

CHAPTER 8 OFFENSES AND NUISANCES

ARTICLE 8-2 NOISE*

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Sec. 8-2-1 Generally

(a) 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.

(b) Any noise of such character, intensity and continued duration which substantially interferes with the comfortable enjoyment of private homes of persons of ordinary sensibilities is hereby declared to be a nuisance and is hereby prohibited.

(1950 Code, Ch. 17, sec. 16; Ordinance 69-41, sec. 2, adopted 5/27/69; Ordinance 93-19, sec. 1, adopted 4/27/93; Ordinance 99-52, sec. 1, adopted 11/9/99; 1957 Code, sec. 10-14)

ARTICLE 8-2 NOISE*

Sec. 8-2-2 Specific noises prohibited

The following acts, among others, are declared to be nuisances in violation of this article, but such enumerations shall not be deemed to be exclusive:

(1) Radios and similar devices operated from motor vehicle. It is unlawful for any person to operate a radio, tape player, or other electronic or mechanical soundmaking device from within a motor vehicle on a street or highway in the city so that the sound is plainly audible at a distance of one hundred (100) feet or more from the motor vehicle. It shall be presumed that the driver of any vehicle being operated on a street or highway is the operator of the soundmaking device. The following exceptions shall apply:

(A) The provisions of this section shall not apply to any law enforcement motor vehicle equipped with any communication device necessary in the performance of law enforcement duties or to any emergency vehicle equipped with any communication device necessary in the performance of any emergency procedures.

(B) The provisions of this section do not apply to motor vehicles used for business or political purposes which in the normal course of conducting such business use soundmaking devices.

(C) The provisions of this section do not apply to the noise made by a horn or other warning device required or permitted by state law.

(2) Loudspeakers, amplifiers and musical instruments.

(A) A person that operates or causes to be operated a loudspeaker, amplifier or musical instrument under the following circumstances shall be guilty of an offense:

(i) The operation of a loudspeaker, sound amplifier, or musical instrument, not enclosed in a building, located within one hundred fifty (150) feet of a hospital, school that is in session, nursing home or facility that provides surgical services to patients who do not require overnight hospital care during the hours of operation of the facility. For the purposes of this section, "surgical services" means therapy of a mechanical or operative kind, including but not limited to operations involving cutting, the setting of fractures and dislocations and similar manual forms of treatment.

(ii) The operation of a loudspeaker, sound amplifier, or musical instrument, not enclosed in a building, between the hours of 10:00 p.m. and 12:00 midnight if the equipment is located within one hundred fifty (150) feet of a single-family, duplex, or multiple-family (multifamily) dwelling.

(iii) The operation of a loudspeaker, sound amplifier, or musical instrument, not enclosed in a building, between the hours of 12:00 midnight and 8:00 a.m. within the city limits.

(iv) Any violation of the Texas Penal Code, including section 42.01(5).

(B) The following persons operate or cause to be operated a loudspeaker, amplifier or musical instrument:

(i) A person who causes it to function or to keep in operation;

(ii) A person who supervises or manages other persons who cause it to function or to keep in operation;

(iii) A person who employs or contracts with other persons who cause it to function or keep in operation.

(3) 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.

(4) Horns or other signal devices on vehicles. 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, or the creation by means of any such signal device of any unreasonably loud or harsh sound for any unnecessary and unreasonable period of time.

(5) Operation of vehicles. 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 vibrations.

(6) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work, or as a warning of danger.

(7) Exhaust without mufflers. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or boat engine, except through a

muffler or other device which will effectively prevent loud or explosive noises therefrom.

(8) Devices operated by compressed air. The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.

(9) Construction work. The erection, including excavation, demolition, alteration or repair work, of any building other than between the hours of 7:00 a.m. and 6:00 p.m. and on weekdays, except in case of urgent necessity in the interest of public safety and convenience, and then only by permit from the city council, which permit may be renewed by council during the time the emergency exists.

(10) Noise near schools and hospitals. 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 working of such institutions, provided conspicuous signs are displayed in such manner indicating that the same is a school or hospital street.

(11) Loading and unloading. 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.

(12) Peddlers, hawkers and vendors. The raucous shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(13) Use of drums or other instruments to attract attention. 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.

(14) Sounding of sirens or other signal devices on vehicles. The sounding of any siren, horn or other signal device on any automobile, ambulance, truck, motorcycle, bus or other vehicle in the city, except as a danger or warning signal to persons or animals using the streets, sidewalks and public thoroughfares, shall constitute a violation of this section.

(15) Railroads. The blowing or sounding of any steam whistle, horn or signal device on any engine, locomotive car or vehicle adapted to the rails of a railroad in the city, except as a warning or danger signal to persons or animals approaching, crossing or using the tracks of the railroad, shall constitute a violation of this section.

(1950 Code, Ch. 17, sec. 16; Ordinance 69-41, sec. 2, adopted 5/27/69; Ordinance 93-19, sec. 1, adopted 4/27/93; Ordinance 99-52, sec. 1, adopted 11/9/99; 1957 Code, sec. 10-14)