

ORDINANCE NO. 2010-03

**AN ORDINANCE DESIGNATING THE APPROPRIATE LEVELS OF NOISE WITHIN  
THE CITY LIMITS**

**WHEREAS**, the City of Ames is a Type A General Law Municipality in Texas existing under the laws of the State of Texas; and

**WHEREAS**, the City of Ames finds it necessary and desirable to deal with the issue of appropriate noise levels within the City; and

**WHEREAS**, the City of Ames City Council finds that any person creating or assisting in creating any unreasonably loud and disturbing noise in the City that substantially impairs the use or enjoyment of public or private property, is declared to be a nuisance

**NOW THEREFORE, BE IT ORDAINED** by the City of Ames, Liberty County, Texas, that the willful creation of any unreasonably loud, disturbing and/or unnecessary noise is prohibited as further described below.

**NOISE**

**SECTION 1: LOUD, DISTURBING NOISES PROHIBITED, GENERALLY**

It shall be unlawful for any person to create or assist in creating any unreasonably loud and disturbing noise in the city.

**SECTION 2: NOISE MEASUREMENT – DB(A) SHALL MEAN THE INTENSITY OF A SOUND EXPRESSED IN DECIBELS**

For the purpose of determining db(A)'s as referred to in this Ordinance, the noise shall be measured on the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute.

**SECTION 3: SOUNDS IMPACTING RESIDENTIAL LIFE**

(a) It shall be unlawful to carry on the following activities in any residentially zoned area of the city or within three hundred (300) feet of any residentially occupied structure in any zone of the city:

- (1) Operate construction machinery between the hours of 9:00 p.m. and 7:00 a.m.
- (2) Operate garage machinery between the hours of 9:00 p.m. and 7:00 a.m.
- (3) Operate lawn mowers and other domestic tools out-of-doors between 9:00 p.m. and 7:00 a.m.
- (4) Any mechanical noise which registers more than fifty-five (55) db(A) at the nearest complainant's property line will be probable cause for a violation.
- (5) Create any sound or noise by any manner, including but not limited to human voices, which registers at more than fifty-five (55) db(A) at the nearest complainant's property line.

(b) This section shall not apply to operations which are carried on in such a manner or in such a location as not to create sounds exceeding fifty-five (55) db(A) and shall not apply to emergency operations designed to protect the public health and safety.

**SECTION 4: AMPLIFIED SOUND**

(a) Amplified sound shall mean any sound amplified with a machine or device that magnifies the human voice, music or any other sound.

(b) It shall be unlawful to:



- (1) Operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty-five (55) db(A) as measured anywhere within the boundary line of the nearest residentially occupied property.
- (2) As to multifamily structures including apartments, condominiums, or other residential arrangements where boundary lines can not readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty-five (55) db(A) as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property.
- (3) As to places of public entertainment having a capacity of one thousand (1,000) or more persons, operate or allow the operation of any sound amplification equipment so as to create sounds registering more than sixty-five (65) db(A) as measured anywhere within the boundary line of the nearest residentially occupied property.
- (4) Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing or which register more than fifty-five (55) db(A) at or on the boundary of the nearest public right-of-way or park.
- (5) Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than fifty-five (55) db(A) fifty (50) feet or more from any electromechanical speaker.

(c) The foregoing limitations on the operation of sound amplification equipment shall not apply to the operation of horns, sirens, or other emergency warning devices actually being used in emergency circumstances.

#### SECTION 5: ANIMALS

It shall be unlawful for any person to own, keep or have in his possession, or harbor, any dog, other animal or bird(s) which, by frequent or habitually howling, yelping, barking or otherwise, cause loud noises, and produce seriously annoying disturbance to any person or to the neighborhood.

#### SECTION 6: MOTOR VEHICLES

It shall be unlawful to operate or allow the operation of any motor vehicle in the city:

- (a) Which has had its muffler-exhausts- and/or other noise-control equipment removed, altered or maintained in such disrepair as to create unreasonably loud and disturbing noises.
- (b) By engaging in jackrabbit starts, spinning tires, racing engines, or other operations which create unreasonably loud and disturbing noises.
- (c) Off the boundaries of a public street for racing or other operations which create unreasonably loud and disturbing noises.

#### SECTION 7: ENFORCEMENT AND PENALTIES

Where there is a violation of any provision of this article, the city, at its discretion, may take one (1) or more of the following enforcement actions.

- (a) A police officer, noise control officer, or animal control officer may issue a citation subjecting the violator to a one hundred-dollar (\$100.00) civil penalty, which penalty may provide for a fifteen-dollar (\$15.00) delinquency charge upon nonpayment, and which penalty and delinquency charge may be recovered by the city in a civil action.
- (b) A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator's failure to pay the same. Misdemeanors shall be punishable by a fine of up to five hundred dollars (\$500.00) and/or imprisonment for up to thirty (30) days.
- (c) A civil action seeking a penalty of five hundred dollars (\$500.00) per day of violation plus injunction and order of abatement may be directed toward any person creating or allowing the creation of any unlawful noise, including the owner or person otherwise having legal or actual control of the premises from which it emanates.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Ames, Liberty County, Texas, this Ordinance shall become effective upon signature by the Mayor, or, if

not signed or vetoed by the Mayor, upon expiration of the time for ordinances to become law without the signature by the Mayor.

**BE IT FURTHER ORDAINED** that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this ordinance are hereby declared severable.

**BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above and foregoing ordinance shall be in full force and effect from and after its adoption, approval and publication, as provided by law.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Ames, this the 11<sup>th</sup> day of October, 2010.

  
John White, Mayor

**ATTEST:**

  
Lilly Bernard, City Secretary