

Texas Aggregates & Concrete Association Response to City-by-City Comparison

CITY	RESPONSE
Houston	<p>The affirmative defense created in §30-16(5) allows construction related noise at a higher decibel limit than what would otherwise be allowed for all noise for the time specified. Subject to §§30-2 through 30-4, concrete can be installed 24 hours so long as it does not exceed the following decibel limit at the property line where the sound is received: 85 dB(A) between 7:00 a.m. and 8:00 p.m. measured at a residential property line; 65 dB(A) between 8:01 p.m. and 10:00 p.m. beyond the residential property line on which the sound is generated; 58 dB(A) from 10:01 p.m. and 6:59 a.m. beyond the residential property line on which the sound is generated; and 68 dB(A) between 8:01 p.m. and 6:59 a.m. on the nonresidential property line on which the sound is generated. <u>Thus, after-hours concrete installation is ALLOWED subject to these decibel limits.</u></p>
Dallas	<p>Agree with summary of §30-2(h) and that a permit may be issued to ALLOW for after-hours construction next to a residential use. Note that the prohibition to which the permit applies is only for <i>residential</i> uses and the Development Code limits the type of district where a residential use may be located. Thus, it appears that there is no prohibition when the construction activity is on or adjacent to a nonresidential use.</p>
San Antonio	<p>Agree with summary of §21-52(a)(6), but the intro in (a) states that the listed activities are only prohibited if done in such a manner “to annoy, to distress, or to disturb the quiet, comfort, or repose of a person of reasonable nervous sensibilities”. Thus, construction activity is ALLOWED up to 80 db until 10:00 p.m. Sunday – Thursday and 11:00 p.m. Friday and Saturday, and can occur after these times if it does not create a noise nuisance. <u>Further, there is a waiver mechanism in cases of urgent necessity, public safety, or public convenience, which ALLOWS construction activity in excess of this limit or after hours.</u></p>
Fort Worth	<p>The prohibition against construction after 8:00 p.m. applies only to work within 300 feet of an "occupied residential structure." "Residential" is defined in this section as "property <u>zoned for residential use</u> in accordance with the city's zoning ordinance." <u>Construction work outside of this prohibition (i.e., nonresidential or farther than 300 feet from residential structure) is ALLOWED subject to the decibel limits in the general noise ordinance</u>, which has different restrictions for residential zoning districts, non-residential and mixed-use and the Central Business District, Trinity Uptown and West 7th Village.</p>