

**ORDINANCE NO. 2024-8**

**AN ORDINANCE OF THE CITY COUNCIL OF BEASLEY, TEXAS TO REGULATE ACTIVITIES THAT CONSTITUTE PUBLIC NUISANCES WITHIN THE CITY OF BEASLEY CAUSED BY NOISE DISTURBANCES IN ORDER TO PROMOTE THE PUBLIC SAFETY AND HEALTH OF THE CITIZENS OF BEASLEY; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.**

**WHEREAS**, the City of Beasley is a general law municipality located in Fort Bend County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, it is the intent of the City Council of the City of Beasley, Texas to protect the public health, safety, and welfare; and

**WHEREAS**, a type-A general law municipality may adopt and enforce each rule, ordinance, or regulation of the municipality necessary and proper to provide for the good government, peace, or order of the municipality or for the trade and commerce of the municipality, pursuant to Sections 51.001, 51.012, and 54.001, Texas Local Government Code; and

**WHEREAS**, noise is a common complaint in neighborhoods and the State of Texas gives cities the ability to create local laws regulating noise; and

**WHEREAS**, Sections 217.002 and 217.003 of the Texas Local Government Code permit a municipality to adopt ordinances regulating noise and other nuisances; and

**WHEREAS**, the City Council now wishes to adopt certain regulations regarding noise within city limits and providing penalties for any violations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEASLEY:**

**Section 1. Definitions**

The following words shall have the following meanings:

1. "A-weighted sound system" means standards related to the measurement of sound pressure that accounts for the relative loudness perceived by the human ear.
2. "dB(A)" means a unit of the measurement of sound in decibels, as measured on a sound level meter using the A-weighted system.
3. "Decibel" or "(dB)" means a unit of measurement for sound pressure level at a specified location.
4. "Noise disturbance" means any sound which:
  - a. Is or may be harmful or injurious to the health, safety, or welfare of any individual;
  - b. Is or may be of such volume or frequency or intensity that it unreasonably interferes with the enjoyment of life, quiet comfort, or outdoor recreation of an individual of ordinary sensitivity and habits; or

- c. Endangers real or personal property or an individual's ability to conduct business.
5. "Reasonable sensitivities" means the ordinary, typical and/or expected sensory perception of noise when taking into account the source, volume, time of day and duration of the noise.
6. "Sound" means any oscillation in pressure, stress, particle displacement, particle velocity or other physical parameter, in a medium with internal forces. The description of such sound may include any characteristic of such sound, including duration, intensity, and frequency.
7. "Sound amplification system" means any device, instrument or system, whether electrical or mechanical or otherwise, for amplifying sound or for producing or reproducing sound, including but not limited to any radio, stereo, musical instrument, compact disc, voice, musical player or recorder.

## **Section 2. Applicability**

1. This ordinance shall not apply to the following:
  - a. The emission of sound for the purpose of alerting persons to an emergency;
  - b. Sound produced by emergency vehicles or utility vehicles and utility crews undertaking emergency work;
  - c. Sound produced by a vehicle motor with a properly installed muffler while the vehicle is moving on a public right-of-way, public waterway, airport runway, or railway;
  - d. Sound produced by any governmental body in the performance of a governmental function, nor sound from activities from a government-sponsored event on governmentally owned or leased property or property under the control of a public utility;
  - e. Sound generated at scheduled parades, concerts, festivals, fairs or similar activities previously approved by the mayor and council;
  - f. Sound generated by any activity in which the regulation thereof has been preempted by state or federal law;
  - g. Sound from construction activities or sound generated by the normal maintenance of property between the hours of 7:00 a.m. and 10:00 p.m.;
  - h. Solid waste collection vehicles collecting waste at residential or nonresidential properties;
  - i. Sound produced by bells or chimes from a religious institution, provided the sound is during 7:00 a.m. to 10:00 p.m. or at some other time in accordance with the tradition of a church specifically on a religious holiday;
  - j. Sound produced by the operation of agricultural equipment, when such equipment is being used for the purpose of agricultural endeavors; or
  - k. Activities conducted in public parks, public playgrounds, and public or private school grounds, including, without limitation, school athletic and school entertainment events conducted during the hours of 7:00 a.m. to 12:00 a.m. the following day.

## **Section 3. Notice**

When a complaint of a noise disturbance is received, the enforcing officer will locate the source of the disturbance. A written warning citation may be issued first to the violator notifying him/her of the violation and providing an opportunity to cease the violation, unless it is determined, based upon the nature of the violation, that immediate action is required to protect the health, safety, and welfare of the public. Failure to give such warning shall not preclude the issuance of a municipal citation for the violation.

#### **Section 4. Violations**

1. Each of the following is specifically declared to be a public nuisance, and the person causing or permitting on their property any such nuisance shall be deemed in violation of this Section:
  - a. Make, allow to be made or cause to be made or continued a noise disturbance which EITHER occurs between the hours of 10:00 p.m. and 7:00 a.m. the following day and is discernable beyond the property lines of the property on which the sound is being produced that, when measured with a sound level meter using the standardized frequency weighting as specified by the American National Standards Institute, exceeds seventy (70) dB(A) for the property on which the sound is received OR annoys, disturbs, injures or endangers the comfort, health, peace or welfare of reasonable people within the city limits, regardless of the point of origin.
  - b. Make, allow to be made or cause to be made or continued a noise disturbance from a sound amplification system operated in a vehicle that exceeds normal listening level and disturbs the peace and tranquility of reasonable persons and neighborhoods within the vicinity of the sound or creates a traffic safety hazard by distracting other drivers or interfering with the sounds of police and other emergency vehicles.
  - c. Make, allow to be made or cause to be made or continued a noise disturbance from construction activities that annoys, disturbs, injures or endangers the comfort, health, peace or welfare of reasonable individuals within the city limits, regardless of the point of origin.
  - d. Unless otherwise regulated by a current, valid permit issued by the permit official of the City or specifically mentioned in this Section, specific noises that can constitute a nuisance include, but are not limited to, the following:
    - i. Animals. Owning, keeping, possessing, or harboring any animal or animals that, by frequent or habitual noisemaking, unreasonably disturb or interfere with the sleep, peace, comfort, or repose of a person of reasonable sensibilities. The provisions of this subsection shall apply to all private facilities, including, but not limited to, any private or commercial animal shelters or kennels, which hold or treat animals.
    - ii. Construction work. Operating or permitting to be operated any equipment used in commercial construction, repair, alteration, or demolition work on building, streets, alleys, or appurtenances thereto, between the hours of 10:00 p.m. and 6:00 a.m. the following day, or in such a manner as to unreasonably disturb or interfere with the sleep, peace, comfort, and repose of a person of reasonable sensibilities.

- iii. Exterior loudspeakers. Operating or permitting to be operated between the hours of 10:00 p.m. and 7:00 a.m. the following day any loudspeaker or sound-amplifying equipment in a fixed or movable position in or upon any street, alley, sidewalk, park, place, or public or private property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons, or in such a manner as to unreasonably disturb or interfere with the sleep, peace, comfort, or repose of a person of reasonable sensibilities.
- iv. Other prohibited sound levels. Any emanations of the human voice or sound from any other source, including, but not limited to, fireworks, motor vehicle horns or other noise or nuisance-creating object, device or equipment, whether amplified or not, which unreasonably disturbs or interferes with the sleep, peace, comfort, or repose of a person of reasonable sensibilities.
- v. Power equipment. Operating or permitting to be operated any power equipment on residential property outdoors between the hours of 10:00 p.m. and 7:00 a.m. the following day, or in such a manner as to unreasonably disturb or interfere with the sleep, peace, comfort, or repose of a person of reasonable sensibilities.

**Section 5. Penalty**

Any person intentionally, knowingly, recklessly, or with criminal negligence violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not more than Five Hundred Dollars (\$500.00) in accordance with Section 54.001 of the Texas Local Government Code.

**Section 6. Severability**

In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Beasley, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 7. Conflict and Repeal**

This ordinance expressly repeals and replaces Ordinance 2024-6. Otherwise, this ordinance is intended to be cumulative and shall not repeal any provision of a previous ordinance or City Code provision, except to the extent that a provision is inconsistent and cannot be reconciled with this ordinance.

**Section 8. Enforceability**

In addition to the authority for enforcement of this Ordinance authorized under any other law, this Ordinance may be enforced by the Fort Bend County Sheriff's Office, or any other Texas Peace Officer with jurisdiction to do so, in accordance with applicable interlocal or mutual aid agreements with the City.

**Section 9. Effective Date and Publication**

This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in accordance with Section 52.011 of the Texas Local Government Code.

**PASSED, APPROVED and ADOPTED** on this 4<sup>th</sup> day of April, 2024.

**CITY OF BEASLEY, TEXAS**

  
Kenneth Reid, Mayor

ATTEST:

  
Misty Tiemann, City Secretary