

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, TEXAS, ADOPTING CHAPTER 16 ARTICLE XIV OF THE CITY OF EDGEWOOD, TEXAS CODE OF ORDINANCES PERTAINING TO REGULATING UNREASONABLE NOISE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Texas Local Government Code Sec. 51.012 states a municipality may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic.; and

WHEREAS, the City Council finds it is necessary for the protection and safety of the citizens of Edgewood to regulate unreasonable noise in the City of Edgewood; and

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

THAT, Chapter 16 of the Edgewood Code of Ordinances be amended to include Article XIV; and

THAT, this ordinance shall become effective upon passing of this ordinance, and publication thereof.

ARTICLE XIV. NOISE CONTROL

Sec. 16-500. Definitions.

Unreasonable – A sound exceeding 75 decibels (measured by a sound level meter) at the point of complaint.

Noise – an unreasonable sound emitting from a stationary source.

Ambient noise - The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, excluding the alleged offensive sound, constituting the normal or existing level of environmental noise at a given location, at the time of comparison with the alleged offensive sound.

Point of complaint – the location upon the complainant’s property where his peace is disturbed.

Sec. 16-501. Scope of coverage.

This ordinance shall be in effect during as follows:

- (1) 10pm-8am Sunday-Thursday
- (2) 12am-8am Friday-Saturday

Sec. 16-502. Scope of coverage limitations.

This ordinance shall exclude the following locations:

- (1) Areas zoned as follows during the times of normal business in that zone:
 - (a) Industrial
 - (b) Business 2 – Highway commercial
 - (c) Business 1 – Historical business district
 - (d) Educational district
- (2) Park/Recreational during athletic/sponsored events.

Sec. 16-503. Method of Measurement.

Sound measurements shall be made with a sound level meter, Type II or better.

For the purpose of enforcing this provision, sound measurements shall not be less than one (1) minute or more than ten (10) minutes and shall be measured from the point of complaint. Violations shall be determined based on the average reading in said measurement period. All measurement levels shall be exclusive of any ambient sound that exists at the time of the measurement.

Sec. 16-504. Noise interfering with enjoyment of property or public peace and comfort.

It shall be unlawful for any person to make, cause to be made or allow any unreasonably loud, disturbing noise in the City.

Sec. 16-505. Specific acts deemed loud and disturbing.

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

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle, except as a danger signal, as required by state law.
- (2) Use upon a vehicle within the City any bell, siren, compression or exhaust whistle.
- (3) The use of any automobile, motorcycle, streetcar, bus or vehicle so out of repair or so loaded, which emits or creates loud grating, grinding or rattling noise.
- (4) The discharge into the open air of the exhaust from any motor vehicle except through a muffler or other device which will effectively and efficiently prevent loud and disturbing noises.
- (5) The playing, operating or permitting to be operated of any radio receiver set, phonograph, musical instrument, television, stereo or any other device in such a manner, or with such volume as to unreasonably disturb or interfere with the peace, quiet, comfort, or repose of persons of ordinary sensibilities, including neighboring persons, in any dwelling, apartment, hotel or other type of residence.
- (6) The shouting and crying of peddlers, hawkers and vendors; the use of any drum or other instrument or sound-amplifying equipment for the purpose of attracting attention by the creation of noise, to any performance, show, sale or display of merchandise as to attract customers to any place of business.
- (7) The use of or permitting the use of mechanical loudspeakers or sound amplifiers in a fixed or moveable position mounted on any vehicle in or upon any street, alley, sidewalk, park, place or public property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmitting music to any person or persons or assemblages of persons in a residential area.
- (8) Use of an exhaust brake except in case of an emergency to prevent collision.

Sec. 16-506. Exceptions/Exclusions.

Sound caused by the following activities or sources shall not be subject to the provisions of this article:

- (1) Operations of public safety personnel responding to a call for service;
- (2) Public utility operations;
- (3) School activities on school grounds;
- (3) Construction activities between 8am and 6pm;
- (4) Railway locomotives and/or railway cars;
- (5) Aircraft operations;
- (6) Houses of worship bells or chimes; and

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- (7) Permitted/Licensed events including:
- a. Occasional outdoor gatherings
 - b. Public dances
 - c. Parades
 - d. Shows
 - e. Sporting events
 - f. Entertainment events

Sec. 16-57. Enforcement and Penalty

Any officer/deputy of a law enforcement agency within Van Zandt County shall have authority to enforce the provisions of this article.

A violation of this article is a misdemeanor and shall be punishable by a fine of not less than \$20 nor more than the maximum allowed by law.

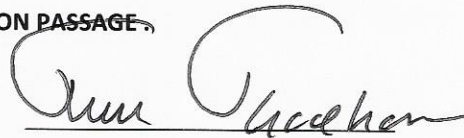
Repealing Clause.

All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed in their entirety. The effective date of the repeal discussed herein shall not occur until the effective date of this Ordinance at which time all conflicting ordinances, parts of ordinances, or resolutions in conflict shall be repealed.

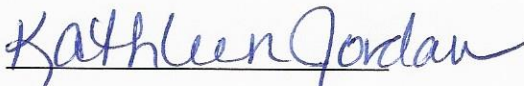
Severability Clause.

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City of Edgewood hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

FURTHER, THIS ORDINANCE SHALL BECOME EFFECTIVE UPON PASSAGE.



Steve Steadham, Mayor
City of Edgewood

ATTEST: 
Kathleen Jordan, City Secretary