

CITY OF VON ORMY, TEXAS

ORDINANCE NO: 2011-73

AN ORDINANCE 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 Council of Von Ormy finds that it is necessary for the health and well being of Von Ormy to regulate noise nuisances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VON ORMY, TEXAS:

SECTION 1.

Any unreasonably loud, disturbing, unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereafter prohibited

Any noise of such character, intensity and continued duration, which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities, is hereby declared to be a nuisance and is hereafter prohibited.

SECTION 2.

The following acts, among others, are declared to be nuisances in violation of this ordinance, but said enumerations shall not be deemed to be exclusive, to wit:

- (a) The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during the hours between 10 P.M. and 7 A.M., as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel or other type of residence.
- (b) 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 10:30 P.M. and 7 A.M., or at any time on Saturday and Sunday.

- (c) 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.
- (d) The continued or frequent sounding of any horn or signal device 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.
- (e) 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.
- (f) 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.
- (g) 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.
- (h) The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.
- (i) The erection, including excavation, demolition, alteration or repair work on any building other than that between the hours of 7 A.M. and 6 P.M., on weekdays, except in case of urgent necessity in the interest of public safety and convenience, and then only by permit from the City Council, which permit may be renewed by the Council during the time the emergency exists.
- (j) 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.
- (k) 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.
- (l) The raucous shouting and crying of peddlers, hawkers and vendors, which disturbs the peace and quiet of the neighborhood.

(m)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 Council.

SECTION 3.

The work "person" as used in this ordinance shall be construed to impart the singular and plural as the case demands, and shall include corporations, companies, societies and associations.

SECTION 4.

Every section of this ordinance and every provision of each section is hereby declared to be an individual section or provision, and the holding of any section or provision of any section to be void, ineffective, or unconstitutional for any cause whatever shall not be deemed to effect any other section or provision thereof.

SECTION 5.

All ordinances or parts of ordinances in conflict herewith shall be and they are hereby repealed.

SECTION 6.

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 two hundred dollars (\$200.00). Each day a violation under this ordinance continues shall constitute a separate offense.

SECTION 7.

This ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED THIS 6th DAY OF JULY, 2011


Art Martinez de Vara, Mayor

ATTEST:


Julia A. Hernandez, City Clerk