

ORDINANCE NO# 167

AN ORDINANCE OF THE CITY OF UHLAND, TEXAS, PROVIDING FOR THE ABATEMENT OF NOISE NUISANCES; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE;

WHEREAS, the City of Uhlend, TX (the "City") is by state law to establish ordinances to protect the health, safety and general welfare of its residents; and

WHEREAS, by this the City seeks to abate and otherwise control noise nuisances within the City;

WHEREAS, The City has determined that the adoption of the Ordinance is a reasonable measure that is likely to reduce or eliminate noise nuisance in the City and therefore will promote the health, safety and general welfare of the citizens of Uhlend, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UHLAND, TEXAS:

Section 1. Findings. That the above premises and findings of fact are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Section 2. Noises prohibited. Any unreasonably loud, disturbing or unnecessary noise which caused material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof, or any noise of such character, intensity and continued duration which substantially interferes with the comfortable enjoyment of private home by persons of ordinary sensibilities, if prohibited after the effective date hereof, and is hereby declared to be a nuisance. The following acts, among others, are declared to come within the purview of this Ordinance and to be nuisances within the meaning hereof, but said enumerations shall not be deemed to be exclusive, such acts being as follows:

- (a.) The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during the hours from 10:00 pm until 7:00 am, as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel or other type residence; that creates a noise above 80 decibels (db.'s)
- (b.) The use of any stationary loudspeaker or amplifier, particularly during the hours from 10:00 pm until 7:00 am to produce a noise or sound of such intensity that annoys or disturbs persons of ordinary sensibilities in the immediate vicinity thereof; provided, however, that nothing herein shall be construed to prohibit the infrequent use of a loudspeaker or amplifier for periods of short duration by a religious organization or

association in the playing of music where the intensity of same does not annoy or disturb such person; that creates a noise above 80 decibels (db.'s)

- (c.) The keeping of any animal or fowl which, by causing frequent or long continued noise, disturbs the comfort or repose of persons of ordinary sensibilities in the immediate vicinity thereof;
- (d.) The continued or frequent sounding of any horn or other signal device on any automobile or other vehicle except as a danger or warning signal, or the creation by means of such signal device of any unreasonably loud or harsh noise for any unnecessary purpose or unreasonable period of time;
- (e.) The blowing of any steam whistle attached to any stationary boiler, except when giving notice of the time commence or stop work, or as a warning of danger;
- (f.) The discharge into the open air of the exhaust of any fixed and stationary steam engine, stationary internal combustion engine, or motor vehicle or boat engine, except through an exhaust system in good working order and in constant operation to prevent excessive or unusual noise; provided that this paragraph shall not apply to trains and locomotives;
- (g.) The use of any mechanical device operated by compressed air, unless the noise to be created thereby has been effectively muffled and reduced;
- (h.) The creation of any excessive or unreasonable noise on any street or premises adjacent to any school, place of religious worship or other institution of learning while the same is in session, or any hospital, which unreasonably interferes with the operation or use of any such institution;
- (i.) The raucous shouting or crying of peddlers hawkers or vendor which unreasonably disturbs the peace and quiet of any neighborhood;
- (j.) 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,
- (k.) The excavation or grading of land, or the erection, construction, demolition or alteration of any building or structure, between the hours of 9:00 pm and 7:00 am, within six hundred feet (600') of any occupied residential structure, or that generates, produces or results in any noise or sound that may be heard at the property line of any occupied residential structure, provided that this paragraph shall not apply to any such work, construction, repairs or alterations that constitute an urgent necessity for the benefit and

interest of the public safety, health or general welfare, e.g. repairs and emergency installations by any public utility, or to any excavation, erection, construction, demolition or alteration authorized the City Council to be undertaken between the hours of 9:00pm and 7:00am.

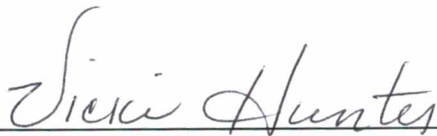
Section 3. Penalty. Any person, firm or corporation violating any provision of this ordinance shall be fined not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.) For each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 4. Severability. Should any section or part of this ordinance be held unconstitutional, illegal or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. Effective Date. That this ordinance shall take effect immediately from and after its passage and publication in the manner required by the Texas Local Government Code.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter 511, of the Texas Governmental Code.

PASSED AND APPROVED THE _____ DAY OF _____, 2015



Vicki Hunter, Mayor Pro-Tem

ATTEST:



Karen Gallaher
City Administrator

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