

**Ordinance #: 2024-0006**

**AN ORDINANCE AMENDING ORDINANCE 2011-73 DEFINING NOISE NUISANCES: SPECIFYING CERTAIN ACTS CONSTITUTING NOISE NUISANCES AND PROVIDING THE SAME SHALL NOT BE EXCLUSIVE, DEFINING CERTAIN TERMS; CONTAINING A SAVING CLAUSE; REPEALING ALL FORMER ORDINANCES IN CONFLICT HERewith; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE AND THAT EACH DAY VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS, the City of Von Ormy finds there shall be quantifiable measurement to determine noise nuisances within the City of Von Ormy; and**

**WHEREAS, the City Commissioners of the City of Von Ormy, Texas, in order to preserve and protect the public health, safety, and welfare, deems it necessary and appropriate to adopt and approve this ordinance.**

**NOW, THEREFORE BE IT RESOLVED AND ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VON ORMY TEXAS, THAT:**

**SECTION 1.** The following Sections of Ordinance 2011-73 shall be amended as follows:

- 1) The following standards shall establish a rebuttable presumption that this article has been violated:
  - A) Standard I. No person shall cause, suffer, allow or permit sound from any source which, when measured at the point of annoyance, is in excess of:
    - Between the hours of 7:00 a.m. to 10:00 p.m.:
      - Continuous airborne sound which has a sound level of 90 dbA's; or
      - Impulsive sound in air with an impulsive sound level of 110 dbA's.
    - Between the hours of 10:00 p.m. to 7:00 a.m.:
      - Continuous airborne sound which has a sound level of 65 dbA's; or
      - Impulsive sound in air which has an impulsive sound level of 80 dbA's.
  - B) Standard II. No person shall cause, suffer, allow or permit sound from any source which unreasonably annoys, disturbs, interferes, injures or endangers the comfort, repose, peace or safety of neighboring persons of ordinary sensibilities.
  - C) In measuring noises to determine if the standard noise level of the city has been exceeded, the measurement shall be measured on the A-weighting of an accurate sound-level meter. The background sound level is defined as the sound level present when the offending noise source is silenced.

D) Either standard may be used to establish a rebuttable presumption that this article has been violated

- 2) The use of any stationary loud-speaker or amplifier of such intensity that annoys and disturbs persons of ordinary sensibilities in the immediate vicinity thereof; the use of any stationary loud-speaker or amplifier operated on any week day between the hours of 10:00 P.M. and 7:00 A.M., or between the hours of 12:00 A.M. and 7:00 AM Saturday and Sunday.
- 3) The keeping of any animal or bird which by causing frequent or long- continued noise shall disturb the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.
- 4) The continued or frequent sounding of any horn or signal devise on any automobile, 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 or harsh device for any unnecessary and unreasonable period of time.
- 5) The running of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, jarring or rattling noise or vibrations.
- 6) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work, or as a warning of danger.
- 7) 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 device which will effectively prevent loud or explosive noises there from.
- 8) The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.
- 9) The erection, including excavation, demolition, alteration or repair work on any building other than that between the hours of 7 AM. and 6 P.M., on weekdays, except in case of urgent necessity in the interest of public safety and convenience, and then only be permit from the City Council, which permit may be renewed by the Council during the time the emergency exists.
- 10) The creation of any excessive noise on any street adjacent to any school or institution of learning while the same is in session or adjacent to any hospital which unreasonably interferes with the workings of such institutions, providing conspicuous signs are displayed in such manner indicating that the same is a school or hospital street.
- 11) The creation of any loud and excessive noise in connection with the loading or

unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.

- 12) The raucous shouting and crying of peddlers, hawkers and vendors, which disturbs the peace and quiet of the neighborhood.
- 13) The use of any drum, loud-speaker or other instrument or device for the purpose Of attracting attention by the creation of noise to any performance, show or sale of merchandise; and shall only be allowed by permit issued from the City Administrator.

**SECTION 2. ENFORCEMENT.**

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not more than three hundred dollars (\$300.00). Each day a violation occurs or continues under this ordinance shall constitute a separate offense.

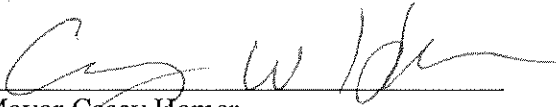
**SECTION 3. SAVINGS/REPEALING CLAUSE.** That all provisions of the ordinances of the City of Von Ormy, Texas, in conflict with the provisions of this Ordinance be and the same are hereby repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 4. SEVERABILITY.** If any section, subsection, phrase, sentence 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 holdings shall not affect the validity of the remaining portions thereof.

**SECTION 5.** The City Clerk of the City of Von Ormy is hereby directed to publish notice of this Ordinance as required by the laws of the State of Texas.

**SECTION 6. EFFECTIVE DATE:** This Ordinance shall take effect 10 days from the date of publication in accordance with Section 5 above.

**PASSED, APPROVED AND ADOPTED THIS 15<sup>TH</sup> DAY OF FEBRUARY 2024.**

  
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Mayor Casey Homer

ATTEST:

  
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City Clerk Amy Edge