

# ORDINANCES – CITY OF GRAPELAND

## Ordinance Number 0605

### Noise Ordinance

AN ORDINANCE REGULATING AND PROVIDING FOR THE ENFORCEMENT OF LOUD, UNNECESSARY, AND UNUSUAL NOISES INSIDE THE CITY LIMITS OF THE CITY OF GRAPELAND THAT ARE ANNOYING AND OFFENSIVE, AND ARE DETRIMENTAL TO THE WELFARE OF THE PUBLIC AS THEY DISTURB THE PEACE OF THIS COMMUNITY.

#### Section 1 - General prohibition.

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.

#### Section 2 - Acts Prohibited

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

- a. Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the city, except as a danger warning; any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- b. Radios, phonographs. The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, chamber, or on the premises in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or property line in which it is located shall be prima facie evidence of a violation of this section. Between the hours of 7:00 a.m. and 10:00 p.m., the sound may not be plainly audible at a distance of more than 300 feet from the building, structure or property line in which it is located.

- c. Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- d. Yelling, shouting. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- e. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- f. Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

### Section 3 - Amplified sound from vehicles.

- (a) It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound using any sound amplifier that is part of or connected to any speaker system, radio, stereo receiver, compact disc player, cassette tape player, microphone, or any other sound source, when operated: (i) in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or (ii) at any time with louder volume than is necessary for convenient hearing for persons who are in the vehicle in which such sound amplifier is operated and who are voluntary listeners thereto. The operation of any such sound amplifier in such a manner as to be plainly audible at a distance of 50 feet or more from a vehicle shall be presumed to be a violation of this section. The operation of any such sound amplifier in such a manner that bass sounds are plainly audible at a distance of 50 feet or more from a vehicle shall be presumed to be a violation of this section.
- (b) It is an affirmative defense to prosecution under this section that the sound source is a motor vehicle and that (i) the motor vehicle is a mobile sound stage or studio that is being used on a stationary basis at a location for the purpose of providing sound, during daytime hours, for an event or function and (ii) the use is in compliance with all other provisions of this article.

### Section 4 - Enforcement.

Enforcement of this ordinance shall be conducted by the Police Department of the City of Grapeland. A violation of this ordinance shall be a Class C misdemeanor.

Section 5 – Date of Effect.

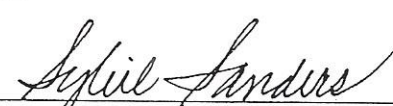
The provisions of this ordinance shall take effect upon its passage and approval by the City Council of the City of Grapeland and recording and publication as provided by law.

Passed and adopted at a regular meeting of the City Council of the City of Grapeland on this, the 14<sup>th</sup> day of June, 2005.

By: \_\_\_\_\_

  
Dick Bridges, Mayor

Attest:

  
Sybil Sanders, City Secretary