

COPY

ORDINANCE NO. 99-04-26

AN ORDINANCE REGULATING NOISES; PROHIBITING THE CREATION OF ANY UNREASONABLE, LOUD, DISTURBING AND UNNECESSARY NOISES IN THE CITY OF LYFORD, TEXAS; ENUMERATING SPECIFIC NOISES PROHIBITED; PROVIDING EXEMPTIONS; PROVIDING A PENALTY OF UP TO \$200.00 FOR EACH VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Commissioners of the City of Lyford, Texas, and the Lyford Police Department have received numerous complaints related to the creation of unreasonable, loud, disturbing and unnecessary noises in the City;

WHEREAS, the Commissioners after having studied the matter and after having received comments from the public has determined that unreasonable, loud, disturbing and unnecessary noises that are reasonably calculated to cause material distress, discomfort or injury to persons of ordinary sensibilities or that are detrimental to the life or health of an ordinary, reasonable person should be prohibited,

NOW THEREFORE, in the interest of maintaining and promoting the peace and government and welfare of the City, and in promoting, protecting and maintaining the health, welfare, comfort, safety, and convenience of the City and its inhabitants,

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF LYFORD, TEXAS:

Section 1. Unreasonable noise prohibited. The creation of any unreasonable, loud, disturbing and unnecessary noises in the City is hereby prohibited. Noises of such character, intensity and duration as are reasonably calculated to cause material distress, discomfort or injury to persons of ordinary sensibilities, or to be detrimental to the life or health of any ordinary, reasonable person are hereby prohibited. Such noise(s) are deemed to be a public nuisance.

Section 2. Enumeration of specific noises. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Code; provided however, such enumeration shall not be construed to be exclusive of other noises:

- (a) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.
- (b) The playing of any compact disc player, radio, phonograph or any musical instrument in such manner, or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. as to create a noise such as reasonably calculated to disturb a person of ordinary disposition under the same or similar circumstances residing in a dwelling or other type of residence in the vicinity.
- (c) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary noises such as spinning or squealing tires, grating, grinding, rattling or other noise.
- (d) The discharge into the open air of the exhaust of any motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (e) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 11:00 p.m. on any day, except in case of urgent necessity in the interest of public safety.
- (f) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or adjacent to any hospital, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(g) The sounding of any bell or gong attached to any building or premises which is reasonably calculated to disturb a person or ordinary disposition if such person were in the vicinity thereof, except church bells or school bells.

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

Section 3. There is exempted from this ordinance noises created by the sounding of any horn, siren or signal device by the lawful operators of ambulances, fire trucks (and similar emergency services vehicles), vehicles operated by law enforcement officers, and trains.

Section 4. Penalty. Upon conviction, each and every person found guilty of violating this ordinance shall be fined in any sum not less than Ten Dollars (\$10.00) and not more than Two Hundred Dollars (\$200.00), and each violation shall constitute a separate offense.

Section 5. Severability. In the event that any portion of this ordinance shall be declared invalid, such invalidity shall not affect the remaining portions of this ordinance and the remaining portions of this ordinance shall remain in full force and effect.

Section 6. All existing ordinances, in conflict with this ordinance, if any, are hereby repealed to the extent of such conflict with the remaining portions thereof remaining in full force and effect.

Section 7. Effective Date. After passage, approval and adoption, this ordinance shall become effective ten (10) days after the publication of its caption.

PASSED, APPROVED AND ADOPTED on this the 26th day of April, 1999.

City of Lyford

ATTEST:

Angela Moreno
City Secretary

Rodolfo S. Saldana
RODOLFO S. SALDANA, MAYOR