

ARTICLE V. - NOISE^[6]

Footnotes:

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Cross reference— Substantial evidence rule in effect in appeals from decisions or orders of city officers or employees, § 2-196; permitting dogs to create a nuisance prohibited, § 14-39; aviation, ch. 18.

Sec. 46-141. - 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:

Business establishment means any place open for business, including but not limited to restaurants, cafes, beer saloons, drive-in restaurants, and dancehalls, whether private or open to the public.

Disturbance means such noise as offends the hearing sensibilities or the peace, rest, quiet and response of an ordinary, normal person lawfully in the vicinity of the origin of the noise, provided that such noise is not reasonably necessary to the enjoyment and protection of life and indispensable to the progress of society in the city.

Jukebox means a coin-operated phonograph permitting selection of the record to be played.

Musical instrument means an instrument used in the production of music.

Noise means a sound of any kind.

Orchestra means three or more performers on musical instruments.

Phonograph means any sound reproducing machine using records, whether cylinders, disks, tape or wire, usually but not necessarily consisting in the main of a record changer, amplifier and a speaker.

Public address system means a combination of electronic devices designed to transmit, amplify and reproduce speech and/or music so as to render it audible to many people at the same time.

Radio means an apparatus for receiving radio broadcasts.

(Code 1966, § 19-14.1(a))

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 46-142. - General prohibition.

It shall be unlawful for any person, by the operation of a radio, jukebox, phonograph, musical instrument, orchestra, public address system or other means, to create a disturbance within the city, or to knowingly permit the creation of a disturbance at any place of business or premises owned, operated or under the control of such person.

(Code 1966, § 19-14.1(b))

Sec. 46-143. - Specific acts prohibited.

The doing of any of the following acts within the city is hereby declared to be the creation of a disturbance and a violation of this article:

- (1) Discharging or shooting fireworks except as may be permitted under section 50-93 or section 50-111 of this Code of Ordinances.
- (2) Wilfully causing the backfire of the motor in any motor vehicle.
- (3) Testing brakes on motor vehicle by causing the skidding of tires.
- (4) Screaming, shouting, hollering or yelling.
- (5) Using an unmuffled internal combustion motor on any lawn mower.
- (6) Using any internal combustion motor- driven lawn mower between the hours of 10:00 p.m. and 7:00 a.m.
- (7) Sounding the horn on any motor vehicle, other than using such horn as a warning device.
- (8) Operating a device emitting amplified music, either recorded or live, at the Palmer Pavilion located at 301 East Hackberry.

(Code 1966, § 19-14.1(c); Ord. No. 1993-70, § I, 9-27-93; Ord. No. 1995-4, § I, 1-23-95; Ord. No. 2003-46, § 2, 6-23-03)

Sec. 46-144. - Volume controls for mechanical devices in business establishments.

In business establishments maintaining and operating mechanical devices emitting noise, there shall be maintained in working order thereon volume controls which shall be so set, either permanently or temporarily, as to prevent the emitting of noise amounting to a disturbance. When a volume control is not permanently set and a disturbance results from noise emitting from such mechanical device, the owner and/or operator or person in charge of such business shall be deemed in violation of this section, regardless of whether a customer or employee or other person regulated the volume of noise emitting from such device and creating a disturbance.

(Code 1966, § 19-14.1(d))

Sec. 46-145. - General restrictions on use of loudspeakers.

It shall be unlawful for any person to use or operate, or cause to be used or operated, any mechanical or electrical device, machine, apparatus or instrument to intensify or to amplify or to reproduce the human voice, or to produce, reproduce, intensify or amplify any other sound, in any building or on any premises in the city, whereby the sound therefrom is cast directly upon the public streets or places, or where such device is maintained and operated for advertising purposes, or for the purpose of attracting the attention of the passing public, or which is so placed or operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place, or of persons in neighboring premises.

(Code 1966, § 19-14.1(e))

Secs. 46-146—46-165. - Reserved.