

CITY OF OAK RIDGE, TEXAS

ORDINANCE NO. 37-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAK RIDGE, TEXAS, HEREBY APPROVES AN ORDINANCE, “UNREASONABLE NOISE”; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, the City of Oak Ridge, Texas is a Type B general-law municipality; and

WHEREAS, Section 51.012 of the Texas Local Government Code authorizes the City of Oak Ridge, Texas, to adopt any ordinance that is necessary for the government, interest, welfare or good order of the municipality; and

WHEREAS, Section 51.001 of the Texas Local Government Code also authorizes the City of Oak Ridge, Texas, in part, to adopt any ordinance that is necessary for good government, peace or order of the municipality; and

WHEREAS, it is the desire of the City Council of the City of Oak Ridge, Texas, to prohibit unreasonable noises so that its residents and citizens may not be subject to loud and offensive noises, thus disrupting the solitude of life in Oak Ridge; and

WHEREAS, the City Council of the City of Oak Ridge, Texas, has found that the following regulation will promote the public health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, TEXAS, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

ORDINANCE 37-15_____ UNREASONABLE NOISE

SECTION 2

Sec. 8.07.001 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Noise means sound which is louder than that permitted in this article, or disturbs a reasonable person of normal sensibilities.

Noise disturbance means any unreasonably loud or disturbing 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.

Property means any lot, tract, parcel of land or a portion thereof, occupied or unoccupied, improved or unimproved, public or private within the corporate limits of the City.

Sec. 8.07.002 Exceptions

This article does not apply to:

- (a) an employee of a governmental entity engaged in the employee's official duty;
- (b) a person at an authorized parade or street event;
- (c) a person operating a bell for a religious activity;
- (d) a person operating an emergency vehicle;
- (e) a person operating an audible warning device on a vehicle or train as required by state law; or
- (f) a person operating equipment or making deliveries for or to a building construction site between 7:00 a.m. and 7:00 p.m. on Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday.

Sec. 8.07.003 Enforcement Responsibility

The Town Administrator or his designated representative, compliance officer or any peace officer, as that term is defined in section 1.07 of the Texas Penal Code, as amended, shall have enforcement responsibility for this article.

Sec. 8.07.004 Offense

No person shall allow, make or cause to be made any unreasonably loud or disturbing noise which is offensive to the sensibilities of a reasonable, prudent adult person, renders the enjoyment of life or property uncomfortable, interferes with public peace and comfort, or causes a noise disturbance.

No persons shall discharge any firearms in the City between the hours of 10:00 p.m. and 5:00 a.m. including properties containing 10 acres and greater, unless in an emergency which includes protecting a person's life, animal and property against intruders set on harming a person's life, animal or property.

No residential or commercial building construction shall be conducted between 7:00 a.m. and 12:00 p.m. on Sunday.

Sec. 8.07.005 Penalty

(a) Any person violating or failing to comply with any provision or requirement of this article shall be deemed guilty of a Class C misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each occurrence of a violation of this article is a separate offense.

(b) A violation of this article is a nuisance.

Sec. 8.07.006 Injunctive Relief

In addition to and cumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this article.

SECTION 3

All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Oak Ridge, Texas are hereby repealed to the extent that said ordinances, resolutions, or parts thereof, are in conflict herewith.

SECTION 4

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 5

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the laws of the State of Texas.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, TEXAS, THIS 28th DAY OF DECEMBER, 2015.

Alton Rudin, Mayor

ATTEST: _____

Donna Sprague, City Secretary