

ORDINANCE NO. 3044

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING CHAPTER 10 SECTION 10-74 BY AMENDING THE CURRENT SECTION 10-74(4) AND ADDING A NEW SECTION 10-74(5); BY ADDING A NEW SECTION 10-74(a), DEFINITIONS; BY DESIGNATING THE CURRENT SECTION 10-74 LANGUAGE AS (b); THEREBY LIMITING ACTIVITIES IN PUBLIC PARKS EXEMPTED FROM NOISE CONTROL REGULATION; 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 10-74 of the Code of the City of Mesquite, Texas is hereby amended by amending the current section 10-74(4); by adding a new section 10-74(5); by adding a new Section 10-74(a); and designating the current language as (b); resulting in section 10-74 reading as follows, in all other respects said Code and Chapter to remain in full force and effect:

Sec. 10-74. Exemptions

(a) Definitions. In this section the following terms shall have the meaning set forth below:

Special Event: means an event occurring no more than once in a calendar year, being no longer than five (5) days in duration and which complies with all park use permit requirements.

(b) The following sources of potentially excessive sound shall be exempt from noise control regulation:

- (1) safety signals, storm warning sirens or horns and the testing of such equipment, emergency vehicles sirens or horns used when responding to an emergency, and emergency pressure relief valves.
- (2) Sound caused in the performance of emergency or public service work, including public utility operations, acting to protect the health, safety or welfare of the community.
- (3) Sounds caused by natural phenomena.


- (4) Public or private school sponsored activities conducted on public playgrounds and public or private school grounds including, but not limited to, school athletic and school entertainment events.
- (5) Special events conducted on public parks.

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 in relation to noise regulation 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 7th day of August, 1995.



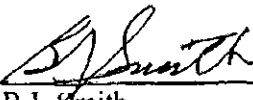
Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



B.J. Smith
City Attorney