

ORDINANCE NO 156

AN ORDINANCE TO ESTABLISH REQUIREMENTS FOR REASONABLE NOISE WITHIN THE TOWN OF ENCHANTED OAKS, TEXAS

WHEREAS, the Town Council finds that the general health and welfare of the citizens of Enchanted Oaks is directly affected by safe and controlled noise

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ENCHANTED OAKS, TEXAS AS FOLLOWS:

Section 1. General Prohibition

It shall be unlawful for any person to make or continue, or cause to be made or continued, any unreasonably loud, disturbing, or unnecessary noise, which causes material distress, discomfort, or injury to persons of ordinary sensibilities in the vicinity thereof. Any noise of such character, intensity and duration, which substantially interferes with the peaceful and comfortable enjoyment of public areas, or private homes, is hereby declared to be a nuisance and is hereby prohibited.

Section 2. Specific Prohibitions and Restrictions

The following acts, among others, are declared to be unreasonably loud, disturbing, and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive:

- (1) Horns or other signaling devices. The continued or frequent sounding of any horn or signaling device on any automobile, motorcycle, bus, or other vehicle, on any street or public place of the city, except as a danger warning; the creation by means of any signaling device of any unreasonably loud or harsh sound; and the sounding of any device for an unnecessary and unreasonable period of time.
- (2) Animals, birds, etc. The keeping of any animal or bird, which by causing frequent or long-continued noise, shall disturb the comfort or repose of any persons in the vicinity.
- (3) Exhausts. The discharge into the open air of the exhaust of any steam engine, internal combustion engine or motor vehicle except through a muffler or other device, which will effectively prevent loud or explosive noises therefrom.
- (4) Sound amplification systems. A sound amplifier which is part of or connected to a radio, stereo receiver, compact disc player, cassette tape player or similar device attached to a motor vehicle operated at such a volume that it causes material distress, discomfort or injury to persons of ordinary sensibilities in the vicinity thereof. If the sound is an annoyance or inconvenience to a reasonable person, at a distance of 30 feet or greater from the source, or causes a person to be aware of or feel the vibration accompanying the sound at a distance of 30 feet or greater from the source, a prima facie case shall be established that the radio, stereo receiver, compact disc player, cassette player, or other similar device is being

operated at a volume that cause material distress, discomfort, or injury to a person of ordinary sensibilities.

- (5) Motor vehicles. The operation of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud or unnecessary grating, grinding, jarring, or other loud noise or vibration.
- (6) Construction or Repairs. The construction or repairs of a building by a contractor or private individual within the town which is adjacent to residencies between the hours of 9:00 p.m. and 7:00 a.m.
- (7) Amplifying devices and sound trucks. The use or operation of any mechanical or electrical device, machine, apparatus or instrument, which intensifies, amplifies, or reproduces the human voice, or produces, reproduces, intensifies or amplifies any sound, in any building or on any premises of the city, or in or on any vehicle in the city, where the sound therefrom is cast directly upon public streets or places, or placed or operated so that sound coming therefrom can be heard on public streets or neighboring premises, so as to annoy or inconvenience persons having ordinary sensibilities.

Section 3. Exemptions

1. Noise created by an emergency vehicle, signaling device, or event sanctioned by the town such as a parade or race.
2. Noise sources associated with the maintenance of property provided the activities take place between the hours of 7:00 A.M. and 9:00 P.M.

Section 4. Penalty

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction in the municipal court shall be subject to the maximum fine allowed by state law for each offense. Each day such violation continues it shall constitute a separate offense.

PASSED AND APPROVED THIS 9th DAY OF NOVEMBER, 2004

Donald G. Warner III, Mayor
Enchanted Oaks, Texas

ATTEST

Dawn Nixon-Smith
City Secretary

(Original signatures on file at Town Hall)