

## Tyler, Texas Code of Ordinances

**Sec. 4-90. Loud, raucous noises prohibited; prohibited noises enumerated, exceptions.**

a. It is unlawful to make, continue, or cause to be made or continued any loud or raucous noise which:

1. Is offensive to persons in the vicinity thereof; and
2. Substantially impairs the peaceable enjoyment of public or private property;

All loud and raucous noises as defined herein are hereby declared to be public nuisances.

b. The following acts, among others, are loud and raucous noises, and are unlawful:

1. The playing of any radio, stereo, phonograph, musical instrument, or similar device in such manner or with such volume so as to be heard at least fifty (50) feet away, or so as to offend persons in the vicinity;

2. The keeping or harboring of any animal or fowl which emits or makes any noise which by its character, volume, or repetition is offensive to persons in the vicinity;

3. The discharge into open air of the exhaust of any steam or internal combustion engine, whether moveable or stationary, except through a muffler or other device which will effectively prevent the emission of offensive noises therefrom;

4. The erection, excavation, demolition, alteration or repair of any building or structure in or adjacent to a residential area or hotel between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and between 6:00 p.m. and 7:00 a.m. on weekends, on two days after receiving a complaint and warning to stop the noisy activity, except in situations involving the interests of public safety, official government business, or the protection of the subject property; that is, such construction noise that can be completed in one day shall not be a violation of this section. This subsection shall not apply to construction noise from construction activities that are determined by the City to be necessary in order for the installation of or performance of structures, improvements, systems or subsystems to meet the best practices of building construction. In order to obtain this exception, a person preparing to perform construction activities must submit a written application to the City Development Services Engineer or designee, demonstrating that the proposed activity would be necessary to meet the best practices of building construction. This exception shall only apply upon the Development Services Engineer's or designee's prior written approval by permit. Granting the exception shall be within the sole discretion of the Development Services Engineer or designee, who may consider one or more of the following factors:

- (a) Whether the proposed time or nature of the work is necessary to ensure the public health and safety;
- (b) The proposed length or duration of the proposed construction;
- (c) The specific methods of construction being utilized;
- (d) The possible effect of weather, temperature, light or other factors on the workers, the proposed construction, or on the equipment or materials used in the activity;
- (e) Any other factors determined to be relevant by the Development Services Engineer or designee;

Within five (5) days after granting any permit allowing an exception under this subsection, the Development Services Engineer or designee shall send notice to all owners of real property situated within two hundred feet (200') of the property for which the exception has been granted.

5. The creation of any noise in a public place adjacent to a church, school, cemetery, court of law, or other public building which, by its nature, is reasonably calculated to disrupt, interfere with, or disturb the proceedings conducted therein;

6. The outdoor use of a drum, musical instrument, mechanical loud speaker, or other sound amplification device for the purpose of attracting attention by the creation of noise to any performance, show, sales event, or display of merchandise so as to attract customers to any place of business;

7. The outdoor use of a mechanical loudspeaker, calliope, mechanically operated piano, organ, musical instrument or other sound amplification or broadcasting equipment, whether stationary or mobile, emitting sound capable of being heard within one hundred (100) feet of a private home, apartment building, hotel, or other place of residence;

8. The demolition, repair, or alteration of a motor vehicle or part thereof in connection with which there is produced any noise which is offensive to inhabitants in the vicinity or which substantially impairs the use or enjoyment of adjacent property;

9. The use or operation of any device that is equipped on any motor vehicle and that is designed to aid

in braking, decompression or deceleration, in such a manner or at such a time that results in an excessive, loud, unusual or explosive noise from such vehicle. (Ord. No. 0-2007-51; 5/9/07)

c. Exceptions. This section shall not apply to:

1. An official of Federal, State, or Local government or to members of the United States armed forces or the State engaged in the performance of official duties; or
2. Persons engaged in the present performance or rendition of emergency medical services;
3. Special events conducted in park or recreation areas pursuant to a special event permit authorized by the Parks Director;
4. Public parades duly permitted;
5. The use of outdoor sound amplification for outdoor public speeches, ceremonies, political assemblages or paging purposes conducted at a fixed location at least one hundred (100) feet from a residential district and the sound was not audible beyond the property line of the premises on which it was located;
6. The use of sound amplification, intercom, or paging devices within the interior of a church, school, auditorium, convention center, government building or similar public meeting place. (Ord. 0-98-27, 3/25/98) (Ord. No. 0-98-52, 6/24/98) (Ord. No. 0-2007-93; 7/25/07)