

ORIGINAL

ORDINANCE NO. 2012-10-8-A

AN ORDINANCE OF THE CITY OF RANGER, TEXAS, PROVIDING FOR THE ABATEMENT OF NOISE NUISANCES; PROVIDING PENALTIES FOR VIOLATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the City of Ranger, Texas, (the "City") is by State law to establish ordinances to protect the health, safety and general welfare of its residents; and

WHEREAS, by this the City seeks to abate and otherwise control noise nuisances within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RANGER, TEXAS:


Section 1. Findings. That the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Noises Prohibited. Any unreasonably loud, disturbing or unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof, or any noise of such character, intensity and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities, is prohibited after the effective date hereof, and is hereby declared to be a nuisance. The following acts are a non-exclusive list of noises presumed to be offensive to persons of ordinary sensibilities in the City:

(a) The playing of any radio, musical instrument, or any musical reproduction or amplification device, in such manner or with such volume, particularly during the hours from 10:00 p.m. until 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel or other type of building or business;

(b) Any loud or vociferous language for the purpose of soliciting for, or description of any amusement house, movie cinema, theater, or other like place of amusement, or for the performance therein, in the entrance thereto, the foyer or lobby thereof, or on the sidewalks adjoining the same;

(c) Any loud or vociferous language which annoys or disturbs the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel or other type residence;

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(d) The use of any loudspeaker or amplifier, particularly during the hours from 10:00 p.m. until 7:00 a.m., to produce a noise or sound of such pitch, intensity that annoys or disturbs persons in the immediate vicinity thereof;

(e) The keeping of any animal or fowl which, by causing frequent or long continued noise, disturbs the comfort or repose of persons of ordinary sensibilities in the immediate vicinity thereof;

(f) The continued or frequent sounding of any horn or other signal device on any automobile or other vehicle except as a danger or warning signal, or the creation by means of any such signal device of any unreasonably loud or harsh noise for any unnecessary purpose or unreasonable period of time;

(g) The blowing of any steam whistle attached to any stationary boiler, except when giving notice of the time to commence or stop work, or as a warning of danger;

(h) The discharge into the open air of the exhaust of any fixed and stationary steam engine, stationary internal combustion engine, or motor vehicle or boat engine, except through an exhaust system in good working order and in constant operation to prevent excessive or unusual noise; provided that this paragraph shall not apply to trains and locomotives;

(i) The use of any mechanical device operated by compressed air, unless the noise to be created thereby has been effectively muffled and reduced;

(j) The creation of any excessive or unreasonable noise on any street or premises adjacent to any school, place of religious worship, or other institution of learning while the same is in session, or any hospital, which unreasonably interferes with the operation or use of any such institution;

(k) The raucous shouting or crying of peddlers, hawkers or vendors which unreasonably disturbs the peace and quiet of any neighborhood; and

(l) The excavation or grading of land, or the erection, construction, demolition or alteration of any building or structure, between the hours of 9:00 p.m. and 7:00 a.m., within six hundred feet (600') of any occupied residential structure, or that generates, produces or results in any noise or sound that may be heard at the property line of any occupied residential structure; provided that this paragraph shall not apply to any such work, construction, repairs or alterations that constitute an urgent necessity for the benefit and interest of the public safety, health or general welfare, e.g. repairs and emergency installations by any public utility, or to any excavation, erection, construction, demolition or alteration authorized by the City Commission to be undertaken between the hours of 9:00 p.m. and 7:00 a.m.

(m) Any actions or offenses resulting in the creation of noise deemed to be disorderly conduct, in violation of Section 42.01 of the Texas Penal Code, as amended.

**Section 3. Person in Control of Property.** It shall be unlawful for any person to permit or fail to control the nuisances described in this Ordinance that occur upon property which is under said person's control at the time the nuisance occurs.

**Section 4. Exceptions.** The prohibitions in this Ordinance shall not apply to the reasonable playing of musical instruments, the use of an amplifier, or crowd noise during an event that is sponsored by a religious, school or community association or organization. Additionally, the Ordinance shall not apply to a trade or political group, provided that such noise occurs before 10:00 p.m. and provided that such noise occurs during the event and as part of the event.

**Section 5. Conduct Consisting of Speech or Communication.** If conduct that would otherwise violate this Ordinance consists of speech or other communication, of gathering with others to hear or observe such speech or communication, or of gathering with others to picket or otherwise express in a non-violent manner a position on social, economic, political or religious questions, the person or persons must be ordered to move, disperse, or otherwise remedy the violation prior to arrest or citation.

**Section 6. Penalty.** Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**Section 7. Severability.** Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

**Section 8. Repeal of Conflicting Ordinances.** All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

**Section 9. Savings Clause.** All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting noise or the regulation of noise as a nuisance within the City which have accrued at the time of the effective date of this Ordinance. Any such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this

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Ordinance but may be prosecuted until final disposition by the courts.

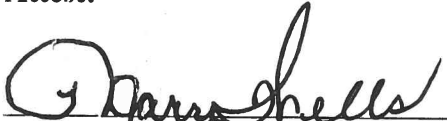
**Section 10. Effective Date.** That this Ordinance shall take effect immediately from and after its passage and publication in the manner required by the Tex. Loc. Gov't. Code.

**Section 11. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

**PASSED AND APPROVED** on First Reading on this 24th day of September, 2012.

**PASSED AND FINALLY APPROVED** on this 8th day of October, 2012.

Attest:

  
Mary Wells, City Secretary

THE CITY OF RANGER, TEXAS

  
Raymond Hart, Mayor