

ORDINANCE 2022-02-17-0112

AMENDING CHAPTER 21, ARTICLE III, "NOISE" AND CHAPTER 10, ARTICLE I, "ADMINISTRATION AND GENERAL," OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY AMENDING SECTION 21-51 TO DEFINE LEGAL HOLIDAYS AND 21-52(a)(6) TO SPECIFY HOURS FOR CONSTRUCTION AND REQUIRING WAIVERS FOR OFF-HOURS CONSTRUCTION AND PROVIDING FOR PENALTIES, PUBLICATION AND EFFECTIVE DATE.

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WHEREAS, high decibel levels from construction sites at a sustained and continuous length of time impact the quality of life, health, and welfare of citizens residing within the vicinity; and

WHEREAS, it has been determined that construction noise should be regulated and confined to designated times of day so as not to result in adverse health and mental impacts; and

WHEREAS, there are instances during which construction may continue during "off-hours" for reasonable purposes if pre-approved by the City; and

WHEREAS, repeat violators of the designated hours of construction operations should be held accountable for their actions;

NOW THEREFORE,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 21, Section 21-51 and 21-52(a)(6), is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as follows:

**Sec. 21-51. – Definitions and standards.**

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Legal Holidays shall mean New Year's Day (January 1), Memorial Day (observed date), Fourth of July (July 4), Labor Day (observed date), Thanksgiving Day (observed date), and Christmas Day (December 25).

**Sec. 21-52. - Noise nuisance enumeration.**

(a) The following acts, among others not hereinafter enumerated, are declared to be "noise nuisances," and are unlawful and in violation of the provisions of this division when such acts are done or accomplished or carried on in such a manner, or with such volume, intensity, or with

continued duration, so as to annoy, to distress, or to disturb the quiet, comfort, or repose of a person of reasonable nervous sensibilities, within the vicinity or hearing thereof, or so as to endanger or injure the safety or health of humans or animals, or so as to interfere with the physical well-being of humans or animals, or so as to endanger or injure personal or real property:

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(6) The erection, including construction, excavation, demolition, alteration, or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tools or equipment used in construction, excavation, drilling, demolition, alteration or repair work:

- a) Other than during the daytime on week days; or hours between 7:00 a.m. and 8:00 p.m. on Monday through Friday and 8:00 a.m. and 8:00 p.m. on Saturday and 9:00a.m. and 5:00 p.m. on Sunday, except on legal holidays as defined in 21-51; or
- b) Other than when a waiver, as defined below, is issued by the Building Official or designee; or
- ~~b c)~~ At any time such that the sound level at or across a real property boundary exceeds 80dBA; or
- ~~e d)~~ This section shall not apply in cases of urgent necessity in the interest of public safety, or in cases of public convenience, including city sponsored or co-sponsored fiestas, parades, and public events; or
- e) Concrete pours when the notification process, when required, has been performed; or
- f) Limited heavy machinery and construction equipment repairs 30 minutes before the listed construction hours or after the listed construction hours, but no later than 10:00 p.m.

**Waiver** – A waiver to perform erection, including construction, excavation, demolition, alteration, or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tools or equipment used in construction, excavation, drilling, demolition, alteration or repair work during hours not approved per Section 21-52(a)(6)(a) can be requested and issued by the Building Official or designee. The request for waiver must be submitted one business day prior to the start of off-hour construction and must detail the reason for the request and dates and times of the off-hour construction. The waiver will be issued for a maximum of one-week intervals. If the erection is completed on a parcel located within three hundred (300) ft of an occupied residential structure the notification process must be completed prior to the commencement of work. Waivers may be issued due to special conditions such as weather related conditions; and/or where literal enforcement of the ordinance would result in unnecessary hardship.

**Notification Process** – Any occupied residential structure within three hundred (300) ft of the parcel containing the approved construction must receive written notice, via flyer and/or door hanger, of the dates and times of the proposed construction, with a point of contact's name and number. This notification is to be delivered a minimum of seventy-two (72) hours before the scheduled work starts. For occupied residential structures that are located within gated communities and/or apartment complexes, notification to the Home Owners Association, Neighborhood Association, or Management Company will be considered notification to all occupied residential structures within the organization. The dates and times of the proposed off-hour construction, with a point of contact's name and number, must be posted at the job site, as approved by the Building Official or designee.

Exception:

Newly constructed residential subdivision, with an operational sales office within the subdivision and not more than ninety-five (95) percent of new homes in the subdivision have been sold. This does not apply to adjacent areas of the subdivision that are within three hundred (300) ft. of an occupied residential structure that is not part of the newly constructed residential subdivision.

**SECTION 2.** Chapter 10-6 of the City Code of San Antonio, Texas, is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as follows:

**ARTICLE I. – ADMINISTRATION AND GENERAL**

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**Sec. 10-6. – Permits**

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(o) **Construction Noise.** All noise produced by the erection, including construction, excavation, demolition, alteration, or repair work, or the permitting or causing thereof, of any building or other structure, shall meet the requirements of Section 21-52 (a)(6) of the City Code. Observed violations will result in criminal and/or civil citations per Section 21-58(b) and/or suspension or revocation of the permit as follows:

- First violation will result in a citation.
- Second violation will result in a citation, and the Building Official may suspend the permit for 10 days. A compliance agreement shall be signed by contractor and property owner attesting that they will not violate this section again for this project. The signed agreement shall be provided to the Building Official no later than 3 business days after the second violation.
- Third violation will result in a citation and the Building Official may revoke the permit.

Per Section 21-52(a)(6)(b), the Building Official can issue a waiver to perform work during hours not approved per Section 21-52(a)(6)(a).

(~~op~~) **Suspension or revocation.** The Building Official is authorized to suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this chapter.

(~~pq~~) **Placement of permit.** The building permit or copy shall be kept on the site of the work until the completion of the project.

(~~qr~~) **Demolition permit.** See section 10-119 of this chapter.

(~~rs~~) **House moving permit.** See section 10-120 of this chapter.

**SECTION 3.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance for any reason be held to be illegal, inoperative or invalid or if any exception to or limitation upon any general provision in this Ordinance be held to be unconstitutional or invalid

or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held invalid.

**SECTION 4.** All other provisions of Chapter 21-51, Chapter 21-52, and Chapter 10-6, City Code of San Antonio, Texas, remain in full force and effect except as expressly amended and adopted by this Ordinance.

**SECTION 5.** The publishers of the City Code of San Antonio, Texas, are authorized to amend said Code to reflect the changes adopted herein, to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

**SECTION 6.** The City Clerk for the City of San Antonio is hereby directed to publish notice of this Ordinance in a newspaper published in the City of San Antonio, Texas as required by the City Charter.

**SECTION 7.** This Ordinance shall become effective ten days after passage.

PASSED AND APPROVED this the 17<sup>th</sup> day of February, 2022.

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

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Debbie Racca-Sittre, City Clerk

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Andrew Segovia, City Attorney