



Chapter 24

NOISE

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Chapter 24

NOISE

Sec. 24-1. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings herein ascribed to them:

Christmas music. "Christmas music," as played by the Temple Chamber of Commerce or any of its regular committees, is music of a Christmas theme amplified during the Christmas season and either stationary or moving in the Chamber's Christmas parade.

Sound truck. A "sound truck" is a vehicle on or in which any device, apparatus, or instrument is used for the amplification of the human voice or any sound or noise or other sound making or sound reproducing device.

Sec. 24-2. Loud, disturbing and unnecessary noises generally.

Any unreasonably loud, disturbing, unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereby prohibited. Any noise of such character, intensity and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is hereby declared to be a nuisance and is hereby prohibited.

Sec. 24-3. Playing of radios, phonographs, etc.

The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel or other type of residence is hereby prohibited.

Sec. 24-4. Use of stationary loudspeakers or amplifiers.

The use of any stationary loudspeaker or amplifier of such intensity that annoys and disturbs persons of ordinary sensibilities in the immediate vicinity thereof, or the use of any stationary loudspeaker or amplifier operated on any week day between the hours of 10:30 p.m. and 7:00 a.m., or at any time on Sunday, is hereby prohibited.

Sec. 24-5. Building operations.

Repealed by Ordinance No. 2012-4531, May 3, 2012

Sec. 24-6. Noisy animals and birds.

The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person of ordinary sensibilities in the immediate vicinity is hereby prohibited.

Sec. 24-7. Excessive noise near school or hospital.

The creation of any excessive noise on any street adjacent to any school or institution of learning while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, shall be unlawful, providing conspicuous signs are displayed in such manner indicating that the same is a school or hospital street.

Sec. 24-8. Shouting of peddlers, hawkers and vendors.

The raucous shouting and crying of peddlers, hawkers, and vendors, which disturbs the peace and quiet of the neighborhood, is prohibited.

Sec. 24-9. Use of noise to attract attention to performance, show or sale.

The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by the creation of noise, to any performance, show or sale of merchandise is prohibited.

Sec. 24-10. Noisy vehicles generally.

The running of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, jarring or rattling noise or vibration shall be unlawful.

Sec. 24-11. Loading vehicles; opening or destruction of bales, boxes, etc.

The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers is prohibited.

Sec. 24-12. Sounding of vehicle horn or signaling device.

The continued or frequent sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger or warning signal, and the creation by means of any such signal device of any unreasonably loud or harsh noise for any unnecessary and unreasonable period of time is hereby prohibited.

Sec. 24-13. Vehicle mufflers.

No automobile, truck or other vehicle shall be operated upon any roadway in the city unless the same is provided with a muffler which is in efficient and actual working condition, and the use of a cut-out is prohibited.

Sec. 24-14. Sound trucks--Purposes for which use permitted.

Sound trucks may be operated within the corporate limits of the city for the purpose of:

- (1) The dissemination of information of public interest and involving partisan issues, or
- (2) The dissemination of information of public interest and not involving partisan issues.

After the obtaining of a license therefor as provided in section 24-15 and after payment of the prescribed fee therefor.

For the purposes of this section, matters of public interest and of a partisan nature include political announcements, music, and speeches for or against issues submitted to voters in elections, for or against candidates for public office, and all other matters of public interest involving partisan issues.

Matters of a public interest and not of a partisan nature include: "pay your poll tax" campaigns by the Temple Jaycees and any matter of public interest of a noncontroversial nature and completely lacking in partisan issues.

Sec. 24-15. Same--License.

Any person desiring to operate a sound truck upon the streets, alleys, or other public grounds of the city shall apply to the city controller for a license and in such application shall give the name of the owner of the vehicle, the name of the operator, the kind and character of vehicle and apparatus to be used and the length of time for which the license is desired. The fee for the issuance of such a license shall be:

- (1) For the use of each device in connection with matters of public interest of a partisan nature, as defined in section 24-14, or in political campaigns, five dollars (\$5.00).
- (2) For the use of each device for the purpose of the dissemination of information of public interest and of a nonpartisan nature, as defined in section 24-14, no fee.

The license for the operation of a sound truck shall be a permit for the purpose stated in the application only and not for more than sixty (60) days.

Sec. 24-16. Same--Use regulations.

Regulations for the use of sound amplifying equipment in the operation of sound trucks shall be:

- (1) The only sounds permitted are music or human speech.
- (2) Operations are permitted for four (4) hours each day, except on Sundays, when no operations shall be authorized. The permitted four (4) hours of operation shall be between the hours of 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:30 p.m.
- (3) Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour, except when such truck is stopped or impeded by traffic. Where stopped by traffic the sound amplifying equipment shall not be operated for longer than one minute at each such stop.
- (4) Sound shall not be issued within one hundred (100) yards of hospitals, schools, churches or courthouses.
- (5) The human speech and music amplified shall not be profane, lewd, indecent, or slanderous.
- (6) The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound truck and so that such volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility.

Sec. 24-17. Certain acts declared not to violate chapter.

The following acts are declared not to be noise nuisances in violation of this chapter:

- (1) The operation of a sound truck duly licensed by the city and operated as provided for in this chapter.
- (2) The playing of Christmas music by the Temple Chamber of Commerce or any of its regular committees, when the same is duly licensed by the city and is a part of its regular Christmas activities.

Sec. 24-18. Suspension of enforcement of chapter during emergencies.

The mayor or some officer designated by him in case of emergency can suspend the enforcement of this chapter insofar as then and there considered necessary for the purpose of the dissemination to the public of any matter pertinent to dissemination because of disaster, catastrophe, or any other state of affairs creating an emergency.