

City of Bellaire

PROPOSED NOISE REGULATIONS

OPTION B

**Alternate Proposal Provided by
Council Member Ross Gordon**

Alternate Noise Ordinance for Discussion and Consideration

Submitted by Council Member Ross Gordon

Purpose

The making, creation, or maintenance of loud, unreasonable, unnatural, or unusual noises affects and is a detriment to the public health, comfort, convenience, safety, welfare, and prosperity of the residents of the city. The necessity, in the public interest, for the provisions and prohibitions contained in this article is hereby declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions contained in this article are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity and the peace and quiet of the city and its inhabitants.

Quiet Hours and Non-Quiet Hours Established

The term *Quiet Hours* shall mean the following timeframe:

Weekday, except City Holiday Before 7:00 am or after 10:00 pm
Saturday, Sunday and City Holiday Before 8:00 am or after 10:00 pm

The term *Non-Quiet Hours* shall mean the following timeframe:

Weekday, except City Holiday 7:00 am to 10:00 pm
Saturday, Sunday and City Holiday 8:00 am to 10:00 pm

General prohibition.

It shall be unlawful for any person to make, continue, permit, or cause to be made or continued any loud, unreasonable, unnatural, or unusual noise which disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the limits of the city.

Specific noises prohibited.

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this article, but said enumeration shall not be deemed to be exclusive, namely:

- (1) Horns, signaling devices, radios, and similar devices on vehicles. 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, any unreasonably loud or harsh sound, and the sounding of any such device for an unnecessary and unreasonable period of time are prohibited. The use of any signaling device except one operated by hand or electricity, the use of any horn, whistle or other device operated by engine exhaust, and the use of any such signaling device when traffic is for any reason held up is also prohibited. The using, operating or permitting to be played, used or operated any radio receiving set, speaker system, or other machine or device from any automobile, motorcycle, streetcar or other vehicle on any street or public place of the city for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the vehicle in which such machine or device is operated and who are voluntary listeners thereto is prohibited. The operation of any such set, system, machine, or device during Quiet Hours in such a manner as to be plainly audible at a distance of fifty feet (50') from the vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (2) Radios, phonographs and similar devices. The using, operating or permitting to be played of any radio receiving set, speaker system, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle on private property, or at the property in which such machine or device is operated and who are voluntary listeners thereto is prohibited. The operation of any such set, system, instrument, phonograph, machine, or device during Quiet Hours in such a manner as to be plainly audible at property line from the building, structure, vehicle or location in which it is located shall be prima facie evidence of a violation of this section.

- (3) Loudspeakers or amplifiers used for advertising. The using, operating or permitting to be played of 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 the purpose of commercial advertising or attracting the attention of the public to any building or structure is prohibited.
- (4) Yelling, shouting, etc., on streets. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly during Quiet Hours, or at any time or place so as to disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity, is prohibited.
- (5) 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 or explosive noises therefrom is prohibited.
- (6) 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 unnecessary grating, grinding, rattling or other noise is prohibited.
- (7) Hawkers and peddlers. The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood is prohibited.
- (8) Blowers and fans. 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, is prohibited.
- (9) Noise to attract attention to performance, show or sale. The use of any drum or other instrument or device for the purpose of attracting attention by creating noise to any performance, show, or sale is prohibited.
- (10) Generators. The use or operation of a generator unit to exceed 75 dB(A) at the property line from which the generator unit is located is prohibited.
- (11) Loud and excessive noise resulting from the loading or unloading of any vehicle or container, or the opening or destruction of bales, boxes, crates or containers during Quiet Hours is prohibited.
- (12) Air conditioner units and mechanical equipment. The use or operation of an air conditioner unit or mechanical equipment to exceed 75 dB(A) at the property line from which the air conditioner unit or equipment is located is prohibited.
- (13) Animals. It is prohibited for any owner or person in control of an animal to allow the animal to bark, growl, howl, whine or make any other sound loud and long enough to unreasonably disturb the peace of other people on the same, adjoining, or nearby property.
- (14) Lawn equipment. The sound made by leaf blowers, lawnmowers, and other lawn and garden equipment during Quiet Hours is prohibited. The operation of any such leaf blower, lawnmower, or other gardening equipment during Non-Quiet Hours that exceeds 75 dB(A) at a distance of fifty feet (50') from the equipment is prohibited.
- (15) High decibel noise. Any noise that directly or indirectly results in a specific noise decibel level exceeding the maximum applicable noise level in the following table is prohibited:

| | Maximum Noise Decibel Level | |
|-----------------------|-----------------------------|-------------|
| | Non-Quiet Hours | Quiet Hours |
| Residential Zoned | 85 dB (A)* | 60 dB(A) |
| Non-Residential Zoned | 85 dB (A)** | 67 dB(A) |

- The maximum noise decibel level shall apply at the property where the noise is audible.
- This does not permit noise that is otherwise prohibited or unlawful under this article but below the maximum noise decibel level.
- This shall not apply to noise produced by properly maintained generators, air conditioner units, mechanical equipment, or lawn equipment.

* The creation of frequent, long continued, excessive, or unusual noise in residential zoned areas in excess of 67 dB(A) which disturbs the comfort or repose of persons of ordinary temper, sensibility, or disposition is also prohibited.

** The creation of frequent, long continued, excessive, or unusual noise in non-residential zones areas in excess of 72 dB(A) which disturbs the comfort or repose of persons of ordinary temper, sensibility, or disposition is also prohibited.

Exceptions.

For purposes of determining compliance with this article, the following noise sources shall be excepted:

- (1) Emergency and repair activities of any public entity or a utility.
- (2) Noises of safety signals, warning devices, and emergency pressure relief valves.
- (3) Noises emanating from properly permitted construction, grading, repair, remodeling, or demolition/building activities during Non-Quiet Hours or additional hours the City's building official specifically authorizes in writing.
- (4) Emergency generators at any time when normal power is not available or during Non-Quiet Hours for a weekly exercise cycle or testing.
- (5) Emergency service vehicles, including but not limited to EMS, fire department, police department, or noise emanating from activities immediately and reasonably necessary to prevent imminent threat of bodily injury, death, or loss of property.
- (6) Noise produced by the transportation, placement, filling, collection, servicing or removal of a waste or recycling receptacle or container at any point between the hours permitted by this Code.
- (7) City public works facilities and operations, including, but not limited to, lift stations, water wells, water treatment facilities, wastewater treatment facilities, mosquito sprayers, solid waste operations, and street sweepers.
- (8) City construction projects.
- (9) Noise produced by city approved races, parades, or events in the city's rights-of-way or parks.

Sound Level Measurements

Sound level measurements under this article shall be made in accordance with the following criteria and by a City of Bellaire Peace Officer or City of Bellaire Code Enforcement employee:

- (1) Noise levels shall be measured in decibels and A-weighted. The unit of measurements shall be designated as "dB(A)". The sound level meter shall be set to 'A' weighting, which filters the frequencies to model the human ear's sensitivity. Meters shall be calibrated annually in accordance with ANSI S1.40 1984.
- (2) Measurements recorded shall be taken to provide a proper representation of the sound being measured. Set meter to take an average measurement over a period of 180 seconds (three minutes). Record the average sound value and the time of day. Repeat for a total of five three-minute periods. Calculate the average of the recorded measurements.
- (3) The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used.
- (4) Measurement shall be taken at the property where the noise is audible.

Nuisance Declared

Any loud, unnecessary or unusual noise or any noise which either disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city, in violation of any provision of this Article is hereby declared to be detrimental to the public health, comfort, convenience, safety, welfare and prosperity of the general public, and such noises are hereby declared to constitute a public nuisance.

Penalty

Any person who shall violate any of the provisions of this Article, or who shall fail to comply therewith, shall be guilty of a misdemeanor and shall be punished as provided in Section 1-10 of this Code; provided, however, that any fine shall not be less than \$150.00 for the first offense of a violation of or failure to comply with this Article, and not less than \$500.00 for any subsequent offense of violation of or failure to comply with this Article.