

ORDINANCE NO. 20260428

AN ORDINANCE OF THE CITY OF HUNTINGTON, TEXAS, ESTABLISHING THE REGULATION OF NOISE; PROVIDING A CRIMINAL OFFENSE OF CLASS C MISDEMEANOR AND PENALTIES UP TO \$500.00 PER VIOLATION; PROHIBITIONS OF NOISE, PROVIDING MAXIMUM SOUND LEVELS, EXEMPTIONS, METHODS OF MEASUREMENT; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, the City Council of the City of Huntington, a Texas Type A General Law municipality, has the authority to adopt ordinances necessary for the government, interest, welfare, and good order of the City; and

WHEREAS, after careful consideration and review, the City Council finds that it is in the best interest of the City of Huntington to regulate unreasonable noise within its jurisdiction for the public health and safety, the enjoyment of property, or public peace and comfort.

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

SECTION I. FIRST AMENDMENT RIGHTS.

This Ordinance shall not be construed, applied, interpreted, or enforced in a manner to violate the First Amendment rights of any person.

SECTION II. JURISDICTION.

In accordance with the Texas Local Government Code, the provisions of this Ordinance shall apply to noise within the City limits of the City of Huntington.

SECTION III. AUTHORITY.

The provisions of this Ordinance are adopted and authorized pursuant to Texas Local Government Code Chapters 51, 52, and by Texas Local Government Code Section 217.003.

SECTION IV. DEFINITIONS.

For this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Terms not defined herein shall be construed in accordance with customary usage.

Decibel db(A). Sound pressure level as measured by a sound level meter using the "A" weighting network and the slow meter response as specified by the American National Standards Institute (ANSI).

Emergency. Any occurrence or set of circumstances involving: (1) First responders on official calls; (2) Actual, imminent, or perceived physical trauma or property damage; or (3) The restoration of essential services and/or preservation of the public health, safety, and welfare by jurisdictional authorities or public utility providers, both of which demand immediate action.

Emergency Work. Any activities necessary to respond to and address an emergency.

Motor Vehicle. Any vehicle that is propelled or drawn on land by an engine or motor.

Person. Any person, firm, association, organization, partnership, business, trust, corporation, company, or other legal entity of any form.

Residential Area. Any real property zoned for residential use in accordance with the City's zoning ordinance, all other real property used for residential purposes, including, but not limited to, single-family, two-family, or multifamily land uses, city parks, and public rights-of-way abutting any such property.

Sound Equipment. A loudspeaker, public address system, amplification system, musical instrument, radio, CD player, or other sound-producing device.

Unreasonable Noise. Any sound of such level, character, intensity or continued duration that: (i) causes material distress, discomfort or injury to a person of ordinary sensibilities in the immediate vicinity; (ii) jeopardizes the welfare, peace, or health of a person of ordinary sensibilities; (iii) substantially interferes with the comfortable enjoyment of a residential area by a person of ordinary sensibilities; or (iv) exceeds the sound level of 85dB(A).

SECTION V. UNREASONABLE NOISE PROHIBITED.

It shall be unlawful for a person to make, continue, or cause to be made or continued any unreasonable noise, as defined in this Ordinance.

Article 1. Acts That Constitute Unreasonable Noise.

The following acts are prohibited under this Ordinance:

- a) Unreasonable noise in a public place, other than a sports shooting range as defined by Section 250.001, Local Government Code, or in or near a private residence that the person has no right to occupy. Unreasonable noise in a public place includes the use of a motor vehicle, spinning or squealing tires, grating, grinding, rattling, and engine braking (also known as "jake braking").
- b) The keeping of any animal or fowl that emits or makes an unreasonable noise.
- c) The playing of any radio, phonograph, or musical instrument in such a manner, or with such volume as to create an unreasonable noise in any dwelling apartment, hotel, or other type of residence.

- d) Creating unreasonable noise on any street near a school, court in session, or hospital is prohibited, provided that clear signs are posted indicating the proximity of schools, hospitals, and courts.
- e) The erection, excavation, demolition, alteration, or repair work on any building or structure in a residential area between 7:00 pm and 7:00 am.
- f) The use of sound equipment in a public place that creates unreasonable noise.

Article 2. Exemptions.

The following acts and sounds are exempt from the prohibitions of this Ordination:

- a) A sound produced as part of a religious observance or service.
- b) A siren or other warning device that emits a noise to alert the public of dangerous weather or events. The noise from such a warning device is exempt, whether it is made for warning or testing purposes.
- c) Sirens, whistles, bells, or other alarm systems lawfully used by an emergency vehicle in an emergency.
- d) Noise made by a horn or other warning device, such as a train, when required by state or federal law.
- e) Noise made in the performance of emergency work.
- f) Reasonable activities conducted on public playgrounds and public or private school grounds, which follow the typical uses of such spaces, including, but not limited to, school athletic and entertainment events.
- g) Noise made by city-sponsored or approved parades, special events, or celebrations.

SECTION VI. OFFENSE AND PENALTY.

Any person who violates any provision of this Ordinance shall be guilty of a Class C Misdemeanor and upon conviction shall be fined in an amount not to exceed \$500.00. Each calendar day or portion of a calendar day a violation continues, occurs, or recurs shall constitute a separate offense.

SECTION VII. CONFLICTS. All ordinances or parts of ordinances in conflict with this are, to the extent of such conflict, hereby repealed.

SECTION VIII. SEVERANCE CLAUSE.

That if any portion, of any size, of this ordinance is for any reason invalid, then the remainder of this ordinance shall remain valid.

SECTION IX. SAVINGS CLAUSE

That nothing in this Ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION X. EFFECTIVE DATE.

This Ordinance shall take effect on the first day of June, 2026.

PASSED, APPROVED, AND ADOPTED ON THE 28TH DAY OF APRIL, 2026.



Todd Ricks, Mayor

Attest:



Julie Davis, Huntington City Secretary

