

ORDINANCE NO. 2025-07

AN ORDINANCE OF THE CITY OF SNOOK, TEXAS, PROVIDING FOR REGULATIONS CONCERNING NOISE; PROVIDING DEFINITIONS; PROVIDING EXCEPTIONS; REPEAL; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING.

WHEREAS, the City of Snook, Texas ("City") is a General Law municipality incorporated and operating under the Laws of the State of Texas; and

WHEREAS, pursuant to Texas Local Government Code § 51.001, the City Council of the City of Snook, Texas ("City Council") has the authority to adopt, publish, amend or repeal an ordinance that is for the good government, peace or order of the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace, and order of the City to adopt the regulations herein regarding noise;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SNOOK, TEXAS THAT:

I. FINDINGS OF FACT.

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. DEFINITIONS.

"dB(A)" means the intensity of a sound expressed in decibels read from a calibrated sound level meter utilizing the A-level weighting scale and the slow meter response, as specified by the applicable publications of the American National Standards Institute or its successor body.

"Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss which demands immediate action.

"Nonresidential property" means any real property that is not included in the definition of residential property as defined in this section. Without limitation, the term includes properties that have been developed other than as residential properties, properties that are undeveloped, and properties that are devoted to public purposes, such as public streets and parks.

"Person" means an individual, firm, organization, partnership, unincorporated association, corporation, or any other type of entity.

"Property line" means the line along the ground surface, and its vertical extension, which separates the real property owned, leased, or occupied by one person from that owned, leased, or

occupied by another person and the imaginary line which represents the legal limits of property of any person who owns, leases, or otherwise occupies an apartment, condominium, hotel or motel room, office, or any other type of occupancy.

“Residential property” means any real property developed and used for human habitation that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, unless such premises are actually occupied and used primarily for purposes other than human habitation.

III. NOISE.

The following acts, among others not hereinafter enumerated, are unlawful when such acts are done or accomplished or carried on such that the sound produced exceeds the applicable dB(A) level enumerated in Section IV:

- (1) The playing or permitting or causing the playing of any radio, television, drum, juke box, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound;
- (2) The keeping of any animal or bird which makes frequent or long, continued noise;
- (3) The continued or frequent sounding of any horn or other signal device on any automobile or vehicle, motorcycle, bus, or other vehicle, except as a danger signal;
- (4) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, automobile, motorcycle, or other motor vehicle or boat, except through a properly installed muffler or other device which prevents loud or explosive noises therefrom;
- (5) The crying, calling, or shouting, in person or by a mechanical device, or the use of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, loudspeaker or phonograph with or without an amplifier, hand organ, or other devices or instruments, musical or otherwise;
- (6) The raucous shouting, whistling, yelling, singing, hooting, or crying of peddlers, hawkers, vendors or any other persons.

IV. MAXIMUM PERMISSIBLE SOUND LEVELS.

- (a) No person shall conduct, permit, or allow any activity or sound source to produce a sound that 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 the applicable dB(A) level listed below for the property on which the sound is received:

- (1) Seventy-five (75) dB(A) between the hours of 7:01 a.m. and 12:00 midnight.
- (2) Seventy (70) dB(A) between the hours of 12:01 a.m. and 7:00 a.m.

- (b) The dB(A) levels set forth in this section apply to the property where the sound is being received. Any sound that when measured at the property line of the property at which the sound is received exceeds the dB(A) level set forth in this section is a violation of this Ordinance.

V. VIBRATION.

It shall be unlawful for any person to create, maintain or cause any ground or airborne vibration which is perceptible without instruments by a person at any point on any affected property adjoining the property in which the vibration source is located unless such activity is otherwise regulated under state or federal law.

VI. VEHICULAR MOUNTED SOUND AMPLIFICATION SYSTEMS.

It shall be unlawful for any person operating or controlling a motor vehicle in either a public or private place within the City to operate any radio, stereo receiver, compact disc player, cassette player, or other similar device, and any sound amplifier which is part of, or connected to any of the foregoing devices, in the motor vehicle, in such a manner that, when operated, is audible at a distance of thirty (30) or more feet from the source or, when operated causes a person to be aware of the vibration accompanying the sound in any location outside the confines of the vehicle emitting the sound, noise, or vibration.

VII. METHOD OF SOUND MEASUREMENT.

- (a) Measurement of sound under this Ordinance shall be made using a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response, as specified by the American National Standards Institute. Noise levels shall be measured in decibels and A-weighted. The unit of measurement shall be designated as dB(A). Meters shall be maintained in calibration and good working order.
- (b) Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of said meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen shall be used for the microphone.
- (c) Except as provided in Section VI and VIII(i), measurements shall be taken at or near the nearest property line of the property where the sound is being received.

VIII. EXCEPTIONS.

The provisions of this Ordinance shall not apply to:

- (1) The emission of sound for the purpose of alerting persons to an emergency; or
- (2) Sound produced by emergency vehicles; or

- (3) 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; or
- (4) Sound produced by any governmental body or entity in the performance of a public function or activity of the governmental body or entity; or
- (5) Sound generated at a scheduled stadium event; by parade spectators and participants on the parade route during a permitted parade; by outdoor celebration participants sponsored or co-sponsored by the City for the general welfare of the public; by pyrotechnic displays that are permitted by the City; or
- (6) Sound generated from normal activities conducted on public playgrounds and public or private school grounds, including but not limited to, school athletic and school entertainment events; or
- (7) Sound generated by any activity in which the regulation thereof has been preempted by state or federal law, including, but not limited to, sound produced by aircraft in flight; or
- (8) Sound generated by the normal maintenance of property, such as lawn mowing, provided the activities take place from 7:00 a.m. to 8:00 p.m.; or
- (9) Sound produced by the operation of any air-conditioning unit, heat pump, HVAC system, or swimming pool machinery which does not produce a sound exceeding sixty (60) dBA on residential property or sixty-five (65) dBA on nonresidential property, when measured at the nearest exterior wall of a residential or commercial building under separate ownership; or

IX. PERMIT

- (a) Any person engaging in construction operations, including, but not limited to demolition, repair, drilling, excavation, alteration, and concrete pouring may request a permit from the City Administrator before the construction operations begin.
- (b) A permit granted under this Section creates an exemption to the requirements of this Ordinance.
- (c) No fee will be charged for a permit under this Section.

X. ENFORCEMENT AND PENALTIES.

- (a) It shall be unlawful for a person to do or perform any act prohibited by this Ordinance, and it shall be unlawful for a person to fail to do or perform any act required by this Ordinance. The persons responsible for violations of this Ordinance are identified as follows:

- (1) At residential property. Any resident present at the time of the offense, and any guest or trespasser with the ability to control the level of noise at the time of the offense when no resident is present at the time of the offense.
 - (2) At nonresidential property. Any business owner, operator, manager, employee in charge, and all persons in control or in possession of the noise generating instrument, device or property at the time of the offense.
 - (3) At any location with an unattended noise producing machine, device, instrument, animal or combination of same. Any person who leaves unattended any machine, instrument, device, animal, or any combination of same, which thereafter commences producing noise in violation of this Ordinance.
- (b) A violation of this Ordinance is a Class C misdemeanor offense, no culpable mental state or criminal intent is required, and upon conviction, a person shall be fined an amount not more than Five Hundred Dollars (\$500.00).
- (c) Nothing in this section shall limit the remedies available to the City in seeking to enforce the provisions of this Ordinance. Each day's violation thereof shall constitute a separate offense.

XI. EFFECTIVE DATE.

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

XII. REPEALER.

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

XIII. SEVERABILITY.

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

XIV. PROPER NOTICE AND MEETING.

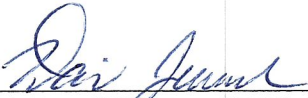
It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED THIS THE 25TH DAY OF AUGUST, 2025.



HON. FRANK FIELDS, MAYOR
CITY OF SNOOK, TEXAS

ATTEST:



DAVID JUNEK, CITY ADMINISTRATOR/SECRETARY
CITY OF SNOOK, TEXAS