

ORDINANCE # 050310

AN ORDINANCE PROHIBITING UNREASONABLY LOUD
AND UNNECESSARY NOISES AND PROVIDING
PENALTIES FOR THIS ORDINANCE INCLUDING A FINE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MILES:

SECTION 1. This entire ordinance is and shall be deemed an exercise of the police power of the State of Texas, and the City of Miles for the public safety, comfort, convenience and the protection of the citizens of said City and all of the provisions hereof shall be construed for the accomplishment of that purpose.

SECTION 2. It shall be unlawful and a public nuisance for any person, facility, association, corporation, or other entity to create or allow Unreasonably Loud and Unnecessary Noise inside the City Limits of Miles and to include up to one-half mile outside the City Limits of Miles. This includes but is not limited to creating any unreasonably loud, disturbing or unnecessary noise of such a character, intensity or duration as to be detrimental to the repose, life or health of ordinary reasonable people, including but not limited to the following specific noises:

- (a) The playing of any radio television, phonograph, musical instrument or other sound producing machine in such a manner or with such an unreasonable volume as to disturb quiet, comfort or repose of ordinary responsible people; and
- (b) The use of any stationary internal combustion engine, air compressor equipment, dynamic braking devise, "jake-brake", motor vehicle, or other power devise, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unnecessary noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass, or similar devise.

Section 3. Persons found in violation of this ordinance, and found guilty by a Judge of the Municipal Court, will be guilty of a Class "C" Misdemeanor, and be fined not more than \$500.00 except for health violations which may be fined not more than \$2000.00. Each day such violation continues, or be permitted to continue, shall be separate offense.

Section 4. If any section or part of any section or paragraph of this Ordinance is declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this Ordinance.

Section 5. The Ordinance shall become effective as of the 3rd day of May, 2010. This Ordinance will supersede any and all previous Ordinances of the City of Miles regarding unreasonably loud and unnecessary noise.

PASSED AND APPROVED 3rd DAY OF MAY, 2010

APPROVED:


JUAN ORNELAS, MAYOR

ATTEST:


AMY FISCHER, CITY SECRETARY

