

# Mayor and Council Communication

**DATE:** 03/23/21

**M&C FILE NUMBER:** M&C 21-0198

**LOG NAME:** 12NOISEORDAMEND

**SUBJECT**

(ALL) Adopt an Ordinance Amending Section 23.8 "Noise" of Chapter 23, "Offenses and Miscellaneous Provisions" of the Code of the City of Fort Worth to Rescind Regulations Related to Amplifiers in the Public Right-of-Way

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**RECOMMENDATION:**

It is recommended that the City Council adopt the attached ordinance amending Section 23.8 "Noise" of Chapter 23, "Offenses and Miscellaneous Provisions" of the Code of the City of Fort Worth to rescind regulations related to amplifiers in the public right-of-way.

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**DISCUSSION:**

On May 5, 2012, the City Council adopted Ordinance No. 20910, revising the noise ordinance to address common noise complaints. The 2012 amendment included a prohibition on the use bullhorns, loudspeakers or other amplification in the public rights-of-way and on City of Fort Worth property, unless it was related to public safety, an outdoor event or with permission of a city department director.

Since the adoption of the Noise Ordinance, legal concerns related to the use of amplification on public rights-of-way and public property, especially with regard to First Amendment activities on parks, sidewalks and streets, have arisen. In an effort to address these concerns, the City Attorney's Office recommends revising Section 23-8 "Noise" of the City Code to allow for the use of amplification without regard to content of the communication. This revision would allow amplification to be used in traditional public forums such as parks, sidewalks and streets where governmental entities are limited in their ability to regulate speech. Noise from amplifiers may still be found in violation of this Section if the noise is disturbing to a reasonable person of ordinary sensibilities.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that this action will have no material effect on City funds.

**Submitted for City Manager's Office by:** ALL ACMs                      6222

**Originating Business Unit Head:** Sarah Fullenwider                      7623

**Additional Information Contact:** Melinda Ramos                      7631