

**ORDINANCE NO. 26-02**

**“AN ORDINANCE OF THE CITY OF KERMIT, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF KERMIT, TEXAS, CHAPTER 8 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE 8.03 (NOISE), SECTION 8.03.003(1), BY REMOVING THE TERM “PHONOGRAPH” AND REPLACING IT WITH “AUDIO SOUND SYSTEM”; FURTHER AMENDING SAID SECTION TO PROHIBIT MUSIC FROM A MOTOR VEHICLE THAT IS PLAINLY AUDIBLE AT A DISTANCE OF ONE HUNDRED (100) FEET OR MORE; PROVIDING FOR A FINE OF ONE HUNDRED DOLLARS (\$100.00) PER VIOLATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.”**

**WHEREAS**, the City Council of the City of Kermit, Texas finds that excessive noise, including amplified music from motor vehicles, disrupts the peace and quiet of the community and negatively affects the public health, safety, and welfare; and

**WHEREAS**, the City Council further finds that the term “phonograph” is outdated and does not accurately reflect modern sound equipment; and

**WHEREAS**, the City Council desires to update the City’s noise ordinance to improve clarity and provide an objective and enforceable standard for excessive music from motor vehicles;

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

**SECTION 1. AMENDMENT.**

1. That the Code of Ordinances of the City of Kermit, Texas, Chapter 8 (Offenses and Additional Provisions), Article 8.03 (Noise), Section 8.03.003(1) is hereby amended by deleting the term “phonograph” and replacing it with the term “audio sound system,”
2. That the Code of Ordinances of the City of Kermit, Texas, Chapter 8 (Offenses and Additional Provisions), Article 8.03 (Noise), Section 8.03.003(2) is hereby amended by adding language prohibiting amplified music from motor vehicles audible at a distance of one hundred (100) feet, so that Section 8.03.003(1) shall hereafter read as follows:
  - 1) Motor Vehicles. It is unlawful for any person who is the registered owner of the vehicle and/or the operator of a radio, audio sound system or other electronic or mechanical sound making device from within the motor vehicle on a street or highway in the city so that the sound is plainly audible at a distance of one hundred (100) feet or more from the motor vehicle. It shall be presumed that the driver of any vehicle being operated on a street or highway is the operator of the sound making device. The fee is set forth in the fee schedule in appendix A of this code. The following exception shall apply:
    - a) The provisions of this section shall not apply to any law enforcement motor vehicle equipped with any communication device necessary in the performance of law enforcement duties or to any emergency vehicle equipped with communication device necessary in the performance of any emergency procedures.

- b) The provisions of this section do not apply to motor vehicles used for business or political purposes which in the normal course of conducting such business use sound making devices.
- c) The provisions of this section do not apply to the noise made by a horn or other warning device required or permitted by state law.

**SECTION 2. FINE.**

Any person who violates the provisions of Section 8.03, as amended herein, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of One Hundred Dollars (\$100.00) per violation as prescribed in Article A1.000 – Miscellaneous Fees, A1.004 Noise Fees. Each violation shall constitute a separate offense.

**SECTION 3. REPEALER.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict only.

**SECTION 4. SEVERABILITY.**

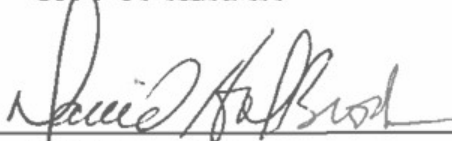
If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of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

**SECTION 5. EFFECTIVE DATE.**

This ordinance shall become effective upon passage and publication as required by law.

INTRODUCED AND PASSED by the City Council of the City of Kermit, Texas, on First Reading on February 19, 2026,


CITY OF KERMIT

  
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David Holbrook, Mayor

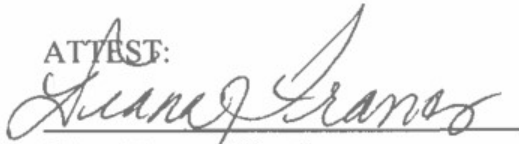
ATTEST:  
  
\_\_\_\_\_  
Diana Franco, City Secretary

PASSED AND APPROVED by the City Council of the City of Kermit, Texas on Second Reading on March 19, 2026.

CITY OF KERMIT

  
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David Nolbrook, Mayor

ATTEST:

  
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Diana Franco, City Secretary