Noise.

(a) Any unreasonably loud, disturbing noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereby prohibited.

(b) Any noise of such character, intensity, and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities, is hereby declared to be a nuisance and is hereby prohibited.

(c) The following acts, among others, are declared to be noise nuisances in violation of this Code, but such enumeration shall not be deemed to be exclusive:

(5) *Construction.* The erection, including excavation, demolition, alteration, or repair work on any building at any time other than those hours specified in this Code, as amended; except in case of urgent necessity in the interest of public safety and convenience. The use of any construction equipment in such manner or with such volume, particularly between 10:00 p.m. and 7:00 a.m., that annoys and disturbs persons of ordinary sensibilities in the immediate vicinity thereof; provided, however, that upon application by the user of such devices, the city council may make special exemption or exception to this clause for such time as the city council feels will serve the public welfare.

City of Waxahachie:

Sec. 20-1. Prohibited generally.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city.

Sec. 20-5. Pile drivers, hammers, etc.

The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise shall be deemed a violation of this chapter.

Sec. 20-6. Blowers.

The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise shall be deemed a violation of this chapter.

Sec. 20-7. Operation of power mowers, motor vehicles, internal combustion engines; construction, demolition—Restricted.

It shall be unlawful for any person to operate a motor-driven or power-operated lawn mower, or to engage in any construction or demolition work, or to operate any motor vehicle or internal combustion engine in a manner that would create noise that would disturb a person of normal nervous sensibility, within the city between the hours of 10:00 p.m. and 6:00 a.m. the following day.

City of Plano

The City of Plano Noise Ordinance was reviewed. The City of Plano follows other cities noise ordinances by providing different decibel levels for day and night along with a delineation between residential, Commercial/Mixed use and Industrial.

Noise-receiving district	Day 7:00AM to 10:00 PM	Night 10:01 PM to 6:59 AM
Residential	65 dB or 10 dB above the background noise level, whichever is lower	55 dB or 5 dB above the background noise level, whichever is lower
Commercial/Mixed Use	70 dB or 10 dB above the background noise level, whichever is lower	60 dB or 5 dB above the background noise level, whichever is lower
Industrial	75 dB or 10 dB above the background noise level, whichever is lower	65 dB or 5 dB above the background noise level, whichever is lower

Summary:

A review of the best southwest cities show uniformity between Noise Ordinances including verbiage, time frames and similar guidance on construction and equipment.

Further review of survey cities show the addition of lawn mowers/blowers, definitions of decibel levels and required equipment to measure noise levels and delineation between different districts such as residential, business and commercial.

This item is for City Council discussion.

Attachments

City of Lancaster
City of Plano
City of Duncanville
City of Desoto
City of Cedar Hill
City of Waxahachie
The City of The Colony
Texas Penal Code
City of Farmers Branch
City of Rockwall
City of Keller
City of Grand Prairie
City of Haltom City
City of Rowlett

CITY OF LANCASTER CITY COUNCIL

City Council Work Session

Item 4.

Meeting Date: 03/21/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

Goal(s): Healthy, Safe & Engaged Community
Sound Infrastructure
Quality Development

Submitted by: David Ritter, City Attorney
Opal Mauldin-Jones, City Manager

Agenda Caption:

Discuss amending Chapter 14 of the City Code of Ordinances "Offenses and Additional Provisions" by Amending Article 14.10.001 Abandoned or Junked Vehicles.

Background:

City Council identified the transition from compassionate code compliance to code enforcement as a goal during the Strategic Planning Session for fiscal year 2021/2022. The City Attorney is working with staff to review relevant sections of the Lancaster Code of Ordinances to ensure staff has the tools to improve property standards and maintenance within the community. This is part two of a series of items for City Council consideration. The abandoned or junked vehicles ordinance was last amended/approved by City Council in April of 2015. The City Attorney is proposing changes to the ordinance to provide additional clarity and alignment of terms with the Lancaster Development Code.

The abandoned or junked vehicles revisions re-define Section 14.10.001 Definitions, update Section 14.10.031 Changes Abandoned Vehicles and Section 14.10.061 changes Junked Vehicles.

The revisions are made to: (1) better track the LDC definitions, and (2) provide increased code enforcement tools for problem properties that generate repeated complaints or citations.

Attachments

Clean- Abandoned and Junk Vehicles 14.10.001

Redline-Abandoned and Junk Vehicles 14.10.001

Staff Recommendation
