

CITY OF COMO
ORDINANCE
2017-11

AN ORDINANCE OF THE CITY OF COMO, TEXAS RELATING TO NOISE WHICH ANNOYS, DISTURBS, INJURES OR ENDANGERS THE COMFORT, REPOSE, HEALTH, PEACE OR SAFETY OF THE CITIZENS OF THE CITY OF COMO, TEXAS; AND PROVIDING FOR A FINE OF NOT MORE THAN \$500.00 UPON CONVICTION OF A VIOLATION OF THIS ORDINANCE.

Whereas, the city council of the City of Como is of the opinion that any loud, unnecessary, or unusual noise, or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of citizens within the limits of the City of Como, shall be unlawful and that a fine should be assessed therefore;

Now, therefore, be it ordained by the City Council of the City of Como, Texas:

VIOLATIONS.

The following acts, among others, are declared to be loud and raucous, excessive or unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive:

Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, streetcar or other vehicle on any street or public place of the city, except as a danger warning; the sounding of any such device unnecessarily or for an unreasonable period of time; or use of any horn, whistle or other device operated by engine exhaust.

Radios, phonographs, etc. The use, operation, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, tape or disc player, or other machine or device for the producing or reproducing of sound at such volume or at such hour as disturbs the peace, quiet, comfort, repose, health or safety of reasonable persons of ordinary sensibilities. Further, the operation of any such set, instrument, phonograph, machine or such device, in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

Loudspeakers, amplifiers for advertising. The use, operation or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for commercial purposes.

Yelling, shouting, etc. Loud and raucous yelling, shouting, hooting, whistling, or singing on the public streets, or at any time or place which injures, endangers or disturbs the comfort, repose, health, peace,

or safety of persons of ordinary sensibilities in any office, dwelling, hotel or other type of residence, or of such persons in the vicinity.

Animals, birds, etc. The keeping of any animal or bird which, by causing frequent or long continued loud and raucous noise, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of persons of ordinary sensibilities in any office, dwelling, hotel or other type of residence, or of such persons in the vicinity.

Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud and raucous or explosive noises which disturb reasonable persons of ordinary sensibilities.

Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and raucous and unnecessary grating, grinding, rattling, or other noise, including but not limited to Engine Brakes.

Loading, unloading, opening boxes. The creation of a loud and raucous or excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

Construction or repairing of buildings. The erection including excavation, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the building inspector determines that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m. and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

Schools, courts, churches, hospitals. The creation of any loud and raucous noise on any street or public way adjacent to any school, institution of learning, church or court while such is in use, or adjacent to any hospital, which materially interferes with the workings of such institution or which disturbs, injures or endangers patients in the hospital, provided conspicuous signs are displayed on any such street indicating that the street is a school, hospital or court street.

Hawkers, peddlers. The loud and raucous shouting and crying of Peddlers, hawkers and vendors which disturbs the peace and quiet Of reasonable persons of ordinary sensibility.

Pile drivers, hammers, etc. The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance, the use of which is attended by loud or unusual noise.

Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

Fireworks. The loud and raucous popping of fireworks of any kind on any public or private property within the hours of 10:00 p.m. and 7:00 a.m. except the eve of or the holiday that is being celebrated according to the local, state or national calendar.

Penalty.

Any person, firm association of persons, corporations and every other organization violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$200.00. Each hour or portion thereof in which any violation shall occur shall constitute a separate offense.

Declaration of nuisance.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any section of this article and which disturbs reasonable persons of ordinary sensibilities or which endangers or injures the comfort, repose, health, safety or peace of such persons shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

Speech or other communication violations.

- (a) If conduct that would otherwise violate this article consists of speech or other communication or of gathering with others to hear or observe such speech or communication or of gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political, or religious questions, the actor must be ordered to move, disperse, or otherwise remedy the violation prior to his arrest if he has not yet intentionally harmed the interest of others which those seek to protect.
- (b) The order required by this section may be given by a peace officer, a firefighter, a person with authority to control the use of the premises, or any person directly affected by the violation.
- (c) It is a defense to prosecution under this section that:

- (1) In circumstances in which this section requires an order,
no order was given;
- (2) An order, if given, was manifestly unreasonable in scope;
or
- (3) An order, if given, was promptly obeyed.

PASSED AND APPROVED 3-14-17

Ron Walker Mayor

Latsy Evans Commissioner

Kim Lee KS Commissioner

Attest

[Signature]
City Secretary