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## Sec. 10-1300. Definitions.

For the purpose of this article the following terms have the definitions herein ascribed to them:

- (a) *Authorized event.* An event is deemed to be authorized if the event received an official permit for the event through the City of Keller Special Event Review Team (SPERT), an authorized sporting event at the City of Keller Sports Park, and events approved by the Keller Independent School District at their campuses within the City of Keller.
- (b) *Noise.* A loud or unpleasant sound that someone or something creates.
- (c) *Noise nuisance.* Any unreasonably loud, disturbing, unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity, 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 hereby declared to be a noise nuisance.
- (d) *Residential district.* A district as described in the City of Keller Unified Development Code for residential use. Examples of this district would include, but is not limited to, SF-LD, SF-8.4, SF-10, SF-12, SF-15, SF-20, SF-25, SF-30, 2F, and MF.
- (e) *Commercial district.* A district as described in the City of Keller Unified Development Code for uses ~~that may or may not include other than residential uses.~~ Examples of this district would include, but is not limited to, O, NS, R, TC, C, IP, LI, PD, SUP, OTK, N377 and KATY ROAD.

(Ord. No. 1734, § 2, 2-17-15)

## Sec. 10-1310. Noise nuisances.

The following acts, among others, are declared to be per se, violations of this article. The following enumerations shall not be deemed to be exclusive:

- (1) *Unreasonable noise prohibited.* No person shall make or knowingly permit or allow to be made any unreasonably loud, disturbing, unnecessary noise which disturbs the peace and quiet of a neighborhood or which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity.
- (2) *Unreasonable noise prohibited in or near residential areas.* No person shall make or allow for any noise of such character, intensity, and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities. No business within a commercial district shall allow for any unreasonable noise of such character, intensity, and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities.
- (3) *Vehicle horns, signaling devices, and similar devices:* The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the City of Keller, for more than ten (10) consecutive seconds unless the sounding of any horn, signaling device, or other similar device is a danger warning.
- (4) *Nonemergency signaling devices:* Sounding or permitting the sounding of any amplified signal from any bell, chime, siren, whistle, or similar device intended primarily for nonemergency purposes from any place for more than ten (10) consecutive seconds in any hourly period. It is an affirmative defense to this subsection that the amplified signal is the reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors, or by the City of Keller for traffic control.

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- (5) *Radios, televisions, boom boxes, phonographs, stereos, musical instruments, and similar devices:* The use or operation of a radio, television, boom box, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors and passersby, or is plainly audible at a distance of fifty (50) feet from any person in a commercial, industrial area, or public space. The use or operation of a radio, television, boom box, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet, and comfort of neighbors in residential areas, including multi-family or single-family dwellings.
- (6) *Loudspeakers, amplifiers, public address systems, and similar devices:* [Unless addressed below in Sec. 10.1310 \(11\)](#), the unreasonably loud, disturbing, and unnecessary use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound:
- a. Between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays in the following areas:
    - (i) Within or adjacent to a residential area;
    - (ii) Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud and raucous; or
  - b. From moving vehicles for the purpose of advertising any show, sale, display of merchandise, or any other purpose.
- (7) *Yelling, shouting, and similar activities:* Yelling, shouting, whistling, or singing in residential areas or in public places, between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities.
- (8) *Animals and birds:* Unreasonably loud, disturbing, and unnecessary noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls, harbors, or otherwise cares for the animal or bird unless the sounds made by animals or birds in animal shelters, kennels, veterinary hospitals, pet shops, or pet kennels, licensed under and in compliance with licensing and permitting provisions set forth in this code.
- (9) *Lawn mowers, blowers and similar devices:* In residential areas, between the hours of 10:00 p.m. and 7:00 a.m., the operation of any noise, disturbing, and unnecessary:
- a. Grating, grinding, or rattling noise caused by the use of any motor vehicle that is out of repair or poorly or improperly loaded;
  - b. 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; or
  - c. 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.
- (10) *Vibration:* The use or cause of the use of any device that creates any ground vibration which is perceptible without instruments at any point beyond the property boundary of the source of the vibration.
- (11) *Commercial ~~establishments adjacent to residential property~~ districts with residential uses or adjacent to a residential use (TC, OTK, PDs, etc.):* Businesses [and public spaces](#) in a Commercial District [that also](#)

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includes residential uses or is adjacent to residential uses shall only be allowed to have an outdoor band, music or any type of amplified sound according to the following schedule:

Sunday: Between 10:00 a.m. to ~~11:00 p.m.~~10:00 p.m.

Monday: Between 10:00 a.m. to ~~11:00 p.m.~~10:00 p.m.

Tuesday: Between 10:00 a.m. to ~~11:00 p.m.~~ 10:00 p.m.

Wednesday: Between 10:00 a.m. to ~~11:00 p.m.~~10:00 p.m.

Thursday: Between 10:00 a.m. to ~~2:00 a.m.~~12:00 a.m. the following Friday morning

Friday: Between 10:00 a.m. to ~~2:00 a.m.~~12:00 a.m. the following Saturday morning

Saturday: Between 10:00 a.m. to ~~2:00 a.m.~~12:00 a.m. the following Sunday morning

- (12) *Motor vehicle idling*: The operation of any engine of any motor vehicle with a manufacturer's gross weight specification in excess of ten thousand (10,000) pounds within a residential area or three hundred (300) feet of a residential structure for a period in excess of fifteen (15) minutes unless the vehicle is located in an enclosed structure.

(Ord. No. 1734, § 2, 2-17-15)

#### **Sec. 10-1320. Commercial district noise curfew:**

The following curfew is in addition to all other requirements of this article and does not replace or provide a defense for violating any other provision of this article.

Commercial district entities utilizing an outdoor band, music or any type of amplified sound will not be allowed to operate such equipment before 10:00 a.m., or after ~~11:00 p.m.~~, Sunday, Monday, Tuesday and Wednesday and before 10:00 a.m., or after 2:00 a.m. on Thursday, Friday and Saturday.

(Ord. No. 1734, § 2, 2-17-15)

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#### **Sec. 10-1330. Affirmative defenses.**

It shall be an affirmative defense that the noise was as a result of the following activities:

- (1) A person at an authorized event;
- (2) A person operating a bell for a religious activity;
- (3) A person operating an emergency vehicle;
- (4) A person operating an audible warning device on a vehicle or train as required by state law;
- (5) A siren or other warning device emitting a noise for the purposes of warning the population of dangerous weather or other events. A noise from such a warning device is exempt regardless of whether the sound is made for the purposes of warning or testing;
- (6) A person operating equipment or making deliveries for site development or site preparation between 6:00 a.m. and 7:00 p.m. on Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday and Sunday or as such deliveries may be allowed in a Planned Development District or by other Keller ordinance;
- (7) A public performance, gathering, or parade for which a permit has been obtained from the City of Keller, so long as the event is within the requirements of the permit; or

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(8) Noise made to signal for emergency help.

(Ord. No. 1734, § 2, 2-17-15)

**Sec. 10-1340. Offenses.**

(1) A person commits an offense if the person creates a noise nuisance, as defined in this article, or uses sound generating equipment in violation of a provision of this article.

(2) Notice.

- a. *Generally.* Prior to issuance of a court summons or ticket, a violator will be given notice to stop the noise or the source of the noise.
- b. *No waiting period.* If the violation does not cease after notice, the violator may receive a court summons or ticket on the same date as the original notice.
- c. *Notice good for a year.* Once a notice is received, the violator will not be entitled to another warning notice for a noise violation at any time in the next year.
- d. *Notice requirement not applicable to other offenses occurring contemporaneously.* The requirement for notice does not apply to any other violation found while investigating a noise complaint.
- e. *Notice requirement not applicable to vehicles.* Notice is not required for noise violations emanating from vehicles.

(Ord. No. 1734, § 2, 2-17-15)