

Noise

BERRYVILLE CITY ORDINANCE

8-3-81

AN ORDINANCE PROHIBITING THE CAUSING, CREATING OR PERMITTING ANY UNREASONABLE LOUD, DISTURBING AND UNNECESSARY NOISE WITHIN THE TOWN OF BERRYVILLE; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE FOR THE SUM OF NOT LESS THAN FIVE (\$5.00) DOLLARS NOR MORE THAN TWO HUNDRED (\$200.00) DOLLARS AND DEFINING SUCH NOISE AND ENUMERATING SPECIFIC EXAMPLES CONSTITUTING A VIOLATION OF THE ORDINANCE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BERRYVILLE, TEXAS;

SECTION I.

This entire ordinance is and shall be deemed an exercise of the police power of the State of Texas, and of the Town of Berryville, for the public safety, comfort, convenience and protection of the town and citizens of said town; and all of the provisions hereof shall be construed for the accomplishment of that purpose.

SECTION II.

It shall be unlawful for any person to cause, create or permit any unreasonable loud, disturbing, unnecessary noise with the Town of Berryville. Any person who violates this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than five (\$5.00) dollars nor more than two hundred (\$200.00) dollars.

SECTION III.

An unreasonable loud, disturbing, unnecessary noise is defined as any noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the vicinity thereof of any noise of such character, intensity or continued duration which interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities.

SECTION IV.

The following acts are specifically declared to be a violation of this ordinance:

- (1) The playing of any radio, phonograph or other musical instrument, in such a manner or with such volume particularly during the hours between ten (10) P.M. and seven (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;
- (2) The use of any stationary loudspeaker or simplifier of such intensity that it annoys and disturbs persons of ordinary sensibilities in the immediate vicinity thereof; the use of any stationary loudspeaker or amplifier operated on any weekday between the hours of ten-thirty (10:30) P.M. and seven (7) A.M. or any time on Sunday;
- (3) The keeping of any dog which by frequent or long continued barking 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 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 unreasonable loud or harsh sound for any unnecessary and unreasonable period of time;

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- (5) The running of any automobile, motorcycle or vehicle so out of repair, so loaded in such manner as to create loud and unnecessary grating, grinding, jarring or rattling noises or vibrations;
- (6) The discharge into open air of exhaust of any steam engine, stationery internal combustion engine, motor vehicle or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
- (7) The erection, including excavation, demolition, alteration or repair work on any building other than between the hours of six (6) A.M. and ten (10) P.M. except in the case of urgent necessity in the interest of the public safety and convenience;
- (8) The creation of any excessive noise on any street adjacent to any church while in the same is in session which unreasonably interferes with the workings of such church;
- (9) The use of any drums, loudspeaker or other instrument or device for the purpose of attracting attention by the creation of noise to any performance, show or sale of merchandise, unless a permit shall have first been obtained from the City Secretary which permits shall specify the times and places where such devices may be used.

SECTION V.

The fact that the Town of Berryville now has no ordinance governing the matters regulated herein so as to protect the citizens of the Town of Berryville in the property and persons, as aforesaid, creates an emergency, which is here and now declared, and this ordinance shall take effect and be in force, from and after its passage and publication as provided by law.

PASSED AND APPROVED THIS THE 3RD DAY AUGUST, 1981.

James Gardner
Mayor Berryville, TX.

Attest:

Gwen Fowler
City Secretary