

**ORDINANCE NO. O-2025-011**

**AN ORDINANCE AMENDING CHAPTER 20, ARTICLE III OF THE CITY OF SHAVANO PARK CODE OF ORDINANCES TO PROVIDE CLEAR STANDARDS FOR DEFINING AND MEASURING NOISE NUISANCES; PROVIDING A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, Chapter 217 of the Local Government Code authorizes the City of Shavano Park to define and declare what constitutes a nuisance and authorize and direct the summary abatement of the nuisance; and

**WHEREAS**, the City of Shavano Park has previously defined and declared noise nuisances under Chapter 20, Article III. of the City of Shavano Park Code of Ordinances to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the citizens of the city; and

**WHEREAS**, the City Council of the City of Shavano Park desires to amend Chapter 20, Article III. of the City of Shavano Park Code of Ordinances to provide clear standards for the defining and measuring of noise nuisances; and

**WHEREAS**, the City Council of the City of Shavano Park has determined that this ordinance is the best interest of the general welfare of the City of Shavano Park.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS:**

**I  
CODE AMENDMENT**

Chapter 20, Article III. NOISE of the City of Shavano Park Code of Ordinances is hereby amended to read as follows:

**Sec. 20-51. Purpose.**

The ordinance from which this article is derived is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet enjoyment of the citizens of the City through the reduction, control, and prevention of loud and raucous noise, or any noise which disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary nervous sensitivity.

**Sec. 20-52. Findings.**

(a) Loud and raucous noise degrades the environment of the City to a degree that:

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- (1) Is harmful to the health, welfare, and safety of its inhabitants and visitors;
  - (2) Interferes with the comfortable enjoyment of life and property;
  - (3) Interferes with the well-being, tranquility, and privacy of the home; and
  - (4) Both causes and aggravates health problems.
- (b) Both the effective control and the elimination of loud and raucous noise are essential to the health and welfare of the City's inhabitants and visitors, and to the conduct of the normal pursuits of life, including recreation, work, and communication.
  - (c) The use of sound amplification equipment creates loud and raucous noise that may, in a particular manner and at a particular time and place, substantially invade the privacy, peace, and freedom of inhabitants of, and visitors to, the City.
  - (d) Certain short-term easing of noise restrictions is essential to allow the construction and maintenance of structures, infrastructure, and other elements necessary for the physical and commercial vitality of the City.

### **Sec. 20-53. 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:

*A-weighted sound level* shall mean the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

*City Manager* means the City Manager of the City of Shavano Park or the City Manager's designee.

*City-sponsored Event* means a community celebration event approved by the City Council of the City of Shavano Park.

*Emergency* means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

*Emergency work* means any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service.

*Noise-sensitive area* includes, but is not limited to, a posted area where a school, hospital, nursing home, church, court, public library, or similar institution is located.

*Person* means any individual, firm, association, partnership, joint venture, or corporation.

*Public right-of-way* means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a government entity.

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*Public space* means any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

*Property line* means the line along the ground surface, and its vertical extension, which separates the real property owned, leased or occupied by one person from that owned, leased or occupied by another person and the imaginary line which represents the legal limits of property of any person who owns, leases or otherwise occupies an apartment, condominium, hotel or motel room, office or any other type of occupancy.

*Residential area* means any real property which contains a structure or building in which one or more persons reside, provided that the structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with Chapter 36 - Zoning.

#### **Sec. 20-54. General prohibition.**

- (a) No person shall make, continue, or cause to be made or continued:
  - (1) Any loud or raucous noise nuisance enumerated in Sec. 20-55;
  - (2) Any noise which 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 discomfort to any persons within the neighborhood from which said noises emanate, or as to 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) In addition to Sec. 20-57, these additional factors may be used to determine whether a sound is a noise nuisance:
  - (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.

#### **Sec. 20-55. Prohibited noises nuisances enumerated.**

The following acts, among others not hereinafter enumerated, are declared to be "noise nuisances," and are unlawful and in violation of the provisions of this article when such acts are done or accomplished or carried on in such a manner, or with such

volume, intensity, or with continued duration, so as to annoy, to distress, or to disturb the quiet, comfort, or repose of a person of ordinary nervous sensibilities, within the vicinity or hearing thereof, or so as to endanger or injure the safety or health of humans, or so as to interfere with the physical well-being of humans, or so as to endanger or injure personal or real property:

- (1) *Disturbances and Commotions.* The making of, or knowingly and permitting to be made, any loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building in excess of 63 decibels in residential zoning districts or 70 decibels in a commercial zoning district. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision.
- (2) *Vehicle horns, non-emergency signaling devices, and similar devices.* The sounding of any horn, bell, chime, non-emergency signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the city, for more than ten consecutive seconds in an hourly period or more than 5 times in any hourly period. The sounding of such devices by houses of religious worship, during a City-sponsored event, or by the City for traffic control purposes as a danger warning is exempt from this prohibition.
- (3) *Emergency signaling devices.* The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in subsections (4)a and b of this section.
  - a. Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.
  - b. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within 15 minutes of activation unless an emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this article.
- (4) *Radios, televisions, loudspeakers, amplifiers, public address systems, stereos, musical instruments and similar devices.* The use or operation of radios, televisions, loudspeakers, amplifiers, public address systems, stereos, musical

instruments and similar devices that produces or reproduces sound is deemed a nuisance if it violates either of the following:

- a. Residential District: Noises any day between the hours of 10:00 p.m. and 7:00 a.m. Such devices may be used in a residential area between the hours of 7:00 a.m. and 10:00 p.m. provided and except however that the volume shall not exceed 63 decibels at or across a real property boundary with adjoining residences.
- b. Commercial District: Noises any day between the hours of 1:00 a.m. and 7:00 a.m. on Saturday and Sunday and between the hours of 12:00 midnight and 7:00 a.m. on all other days of the week. When any such devices are used during permitted hours the volume shall not exceed 70 decibels at or across a real property line with adjoining commercial properties nor 63 decibels with adjoining residential properties.

This shall not apply to any public performance, gathering, or parade for which a permit has first been obtained from the City or is a City-sponsored Event.

- (5) *Vehicle mounted sound amplification systems*. Loud and raucous noise caused by any person operating or controlling a motor vehicle in either a public or private place within the city to operate any sound amplifier which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette player, or other similar device in the motor vehicle, in such a manner that, when operated, is audible at a distance of thirty (30) or more feet from the source or, when operated causes a person to be aware of the vibration accompanying the sound in any location outside the confines of the vehicle emitting the sound, noise, or vibration.
- (6) *Yelling, shouting, and similar activities*. Yelling, shouting, hooting, whistling, or singing in residential or noise-sensitive areas or in public places, between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities.
- (7) *Animals and birds*. Loud and raucous noise exceeding 55 decibels emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird. Sounds made by animals or birds in animal shelters, kennels, veterinary hospitals, pet shops or pet kennels licensed under and in compliance with any required local, state or federal licensing and permitting regulations are exempt from this subsection.
- (8) *Loading or unloading merchandise, materials, equipment*. The creation of loud, raucous, and excessive noise exceeding 55 decibels in residential zoning districts or 70 decibels in commercial zoning districts made in connection with the loading or unloading of any vehicle at a place of business or residence between the hours of 10:00 p.m. and 7:00 a.m.

- (9) *Construction or repair of buildings, excavation of streets and highways.* The construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of 7:00 a.m. and 7:00 p.m. on weekdays. In cases of emergency, construction or repair noises are exempt from this provision. In non-emergency situations, the City Manager may issue a permit, upon application, if the City Manager determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings or excavation of streets and highways between the hours of 7:00 p.m. and 7:00 a.m. will not be impaired, and if the City Manager further determines that loss or inconvenience would result to a party in interest. The permit shall grant permission in non-emergency cases for a period of not more than three days. The permit may be renewed once for a period of three days or less.
- (10) *Noise-sensitive areas; schools, courts, churches, hospitals, and similar institutions.* The creation of any loud and raucous noise exceeding 63 decibels adjacent to any noise-sensitive area while it is in use, which interferes with the workings of the institution or which disturbs the persons in these institutions; provided that conspicuous signs delineating the boundaries of the noise-sensitive area are displayed in the streets surrounding the noise-sensitive area.
- (11) *Blowers and similar devices.* In residential or noise-sensitive areas, between sunset and 7:00 a.m., the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, provided that the noise is loud and raucous and exceeds 63 decibels measured at the property line of the property from which it emanates.
- (12) *Commercial establishments adjacent to residential property.* Loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 12:00 a.m. and 7:00 a.m. which exceeds 63 decibels.

### **Sec. 20-56. Exemptions.**

Sounds caused by the following are exempt from the prohibitions set out in Sec.20-54 and Sec. 20-55:

- (1) *Motor vehicles on City trafficways.* Motor vehicles on trafficways of the City provided that the prohibition of Sec.20-55(2) continues to apply.
- (2) *Utility repairs.* Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property.
- (3) *Emergency sirens, whistles, etc.* 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, provided that the prohibition contained in Sec. 20-55(4) continues to apply.

- (4) *Emergency alerts.* 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.
- (5) *Repairs or excavations.* 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.
- (6) *Outdoor school and playground activities.* Reasonable activities conducted on public playgrounds and 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.
- (7) *Other events.* Until 12:00 a.m. on any Friday, Saturday or City holiday, indoor and/or outdoor gatherings, public dances, shows and sporting events, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.

#### **Sec. 20-57. Method of noise measurement**

Whenever portions of this chapter prohibit noise over a certain decibel limit, measurement of said noise shall be made with a decibel meter or application using A-weighted sound level or dBA. No decibel meter or application shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured. Measurements may be taken on adjacent property under separate ownership from the property generating noise.

#### **Sec. 20-58. Enforcement.**

- (a) The City Police Department and its officers will have primary responsibility for the enforcement of the noise regulations contained herein. Nothing in this article shall prevent the Police Department and its officers from obtaining voluntary compliance by way of warning, notice or education.
- (b) If a person's conduct would otherwise violate this article and consists of speech or communication; of a gathering with others to hear or observe speech or communication; or of a gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political or religious questions; the person must be ordered to, and have the opportunity to, move, disperse, or otherwise remedy the violation prior to arrest or a citation being issued.

**Sec. 20-59. Penalties.**

- (a) A person who violates a provision of this article is guilty of a Class C misdemeanor which is punishable by a fine not less than \$100.00 and not to exceed \$500.00.
- (b) In the event a person has once previously been convicted under this article, the person shall be fined an amount not less than two hundred dollars (\$200) and shall be fined not less than three hundred dollars (\$300) for a third conviction and for each conviction thereafter.
- (c) Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

**Secs. 20-60—20-70. Reserved.**

**II  
CUMULATIVE CLAUSE**

That this ordinance shall be cumulative of all provisions of the City of Shavano Park, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**III  
SEVERABILITY**

That it is hereby declared to be the intention of the City Council of the City of Shavano Park that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

**IV  
PROPER NOTICE AND MEETING**

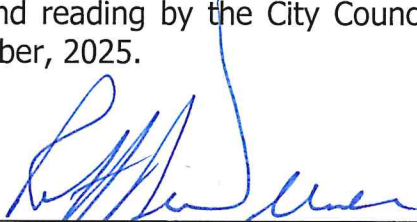
It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government.

**V**  
**EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND APPROVED** on the first reading by the City Council of the City of Shavano Park this the 25th day of August, 2025.

**PASSED AND APPROVED** on the second reading by the City Council of the City of Shavano Park this the 15th day of September, 2025.

  
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**ROBERT WERNER, MAYOR**

Attest:  
  
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**KRISTEN M. HETZEL, CITY SECRETARY**