

ORDINANCE NO. 9102125

AN ORDINANCE GENERALLY PROHIBITING OFFENSIVE NOISE OF RADIOS, PHONOGRAPHS, ETC., DEFECTS IN VEHICLES, LOAD OR OPERATION: LOADING, UNLOADING, OPENING BOXES: PILE DRIVERS, HAMMERS, ETC.: BLOWERS: YELLING AND SHOUTING, ITC.: HORNS AND WARNING DEVICES: ANIMALS AND FOWL: SCREECHING OF TIRES: PROVIDING A FINE OF UP TO \$200.00 UPON CONVICTION FOR EACH VIOLATION OF PROVISIONS HEREOF: PROVIDING FOR PARTIAL INVALIDITY: PROVIDING FOR PUBLICATION OF THIS CAPTION, AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAYPEARL, ELLIS COUNTY, TEXAS:

SECTION 1 It shall be unlawful for any person or business to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the City in any of the following ways:

A. Using, operating or permitting to be played, used or operated, any radio receiving set, television set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound, at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section; or

B. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or operated in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise; or

C. The creating of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and/or containers; or

D. The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise; or

E. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise; or

F. Yelling, shouting, hooting, whistling or singing in the public streets, at any time or place; or

G. The sounding of any horn or other warning device on any automobile, motorcycle or other vehicle on any street or public place of the city, except as a danger warning; the creating by means of any such warning device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; and the use of such warning device when traffic for any reason is held up;

H. The keeping of any animal or bird causing frequent or long, continued noise; or

I. The operation of any motor vehicle in such a way as to cause the tires thereof to screech except where the same is necessarily caused in an emergency in an attempt by the operator to avoid an accident or the causing of damage or injury.

SECTION 2. Any person who or business which shall violate any of the provisions of this Ordinance or who shall fail to comply with any provisions hereof within the corporate limits of the City of Maypearl shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed Two Hundred and No/100 (\$200.00) Dollars, and each violation shall constitute a separate offense and shall be punishable accordingly.

SECTION 3 That if any section, subsection, sentence, clause, phrase or any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 4. This Ordinance shall become effective after its publication pursuant to Section 52.011 of the Texas Local Government Code and such publication shall be in the form of the Caption hereof, which states in summary the purpose of this Ordinance and the penalty for violation hereof.

PASSED, APPROVED AND ADOPTED by the City Council of the City Council of the City of Maypearl, Ellis County, Texas on this the 12th day of FEBRUARY, 19 91.


MAYOR

ATTEST:


CITY SECRETARY