

ORDINANCE NO. 07-20-06

AN ORDINANCE OF THE CITY OF THRALL, TEXAS PROVIDING FOR THE ABATEMENT OF NOISE NUISANCES AND JAKE BRAKING; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the City of Thrall (the City"), a Class "C" city, is by State law and Charter permitted to establish ordinances to protect the health, safety and general welfare of its residents; and

WHEREAS, by this the City seeks to abate and otherwise control noise nuisances within the City;

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

Section 1. The recitals contained in the preamble of this ordinance are determined to be true and correct and are hereby adopted as a part of this ordinance.

Section 2. No person shall operate an engine of any motor vehicle, as defined by the Texas Transportation Code § 541.201, so to "brake" or slow the motor vehicle through the use of gears (commonly referred to as "jake braking") or by any other method which produces any noise in addition to the normal operating engine noise.

Section 3. **Noise Nuisance.** Any unreasonably loud, disturbing or unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof, or 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 prohibited after the effective date hereof, and is hereby declared to be a nuisance. The following acts, among others, are declared to come within the purview of the Ordinance and to be nuisances within the meaning hereof, but said enumerations shall not be deemed to be exclusive, such acts being as follows:

- (a) The continued or frequent sounding of any horn or other signal device on any automobile or other vehicle except as a danger or warning signal, or the creation by means of any such signal device of any unreasonably loud or harsh noise for any unnecessary purpose or unreasonable period of time; or,
- (b) The use of any mechanical device operated by compressed air, unless the noise to be created thereby has been effectively muffled and reduced.

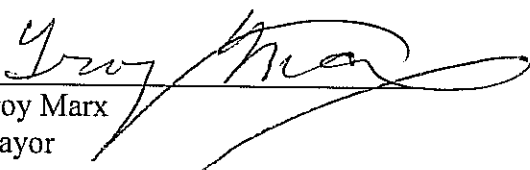
Section 4. The following section is hereby adopted and after the publication of the caption of this ordinance for the time and manner as required, be in full force and effect with in the City.

Section 5. **Penalties.** Any person, firm or corporation violating any provision of this ordinance shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.


Section 6. **Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any 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 provisions of the Ordinance are declared to be severable.

Section 7. **Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is 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, *Chapt. 551, Tex. Gov't. Code.*

PASSED, APPROVED and ADOPTED this 20th day of July, 2006.


Troy Marx
Mayor

ATTEST:


Wendy Caffery, City Secretary