

ORDINANCE NO. 1015

**AN ORDINANCE AMENDING SECTION 30-161-
ENUMERATION OF PROHIBITED NOISES AND
ADJUSTING THE LIST OF PROHIBITED NOISES.**

WHEREAS, it is the intent of the Town Council to protect the public health, safety and welfare of its citizens; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and welfare of citizens; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or policy regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, Texas Local Government Code Section 217.002(2) provides that the governing body of a municipality may define and declare what constitutes a nuisance and authorize direct summary abatement of nuisance; and

WHEREAS, the Town of Hollywood Park Code of Ordinances sets forth matters pertaining to Nuisance, but over time, laws have changed, and circumstances have changed; and

WHEREAS, the Town of Hollywood Park Code of Ordinances needs to be amended and updated to properly address current nuisances.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOLLYWOOD PARK, TEXAS that Section 30-161, of the Code of Ordinances is hereby amended by strike through words being removed and underlined words being added and shall read as follows:

Section 30-161. - Enumeration of prohibited noises.

The following acts, among others not hereinafter enumerated, are declared to be noise nuisances, unlawful, and in violation of the provisions of this division, but only 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 persons of normal nervous sensibilities within the vicinity or hearing thereof.

(1) The playing of any television set, radio, phonograph, tape player, jukebox or musical instrument, whether played by a person or operated by mechanical device.

~~(2) The playing of any television set, radio, phonograph, tape player, jukebox or musical instrument, any loud vociferous language or any soliciting for, or description of, any amusement house, moving picture theatre, or other like place of amusement, or for the performance therein, in the entrance thereto, the foyer or lobby thereof, or on the sidewalks adjoining same.~~

~~(3)~~ (2) The keeping of any animal, fowl or bird which makes frequent or long-continued noises.

(4 3) The continued or frequent sounding of any horn or other signal device on any automobile or motor vehicle, motorcycle, bus or other vehicle, except as a danger signal; the creation by means of any such signal device of any unreasonable loud or harsh noise for any unnecessary and unreasonable period of time.

(5 4) The running of any motor of any automobile or motor vehicle, motorcycle, or other vehicle so out of repair, or so loaded, or so operated, as to create loud, grating, grinding, jarring, or rattling noise or vibration.

(6 5) The discharge into open air of the exhaust of any steam engine, stationary internal combustion engine, automobile, motorcycle, other motor vehicle or boat, except through a muffler or other device which prevents loud or explosive noises therefrom.

(7 6) The erection, including excavation, demolition, alteration, or repair work, on any building or other construction other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and 8:00 a.m. and 5:00 p.m. on weekends, except in cases of extreme and urgent necessity in the interest of public safety and convenience, and then only by permit obtained from and issued by, the building inspector or city secretary, which permit may be renewed during the time the emergency exists.

(8 7) 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 amplifier, hand organ, or other devices or instruments, musical or otherwise, for the purpose of advertising any candidate for elective office, any goods, wares, or merchandise, or for the purpose of attracting attention to or inviting persons to any political rally, meeting or gathering, to any business activity whatsoever.

(9) ~~The raucous shouting, whistling, yelling, singing, hooting or crying of peddlers, hawkers, vendors or any other persons.~~

I.
CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the Town of Hollywood Park except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

II.
SEVERABILITY

That it is hereby declared to be the intent of the Town Council of the Town of Hollywood Park that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of

any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the Town Council without incorporation in this ordinance of any such unconstitutional phrases, sentences, paragraphs, or sections.

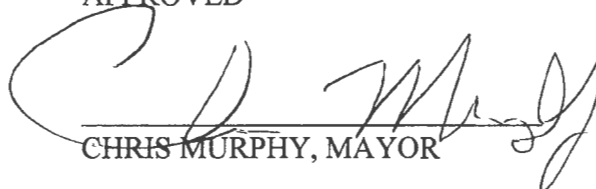
III.
PROPER NOTICE AND MEETING

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.

IV.
EFFECTIVE DATE


This ordinance shall be effective upon passage and publication as required by state and local law. Passed by the Town Council of the Town of Hollywood Park this the 20 day of AUG, 2019.

APPROVED



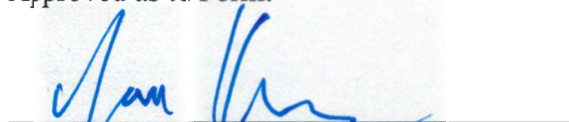
CHRIS MURPHY, MAYOR

Attest:



JANICE ALAMIA, City Secretary

Approved as to Form:



Ryan Henry, City Attorney