

## Boomtown Bother: Revising the Noise Ordinance in Granbury, Texas

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“Don’t let December 7 be the day that music died in Granbury,” a concerned citizen wrote. Mayor Jeff Jarrat received more than 80 similar emails on the morning of a scheduled Granbury City Council meeting, and he knew the vote to take place in the evening would not make everyone happy. He guessed it wouldn’t make anyone happy. The music responsible for city growth and an incredible increase in tourism was turning into a huge point of contention and pitting neighbor against neighbor. Karen Delgado lived near the square and complained about the noise. Rebecca Meadors owned the Silver Saddle Saloon and worried that the complaints would end up hurting her business. Carolyn Reeves had proof that her bed and breakfast was losing customers who didn’t like the loud music late at night. Yes, the music was a great tourist attraction, and it was also a great headache. The City Council faced a classic challenge: trying to make everybody happy.

### **Booming Business**

Granbury, a Texas town with a population of 10,000, about an hour’s drive from Fort Worth, sought a solution to a loud problem. The city was growing, and businesses were thriving; the number of outdoor music venues in and near the town square had grown to nine. Granbury was becoming a popular tourist destination due to its music scene. Bed and breakfast establishments had no vacancies.

Unfortunately, the police department had received multiple complaints from residents and business owners about the noise generated by the outdoor music venues. While the city had a long-standing noise ordinance in place, the recent complaints revealed that the ordinance was outdated and unenforceable. (See Exhibit 3)

### **Discord Developed**

At a Granbury City Council meeting held in March 2021, Karen Delgado, a Granbury resident, said, “My home is about a third of a mile from the square, and during the spring and summer when my windows are open, I can hear noise almost seven nights a week. It is so annoying that I am unable to use my side yard on the east side or on the west side, which is where my deck is. I call it noise, because by the time it gets to my house, it’s not music anymore.” (City of Granbury Texas 2021b)

Owners of lodging venues also complained about the volume of live music from the town square. Carolyn Reeves, owner of The Artefactz Lofts, had at least a dozen guests leave reviews saying she had a great Air BnB on the square, but the noise in the room was so loud they would not recommend renting it. She lost business because of these reviews and had guests request refunds. (City of Granbury Texas 2022c) Gary Farina, owner of the Casa Farina Bed and Breakfast, mentioned, “Complaints from my patrons are usually about how late the music goes.” (City of Granbury Texas 2021f)

### **Tuned to Tourism**

Complaints about noise had merit, but the problem with turning down the music was the potential for “turning down” the economic success the city had recently experienced. Tourism was booming! The Hood County News reported on November 26, 2021, “Hotel Occupancy Tax (HOT) revenues for the city of Granbury are inching closer to the \$1 million mark—proof that tourism survived COVID-19 and is stronger than ever.” City Manager Chris Coffman referred to the HOT revenue gains when he was quoted as saying, “That’s pretty awesome.” He continued to explain that, “Sales tax revenues, too, are looking good, with that income up 12% over last year’s.” (Cruz 2021)

Diane Hedges, owner of D'Vine Wine, recognized both sides of the issue. She said, “I have seen everyone enjoy the recent changes to the square. Bed and breakfasts are also part of tourism, and their guests, as well as nearby residents, need not to be disturbed.” Hedges urged the City Council to find a compromise to keep the live music that many desired, while respecting nearby neighbors. (City of Granbury Texas 2021f)

### **Outmoded Ordinance**

The City Council responded to the problem by forming a Noise Ordinance Task Force comprising members of law enforcement, the Community Development and Tourism departments, and others who could contribute to drafting new rules to be considered by the City Council. The group included Jeff Krebs of Epicenter Productions, who served on the board of the Texas Festivals & Events Association. Krebs had extensive experience with entertainment sound and noise levels.

The Task Force held two meetings in February and March of 2021 to hear citizens’ concerns: one for residents who lived near the square and one for business owners with property on or near the town square. During the following months, the Task Force wrote a draft of a revised noise ordinance.

At a City Council meeting on December 7, 2021, the agenda allowed for public comment. Michael Ross, Deputy City Manager, summarized the newly proposed noise ordinance, which included three notable changes:

1. The original ordinance called for decibel levels to be measured at the site of reception (property of homeowner or business making the complaint); the proposed

ordinance required sound to be measured at the nearest right-of-way to the site of sound generation (the music venue).

2. The original ordinance defined two sets of hours:
  - A. daytime: 6:00 a.m. to 10:59 p.m.
  - B. nighttime: 11:00 p.m. to 5:59 a.m.

The proposed ordinance redefined the hours previously established by differentiating days of the week for nighttime hours and included a new quiet time:

- A. daytime: 6:00 a.m. to 9:59 p.m.
  - B. nighttime Sunday – Thursday: 10:00 p.m. to 10:59 p.m.  
nighttime Friday – Saturday: 10:00 p.m. to 11:59 p.m.
  - C. quiet time: end of nighttime hours until 5:59 a.m.
3. Decibel levels allowed during daytime hours remained the same at 90 Db(A); Nighttime decibel levels allowed sound up to 90 dB(A) by the original ordinance, and the proposed ordinance restricted sound to a level of 85 dB(A) during this time. The new quiet time, starting at 11:00 p.m. during the week and at midnight on Friday and Saturday, allowed for decibel levels up to 65 dB(A). (City of Granbury Texas 2021d)

### **Hearing Held**

Jeff Krebbs, the sound expert engaged by the Noise Ordinance Task Force, was in attendance and noted, “It is possible to have live music in a venue and still meet the standard easily, but it may mean in some cases, some modifications need to be made.” (City of Granbury Texas 2021f)

No residents who lived near the square spoke at the public hearing, but nearly a dozen other citizens made comments. All spoke in support of live music on the square and expressed their opinions about how the proposed ordinance could negatively affect businesses.

Nathan Wright, owner of several properties on the town square and a member of the board of directors of the Historic Granbury Merchant’s Association, pointed out that each venue is different, and some merchants would be hurt more if required to follow the restrictions in the proposed noise ordinance. He noted, “There are at least nine outdoor music venues on the square or near the square. ... We are a tourist destination, and people come to Granbury to be entertained, and if you stifle any part of that entertainment? Big mistake.” (City of Granbury Texas 2021f)

Other concerned business owners also spoke and said that it would not be possible to keep their businesses going if they had to adhere to the limitations in the proposed ordinance, measured at the property line of their venue. Rebecca Meadors, owner of the Silver Saddle Saloon explained, “The proposed ordinance will have a drastic effect on our ability to continue hosting outdoor live music shows to the extent the community has enjoyed to this point. Music levels (measured) at the point of generation will limit many venues to unplugged acoustic shows with only vocals and heavy strumming. . . and that is not what people are coming to Granbury for.” (City of Granbury Texas 2021f)

Brandon “Bucky” Wood, one of the owner-operators of Bob’s Off the Square, also thought the new ordinance would be bad for business. “If you cut our decibels down 10%, 20%, during our

prime time, we're not going to have the money to operate," he said, and added, "I think we need to focus on the economic impact we have here." After listing several other factors the Council needed to consider in connection with the ordinance, he finished his comments by saying, "I beg you not to pass this thing tonight, and let us as business-owners get our minds around it, and let us have some input on what is being proposed to you." (City of Granbury Texas 2021f)

### **Decision Delayed**

When all community members had completed their comments, Councilmember Trish Reiner, mayor pro tem, explained, "The city does not want to squelch business on the square and the City Council has encouraged tourism. Finding a balance is difficult but can be achieved. I believe we need to engage in more discussion and potentially test one of the proposed amendments, such as the decibel level, to see if it is successful." (City of Granbury Texas 2021f)

Councilmember Eddie Rodriguez spoke about the large number of citizens who were present and said, "If we move to discuss this with the public again, I urge all the business owners who may be affected by this to come to those public hearings, and I urge the residents around the square to come to those public hearings." (City of Granbury Texas 2021f)

Given the many emails from concerned citizens and the opinions expressed at the meeting, the City Council postponed the vote on the proposed noise ordinance to the February 15, 2022 City Council meeting. (City of Granbury Texas 2021f) In the intervening weeks, the Noise Ordinance Task force would seek additional input from Granbury residents and business owners. For the continued success of the City of Granbury, the City Council needed a strong proposal that most parties could agree on in the future.

**Exhibit 1:****TIMELINE**

Feb. 18, 2021	A Noise Ordinance Workshop was held to seek input from residents who live on or near the town square to identify and prioritize noise concerns, and to develop clear and enforceable thresholds for noise generation. City staff would use the meeting's feedback to draft any needed adjustments to the ordinance before bringing it to the City Council for final consideration. (City of Granbury Texas 2021a)
Mar. 2, 2021	Granbury City Council meeting. Resident voiced complaint about noise. (City of Granbury Texas 2021b)
Mar. 18, 2021	A Noise Ordinance Workshop was held to seek input from business owners who operate on or near the town square to get input regarding the volume of music coming from establishments in the area. (City of Granbury Texas 2021c)
Nov. 30, 2021	A redlined Proposal of Revisions to the Ordinance as well as a document titled "Noise Ordinance--Summary of Proposed Changes" was available online through a link provided on the Granbury City Council agenda for December 7, 2021. (City of Granbury Texas 2021d) (City of Granbury Texas 2021e)
Dec. 7, 2021	The December 7, 2021 City Council meeting agenda included a Public Hearing about the proposed revisions to the noise ordinance. Eleven members of the public spoke. The City Council voted to postpone voting on revisions to the noise ordinance to the February 15, 2022 Granbury City Council meeting. Public input was encouraged in the intervening time. (City of Granbury Texas 2021f)
Dec. 9, 2021	The document "Noise Ordinance History and Future" was posted on the city website. (City of Granbury Texas 2021g)
Jan. 18, 2022	Michael Ross notified the City Council that city staff was reviewing proposed modifications to the Noise Ordinance and had been taking noise level readings. A new draft was being discussed with store owners and would be brought to the February 15, 2022 City Council meeting. (City of Granbury Texas 2022a)
Feb. 2, 2022	A link to the document "Summary of Proposed Changes to Noise Ordinance" (City of Granbury Texas 2022b) was included on the City Council Meeting Agenda for February 15, 2022. The agenda was posted on the city website.
Feb. 15, 2022	The City Council voted to adopt "Redlined Draft of Proposed Noise Ordinance." (City of Granbury Texas 2022d)

## Exhibit 2:

**NOISE ORDINANCE - SUMMARY OF PROPOSED CHANGES**

November 30, 2021

Topic	Existing	Proposed	Discussion
			Community input. Sound expert provided recommendations. Adjust hours to balance residence and business needs.
<b>Sec. 8.05.001. Hours</b>			
Daytime, All Days	7:00 a.m. to 10:59 p.m.	7:00 a.m. to 9:59 p.m.	Typical daytime hours.
Nighttime, Sunday through Thursday	11:00 a.m. [sic] to 6:59 a.m.	10:00 p.m. to 10:59 p.m.	Revise to distinguish days of week and identify Nighttime hours separate from Quiet Hours.
Nighttime, Friday and Saturday	11:00 a.m. [sic] to 6:59 a.m.	10:00 p.m. to 11:59 p.m.	
Quiet Hours, Sunday through Thursday	(Not existing)	11:00 p.m. to 6:59 a.m.	Revise to distinguish days of week and adjust hours of day. Separate Nighttime and Quiet Hours.
Quiet Hours, Friday and Saturday	(Not existing)	12:00 a.m. to 6:59 a.m.	
<b>Sec. 8.05.002. Applicability</b>			
	This article shall apply to noise nuisances within the city's corporate limits and within 5,000 feet thereof.	This article shall apply to noise nuisances within the city's corporate limits <del>and within 5,000 feet thereof.</del>	Revise to correct the area in which the city can regulate; City cannot regulate outside of the city limits. Therefore, strike the 5,000-foot statement.
<b>Sec. 8.05.003. Maximum permissible sound levels</b>			
Residential property			
	90 dB(A) during daytime hours	90 dB(A) during daytime hours	
	85 dB(A) during nighttime hours	70 dB(A) during nighttime hours	
	(Not existing)	65 dB(A) during Quiet Hours	
Nonresidential property			
	90 dB(A) during daytime hours	90 dB(A) during Daytime hours	
	90 dB(A) during nighttime hours	80 dB(A) during Nighttime hours	
	(Not existing)	65 dB(A) during Quiet Hours	

Where does the dB(A) level apply?	Where the sound is received	At any point on the property <b>LINE WITH CONSENT OF THE PROPERTY OWNER; OR AT THE RIGHT-OF-WAY</b> where the sound is being <del>received</del> <b>GENERATED</b>	Community input. Sound expert provided recommendations. Evaluation of effective practice.
Where is the dB(A) level measured to result in a violation?	At any point on the property where the sound is being received.	At any point on the property <b>LINE WITH CONSENT OF THE PEOPRTY [sic] OWNER; OR AT THE RIGHT-OF-WAY</b> where the sound is being <del>received</del> <b>GENERATED</b>	
<b>Sec. 8.05.004. General prohibitions; enumeration of nuisances</b>			
	Sec. 8.05.004 General prohibition; enumeration of nuisances (a) It shall be unlawful for any person to make, assist in making, permit, continue, or cause to be made or continued any sound which either exceeds the maximum permitted sound levels specified in section 8.05.003 or otherwise unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of persons of ordinary sensibilities within the limits of the city.	Sec. 8.05.004 General prohibition; enumeration of nuisances (a) It shall be unlawful for any person to make, assist in making, permit, continue, or cause to be made or continued any sound which either exceeds the maximum permitted sound levels specified in section 8.05.003 <del>or otherwise unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of persons of ordinary sensibilities within the limits of the city.</del>	Review of practical implementation of the Nuisance Ordinance. Remove language that is ambiguous and unenforceable. Regulation of sound needs to be clearly measurable, and the prohibition section needs to be directly tied to the regulation. The statement as existing is unenforceable.
	Phonograph	<b>SOUND SYSTEM</b>	Modernize terms, ease of use.



	Nighttime	DAYTIME, NIGHTTIME, OR QUIET Hours	Modify to be consistent with time of day and sound level revisions as proposed elsewhere.
	Sound “plainly audible off the property line or at a distance of 50 feet or more from the building, structure, vehicle, or area in which it is located.”	Sound “IN EXCESS OF THE STANDARDS SET FORTH IN SECTION 8.05.003...”	Edit this statement to correspond to revisions related to sound levels and location of sound being generated on the property where the sound device is located rather than at the receiving location.
<b>Sec. 8.05.005.Exceptions</b>			
Exceptions	Stadium	(E.G. FOOTBALL FIELD INCLUDING ITS OBSERVING STANDS/SEATING AREAS AND ASSOCIATED OPERATIONAL AREAS)	Clarify “stadium” for understanding of intent, ease of use.
<b>Sec. 8.05.008 Permit</b>			
	City sponsored, cosponsored, or permitted	(AS AN EXAMPLE, THOSE PERMITTED BY A FESTIVAL, SPECIAL EVENT & PARADE APPLICATION)	Clarify the specific permit by the city.
Permit	City Manager	City Manager OR DESIGNEE	Clarify party responsible for administration
<b>The amortization date of March 7, 2022 has been moved to the adopting ordinance, which is a more practical practice as opposed to it being located in the City Code Noise section.</b>			

(City of Granbury Texas 2022b)

### Exhibit 3

#### Noise Ordinance History and Future

As Granbury has grown, the number of places providing music and entertainment, especially outdoors, has risen. About a year ago, in response to complaints from nearby residents and business owners, the Granbury Police Department asked City Staff to revise and present to City Council a Noise Ordinance that is enforceable under current and foreseeable future conditions.

A Noise Ordinance Task Force was formed, comprised of members of law enforcement, the Community Development and Tourism departments, and others who could contribute to drafting new rules to be considered by City Council. Earlier this year, Task Force members met with residents who live in or near the Town Square. Later, they met with owners of businesses in or near the Square.

The Task Force collected and compared noise ordinances from various cities, especially ones engaged in controlling loud music—the most frequent source of noise complaints in Granbury. They also brought in Jeff Krebs, Managing Partner of Epicenter Productions, who has professional sound management experience in venues similar to Granbury's. Following his hours of observations, Krebs concluded that decibel-reducing improvements could be made at businesses disturbing nearby citizens.

Krebs and Task Force members met with owners of the Silver Saddle Saloon and Bob's Off the Square, offering detailed recommendations and guidance that balanced compliance with a new noise ordinance and providing quality music for patrons. The City has no evidence that the recommendations were implemented.

A revised Noise Ordinance was drafted with two significant changes to the current one. First, sound would be measured at the origination point of the sound. Second, allowable decibel levels may vary depending on time and day. City Councilmembers, stakeholders and the community received a draft of the Noise Ordinance prior to the December 7 meeting.

At the beginning of deliberations of the item at the meeting, Councilmember Greg Corrigan said, "A noise ordinance that is up to date is going to be passed. I want everyone to understand that. We want it to be as fair as humanly possible and address all concerns for both citizens that live around the Square and the individuals that own businesses and provide music and entertainment on the Square and outside of the Square." He said that after hearing comments from citizens, Krebs, members of the Task Force and others who were in attendance, he would ask the Council to delay voting on the draft until February 2022, allowing time for more study and discussion. Councilmembers unanimously agreed.

City Staff will be reaching out to the outdoor music venues owners to discuss the proposed Ordinance changes in preparation for the February 15, 2022, Council Agenda.

Source: City of Granbury website: <http://www.granbury.org/>  
Accessed December 15, 2021 (document is no longer available online).

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