

ORDINANCE NO. 856-07-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS, AMENDING ARTICLE 7.400, NOISE NUISANCES, HONDO CODE OF ORDINANCES, TO INCORPORATE CURRENT GUIDELINES AND PENALTIES.

IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS, THAT ARTICLE 7.400, NOISE NUISANCES, HONDO CODE OF ORDINANCES, BE AND IS HEREBY AMENDED AS FOLLOWS:

(a) Policy

It is the expressed intent of the City of Hondo to minimize the exposure of persons to excessive noise and to protect, promote and preserve the public health, comfort, convenience, safety and welfare. It is also the express intent of the City to control the level of noise in a manner which promotes commerce; protects the sleep and repose of citizens; promotes the use, value and enjoyment of property; and preserves the quality of the environment.

(b) Any unreasonably loud, disturbing, irritating, or raucous noise which either exceeds the maximum permitted sound levels specified in section (f)(1) or otherwise causes material distress, discomfort or injury to persons of reasonable nervous sensibilities and of ordinary tastes, habits, and modes of living, originating from a nearby property, is hereby declared to be a noise nuisance and is hereafter prohibited.

(c) No person, while on public or private grounds adjacent to any hospital or to any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order of such school session, class, or hospital thereof.

(d) The following acts, among others, are declared to be noise nuisances in violation of this article, but said enumerations shall not be deemed to be exclusive, to-wit:

(1) The playing of any radio, phonograph, compact disc player, amplifier, sound system, musical instrument, or other machine or device for the production or reproduction of sound, on any private or public property in the City of Hondo, and in such manner or with such volume, as to annoy or disturb the quiet, comfort or repose of persons of reasonable nervous sensibilities and of ordinary tastes, habits, and modes of living in any dwelling, hotel or other type of residence.

(2) The use of any stationary loud-speaker or sound amplifier of such intensity that annoys and disturbs the quiet, comfort or repose of persons of reasonable nervous sensibilities and of ordinary tastes, habits, and modes of living in the immediate vicinity thereof.

(3) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the quiet, comfort or repose of any person of reasonable nervous sensibilities and of ordinary tastes, habits and modes of living in the immediate vicinity.

(4) The continued or frequent sounding of any horn or signal devise on any automobile, motorcycle, bus, street car or other vehicle except as a danger or warning signal; the creation by means of any such signal devise of any unreasonably loud or harsh devise for any unnecessary and unreasonable period of time.

(5) 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 devise which will effectively prevent loud or explosive noises therefrom.

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

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

(8) The use of any drum, loud-speaker or other instrument or devise for the purpose of attracting attention by the creation of noise to any performance, show or sale of merchandise, in such a way as to disrupt the quiet, comfort or repose of persons of reasonable nervous sensibilities.

(e) The word "person" as used in this article shall be construed to impart the singular and plural as the case demands, and shall include corporations, companies, societies, associations and churches.

(f) In determining whether a noise is loud, unnecessary, unusual, or disrupts the quiet, comfort or repose of persons of reasonable nervous sensibilities, the following factors shall be considered:

(1) Noises in excess of 80 decibels between 7a.m. and 7p.m. and 75 decibels between 7 p.m. and 7a.m. as measured by a calibrated decibel meter, discernable at any location beyond the property line of the property on which the noise is being generated, shall be deemed reasonably calculated to disrupt the comfort of persons of reasonable nervous sensibilities;

(2) Proximity to residential properties;

(3) Whether the noise is recurrent, intermittent, or constant;

(4) Whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; and

(5) Whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

(g) It shall be unlawful for any person to create, maintain or cause any ground or airborne vibration which is perceptible without instruments at any point on any affected property adjoining the property or in the near vicinity of the property in which the vibration source is located.

(h) A violation of this ordinance shall be considered a class C misdemeanor, and shall be punishable by a fine not to exceed \$500. Each hour that the violation continues shall constitute a separate offense.

(i) This section shall not apply to:

(1) speech or other communication, of gathering with others to hear or observe such speech or communication, or of gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political, or religious questions;

(2) noise generated at a scheduled stadium event by parade spectators and participants on the parade route during a city permitted parade;

(3) noise generated by outdoor celebration participants sponsored or co-sponsored by the city for the general welfare of the public;

(4) noise produced solely for the purpose of encouraging citizen participation in elections;

(5) officers and employees of the City of Hondo, the County, the State of Texas, the United States of America or any official governmental entity when such noise is being used by such officer or employee while engaged in his/her official duty.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS,
ON THE 17TH DAY OF JULY, 2006.

/s/ James W. Danner
JAMES W. DANNER, MAYOR

ATTEST:

/s/ Beatrice Cervantez
Beatrice Cervantez, City Secretary