

ORDINANCE NO. 118 B

AN ORDINANCE OF THE CITY OF WALLIS, TEXAS, AMENDING REGULATIONS REGARDING LOUD, DISTURBING AND UNNECESSARY NOISES; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500.00 FOR A VIOLATION OF ANY PROVISION OF THIS ORDINANCE HEREOF; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALLIS, TEXAS:

Section 1. The City of Wallis, Texas (the "City"), hereby amends its regulations regarding loud, disturbing and unnecessary noises within the corporate limits of the City and adopts the regulations as set forth below:

Prohibited generally.

The creation of any unreasonably loud, disturbing, and unnecessary noises in the city is prohibited. Noises of such character, intensity, and duration as are reasonably calculated to cause material distress, discomfort, or injury to persons of ordinary sensibilities, or to be detrimental to the life or health of any ordinary reasonable person are prohibited.

Enumeration.

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this article; provided, however, such enumeration shall not be construed to be exclusive of other noises:

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time;
- (2) The playing of any radio, musical instrument or other device in such manner, or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m. Sunday through Thursday and the hours between 12:00 a.m. and 7:00 a.m. Friday, Saturday, and Sunday, as to create a noise such as is reasonably calculated to disturb a person of ordinary disposition under the same or similar circumstances residing in a dwelling or other type of residence in the vicinity.

- (3) No stationary loudspeaker or amplifier shall be operated between the hours of 10:00 p.m. and 7:00 a.m., Sunday through Thursday and the hours between 12:00 a.m. and 7:00 a.m. Friday, Saturday, and Sunday without a permit from the City;
- (4) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary noises such as spinning or squealing tires, grating, grinding, rattling or other noise;
- (5) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
- (6) The use of any mechanical device operated by compressed air, except pneumatic drills, unless the noise thereby created is effectively muffled and reduced;
- (7) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except with a permit from the city;
- (8) The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the same is in session, or adjacent to any hospital, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street;
- (9) The sounding of any bell or gong attached to any building or premises which is reasonably calculated to disturb a person of ordinary disposition if such person were in the vicinity thereof;
- (10) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale of merchandise;
- (11) The use of loudspeakers or amplifiers on trucks or other vehicles, except where specific license is granted by the City;
- (12) It shall be unlawful for a person to operate or permit the operation of the engine of a "motor vehicle" as that term is defined in the Texas Transportation Code, so as to brake or assist in braking or slowing the vehicle through the use of any engine brake or engine retarding device, including but not limited through the use of gears (commonly known as "jake braking"), or by any other method which produces any noise in addition to the normal operating engine noise on any street or roadway within the corporate limits of the city, unless the vehicle is an emergency services vehicle.

Section 2. Any person who shall violate any provision contained in this Ordinance, or who shall commit or perform any act declared herein to be unlawful shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not to exceed \$500.00.

Section 3. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances 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 provision declared to be invalid or unconstitutional; and the City Council of the City of Wallis, 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, whether there be one or more parts.

PASSED AND APPROVED in Wallis, Texas this 19 day of October,
2022.

CITY OF WALLIS, TEXAS

Clark Main
Dennis L. Diggs, Mayor

ATTEST:

Clark Main Jr
Mayor Pro-Tem

Hester Duerly
City Secretary

CITY OF WALLIS, TEXAS

Clark Main

Dennis L. Diggs, Mayor

Clark Main Mayor-Protem

STATE OF TEXAS

COUNTY OF AUSTIN

This instrument was acknowledged before me on the 19th day of October, 2022 by ~~Dennis L. Diggs~~, the Mayor of the City of Wallis, Texas.

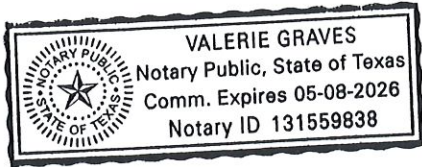
Clark Main Mayor-Protem

[Signature]

Notary Public, State of Texas

Valerie Graves

Notary's Printed Name



Commission Expires: 5/8/26

Please Return Copy to:
Lesley Doherty, City Secretary
City of Wallis
6810 Guyler St., # B
Wallis, TX 77485