

ORIGINAL

CITY OF LAVON, COLLIN COUNTY TEXAS

ORDINANCE NO: 2005-06-02

CONTROL OF NOISE

AN ORDINANCE OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS PROVIDING FOR THE CONTROL OF NOISE WITHIN THE CITY OF LAVON; MAKING IT UNLAWFUL TO CAUSE OR ALLOW TO BE CAUSED LOUD OR RAUCOUS NOISE, ESTABLISHING TIMES WHEN CONSTRUCTION ACTIVITIES MAY OCCUR, ESTABLISHING TIMES WHEN COMMERCIAL OR HEAVY EQUIPMENT MAY NOT BE OPERATED, ALLOWING FOR SPECIAL AFTER HOURS CONSTRUCTION OR EQUIPMENT PERMITS WITH NEIGHBOR APPROVAL, EXCEPTING POLICE, FIRE, AMBULANCE AND EQUIPMENT USED AT THE DIRECTION OF EMERGENCY PERSONNEL, EXCEPTING PUBLIC UTILITY COMPANIES DURING EMERGENCY, REPEALING ORDINANCE 2001-03-01, PROVIDING A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE, AND PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lavon has been presented with concerns by citizens regarding the control of noise in the City of Lavon;

WHEREAS, the City Council has given due and diligent thought to this concern; and

WHEREAS, the City Council believes it is in the best interest for the City of Lavon, its citizens and visitors to establish a control of offensive noise within the City of Lavon.

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS:

SECTION 1. DEFINITIONS

- A) All definitions contained within this ordinance are for the purpose of this ordinance only and shall have no impact on any other rule, law or ordinance unless referenced directly within said rule, law or ordinance.
- B) "CONSTRUCTION" shall mean any work associated with the assembly, construction or repair of any of the following within the City of Lavon:
 - 1) Building,
 - 2) Structure,
 - 3) Parking lot,
 - 4) Street, or
 - 5) Alley.
- C) "EQUIPMENT" shall mean any truck, tractor, trailer, air compressor jackhammer or other item generally accepted as being equipment.
- D) "HEAVY EQUIPMENT" shall mean any piece of equipment that is normally recognized as heavy equipment.

SECTION 2. REGULATION OFFENSIVE NOISE

- A) It shall be unlawful for any person to make, cause to be made, or allow to be made, any noise that is offensive to the ordinary sensibilities of the inhabitants of the City of Lavon.
- B) It shall be unlawful for any person to make, cause to be made, or allow to be made, any noise that interferes with the public peace and comfort within the City of Lavon.

SECTION 3. REGULATION OF SPECIFIC ACTS DEEMED TO BE INHERENTLY LOUD OR RAUCOUS

- A) It shall be unlawful for any person to make, cause to be made or allow to be made any noise by the following acts, which have been declared inherently loud or raucous:
 - 1) Sounding any horn or signal device on any automobile or other vehicle except as a danger or warning signal as allowed by law; or

- 2) The playing of any radio, stereo, compact disk player, public address system, sound amplification device, musical instrument or sound generating device that can be heard more than fifty feet (50') from the device.
- 3) The keeping of any dog, fowl or other animal that creates a loud or disturbing noise.
- 4) The use of any motor powered vehicle that is in disrepair to the point of creating additional or unusual noise.
- 5) The discharge of any motor vehicle exhaust except through a properly maintained muffler that eliminates the excessive noise from said exhaust.
- 6) Shouting, yelling or fighting that may be offensive to the inhabitants of the City of Lavon.
- 7) The use of a bell, siren or whistle on any vehicle other than an emergency vehicle.

SECTION 4. ESTABLISHING TIMES WHEN COMMERCIAL OR HEAVY EQUIPMENT MAY NOT BE OPERATED

- A) Except as provided in section 6, it shall be unlawful for any person or business to operate, cause to be operated, or allow to be operated, equipment or heavy equipment within five hundred feet (500') of an inhabited residential structure between the hours of eight (8) PM and six (6) AM.

SECTION 5. ESTABLISHING TIMES WHEN CONSTRUCTION MAY OCCUR

- A) Except as provided in section 6, it shall be unlawful for any person or business to perform, cause to be performed, or allow to be performed any construction activity that causes loud noise within five hundred feet (500') of an inhabited residential structure between the hours of eight (8) PM and six (6) AM.
- B) Construction activity that causes loud noise shall in clued but not be limited to:
 - 1) Hammering,
 - 2) Sawing,
 - 3) Operation of backhoes, loaders, tractors or compressors, or

- 4) Any other activity that would disturb the peace and tranquility of the community.

SECTION 6. ALLOWING FOR SPECIAL AFTER HOURS CONSTRUCTION OR EQUIPMENT PERMITS WITH NEIGHBOR APPROVAL

- A) Any person or business may apply for a special one hundred eighty (180) day permit to perform, cause to be performed, or allow to be performed any construction activity that causes loud noise within five hundred feet (500') of an inhabited residential structure between the hours of eight (8) PM and six (6) AM. Said permit shall be issued when the following conditions have been met by the person or business:
 - 1) File with the City of Lavon a completed application for special after hours equipment permit, and
 - 2) File with the City of Lavon an approved signed and notarized statement from any and all households which are within five hundred feet (500') of any location the equipment may be operated, and
 - 3) Pay to the City of Lavon an application fee of fifty dollars (\$50.00).
- B) Any person or business may apply for a special one hundred eighty (180) day permit to operate, cause to be operated, or allow to be operated, equipment or heavy equipment within five hundred feet (500') of an inhabited residential structure between the hours of eight (8) PM and six (6) AM. Said permit shall be issued when the following conditions have been met by the person or business:
 - 4) File with the City of Lavon a completed application for special after hours equipment permit, and
 - 5) File with the City of Lavon an approved signed and notarized statement from any and all households which are within five hundred feet (500') of any location the equipment may be operated, and
 - 6) Pay to the City of Lavon an application fee of fifty dollars (\$50.00).

SECTION 7. EXCEPTING POLICE, FIRE, AMBULANCE AND EQUIPMENT USED AT THE DIRECTION OF EMERGENCY PERSONNEL

- A) It shall be an exception to any and all portions of this ordinance if the noise is created by or at the specific direction of a police officer, fireman, or

ambulance personnel and or the equipment is operated by or at the direction of any police officer, fireman, or ambulance personnel while in the performance of their official duties.

SECTION 8. EXCEPTING PUBLIC UTILITIES PERFORMING EMERGENCY REPAIRS OR RESTORING SERVICE

- A) It shall be an exception to Section 4, Section 5 and Section 6 of this ordinance if the noise is created by or at the specific direction of a public utility company while performing emergency repairs or restoring service.

SECTION 9. REPEALING ORDINANCE 2001-03-01

- A) This ordinance shall repeal in act and effect the previously passed ordinance 2001-03-01.

SECTION 10. FINES AND FEES

- A) Any person violating any portion of this Ordinance shall be deemed guilty of a Class "C" misdemeanor and upon conviction be punishable by a fine of not less than fifty dollars, (\$50.00) nor more than two hundred dollars (\$200.00).
- B) Each act shall constitute a separate violation under this Ordinance and shall result in a separate fine.


SECTION 11. SEVERABILITY

It is hereby declared by the City Council of the City of Lavon that if any of the sections, paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgement or decree of any court of competent jurisdiction, such event shall not effect any remaining the sections, paragraphs, sentences, clauses or phrases of this ordinance.

SECTION 12. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS ON THIS 16 DAY OF June, 2005.



The Honorable James Albright, Mayor Pro Tem
Brandon Wilson

Attest:



Rosa Stovall, City Secretary

