

**ORDINANCE 20260113B**  
**CITY OF BURTON NOISE ORDINANCE**

**AN ORDINANCE OF THE CITY OF BURTON, TEXAS, REPEALING ORDINANCE 99-10-03, AND ADOPTING A NEW ORDINANCE WITH PROVISIONS RELATING TO NOISE AND SOUND REGULATION IN THE CITY LIMITS OF THE CITY OF BURTON, AND PROVIDING A PENALTY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Burton, Texas, previously adopted Ordinances of the City of Burton, which established controls for noise regulation; and

**WHEREAS**, the City of Burton recognizes that previous noise Ordinances lack objective standards of noise measurement and it would be beneficial to add said standards to clarify terminology and aid in enforcement; and

**WHEREAS**, the City of Burton has investigated and determined that it is the best interest of the public to repeal any other past ordinances or resolutions in conflict with this Ordinance, and adopt an updated Noise Ordinance as set forth below; and

**WHEREAS**, the City Council of Burton has found that the following regulations will promote the health, safety, and welfare of the citizens and persons within the City; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURTON, TEXAS THAT THE FOLLOWING REGULATIONS ARE HEREBY ADOPTED, AND HEREINAFTER EFFECTIVE WITHIN THE CITY LIMITS OF THE CITY OF BURTON:**

**SHORT TITLE**

This Ordinance may be cited as "Noise Ordinance."

**PREVIOUS ORDINANCES REPEALED**

Ordinance No. 99-10-03, or any other existing ordinances in conflict with the regulations herein contained, are repealed in its entirety, to the extent this subsection does not conflict with the severability section of this Ordinance.

**NEW ORDINANCE ADOPTED**

A new Noise Ordinance is hereby adopted to read as follows:

**SECTION 1.0    DEFINITIONS**

Unless otherwise expressly stated, the following words, terms, and phrases shall have the following meanings when used in this article:

1. **Commercial** shall mean, for the purposes of this article, all non-residential properties.
2. **Construction** shall mean any phase of the on-site erection or removal, including, but not limited to, excavation, demolition, alteration, repair, or maintenance, of any building or structure, or associated landscaping or paving activities conducted on that site.

3. **Day or daytime** shall mean from 7:00 AM to 10:00 PM.
4. **Night or nighttime** shall mean from 10:01 PM to 6:59 AM.
5. **Noise level** shall mean the A-weighted sound pressure level in decibels (dBA).
6. **Noise nuisance** shall mean any specific noise that is likely to cause unreasonable discomfort or distress to a reasonable person or to unreasonably interfere with the use or enjoyment of property.
7. **Owner** shall mean any person, corporation, association, firm, partnership or other entity with ownership, care, custody, or control over property.
8. **Person** shall mean any individual, corporation, association, firm, partnership or other entity with ownership, care, custody, or control over property.
9. **Residential** shall mean, for the purposes of this article, residential properties.

## SECTION 2.0 OFFENSES

1. It shall be an offense for any person to intentionally, knowingly, or recklessly make or cause to be made an unreasonable noise
  - a. in a public place; or
  - b. on private property that the person has no right to occupy; or
  - c. on private property and the noise is perceivable from a public vantage point (including but not limited to commercial establishments).
2. It shall be an offense for an owner of property to intentionally, knowingly, or recklessly make, cause to be made, or allow a noise nuisance on property owned by him or subject to his care, custody or control (including but not limited to commercial establishments).
3. The issuance of a certificate of occupancy, land occupancy permit, multiple pet permit, or permit issued by City of Burton shall not be a defense to prosecution under this Article.

## SECTION 3.0 UNREASONABLE NOISES

1. A noise is unreasonable and declared to be a noise nuisance if it meets any of the following criteria:
  - a. The noise continuously (for a period of 60 seconds or more) exceeds a decibel level of 85 after the person responsible for, or making, the noise receives notice from a City employee or peace officer that the noise is a public nuisance; OR
  - b. The noise, because of its loudness or intensity, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary auditory sensitivity, within the jurisdictional limits of the City, after the person responsible for, or making, the noise receives notice from a City employee, elected official or peace officer that the noise is a public nuisance.
  - c. The noise is made between 10:01 p.m. and 6:59 a.m. and continuously exceeds a decibel level of 85 as metered from the property line for a period of 60 seconds or more .

## SECTION 4.0 PENALTY

Any person who shall violate the terms and provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of **not less than \$1.00 and not more than \$250.00**. Each day this Ordinance is violated shall constitute a separate offense. The Court hearing a case under this Ordinance shall order abatement of the nuisance upon conviction.

## **SECTION 5.0     ENFORCEMENT**

The City Mayor, City Secretary, Law Enforcement Officer or their designee shall have authority to enforce this article.

## **SECTION 6.0     HEARING**

A person who has received a citation for violation of this ordinance may request a hearing to contest the charge/s. Hearing requests must be made within 30 days of receiving the citation and in writing to be submitted to the City Secretary for placement on the next regularly scheduled City Council meeting for consideration and/or action.

## **SECTION 7.0     DEFENSES**

It shall be an affirmative defense to prosecution under this article that:

1. The noise is immediately and reasonably necessary to prevent imminent threat of bodily injury, death, or loss of property.
2. The noise is a reasonable result from a lawfully scheduled event in full compliance with all permits issued by the City and all other local, state, and federal laws, including, but not limited to:
  - a. A stadium or sporting event;
  - b. School-sponsored event;
  - c. A parade;
  - d. A musical performance;
  - e. An event using a real or simulated cannon, firearm, gunfire, explosive, or pyrotechnic item;
  - f. An event, fun run, race, festival, fiesta, or concert that was sponsored or co-sponsored by the City; or
  - g. The noise is produced by reasonably necessary construction-related activities on real or personal property, conducted at any point from 7:00 a.m. through 9:00 p.m., and the activity is in compliance with all other State and Federal laws and the City of Burton Ordinances, and the noise does not directly or indirectly result in a specific noise level exceeding 85 dBA.
  - h. The noise is produced by the operation of any heating, refrigeration, ventilation, air conditioning equipment or system, or pool equipment, and the noise does not directly or indirectly result in a specific noise level exceeding 75 dBA on residential property or 85 dBA on commercial or industrial property.
  - i. The noise is produced as part of a religious observance or service, provided the sound does not cumulatively exceed five minutes duration in any three-hour period.
  - j. The noise is produced by reasonable activities conducted in public parks, public playgrounds, or public or private school grounds, at any point from 7:00 a.m. through 10:00 p.m.
  - k. The noise is produced by the transportation, placement, filling, collection, or removal of a waste or recycling receptacle or container at any point from 7:00 a.m. through 10:00 p.m. in an area zoned for residential use or within three hundred (300) feet of an area zoned for residential use.

- l. The noise is produced by construction-related activity outside of the designated hours set forth in this article and said activity has received written approval from the City, has been approved by a State or Federal authority, or is reasonably necessary due to an emergency.
- m. The noise is produced by a property that has received a variance from the City allowing the noise that would otherwise be prohibited.

#### **SECTION 8.0 VARIANCES**

A person may request a noise variance by submitting a written variance request to the City at least 10 days prior to the date/s for which the variance is sought. The City may designate an employee to review and approve/deny variance requests. Variances may not be granted for more than 30 days at a time unless the City finds good reason to extend the period allowed for the variance. No Variance shall be issued for noise taking place between the hours of 11:00pm and 7:00am on any day of the week.

#### **SECTION 9.0 SEVERABILITY & SAVINGS**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

#### **SECTION 10.0 GRANDFATHER EFFECT**

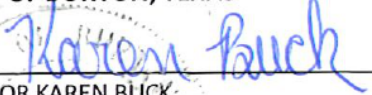
The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

#### **SECTION 11.0 EFFECTIVE DATE**

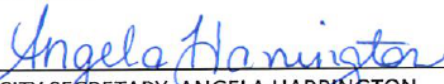
This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED** this 13<sup>th</sup> day of January, 2026.

**CITY OF BURTON, TEXAS**

  
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MAYOR KAREN BUCK

**ATTEST:**

  
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CITY SECRETARY, ANGELA HARRINGTON

