

Chapter 31 - NOISE^[1]

Footnotes:

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Editor's note—Ord. No. 027440, § 1, adopted Oct. 9, 2007, repealed the former Chapter 31, §§ 31-1—31-7, and enacted a new Chapter 31 as set out herein. The former Chapter 31 pertained to similar subject matter and derived from Code 1958, §§ 22-1—22-7.

Cross reference—Drilling oil and gas wells, Ch. 35; as to use of railroad engine whistles, see § 47-10.

Sec. 31-1. - Definitions and standards.

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

Entertainment district means the downtown, bayfront, and port areas delineated in the entertainment district map, a copy of which is incorporated by reference and is on file with the city secretary's office.

Noise nuisance means any loud, irritating, vexing or disturbing sound originating from a nearby property under separate ownership which causes injury, discomfort, or distress of a person of reasonable nervous sensibilities, or any sound that exceeds the maximum permitted sound levels specified in section 31-3.

Nonresidential property shall mean 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.

Residential property shall mean 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.

Sound level means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network as specified in American National Standards Institute specifications for sound level meters. If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound level meter means an instrument which is used to measure sound pressure levels.

(Ord. No. 027440, § 1, 10-9-2007)

Sec. 31-2. - Noise nuisance enumeration.

(a) The following acts, among others not hereinafter enumerated, are declared to be "noise nuisances," and are unlawful and in violation of the provisions of this chapter 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 annoy, to distress, or to disturb the quiet, comfort, or repose of a person of reasonable nervous sensibilities, within the vicinity or hearing thereof, or so as to endanger or injure the safety or health of humans or animals, or so as to interfere with the physical well being of humans or animals, or so as to endanger or injure personal or real property:

- (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, fowl, 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.
- (7) The creation of any unreasonably loud, disturbing, and unnecessary noise on any street or sidewalk adjacent to any school, hospital, or court which is in session.

(Ord. No. 027440, § 1, 10-9-2007)

Sec. 31-3. - Noise violation decibel readings.

(a) It shall be unlawful for any person to conduct, permit, allow, or 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 (70) dB(A) between the hours of 8:01 a.m. and 11:00 p.m. Sunday through Thursday and between the hours of 7:01 a.m. and 12:00 midnight on Friday and Saturday.
- (2) Sixty (60) dB(A) between the hours of 11:01 p.m. and 8:00 a.m. Sunday through Thursday and between the hours of 12:01 a.m. and 7:00 a.m. on Friday and Saturday and between the hours of 12:01 a.m. and 8:00 a.m. on Sunday.
- (3) Eighty-five (85) dB(A) for sound that both originates from and is received on property within the Entertainment District, at all times.

(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 where the sound is being received exceeds the dB(A) level set forth in this section is a violation of this chapter.

(c) Any sound originating from Cole Park shall not exceed seventy (70) dB(A) when measured from any private property.

(Ord. No. 027440, § 1, 10-9-2007)

Sec. 31-4. - 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.

(Ord. No. 027440, § 1, 10-9-2007)

Sec. 31-5. - 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 sound amplifier which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette player, or other similar device 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.

(Ord. No. 027440, § 1, 10-9-2007)

Sec. 31-6. - Exceptions.

The provisions of this chapter shall not apply to:

- (a) The emission of sound for the purpose of alerting persons to an emergency; or
- (b) Sound produced by emergency vehicles; or
- (c) 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
- (d) Sound produced by any governmental body in the performance of a governmental function; or
- (e) 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, except for the limitation in subsection 31-3(c); by patrons and participants using cannons and gunfire during historical battle reenactments for which a pyrotechnic permit has been obtained and the explosives have been inspected and approved by the fire marshal; by pyrotechnic displays that are inspected and approved by the city fire marshal; or
- (f) Sound generated from normal activities conducted on public playgrounds and public or private school grounds, included but not limited to, school athletic and school entertainment events; or
- (g) 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
- (h) 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
- (i) 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 seventy (70) dBA on residential property or seventy (75) dBA on nonresidential property, when measured at the nearest exterior wall of a residential or commercial building under separate ownership; or
- (j) Sound produced by construction operations including demolition, repair, drilling, excavation, and alteration during the hours of 7:00 a.m. and 8:00 p.m., unless the work is of urgent necessity in the interest of public health and safety.

(Ord. No. 027440, § 1, 10-9-2007)

Sec. 31-7. - Method of noise measurement.

Whenever portions of this chapter prohibit noise over a certain decibel limit, measurement of said noise shall be made with a decibel meter meeting the standards prescribed by the American National Standards Institute. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

(Ord. No. 027440, § 1, 10-9-2007)

Sec. 31-8. - Enforcement and penalties.

- (a) Any person, firm, or corporation who violates any provision of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-6 of the Code of Ordinances of the City of Corpus Christi. Each act of violation and each day of violation is considered a separate violation.
- (b) Any person, firm, or corporation who obstructs, impedes, or interferes with a representative of the city, with a representative of a city department, with monitoring equipment, or with a person who has been ordered to abate a situation pursuant to this chapter and who is lawfully engaged in such abatement is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-6 of the Code of Ordinances of the City of Corpus Christi. Each act of violation and each day of violation is considered a separate violation.
- (c)

In addition to proceeding under authority of subsections (a) and (b) of this section, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person, firm, or corporation that remains in violation of this chapter.

(Ord. No. 027440, § 1, 10-9-2007)

Sec. 31-9. - Identification of violator.

The persons responsible for violations of this chapter are identified as follows:

- (a) *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.
- (b) *At nonresidential property.* Any business owner, operator, manager, employee in charge, and all persons in control or in possession of the noise nuisance generating instrument or property at the time of the offense.
- (c) *At any location with an unattended noise nuisance 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 chapter.

(Ord. No. 027440, § 1, 10-9-2007)