

## **ORDINANCE #G-4-19**

AN ORDINANCE OF THE CITY OF PORT LAVACA, TEXAS AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES ENTITLED ENVIRONMENT AND HEALTH; REVISING SECTION 20-130 TO ARTICLE VI OF THAT CHAPTER TO PROHIBIT EXCESSIVE NOISE ON PRIVATE PROPERTY; PROVIDING FOR A PENALTY; REPEALING ANY CONFLICTING ORDINANCES; AND SETTING AN EFFECTIVE DATE

WHEREAS, the City desires to amend its current Environment and Health Ordinance by revising Section 20-130 of Chapter 20 of the Code in order to regulate excessive noise coming from private property that at any time the sound level at or across a real property boundary exceeds 70dBA during certain hours in the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PORT LAVACA, TEXAS:

### **SECTION 1- CODE AMENDED**

That Chapter 20 of the Code of Ordinances of the City of Port Lavaca, Texas, be amended to revise Section 20-130 under Article VI entitled Prohibited Acts as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

### **SECTION 2 — PENALTY CLAUSE**

It shall be a misdemeanor for any person to perform any act prohibited by the terms of this ordinance or fail to do any act which is required. Any such violation may be punishable by a fine not to exceed Five Hundred and No/100 Dollars (\$500.00).

### **SECTION 3 – SEVERABILITY**

Should any paragraph, sentence, 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 of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

### **SECTION 4 – REPEALER**

All ordinances or parts of ordinances that are in conflict with this Ordinance are all hereby repealed.

### **SECTION 5 — EFFECTIVE DATE**

This ordinance shall take effect immediately from and after its passage and the publication of the caption, and the City Secretary is hereby authorized and directed to publish the caption of this Ordinance in the manner and for the length of time prescribed by law.

FIRST READING this 8<sup>th</sup> day of April, 2019

\_\_\_\_\_  
Jack Whitlow, Mayor

SECOND AND FINAL READING this 13<sup>th</sup> day of May, 2019

\_\_\_\_\_  
Jack Whitlow, Mayor

APPROVED AND ADOPTED this 13<sup>th</sup> day of May, 2019.

\_\_\_\_\_  
Jack Whitlow, Mayor

ATTEST:

\_\_\_\_\_  
Mandy Grant, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Anne Marie Odefey, City Attorney

#### RECORD OF VOTE

	First Reading	Second and Final	Passed and Approved
Councilman Smith	Aye	Absent	Absent
Councilman Dent	Aye	Aye	Aye
Councilwoman Regan	Aye	Aye	Aye
Councilwoman Padron	Aye	Aye	Aye
Councilman Ward	Aye	Aye	Aye
Councilman Barr	Aye	Aye	Aye

Record of approval by City Council: City Council Minute Records, Volume 3F, Page \_\_\_\_.

## Chapter 20 – ENVIRONMENT AND HEALTH

### ARTICLE VI. - NOISE

#### Sec. 20-129. - Purpose.

It is the intent of this article to strike an appropriate balance between the right of individuals to obtain information and derive pleasure by listening to radios and other sound-producing devices, and the right of the public to a peaceful and healthful environment. It is not the intent of this article to interfere unduly with the freedom of speech or religion by regulating the initial production or amplification of sound.

#### Sec. 20-130. - Prohibited acts.

It shall be unlawful for any person to play, use, operate, or permit to be played, used or operated any radio, tape recorder, cassette player, compact disc player, or other machine or device for reproducing sound, if it is located in or on any of the following:

1. Any public property, including, but not limited to, any public roadway, highway, building, sidewalk, park or thoroughfare, and if the sound generated is audible at a distance of 50 feet from the device producing the sound and exceeds 70dBA; and
2. Any motor vehicle on a public roadway, highway, or public property, and if the sound generated is audible at a distance of 50 feet from the device producing the sound and exceeds 70dBA; and
3. Any private property where the sound is audible beyond the property line of the private property, and the sound level at or across a real property boundary exceeds 70dBA and is so loud that it is disturbing and offensive to those persons of reasonable nervous sensibilities occupying neighboring private premises.

#### Sec. 20-131. - Exceptions.

The prohibitions of this article shall not apply to any lawfully organized athletic event, cultural event, or concert for which the city council has approved a permit. The office of the city secretary, or the city secretary's designee, will issue the permit. A copy of the permit shall be maintained at the city police department.

#### Secs. 20-132—20-150. - Reserved.