

REPEALED
Date 6-25-14

AN ORDINANCE AMENDING ORDINANCE NO. 290; LOUD NOISES; PROVIDE FOR A PENALTY; PROVIDE FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDE FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDE FOR A SEVERABILITY CLAUSE; AND PROVIDE FOR AN EFFECTIVE DATE;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEVEN POINTS, TEXAS:

THAT ORDINANCE NO. 348; AMENDING ORDINANCE NO. 290 SHALL READ AS FOLLOWS:

(A) *Definitions.* The following terminology is defined as follows.

CONSTRUCTION means any site preparation, assembly, erection, substantial repair, alteration, or similar action, excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

DECIBEL METER means a unit for measuring the volume of sound.

DEMOLITION means any dismantling, intentional destruction or removal of structures, buildings, utilities, public or private right-of-way surfaces, or similar property.

DEVICE means any mechanism which is intended to produce, or which actually produces, noise when operated or handled.

EMERGENCY VEHICLE means a motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

EMERGENCY WORK means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an emergency.

MOTOR VEHICLE means any vehicle propelled by mechanical power or any motorized watercraft such as, but not limited to, any passenger car, truck, truck-trailer, semi-trailer, camper, motorcycle, mini-bike, go-cart, boat, jet-ski, dune buggy or racing vehicle.

NOISE means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

NOISE DISTURBANCE means any unreasonably loud, disturbing and unnecessary noise which is offensive to an adult person within the city, which noise renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.

VIBRATION means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

(B) *Administration and noise measurement.*

(1) The Chief of Police or his or her designee shall administer the noise control program required by this chapter.

(2) In order to implement and enforce this chapter and for the general purpose of sound and vibration abatement and control, the Chief of Police or his or her appointed representative shall have the power to, upon presentation of the proper credentials, make necessary inspections and test with the proper authorization or permission from the owner on any private property or place.

(3) Sound level measurement shall be made with a sound level meter.

(C) *Environmental sound levels.* The following noise standards, unless otherwise specifically indicated, shall apply to all property with a designated land use district.

<i>Land use district</i>	<i>Time of day Monday – Sunday</i>	<i>Energy equivalent Sound levels (Leq)</i>
Residential	10:00 p.m. to 7:00 a.m.	52 dB(A)
	7:00 a.m. to 10:00 p.m.	62 dB(A)
Office, retail	Anytime	62 dB(A)
Commercial	Anytime	62 dB(A)
Industrial	Anytime	70 dB(A)

(D) *Noise prohibited.*

(1) No person shall allow, make or cause to be made, without a written permit or authorization from the City, any unreasonably loud, disturbing and unnecessary noise within the limits of the city or within 5,000 feet outside the limits of the city, which is offensive to an adult person within the city, which noise renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort nor shall any person allow, make or cause to be made any unreasonably loud, disturbing and unnecessary noise in the city.

(2) The following activities, among others but not to exclude other such acts, are declared to create loud, disturbing and unnecessary noise in violation of this section, namely:

(a) Owning, keeping, possessing, or harboring any animal or animals which, by noise-making, disturb or interfere with the peace, comfort, or repose of neighboring residents, or cause a disturbance. The provisions of this section shall apply to all public and private facilities, including any animal shelter or commercial kennel, which holds or treats animals.

(b) The using, operating or permitting to be played, used or operated any sound production or reproduction device, radio receiving set, musical instrument, sound system, loud speakers, amplifiers or other machine or device for the production or reproduction of sound in such a manner as to violate paragraph (C) of this ordinance or cause a noise disturbance.

(3) The yelling, shouting, crying, hooting, whistling or singing of peddlers, hawkers or any other person in a manner that causes a noise disturbance.

(4) Operating or permitting to be operated any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto are prohibited as detailed below.

(a) No work or activity on a residential or commercial construction site which generates excessively disturbing noise to a person or ordinary sensibilities in the vicinity shall occur between the hours of dusk to dawn of the following morning.

(b) The following construction activities shall be exempt from paragraph 4 (a): home projects where the work is being done by the residential owner.

(c) Upon good cause being shown, the Chief of Police or his or her designee may grant a temporary exception to paragraph 4 (a).

(5) The repairing, rebuilding, modifying or testing of any motor vehicle (including off-road vehicles) or watercraft on private property, on a public right-of-way, on a public space, in such a manner as to create loud or unnecessary noises, such as spinning or squealing of tires, grating, rattling, or other noises, between the hours of 10:00 p.m. and 7:00 a.m. the following day shall be deemed a violation of this ordinance.

(6) Using or causing the use of any device that creates any ground vibration which is perceptible without instruments at any point on or beyond the property boundary of the source if on private property, or at 50 feet from the source if on a public space or public right-of-way.

(E) It shall be unlawful for any person operating or controlling a motor vehicle in any location within the city, to operate a radio, stereo receiver, compact disc player, cassette tape player, MP3 player or other similar device from the motor vehicle in such a manner that the volume is louder than is necessary for the convenient hearing of the occupants of the vehicle in which such device is operated. The operation of such a device in such a manner as to be plainly audible at a distance of 50 feet or in such a manner that the vibration accompanying the sound from the device can be plainly felt at a distance of 50 feet from the vehicle shall be prima facie evidence of a violation of this ordinance.

(F) *Exemptions.*

(1) In this ordinance the following term shall have the meaning set forth: **SPECIAL EVENT** means an event occurring no more than once in a calendar year, being no longer than five days in duration and which complies with all park use permit requirements.

(2) The following sources of potentially excessive sound shall be exempt from noise control regulation:

(a) Safety signals, storm warning sirens or horns and the testing of such equipment, emergency vehicles sirens or horns used when responding to an emergency, and emergency pressure relief valves.

(b) Sound caused in the performance of emergency or public service work, including public utility operations, acting to protect the health, safety or welfare of the community.

(c) Sounds caused by natural phenomena.

(d) Public or private school sponsored activities conducted on public playgrounds and public or private school grounds including, but not limited to, school athletic and school entertainment events.

(e) Special events conducted on public parks.

(G) *Permits of variance.*

(1) The Chief of Police is authorized to grant permits for relief of any provision in this chapter on the basis of undue hardship in cases where:

(a) The sound source will be of short duration and the activity cannot be conducted in a manner as to comply with this ordinance.

(b) Additional time is necessary for the applicant to alter or modify their activity or operation to comply with this ordinance.

(c) No reasonable alternative is available to the applicant.

(d) An automatic variance will be granted for the purpose of conducting parades or other public events, provided that any noise disturbance created by such activity will be abated when such request is made by the city official authorized to enforce this ordinance.

(2) The Chief of Police or designated representative may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects and may suspend any permit issued for violating any provisions prescribed in the permit variance.

(H) *Penalty for violation.*

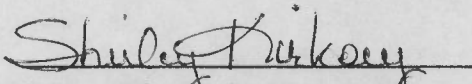
Whoever shall be found guilty of violating any portion of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00).


(I) That all ordinances or part of ordinances herewith are, to the extent of such conflict, hereby repealed.

(J) That this ordinance shall take effect 10 calendar days from and after its passage and publication, as the law in such cases provides.

PASSED AND APPROVED ON THIS 10TH DAY OF October 2013.

ATTEST:


Shirley Kirksey, City Secretary


Kevin Pollock, Mayor

