

ARTICLE II. NOISE

Sec. 42-31. General prohibition.

(a) It shall be unlawful for any person to make, assist in making, permit, continue, ~~cause to be made or continued or permit the continuance of any sound which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city.~~ or cause to be made or continued any sound that constitutes unreasonable noise within the limits of the city.

(b) ~~The acts enumerated in the following sections of this article, among others, are declared to be sound nuisances which are unreasonably loud, irritating, disturbing, or excessive sounds in violation of this article, but such enumeration shall not be deemed to be exclusive.~~ For purposes of this article, “unreasonable noise” means any sound which would disturb, injure, or endanger the comfort, repose, health, peace, or safety of a person of ordinary sensibilities under the same or similar circumstances, including repeated or sustained sounds made by an animal and/or amplified sound from a motor vehicle.

(c) In determining whether noise is unreasonable, consideration may be given to the frequency, duration, and recurrence of the sound in addition to its volume and location.

(d) Amplified sound that is produced or generated during night time hours in a residential area is presumed to be unreasonable.

Sec. 42-32. Definitions.

~~Daytime hours shall mean the hours between 7:00 a.m. on one day and 7:00 p.m. the same day.~~

Amplified sound means sound that is increased in volume or intensity by any electronic, mechanical, or powered means, including but not limited to loudspeakers, microphones, bullhorns, radios, televisions, stereos, musical instruments connected to amplifiers, public address systems, or similar devices.

Daytime hours means 7:00 a.m. to 7:00 p.m.

dB(A) means the intensity of a sound expressed in decibels measured with an A weighted scale and slow response.

~~Emergency shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss which demands immediate action.~~

Emergency work means work required to restore property or utilities to a safe condition or to protect persons or property from imminent danger.

Nighttime hours means 7:00 p.m. to 7:00 a.m.

~~Nonresidential property shall mean any real property within the limits of the city which is not included in the definition of residential property as defined in this section.~~

Person means any individual, association, partnership, or corporation.

~~Plainly audible means any sound produced by a sound amplification system which clearly can be heard at 50 feet or more. Measurement standards shall be by the auditory senses, based on direct line of sight. Words or phrases need not be discernable and bass reverberations are included.~~

~~Property line means the legal boundary separating one parcel from another, including vertical extensions in multi-unit dwellings.~~

Residential property means real property developed and used for human habitation.

~~Sound amplification system means any radio, tape player, compact disc player, loud speaker, or other electronic device used for the production or amplification of sound.~~

~~Sound nuisance shall mean any sound which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city.~~

~~Working days shall mean Monday through Friday excluding city holidays.~~

~~Sec. 42-33. Unreasonable noise prohibited.~~

~~The playing of any radio or other electronic device, recording or any musical instrument in such a manner, or with such volume, as to create a noise such as is reasonably calculated to disturb a person of ordinary sensibilities under the same or similar circumstances within the vicinity, shall be prohibited and considered unnecessary and unreasonable noise in violation of this article.~~

~~Sec. 42-34. Amplified sound from motor vehicle.~~

~~No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway, whether public or private property, shall operate or permit the operation of any sound amplification system from within or upon the vehicle so that the sound is plainly audible at 50 or more feet from the vehicle.~~

~~Sec. 42-35. Noisy animals and birds.~~

~~The keeping of any animal or bird which causes or makes frequent or long and continued sound which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of ordinary, reasonable persons of normal sensibilities and ordinary tastes, habits and modes of living who reside in the vicinity thereof is hereby prohibited and declared to be unlawful as a sound nuisance in violation of this article.~~

Sec. 42-33. Exemptions.

~~Sec. 42-36. Defenses.~~

~~The following defenses shall apply to any offense established in this article:~~

The following exemptions describe situations in which noise otherwise prohibited by this article is allowed and shall not be considered a violation:

(1) The emission of any sound was for the purpose of alerting persons to the existence of an emergency, danger or attempted crime.

(2) The sound was produced by an authorized emergency vehicle.

(3) The sound was produced by emergency work.

(4) The sound was generated:

a. At a lawfully scheduled stadium event;

~~b. By a parade and spectators and participants on the parade route during a permitted parade;~~

~~c. By spectators and participants at an amphitheater event;~~

~~d. By patrons and participants using cannons and gunfire during historical battle reenactment for which a pyrotechnic permit was obtained and the explosives were inspected by the fire marshal;~~

b. By a pyrotechnic display, including fireworks, that was inspected and approved by the fire marshal;

~~f. By spectators and participants of any outdoor event, fun run, race, festival, fiesta, or concert that is city-sponsored or cosponsored;~~

c. By spectators and participants of any event where the city is the sponsor;

d. Any other lawful activity ~~which constitutes protected expression pursuant to~~ involving expression protected by the First Amendment of the United States Constitution.

(5) The sound was produced by the erection, excavation, construction, demolition, alteration, or repair work, or the permitting or causing thereof, of any street, building or other structure, or the operation or the permitting or causing the operation of any tools or equipment used in any such activity conducted between the hours of 7:00 a.m. and 7:00 p.m. (unless otherwise approved by the director of planning and development) and which activity did not produce a sound exceeding 75 dB(A) when measured from the nearest residential property.

(6) The sound was produced by aircraft in flight or in operation at an airport, or railroad equipment in operation on railroad rights-of-way.

(7) The sound was produced by operating or permitting the operation of any mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device used between the hours of 7:00 a.m. and 7:00 p.m., or in the case of mowing or lawn maintenance at a golf course, beginning no earlier than 5:30 a.m. and ~~which device did not constitute unreasonable noise.~~

(8) ~~The sound was generated as authorized under the terms of a permit issued under section 42-38 of this article.~~ The sound was authorized under a special event sound permit under this article.

(9) The sound was generated by the operation of an emergency generator during a power outage or when used for necessary testing or maintenance. ~~The sound was~~

~~produced by church bells or church chimes when used as part of a religious observance or service during daytime hours and which did not exceed five continuous minutes in duration in any one-hour period.~~

~~(10) The sound was produced by a sound amplification system on the property of a commercial business and the sound does not extend beyond the property under control of the commercial business from which the sound is being produced.~~

~~Sec. 42-37. Reserved.~~

~~Editor's note—Ord. No. 2022-36, § 3, adopted Oct. 11, 2022, repealed § 42-37, which pertained to method of sound measurement and derived from Ord. No. 98-28, § 2, adopted Aug. 11, 1998; and Ord. No. 2010-07, § 2(Exh. A), adopted Feb. 23, 2010.~~

~~Sec. 42-38. Permit required for use of outdoor sound amplification equipment.~~

~~(a) No person shall use or cause to be used any loudspeaker, loudspeaker system, sound amplifier or any other machine or device which produces, reproduces, or amplifies sound outside of buildings or other enclosed structures without first obtaining a permit to do so except as provided for in subsection 42-36(10).~~

~~(b) Such permit:~~

~~(1) May be obtained by making application to the chief of police.~~

~~(2) Requires payment of a 25.00 dollar fee for the administrative costs of issuing the permit.~~

~~(3) Is valid for one 14 hour period between the hours of 8:00 a.m. and 10:00 p.m.~~

~~(4) Shall not authorize, allow, or otherwise permit the production, reproduction, or amplification of sound which would be considered a sound nuisance.~~

~~(5) Shall only permit the amplification of either music and or human speech.~~

~~(6) Shall be applied for no later than five working days prior to the date for which the permit is being sought.~~

~~(c) The application for the permit required to be filed pursuant to this section shall contain the following information:~~

~~(1) The date of the application.~~

~~(2) The date for which the permit is requested.~~

~~(3) The name and address of the applicant.~~

~~(4) The name and address of the person who will have charge of the sound amplifying equipment.~~

~~(5) The purpose for which the sound equipment will be used.~~

~~(6) The address and or a description of the location where the sound equipment will be~~

used:

~~(d) If an applicant for a permit under this section is unable to pay the full amount of the permit fee pursuant to subsection (a), the fee shall be reduced to that amount the applicant is able to pay, provided the applicant submits a sworn affidavit containing the following information:~~

~~(1) A statement that the applicant and the group or organization, on whose behalf he is making the application, are unable to pay the full amount of the permit fee.~~

~~(2) A statement that the applicant and the group or organization, on whose behalf he is making the application, have made diligent efforts to raise money to pay the permit fee.~~

~~(3) A statement of the exact amount the applicant and the group or organization, on whose behalf he is making the application, is able to pay for the permit fee.~~

Sec. 42-34. Special Event Sound Permit.

(a) Notwithstanding Sec. 42-31, a person may produce outdoor amplified sound that would otherwise be prohibited by this article if such sound is authorized under a special event sound permit issued pursuant to this section.

(b) A special event sound permit may only be issued for Special Event, as defined in Chapter 14 of the City Code of Ordinances.

(d) The chief of police may impose conditions on the permit as necessary to protect the public peace, health, and safety, including but not limited to restrictions on the time, place, and manner of the noise.

(e) Any applicant who is denied a permit under this section, or who objects to a condition imposed by the chief of police on a granted permit, may appeal in writing to the city manager within ten working days. The city manager shall issue a decision within five working days, which shall constitute final administrative action.

(f) The fee for a sound permit shall be established by resolution of the City Council.

Sec. 42-39. Penalty:

~~Any person who violates any provision of this article is guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than 100.00 dollars nor more than 1,000.00 dollars. Upon a second or subsequent conviction for a violation of this article within a 12 month period, said person shall be fined not less than 200.00 dollars nor more than 2,000.00 dollars. Each day that any violation continues shall constitute a separate offense. To the extent that any conduct prohibited under this article also constitutes an offense under state law, then it shall be punishable as provided by state law.~~

Sec. 42-35. Penalties.

(a) Any person who violates this article is guilty of a misdemeanor and, upon

conviction, shall be subject to the penalties provided in Sec. 1-5 of the League City Code of Ordinances.

(b) Each day that a violation continues constitutes a separate offense.

~~Secs. 42-40—42-60. Reserved.~~

Secs. 42-36—42-60. Reserved.