

VILLAGE OF SAN LEANNA ORDINANCE NO. 24-00X

AN ORDINANCE OF THE VILLAGE OF SAN LEANNA, REPEALING ORDINANCE NO. 01-00-3 AND DECLARING CERTAIN NOISES TO BE A NUISANCE AND ENACTING REGULATIONS ON SUCH NOISES; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; A POPULAR NAME; INTENT AND PURPOSE; GENERAL PROHIBITIONS; SPECIFIC PROHIBITIONS; REPEAL; A SEVERABILITY CLAUSE; SAVINGS CLAUSE; ENFORCEMENT AND PENALTIES INCLUDING CRIMINAL FINES NOT TO EXCEED \$500 AND INJUNCTIVE RELIEF; PROPER NOTICE AND OPEN MEETING; AND EFFECTIVE DATE.

WHEREAS, the Village of San Leanna, Texas (“Village”), is a Type B general-law municipality located in Travis County, created in accordance with the provisions of Chapter 7 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Board of Aldermen of the Village (“Board”) has the general statutory authority, pursuant to Texas Local Government Code Chapter 54, to adopt an ordinance, rule or police regulation that is for the good government, peace, and order of the Village; and

WHEREAS, the Board has the specific statutory authority, pursuant to Texas Local Government Code Chapter 217, Subchapter to prevent nuisances; and

WHEREAS, the Board previously approved the “Noise Ordinance” on May 17, 2001, as Ordinance No. 01-00-3; and

WHEREAS, the Board has investigated and determined that Ordinance No. 01-00-3 should be repealed in its entirety and that this Ordinance should be approved to regulate noise, minimize exposure to the physiological and psychological harm of excessive noise, and protect, promote, and preserve the public health, comfort, convenience, safety, and welfare; and

WHEREAS, the Board finds that certain unreasonably loud noises cause material distress, discomfort and injury to persons of ordinary sensibilities in the immediate vicinity thereof, and that these noises substantially interfere with the comfortable enjoyment of private homes by persons of ordinary sensibilities; and

WHEREAS, the Board finds that excessive noise and excessive vibration degrade the environment of the Village to a degree which is harmful and detrimental to the health, welfare and safety of its inhabitants, and interferes with the comfortable enjoyment of life, property and recreation and causes nuisances; and

WHEREAS, the Board finds that effective control and elimination of excessive noise and excessive vibration is essential to the furtherance of the health and welfare of the city’s inhabitants and to the conduct of the normal pursuits of life or recreation; and

WHEREAS, the Board finds it to be in the best interest of the public safety, health and general welfare to regulate certain noises within the Village.

NOW THEREFORE, be it ordained by the Board of Aldermen of the Village of San Leanna, County of Travis, State of Texas:

I. FINDINGS OF FACT

That the foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if set forth herein at length.

II. POPULAR NAME

This Ordinance shall hereinafter be referenced as the “Noise Ordinance.”

III. INTENT AND PURPOSE

It is the intent and purpose of this Ordinance to prevent excessive noise and excessive vibration and to limit, control and eliminate excessive noise and excessive vibration in general from whatever source.

IV. DEFINITIONS

When the following words and phrases are used in this Ordinance, the following definitions apply:

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

BOUNDING REAL PROPERTY LINE. An imaginary line at the ground and its vertical extension which separates the real property owned or occupied by one person from that owned or occupied by another person.

DECIBEL (dBA). The unit of measurement for sound level at a specified location.

SOUND LEVEL. The instantaneous sound pressure level measured in decibels obtained using a sound level meter set for A-weighting on slow integration speed, unless otherwise noted.

V. NUISANCE

Any unreasonably loud, disturbing noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereby prohibited. Any noise of such character, intensity and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities, is hereby declared to be a nuisance and is hereby prohibited.

VI. GENERAL PROHIBITIONS

A. No person within the Village of San Leanna shall make, continue or cause to be made or continued, any loud, unnecessary or unusual noise which either annoys, disturbs, injures or endangers the comfort, repose, convenience, health, peace or safety of a person of ordinary sensibilities in the immediate vicinity, within the limits of the Village between 10:00 p.m. and 6:00 a.m.

B. During the hours of 10:00 p.m. and 6:00 a.m., any activity that creates a sound level on the complainant's bounding real property line that exceed XXX dBA is declared to be a nuisance.

C. A noise may be in violation of this Ordinance because it is disturbing to a person of ordinary sensibilities or because it exceeds the dBA provided in this Section. If a noise violates more than one of these prohibitions, the violation will be enforced under whichever prohibition is most applicable to the situation as determined by the enforcement officer of the Village.

D. Noise measurements shall be a minimum of 30 seconds in duration. Decibel levels are measured from the complainant's property line. For residential property adjacent to other types of property, the maximum decibel level applies when measured from a residential complainant's property line. Violations will be determined based on the highest registered reading in that measurement period. All measurement levels will be inclusive of any ambient noise that exists at the time of the measurement.

VII. SPECIFIC PROHIBITIONS

Animals and Birds. It shall be unlawful for any person within the Village of San Leanna to keep any animal or bird within the Village which, by frequently repeated barking, howling, crying, or other sounds causes frequent or long continued noise for a period of ten minutes or longer. Such acts are declared to be loud, disturbing and unnecessary noises in violation of this Ordinance.

VIII. REPEAL

This Ordinance, upon its enactment and effective date, shall repeal all conflicting provisions that may be contained in other Village ordinances or regulations. Ordinance No. 01-00-3 is hereby repealed.

IX. SEVERABILITY

If any word, article, phrase, paragraph, sentence, clause or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

X. SAVINGS

All rights and remedies of the Village of San Leanna, Texas are expressly saved as to any and all violations of the provisions of any other ordinance which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this ordinance but may be prosecuted until final disposition by the court.

XI. ENFORCEMENT; PENALTIES

A. Enforcement. This Ordinance shall be enforceable with a written report from Travis County Sheriff's Department or documentable evidence of violation of this Ordinance.

- B. Offense. A person commits an offense if the person makes noise in violation of this Ordinance.
- C. Nuisance. A violation of this Ordinance is a nuisance. The prosecution of an offense under this Ordinance does not limit the Village's right to abate the nuisance, including the use of injunctive or other civil relief.
- D. Criminal Prosecution. Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding Five Hundred Dollars (\$500.00). Each occurrence of a violation, or, in the case of multiple violations, each day a violation occurs or continues constitutes a separate offense and may be punished separately. An offense under this Ordinance is a misdemeanor.

XII. PROPER NOTICE AND OPEN MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required 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.

XIII. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

PASSED AND APPROVED this __Day of ____, 2024, by a __ to __ vote of the Board of Aldermen of the Village of San Leanna, Texas.