

ORDINANCE 894
(Noise Ordinance)

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AMENDING TITLE XIII OF THE PARKER CITY CODE BY ADDING CHAPTER 131, NOISE OFFENSES; AMENDING TITLE IX, CHAPTER 94 OF THE PARKER CITY CODE; PROVIDING FOR PENALTY CLAUSE; PROVIDING FOR REPEALING AND SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Parker is a type A municipality organized under the Constitution and laws of the State of Texas; and

WHEREAS, the City Council of the City of Parker, Collin County, Texas, ("City Council") has the authority under Texas Local Government Code Chapter 217 to define and prohibit any nuisance within the limits of the municipality; and

WHEREAS, the City Council has determined that it is in the best interest of the residents and visitors to the city to adopt regulations pertaining to noise.

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

SECTION 1. The recitals of this ordinance are hereby found to be true and correct and are incorporated into the body of this ordinance as if set forth fully herein.

SECTION 2. After deliberation, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City, and of the public health, safety, and welfare of its citizens.

SECTION 3. The City of Parker, Texas Code of Ordinances is hereby amended to add Section 131, Noise Offenses, to Title XIII, General Offenses, as more fully set forth below:

New text is indicated by redline/underline and text being deleted is struck out:

TITLE XIII: General Offenses

Chapter 131: Noise Offenses

Section 131.01 Declaration of Ordinance.

- (a) It is hereby declared to be the policy of the City to minimize the exposure to citizens to the

physiological and psychological harm of excessive noise and to protect, promote, and preserve the public health, comfort, convenience, safety, and welfare. It is the express intent of the City Council to control the level of noise in a manner which protects the sleep and repose of citizens; promotes the use, value, and enjoyment of property; and preserves the quality of the environment.

Section 131.02 Definitions and standards.

- (a) All technical terminology used in this article, but not defined in this Ordinance, shall be interpreted in conformance with applicable standards prescribed by the American National Standards Institute or its successor publications or bodies.
- (b) The following definitions shall apply in the interpretation and enforcement of this Ordinance:

A-weighted sound pressure level: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read shall be designated dB(A) or dBA.

Authorized emergency vehicle: Fire and Police Department vehicles, public and private ambulances for which permits have been issued by the state board of health, emergency vehicles of municipal departments or public service corporations as are designated or authorized by the governing body of an incorporated City.

Background Sound Level: The sound level of the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources.

Commercial: shall mean any premises where offices, clinics, kennels, shopping and service establishments or similar retail establishments exist and where the use of less than twenty-five percent of the gross floor area meets the definition of residential premises.

Construction: shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action.

Daytime Hours: between the hours of 7am to 10pm. Sunday through Thursday and 7 a.m. to 11 p.m. on Friday and Saturday.

Decibel: Logarithmic unit of measure used in describing the amplitude of sound, denoted as dBA.

Device: Any mechanism which is intended to produce, or which actually produces, noise when operated or handled.

Director: Shall mean the manager of the departments or divisions designated by the City Administrator to enforce and administer this Ordinance.

Emergency work: Work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from an imminent danger.

Motor Vehicle: Any vehicle propelled by mechanical power, such as, but not limited to, any passenger car, truck, truck-trailer, semitrailer, camper, motorcycle, minibike, go-cart, dune buggy, or racing vehicle.

Muffler: Any apparatus consisting of baffles, chambers, or acoustical absorbing material whose primary purpose is to transmit liquids or gases while causing a significant reduction in sound emission.

Non-daytime Hours: between the hours of 10 p.m. to 7 a.m. Sunday through Thursday and 11

p.m. to 7 a.m. Friday and Saturday.

Person: Any individual, firm, association, partnership, corporation or any other entity, public or private.

Property boundary: An imaginary line at the ground surface and its vertical extension which separates the real property owned or occupied by one person from that owned or occupied by another person.

Public and private projects: Any activity other than the construction or alteration of a single-family dwelling that requires a building permit from the Building Inspection Department.

Public right-of-way: Any street, avenue, boulevard, highway, alley, or similar place, which is owned or controlled by a public governmental entity.

Public service work: Work conducted by a governmental entity in the interest of the community.

Sound: shall mean an oscillation in pressure, stress, particle displacement and particle velocity which induce auditory sensation.

Section 131.03 Method of noise measurement.

- (a) Sound level meter. Whenever portions of this article prohibit sound levels over a certain decibel limit, measurement of said sound levels shall be made with standardized sound meters, using the A-weighting network meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. Calibration corrections shall be in accordance with manufacturer's recommendations. Measurements recorded shall be taken so as to provide a proper representation of the noise being measured. The microphone shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. Windscreens shall be used whenever appropriate.
- (b) Background sound level measurement. When the sound under investigation can be discontinued, the background sound shall be measured at the same location where the total sound was measured. When the sound under investigation cannot be reasonably discontinued, the background sound may be measured at an alternative location. The alternative location should be as close as feasible to the location of the total sound measurement, but so located that the source under investigation has no effect on the background sound level measurement. The size and distribution of buildings in the vicinity, the local topography, and the traffic at the alternate location should be reasonably similar to the conditions at the location of the total sound level measure.

Section 131.04 Presumptions

- (a) The following acts are presumed to be Noise Nuisances when such acts are done or accomplished or carried on in such a manner, or with such volume, intensity, or with continued duration, so as to unreasonably: annoy, distress, or disturb the quiet, comfort, or repose of any reasonable person with ordinary sensibilities within any distance specified in this Section 131.04 and/or Section 131.05; endanger or injure the safety or health of humans; interfere with the physical well-being of humans; or endanger or injure personal or real property:
 - (1) Animals: Owning, keeping, possessing, or harboring any domestic animal or animals (including fowl) which, by continued or frequent noisemaking, unreasonably disturb

or interfere with the use, comfort, and repose of neighboring persons.

- (2) Motor Vehicle exhaust system: Discharging, or permitting to be discharged, into the open air, the exhaust of a Motor Vehicle except through a muffler, or similar device, which will effectively and efficiently prevent loud and unreasonable noises.
- (3) Motor Vehicle signal device: The continued or frequent sounding of any horn or other signal device on any Motor Vehicle, except as a danger or warning signal.
- (4) Radios, musical instruments, and similar devices: The playing or permitting or causing the playing of any radio, television, phonograph, stereo system, drum, musical instrument, sound amplifier or similar device, whether stationary or located within a Motor Vehicle, which produces, reproduces, or amplifies sound in a manner that unreasonably disturbs or interferes with the peace, comfort, and repose of persons on bounding property, in any dwelling or other type of residence separate from the location of the source of the sound, or, if within a Motor Vehicle, beyond thirty (30) feet of the Motor Vehicle which is the source of the sound.

(b) The following acts are presumed to be Noise Nuisances when such acts are performed, accomplished, carried out at a time outside of Daytime Hours.

- (1) Building construction: The erection, including excavation, demolition, alteration, or repair, of any building, structure, or appurtenance thereto within any residential district or within 500 feet of any residential structure, except in the case of urgent necessity in the interest of public safety, or otherwise approved by the building official. This restriction shall also apply to the clearing of land prior to future development.
- (2) Street construction: The erection, including excavation, demolition, alteration, or repair, of any street, alley, or appurtenance thereto within any residential district or within 500 feet of any residential structure, except in the case of urgent necessity in the interest of public safety, for which approval shall be obtained from the Director.
- (3) Refuse Compacting Vehicles: Operating or permitting to be operated any refuse compacting, processing, or collection vehicle within any residential district or within 500 feet of any residential structure.
- (4) Loading and unloading operations: The generation of noise from the loading or unloading of trucks or similar large type vehicles (one ton and over); including the opening, closing, or other handling of boxes, crates, containers, building material, or similar operations connected with loading or unloading of such vehicles within any residential district or within 500 feet of any residential structure, except in the case of urgent necessity in the interest of public safety, for which approval shall be obtained from the Director.
- (5) Truck idling: The operation of any engine of any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds manufacturer's Gross Vehicle Weight (GVW) within any residential district or within 500 feet of any residential structure.
- (6) Vehicle repairs or testing: The repairing, rebuilding, modifying, or testing of any

Motor Vehicle (including off-road vehicles) or watercraft in such a manner as to cause a Noise Nuisance within any residential district or within 500 feet of any residential structure.

131.05 Offenses.

- (a) Prohibited Noise: A person commits an offense by causing or allowing a Noise Nuisance as defined in 131.04 in violation of this ordinance, unless otherwise provided, if the person makes, causes to be made, or allows any noise:
- (1) That causes injury, discomfort or distresses, or disturbs the quiet, comfort, or repose of any reasonable person with ordinary sensibilities located at least thirty (30) feet away from the property line of the property emitting the noise; or
 - (2) Is plainly audible by any peace officer or other enforcement agent located at least thirty (30) feet away from the property line of the property emitting the noise; or
 - (3) Which exceeds the maximum permissible sound levels identified in the *Maximum Permissible Sound Levels* section, at the distance identified in that section.

131.06 Exemptions.

- (a) It shall be an affirmative defense to prosecution under this Chapter that the sound forming the basis of the complaint was the result of one of the following:
- (1) The emission of sound for the purpose of alerting persons to an emergency.
 - (2) The sound was produced by an authorized emergency vehicle.
 - (3) The sound was produced by emergency work necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from imminent danger following fire, accident, or natural disaster.
 - (4) The sound generated by spectators and participants of any outdoor event, race, festival, or concert that was sponsored, or co-sponsored by the city.
 - (5) The sound generated in the discharge of a fireworks display permitted by the city.
 - (6) The sound generated by any governmental body in the performance of a governmental function.
 - (7) The sound generated by the normal maintenance of property provided the activities take place during Daytime Hours.
 - (8) The sound was produced by the operation of properly maintained residential-type air conditioning, ventilating, heating devices, or pool equipment.
 - (9) The sound was produced by a residential generator used in a testing period during

Daytime Hours or during a power outage and/or an emergency event. Sound produced by generators used in place of a permanent electrical connection is not exempt from the provisions of this ordinance.

131.07 Maximum permissible sound levels.

The following noise standards, unless otherwise specifically indicated, shall apply to all property and when such noise level exceed the designated Decibel Sound Levels during the time specified, such noise level shall be presumed unreasonable:

Noise Standards

<u>Noise Standard</u>	<u>Time of Day</u>	<u>Decibel Levels</u>
<u>Within City Limits</u>	<u>Daytime Hours: 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday</u>	<u>75 dB(A)</u>
	<u>Non-Daytime Hours: 10:00 p.m. to 7:00 a.m. Sunday through Thursday and 11:00 p.m. to 7:00 a.m. Friday and Saturday</u>	<u>58 dB(A)</u>

Measurements may be taken at a point on adjacent private property or on an adjacent public right-of-way at least thirty (30) feet away from the property line of the property emitting the noise.

131.08 Penalty for violations.

Any person, firm, or corporation who is found to have violated any provision of this ordinance is guilty of a misdemeanor and, upon conviction, is punishable by a fine not to exceed the sum of Two Thousand and No/100 Dollars (\$2,000.00), for violations of public health, for each offense. Each day that the violation occurs shall be considered a separate offense.

SECTION 4. The City of Parker, Texas Code of Ordinances Chapter 94.04 (K) is hereby amended to read as follows:

TITLE IX. GENERAL REGULATIONS

CHAPTER 94: HEALTH AND SANITATION; NUISANCES

~~(K) The act of allowing or permitting on any premises owned or controlled by such person the emission of music, sound or other noise in a continuous, or for extended periods of time, in such a manner as to disturb persons living in the vicinity of the premises. It shall be presumed to be a violation~~

of this subchapter if the continuous or extended periods of time produce sound or other noise at the property line of such property in excess of:

- ~~—(1) Seventy-five decibels, between the hours of 6:00 a.m. to 11:00 p.m.~~
- ~~—(2) Sixty-five decibels, between the hours of 11:00 p.m. and midnight.~~
- ~~—(3) Fifty-five decibels, between the hours of midnight and 1:00 a.m.~~
- ~~—(4) Forty-five decibels, between the hours of 1:00 a.m. and 6:00 a.m.~~

Intentionally omitted.

(L) ~~The act of creating, maintaining, or allowing on premises owned by, or subject to a person's control:~~

~~—(1) The continuous, or for extended periods of time in such a manner as to disturb persons living in the vicinity of the premises, operation of motors, or the running or driving of motorized units, including, but not limited to, all terrain vehicles of either 3 or 4 wheels, motorcycles, go-carts, golf carts, cars, trucks, or any other form of motorized or self-propelled vehicle. It shall be presumed to be a violation of this subchapter if those continuous or extended periods of operation, either with an individual motorized unit, or in the aggregate with other motorized units at the same time, produce a noise or sound at the property line of the property as follows: 75 decibels between the hours of 6:00 a.m. and 11:00 p.m., or 65 decibels between the hours of 11:00 p.m. and 6:00 a.m.;~~

~~—(2) The act of operating a motorized unit(s) so as to produce dust, dirt, or other airborne particles, which individually or in the aggregate with other motorized units at the same time substantially interfere with the comfortable enjoyment of adjacent properties;~~

~~—(3) The act of operating a motorized unit(s) described above, either individually or in the aggregate with other motorized units at the same time, so as to pollute the air at the property line with noxious or offensive odors, gases, smoke, or vapors, or which produce material discomfort and annoyance to those residing in the vicinity, or which injure their health or property; or~~

~~—(4) Any combination of noise, dust, and pollution emanating from a property as the result of operation of 1 or more motorized units shall also constitute a nuisance if these factors are present on a continuous basis, or for extended periods of time, causing material discomfort and annoyance to those residing in the vicinity, or which injures their health or property.~~

Intentionally omitted.

SECTION 5. The provisions of Chapter 131 and the amendments of Chapter 94 set forth herein shall be published as appropriate in the Parker City Code as soon as practicable.

SECTION 6. All provisions of the ordinances of the City of Parker in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Parker not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. Should any word, sentence, paragraph, subdivision, clause, phrase, or section

of this ordinance, as amended hereby, be adjudged, or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

SECTION 8. This ordinance shall take effect following its passage immediately from and after its the publication requirement of Texas Local Government Code Section 52.011 is satisfied.

INTRODUCED, PASSED, AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, ON THIS THE 3RD DAY OF FEBRUARY, 2026.

CITY OF PARKER, TEXAS:

Lee Pettie, MAYOR

ATTEST:

Patti Scott Hull, City Secretary

APPROVED AS TO LEGAL FORM:

Catherine Clifton, City Attorney