

ORDINANCE # 201110-01

NOISE ORDINANCE

AN ORDINANCE OF THE CITY OF BIG LAKE, TEXAS, REGULATING NOISE WITHIN THE CITY LIMITS OF BIG LAKE, TEXAS; REPEALING ORDINANCES #160621-1 AND #080617-1, PROVIDING FOR: A FINDINGS OF FACT; A POPULAR NAME AND NUMBER SYSTEM; PURPOSE; DEFINITIONS; REQUIREMENTS; NOTICE OF VIOLATIONS; ENFORCEMENT; PENALTY; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

SECTION 1 – PURPOSE

An Ordinance of the City of Big Lake, Texas, regulating unreasonable noise inside the City limits, from a certain distance from public places; setting times, time limits on outside events; and penalties for violations.

SECTION 2- DEFINITIONS

- a) Unreasonable Noise: Any noise of such character, intensity, and continued duration, which substantially interferes with the comfortable enjoyment of private homes of persons of ordinary sensibilities

SECTION 3 - UNREASONABLE NOISE

- a) Any unreasonably loud, disturbing, unnecessary noise which causes distress, discomfort, or injury to persons of ordinary sensibilities in the immediate vicinity thereof is declared to be a nuisance.

SECTION 4 – JAKE BRAKE

- a) It shall be unlawful for any person operating a vehicle equipped with a “jake” brake to operate the “jake” brake within the city limits.

SECTION 5 – AMPLIFIED SOUND NEAR SCHOOL OR HOSPITAL

- a) It shall be unlawful for any person to operate or cause to be operated a loudspeaker, amplifier, or musical instrument, not enclosed in a building, located within one hundred fifty feet (150') of a hospital, nursing home, school that is in session or facility that provides medical services to the public.

SECTION 6 - VEHICLES

- a) The continued or frequent sounding of any horn, loudspeaker, amplifier, or signaling device on any automobile, truck, motorcycle, bus, or other vehicle, except as a danger or warning signal, the creation by means of any such signal device of any unreasonably loud, disturbing, unnecessary noise which causes distress, discomfort, or injury to persons of ordinary sensibilities in the immediate vicinity is declared to be a nuisance and is hereby prohibited;
- b) The operation of any automobile, truck, motorcycle, bus, or other vehicle so out of repair or so loaded as to create loud or unnecessary grating, grinding, jarring, or rattling noise or vibrations which causes distress, discomfort, or injury to persons of ordinary sensibilities in the immediate vicinity is declared to be a nuisance and is hereby prohibited.

SECTION 7 – OUSIDE EVENTS

- a) The noise is emitted from a business establishment engaged in pursuit of its customary business and the noise is temporary;
- b) The noise is emitted from an organized gathering such as a dance, concert, athletic event, church gathering, or similar event, and does not continue past 1:00 a.m.

SECTION 8 – VIOLATIONS

- a) Noise which exceeds 40 decibels from 9:00p.m. to 9:00a.m.;
- b) Noise which exceeds 50 decibels from 9:00a.m. to 9:00p.m.;
- c) Noise measured at the property line where the noise is emanating or when such noise is measured at least 15 feet from the outside of a vehicle from which the noise is emanating.

SECTION 9 – ENFORCEMENT

Citations will be issued without public complaint for violations of the Ordinance after 9:00p.m. Sunday through Thursday, and 11:59p.m. Friday, and 1:00 a.m. on Sunday.

SECTION 10 - PENALTY

Any person who shall violate any of the provisions of this ordinance shall upon conviction thereof, be fined in a sum of not less than \$25.00 nor more than \$500.00. A separate offense shall be deemed committed when any violation occurs or continues.

SECTION 11 - SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

This ordinance shall take effect immediately upon the second reading and passage.

First reading of ordinance during city council meeting on October 20, 2020.

PASSED, ADOPTED AND APPROVED on November 17, 2020, after second reading during City Council meeting of the City of Big Lake, Texas by a vote of 5/0/1.



Phil Pool - Mayor

ATTEST:



Sheri Benson – City Secretary