

CHAPTER 30

NOISE

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§ SEC. 30-1. LOUD AND DISTURBING NOISES AND VIBRATIONS.

A person commits an offense if he makes or causes to be made any loud and disturbing noise or vibration in the city that is offensive to the ordinary sensibilities of the inhabitants of the city. (Ord. Nos. 13744; 24835; 26022)

§ SEC. 30-2. LOUD AND DISTURBING NOISES AND VIBRATIONS PRESUMED OFFENSIVE.

The following loud and disturbing noises and vibrations are presumed to be offensive to the ordinary sensibilities of the inhabitants of the city:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle, except as a danger signal, as required by state law.

(2) The playing of any radio, phonograph, television, or musical instrument with such volume as to disturb the peace, quiet, comfort, or repose of persons in any dwelling, apartment, hotel, or other type of residence.

(3) The continuous barking, howling, crowing, or making of other loud noises by an animal for more than 15 minutes near a private residence that the animal's owner or person in control of the animal has no right to occupy.

(4) The loud grating, grinding, or rattling noise caused by the use of any automobile, motorcycle, bus, streetcar, or vehicle that is out of repair or poorly or improperly loaded.

(5) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

(6) The discharge into the open air of the exhaust of any stationary steam engine, stationary internal combustion engine, or motor boat engine, except through a muffler or other device that will effectively and efficiently prevent loud and disturbing noises or vibrations.

(7) The discharge into the open air of the exhaust from any motor vehicle, except through a muffler or other device that will effectively and efficiently prevent loud and disturbing noises or vibrations.

(8) Any construction activity related to the erection, excavation, demolition, alteration, or repair of any building on or adjacent to a residential use, as defined in the Dallas Development Code, other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturdays and legal holidays, except that the director of public works may issue a written permit to exceed these hours in the case of urgent necessity in the interest of public safety or for other reasons determined by the director of public works to be necessary for the public health, safety, or welfare. For purposes of this paragraph, "legal holidays" include New Year's Day (January 1), Memorial Day (observed date), Fourth of

July (July 4), Labor Day (observed date), Thanksgiving Day (observed date), and Christmas Day (December 25).

(9) The shouting and crying of peddlers, hawkers, and vendors that disturb the quiet and peace of the neighborhood.

(10) The use of any drum or other instrument or sound amplifying equipment for the purpose of attracting attention by the creation of noise, to any performance, show, sale, or display of merchandise as to attract customers to any place of business.

(11) The use of mechanical loudspeakers or sound amplifiers on trucks or other moving vehicles for the purpose of advertising any show, sale, or display of merchandise.

(12) The collection of garbage, waste, or refuse between the hours of 10:00 p.m. and 7:00 a.m. on or within 300 feet of any residential use, as defined in the Dallas Development Code.

(13) The operation of sound equipment, including a car stereo, in a motor vehicle in such a manner that the noise is so audible or causes such a vibration as to unreasonably disturb the peace, quiet, or comfort of another person. (Ord. Nos. 13744; 22026; 24835; 26022; 28424)

§ SEC. 30-2.1. PRESUMPTION.

Whenever a violation of Section 30-2(11) of this **chapter** occurs, it is presumed that the registered owner of the vehicle for which the citation was issued is the person who committed the violation, either personally or through an agent or employee. Proof of ownership may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Transportation showing the name of the person to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued. (Ord. Nos. 22094; 24835)

§ SEC. 30-3. USE OF BELL, SIREN, COMPRESSION, OR EXHAUST WHISTLE ON VEHICLES.

No vehicle shall be equipped with and no person shall use upon a vehicle any bell, siren, compression or exhaust whistle, except that vehicles operated in the performance of duty by law enforcement officers, fire department, and ambulances may attach and use a bell, siren, compression or exhaust whistle. (Ord. 13744)

§ SEC. 30-3.1. NOISE FROM THE IDLING OF COMMERCIAL MOTOR VEHICLES.

(a) In this section:

(1) **COMMERCIAL MOTOR VEHICLE** means any motor vehicle with a gross vehicle weight rating (GVWR) over 14,000 pounds.

(2) **IDLE** means the operation of a motor vehicle engine in operating mode where the engine is not engaged in gear.

(b) A person commits an offense if he idles a commercial motor vehicle for more than five consecutive minutes at a location on or within 300 feet of any residential use, as defined in the Dallas Development Code.

(c) A person commits an offense if, on any premises that he owns or controls, he permits the idling of a commercial motor vehicle for more than five consecutive minutes at a location on or within 300 feet of any residential use, as defined by the Dallas Development Code.

(d) It is a defense to prosecution under Subsections (b) and (c) of this section that the commercial motor vehicle:

(1) was idling in obedience to an official traffic control device;

- (2) was idling while stopped in traffic;
- (3) was idling in obedience to a peace officer;
- (4) was idling while being repaired in an enclosed structure;
- (5) was idling in order to defrost a windshield;
- (6) was a school bus;
- (7) was intended for commercial passenger transportation and was not idling on a public street, highway, or alley;
- (8) was a concrete mixer truck that was only idling while actually pouring concrete or staging to pour concrete;
- (9) was a utility truck that was only idling while providing power as needed to perform utility work; or
- (10) met a defense set forth in Section 5A-15 of this code.

(e) Penalties.

(1) An offense under this section is punishable by a fine not to exceed \$500. Each instance of a violation of this section is a separate offense.

(2) The culpable mental state required for the commission of an offense under this section is governed by Section 1-5.1 of this code.

(3) Prosecution for an offense under this section does not preclude the use of other enforcement remedies or procedures that may be available to the city.

(f) Nothing in this section may be construed to authorize idling of a commercial vehicle in violation of Section 5A-15 of this code. (Ord. Nos. 26022; 26766; 27264)

§ SEC. 30-3.2. USE OF ENGINE COMPRESSION BRAKES PROHIBITED.

(a) Definitions. For the purpose of this section, ENGINE COMPRESSION BRAKE means a vehicle retarding device that converts a power producing engine into a power absorbing air compressor in order to reduce motor vehicle speed without the use of the vehicle's foundation brakes.

(b) A person commits an offense if he uses an engine compression brake to slow or stop a motor vehicle in the city.

(c) It is a defense to prosecution under this section that:

(1) the motor vehicle was a fire apparatus owned or operated by a governmental entity; or

(2) the engine compression brake was used in an emergency situation to prevent or reduce an imminent danger of death or bodily injury to a person or damage or destruction to property.

(d) Presumption. Whenever a violation of this section occurs, it is presumed that the registered owner of the vehicle for which the citation was issued is the person who committed the violation, either personally or through an agent or employee. Proof of ownership may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Transportation (or the vehicle registration agency of any other state in which the vehicle is currently registered) showing the name of the person to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued. (Ord. 27963)

§ SEC. 30-4. LOUDSPEAKERS AND AMPLIFIERS.

(a) A person commits an offense if he operates or causes to be operated any mechanical loudspeaker or sound amplifier in a public place or upon any public sidewalk, street, alley, or highway of the city in violation of any of the following limitations and requirements:

(1) No mechanical loudspeaker or sound amplifier may be operated within 150 feet of the property line of the premises of a residence, except between the hours of 8:00 a.m. and sunset, as designated by publication in a local newspaper of general circulation.

(2) A mechanical loudspeaker or sound amplifier may not emit loud and disturbing noises so as to interfere with the enjoyment of life or property or to interfere with public peace and comfort.

(3) A mechanical loudspeaker or sound amplifier must be operated so as not to cause traffic congestion or congregation of crowds that obstructs any public sidewalk, street, alley, or highway.

(4) A mechanical loudspeaker or sound amplifier may not be operated within 150 feet of any:

(A) hospital;

(B) school that is in session;

(C) nursing home; or

(D) facility that provides surgical services to patients who do not require overnight hospital care during the hours of operation of the facility.

(b) In this section:

(1) RESIDENCE means a single-family, duplex, or multifamily dwelling.

(2) SURGICAL SERVICES means therapy of a mechanical or operative kind, including, but not limited to, operations involving cutting, the setting of fractures and dislocations, and similar manual forms of treatment.

(c) If conduct that would otherwise violate this section consists of speech or other communication, of gathering with others to hear or observe such speech or communication, or of gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political, or religious questions, the person must be ordered to move, disperse, or otherwise remedy the violation prior to arrest or citation.

(d) The order required by Subsection (c) may be given by a peace officer, a fireman, a person with authority to control the use of the premises, or any person directly affected by the violation.

(e) It is a defense to prosecution under Subsection (a) that:

(1) in circumstances in which this section requires an order, no order was given;

(2) an order, if given, was manifestly unreasonable in scope;

(3) an order, if given, was promptly obeyed;

(4) the mechanical loudspeaker or sound amplifier was operated in a public place within an enclosed structure and was not audible beyond the property line of the premises on which it was located;

(5) the person operating the mechanical loud speaker or sound amplifier was a law enforcement officer or member of the fire department in the performance of official duties;

(6) the mechanical loudspeaker or sound amplifier was operated for the purpose of alerting persons to the existence of an emergency or danger; or

(7) the mechanical loudspeaker or sound amplifier was operated in the performance of emergency work necessary to restore public utilities, to restore property to a safe condition, or to protect persons or property from imminent danger, following a fire, accident, or natural disaster.

(Ord. Nos. 13744; 18798; 19455; 21878; 24835)

SEC. 30-5. PENALTIES.

(a) Criminal penalties. Unless specifically provided otherwise in this **chapter**, an offense under this **chapter** is punishable by a criminal fine not to exceed \$2,000. A person commits a

separate offense each day or portion of a day during which a violation is committed, permitted, or continued. The culpable mental state required for the commission of an offense under this **chapter** is governed by Section 1-5.1 of this code.

(b) Civil penalties. In addition to imposing the criminal penalty prescribed in Subsection (a), the city may, in accordance with **Chapter** 54 of the Texas Local Government Code, bring a civil action against a person violating a provision of this **chapter**. The civil action may include, but is not limited to, a suit to recover a civil penalty pursuant to Section 54.017 of the Texas Local Government Code not to exceed \$1,000 for each day or portion of a day during which the violation is committed, continued, or permitted. (Ord. Nos. 24835; 27963)

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