

City of Log Cabin

Ordinance 110

AN ORDINANCE OF THE CITY OF LOG CABIN, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF LOG CABIN BY ADDING A LOUD NOISE ORDINANCE; PROVIDING DEFINITIONS, PROVIDING REGULATIONS AND PROHIBITIONS; PROVIDING FOR THE REPEL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOG CABIN, TEXAS:

SECTION I.

A) DEFINITIONS

- 1) **Construction** means any site preparation, assembly, erection, substantial repair, alteration, or similar action excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.
- 2) **Decibel meter** means a unit for measuring the volume of a sound.
- 3) **Demolition** means any dismantling, intentional destruction or removal of structures, buildings, utilities, public or private right-of-way surfaces, or similar property.
- 4) **Device** means any mechanism which is intended to produce, or which actually produces, noise when operated or handled.
- 5) **Emergency vehicle** means a motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.
- 6) **Emergency work** means any work performed for the purpose of preventing or alleviating physical trauma or property damage or caused by an emergency.
- 7) **Motor vehicle** means an vehicle propelled by mechanical power or any motorized watercraft, such as, but not limited to, any passenger car, truck, truck-trailer, semi-trailer, camper,

motorcycle, mini-bike, go-cart, boat, jet-ski, dune buggy or racing vehicle.

- 8) **Noise** means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- 9) **Noise disturbance** means any unreasonable loud, disturbing and unnecessary noise, which is offensive to an adult person within the city, which noise renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.
- 10) **Vibration** means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

B) ADMINISTRATION AND NOISE MEASUREMENT.

- 1) The Log Cabin Police Department shall administer the noise control program required by this ordinance.
- 2) In order to implement and enforce this ordinance and for the general purpose of sound and vibration abatement and control, the Log Cabin Police Department shall have the power to, upon presentation of the proper credentials, make necessary inspections and test with proper authorization or permission from the owner on any private property or place.
- 3) Sound level measurements shall be made with a sound level meter.

C) ENVIRONMENTAL SOUND LEVELS.

- 1) The following noise standards, unless otherwise specifically indicated, shall apply to all property with a designated land use district.

Land Use District	Time of Day	Energy Equivalent Sound Levels
Residential	10:00 pm. to 7:00 am	52 dB(A)
Residential	7:00 am to 10:00 pm	62 dB(A)
Office/Retail	Anytime	62 dB(A)
Commercial	Anytime	62 dB(A)
Industrial	Anytime	70 dB(A)

D) NOISE PROHIBITED.

- 1) No person shall allow, make or cause to be made any unreasonably loud, disturbing and unnecessary noise within the limits of the city or within five thousand feet outside the limits of the city, which is offensive to an adult person within the city, which noise renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort, nor shall any person allow, make or cause to be made any unreasonably loud, disturbing and unnecessary noise in the city.
- 2) The following activities, among others but not to exclude other such acts, are declared to create loud, disturbing and unnecessary noise in violation of this ordinance, namely:
 - a) Animals. Owning, keeping, possessing, or harboring any animal or animals which, by noise making, disturb or interfere with the peace, comfort, or repose of neighboring residents, or cause a disturbance. The provisions of this section shall apply to all public and private facilities including any animal shelter or commercial kennel, which holds or treats animals.
- 3) Radios, television sets, musical instruments, phonographs and similar devices.
 - a) The using, operating or permitting to be played, used or operated any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loud speakers and amplifiers or other machine or device for the production or reproduction of sound in such a manner as to violate this ordinance.
 - b) The operation of any such radio, instrument, phonograph, television set, loud speakers or similar 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 ordinance.
- 4) Yelling, shouting, etc. The yelling, shouting, crying, hooting, whistling or singing of peddlers, hawkers or any other person in a manner that causes a noise disturbance.
- 5) Construction work. Operating or permitting to be operated any equipment used in construction, repair, alteration or demolition

work on buildings, structures, streets, alleys or appurtenances thereto which exceed the sound level limits set forth in Ordinance 109 as measured on the property boundary of the receiving land use.

- 6) **Vehicles and Motorcycles.** The repairing, rebuilding, modifying or testing of any motor vehicle (including off-road vehicles) or watercraft on private property, on a public right-of-way, on a public space, in such a manner as to create loud or unnecessary noises, such as spinning or squealing of tires, grating, grinding, rattling, or other noises, between the hours of 10:00 p.m. and 7:00 a.m. the following day shall be deemed a violation of this ordinance.
 - 7) **Vibration.** Using or causing the use of any device that creates any ground vibration which is perceptible without instruments at any point on or beyond the property boundary of the source if on private property or at fifty (50) feet from the source if on a public space or public right-of-way.
- E) It shall be unlawful for any person operating or controlling a motor vehicle in any location within the city, to operate a radio, stereo receiver, compact disc player, cassette tape player or other similar device from the motor vehicle in such a manner that the volume is louder than is necessary for the convenient hearing of the occupants of the vehicle in which such device is operated. The operation of such a device in such a manner as to be plainly audible at a distance of fifty (50) feet or in such a manner that the vibration accompanying the sound from the device can be plainly felt at a distance of fifty (50) feet from the vehicle shall be prima facie evidence of a violation of this ordinance.
- F) **EXEMPTIONS.**
- 1) In this section the following terms shall have the meaning set forth below:

Special Event means an event occurring no more than once in a calendar year, being no longer than five (5) days in duration and which complies with all park use permit requirements.
 - 2) The following sources of potentially excessive sound shall be exempt from noise control regulation:
 - a) Safety signals, storm warning sirens or horns and the testing of such equipment, emergency vehicles sirens or horns used

when responding to an emergency, and emergency pressure relief valves.

- b) Sound caused the performance of emergency or public service work, including public utility operations, acting to protect the health, safety or welfare of the community.
- c) Sounds caused by natural phenomena.
- d) Public or private school sponsored activities conducted on public playgrounds and public or private school grounds including, but not limited to, school athletic and school entertainment events.
- e) Special events conducted on public parks.

G) PERMITS OF VARIANCE.

- 1) The City of Log Cabin is authorized to grant permits for relief of any provision in this chapter on the basis of undue hardship in cases where:
 - a) The sound source will be of short duration and the activity cannot be conducted in a manner as to comply with this ordinance.
 - b) Additional time is necessary for the applicant to alter or modify their activity or operation to comply with this ordinance.
 - c) No reasonable alternative is available to the applicant.
 - d) An automatic variance will be granted for the purpose of conducting parades or other public events provided that any noise disturbance created by such activity will be abated when such request is made by the city official authorized to enforce this ordinance.
- 2) The City of Log Cabin may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects and may suspend any permit issued for violating any provisions prescribed in the permit variance.

SECTION II

That all provision of the Code of Ordinances of the City of Log Cabin, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION III

That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or the Code of Ordinances, as amended hereby, be adjudged or held to be illegal, invalid or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION IV

That any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Log Cabin, Texas, **shall be punished by a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense**; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION V

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF LOG CABIN, TEXAS
ON THIS 17 DAY OF August, 2006.**


ROGER E. BEARDEN, MAYOR

ATTEST:


CITY SECRETARY