



## ORDINANCE NO. 3839

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING CHAPTER 34 "ENVIRONMENT", ARTICLE V, "NOISE"; BY AMENDING SECTION 34-246 "PROHIBITED NOISES"; BY AMENDING SECTION 34-248 BY AMENDING THE PERMITTED HOURS FOR CONSTRUCTION ACTIVITIES; BY AMENDING SECTION 34-251 REGULATING PEDDLER AND HAWKER NOISE; BY AMENDING SECTION 34-252 REGULATING LOUDSPEAKERS; BY ADDING SECTION 34-254 REGULATING RADIO, TELEVISION, MUSICAL INSTRUMENTS AND SIMILAR DEVICE NOISE; BY ADDING SECTION 34-255 REGULATING MOTOR VEHICLE NOISE; BY ADDING SECTION 34-256 PROVIDING FOR EXEMPTIONS TO NOISE REGULATIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council for the City of Farmers Branch has determined it is in the best interest of the City of Farmers Branch, Texas, to amend Chapter 34, "Environment" by amending the noise regulations set forth in Article V, "Noise" in part;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** The Code of Ordinances of the City of Farmers Branch, Texas, Chapter 34, Article V, "Noise" is amended by amending Section 34-246, to read as follows:

**"Sec. 34-246. - Prohibited noises- Generally.**

(a) No person shall make, conduct, permit, continue, allow or cause to be made or continued:

- (1) Any unreasonably loud, disturbing, and unnecessary noise; or
- (2) Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the City; or
- (3) Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally, or adversely affect such residences or places of business.

(b) Factors for determining whether a sound is unreasonably loud, disturbing, and unnecessary include but are not limited to, the following:

- (1) The proximity of the sound to sleeping facilities, whether residential or commercial;
- (2) The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
- (3) The time of day or night the sound occurs;
- (4) The duration of the sound; and
- (5) Whether the sound is recurrent, intermittent, or constant.”

**SECTION 2.** The Code of Ordinances of the City of Farmers Branch, Texas, Chapter 34, Article V, “Noise” is amended by amending Section 34-248, to read as follows:

**“Sec. 34-248. - Construction.**

Construction activities involving the erection, excavation, demolition, alteration or repair of any building, structure, or flat work within a residential district, or within 500 feet of any occupied residential structure prior to 7:00 a.m. or after 7:00 p.m. on weekdays and Saturday, and prior to 11:59 a.m. or after 5:00 p.m. on Sundays, is prohibited, except in the case of urgent necessity in the interest of public safety, for which a permit has been obtained from the city manager, or designee.”

**SECTION 3.** The Code of Ordinances of the City of Farmers Branch, Texas, Chapter 34, Article V, “Noise” is amended by amending Section 34-251, to read as follows:

**“Sec. 34-251. – Hawkers and Peddlers.**

The yelling, shouting, crying, hooting, whistling, or singing of peddlers, hawkers or vendors which creates any unreasonable loud, disturbing, and unnecessary noise or which disturbs the quiet and peace of the neighborhood is prohibited.”

**SECTION 4.** The Code of Ordinances of the City of Farmers Branch, Texas, Chapter 34, Article V, “Noise” is amended by amending Section 34-252, to read as follows:

**“Sec. 34-252. - Loudspeakers, public address systems, amplifiers, and similar devices.**

- (a) The use of any, amplifier, public address system, loudspeaker or other instrument or similar device, for the purpose of attracting attention by the creation of noise to any performance, show, sale or display of merchandise so as to attract customers to any place of business, is prohibited.

- (b) The use of mechanical devices or loudspeakers or amplifiers on trucks or other moving vehicles, for the purpose of advertising any show, sale or display of merchandise, is prohibited.
- (c) The uses and acts set forth in subsections (a) and (b) of this section may be permitted by the City Council or the city manager, or designee person upon the issuance of a license therefor under such conditions as the City may require. Any person desiring such a license shall make application therefor to the City Manager, or designee. Such application shall be accompanied by a non-refundable fee in an amount as established by the City and listed in appendix A of this Code.”

**SECTION 5.** The Code of Ordinances of the City of Farmers Branch, Texas, Chapter 34, Article V, “Noise” is amended by adding Section 34-254, Section 34-255, and Section 34-256, to read as follows:

**“Sec. 34-254. - Radios, televisions, stereos, musical instruments, and similar devices.**

The use, operation or playing of a radio, television, stereo, musical instrument, or similar device in such manner, or with such volume, as to disturb the peace, quiet, comfort, or repose of persons in any dwelling, hotel, apartment, or other type of residence, or which is plainly audible at a distance of fifty (50) feet from any person in a commercial, industrial area, or public space is prohibited.

**Sec. 34-255. - Operation of a vehicle.**

- (a) The unreasonably loud, disturbing, and unnecessary grating, grinding, or rattling noise caused by the use of any motor vehicle that is out of repair or poorly or improperly loaded is prohibited.
- (b) The discharge into the open air of the exhaust of any stationary motor vehicle, steam engine, stationary internal combustion engine, or motor boat engine, except through a muffler or other device that will effectively and efficiently prevent loud and disturbing noises or vibrations is prohibited.

**Sec. 34-256. - Exemptions.**

The following sources of potential sounds are exempt from the regulations of this Article:

- (a) Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property;
- (b) Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger;
- (c) Sound is produced as part of a religious observance or service, including the ringing of church bells, provided the sound does not cumulatively exceed five minutes’ duration in any 60-minute period;

- (d) The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work;
- (e) Repairs or excavations of bridges, streets, or highways by or on behalf of the City, the state, or the federal government, between the hours of 7:00 p.m. and 7:00 a.m., when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m.;
- (f) Reasonable activities conducted on public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including, but not limited to, school athletic and school entertainment events; or
- (g) City sponsored events, including concerts, conducted at or on the grounds of a City owned facility or at a City park or public event venue.

**Sec. 34-257. - Enforcement.**

The City manager, or designee shall have the authority to enforce this Article.”

**SECTION 6.** All provisions of the Ordinances of the City of Farmers Branch, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

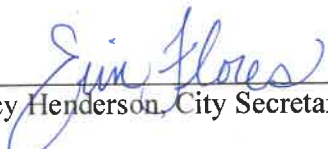
**SECTION 7.** Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

**SECTION 8.** Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall upon conviction be punished by a fine not to exceed the sum of Two Thousand and No/100 Dollars (\$2,000.00) for each offense unless a lesser maximum fine is provided in the Code of Ordinances.


**SECTION 9.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 12TH DAY OF DECEMBER 2023.**

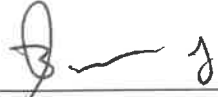
ATTEST:

  
Stacy Henderson, City Secretary

APPROVED:

  
Terry Lynne, Mayor

APPROVED AS TO FORM

A handwritten signature in black ink, appearing to read 'P. G. Smith', is written over a horizontal line.

Peter G. Smith, City Attorney  
(PGS 10-26-23)