

ORDINANCE NO. 2964

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING CHAPTER 10 SECTION 10-73 BY ADDING A SECTION 10-73 (c) ESTABLISHING LIMITATIONS ON THE VOLUME OF SOUND EMANATING FROM A SOUND SYSTEM FROM A MOTOR VEHICLE; PROVIDING FOR SUCH LIMITATIONS TO SUPERSEDE ANY CONTRARY OR CONFLICTING PROVISIONS OF THE CITY CODE; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 10, Section 10-73 of the Code of the City of Mesquite, Texas is hereby amended by adding Section 10-73 (c) to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

(c) It shall be unlawful for any person operating or controlling a motor vehicle in any location within the City, to operate a radio, stereo receiver, compact disc player, cassette tape player or other similar device from the motor vehicle in such a manner that the volume is louder than is necessary for the convenient hearing of the occupants of the vehicle in which such device is operated. The operation of such a device in such a manner as to be plainly audible at a distance of thirty (30) feet or in such a manner that the vibration accompanying the sound from the device can be plainly felt at a distance of thirty (30) feet from the vehicle shall be *prima facie* evidence of a violation of this section.

The provisions of this section shall supersede any conflicting provisions contained in this Article.

The provisions of this section shall not apply to:

- (1) An authorized emergency vehicle as defined in Chapter 9 of this Code, or
- (2) A motor vehicle used for business or political purposes, properly permitted, which in the normal course of business use sound making devices, or
- (3) Horns or other warning devices required by law, or


(4) Activities for which a permit of variance has been granted under Section 10-75.

SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars for each offense.


SECTION 4. That the present ordinances of the City of Mesquite are inadequate to protect the inhabitants of the City from unnecessary sound emanating from motor vehicles creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of March, 1994.




Cathye Ray
Mayor

ATTEST:



Lynn Prugel
City Secretary

APPROVED:



B.J. Smith
City Attorney